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EU Common Foreign Security Policy and the
Ukraine Crisis

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Abstract:

For decades the Member States of the European Community have cooperated in Foreign Policy, even exceeding the scope of the Community Treaties. In 1970, the European Political Cooperation (EPC) was established by six Member States through the Luxembourg Report, which was adopted by the foreign ministers in the European Council. The EPC was essentially an intergovernmental procedure, outside the jurisdiction of the Community institutions, through which Member States decided to cooperate in the field of foreign policy by consulting each other continuously and, when possible, harmonizing their viewpoints and establishing shared actions. Being the EPC an intergovernmental process, it took place entirely outside the Community institutions and its purpose was to unify Europe on a political level.....The issue in Crimea has turned into a worldwide crisis, although the situation of the two great powers, the EU and Russia, appears to be appropriate for their interests. Ukraine's security, as a transit nation in the context of the EU's energy security, is critical. Eastern European countries rely heavily on Ukraine for their energy needs, and Ukraine is an important country for the EU, which has integrated with Eastern Europe.

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List of Abbreviations

BIS : Bank for International Settlements

CAP: Common Agricultural Policy

CEO: Chief Executive Officer

CIS: Commonwealth of Independent States

CFSP: Common Foreign and Security Policy

CSDP: Common Security Defence Policy

CPI: Consumer Price Index

DCFTA: Deep and Comprehensive Free Trade Area

DPRK: Democratic People's Republic of Korea

DPR: Donetsk People's Republic

ECB: European Central Bank

ECJ: European Court of Justice

EEAS: European External Action Service

EPC: European Political Cooperation

EPF: European Peace Facility

EU: European Union

EUPM: European Union Policy Mission

FYROM: Former Yugoslav Republic of Macedonia

GDP: Gross Domestic Product

ICJ: International Court of Justice

IMF: International Monetary Fund

LNG: Liquefied Natural Gas

LPG: Liquefied Petroleum Gas

LPR: Luhansk People's Republic

MFA: Macro Financial Assistance

NATO: North Atlantic Treaty Organization

OHCHR: Office of United Nation High Commissioner for Human Rights

SEA: Single European Act

SMEs: Small-Medium Enterprises

SWIFT: Society for Worldwide Interbank Financial Telecommunication

TEU: Treaty on European Union

UN: United Nation

UNHCR: United Nation High Commissioner for Refugees

US: United States of America

USDA: US Department of Agriculture

WTO: World Trade Organization

Introduction

The Maastricht Treaty establishes a three-pillar framework for modern Europe, with the second pillar being referred to as "Common Foreign and Security Policy." In addition, it covers all those areas that fall outside the scope of EU external policy, such as the European Security and Defence Policy. The Treaty implies that the CFSP may eventually result in a unified defense policy, if the European Council adopts the appropriate measures.

In this regard, the Treaty includes provisions for the security and defense policy of a number of members in accordance with Article 17(1) of the North Atlantic Treaty. The Member States, who still have the power of veto in discussions of important matters, continue to be the main actors.

The Treaty's Article 11 also outlines the CFSP's core principles, which include promoting democracy and the rule of law, respect for human rights and fundamental freedoms, the preservation of peace and the independence of the EU, as well as the protection of fundamental interests, common values, unity and cohesion in the Union.

The CFSP's development and implementation processes involve a number of EU entities and bodies. Therefore, the European Council establishes the CFSP's aims and guiding principles and approves common strategies. The CFSP-related joint actions and shared positions adopted by the EU Council of Ministers are mostly regarded as the Presidency's responsibility to implement.

Two more actors were defined under the Amsterdam Treaty. The first one, the High Representative for the CFSP, represents the EU in the international arena and assists the Council in decision-making and the execution of CFSP-related decisions. The second one, Policy Planning and Early Warning Unit, has the role of observing, analyzing and evaluating international events and developments, as well as early warning on potential crises.

Most CFSP-related decisions are made unanimously. Majority voting is still an exception.

Member States typically refrain from exercising their veto power. Instead, they frequently use the "constructive abstention" mechanism.

Since the onset of the current Ukraine crisis, the EU has been facing a new pressing challenge to reconsider how its institutions manage such urgent matters. A tighter cooperation among Member States is mandatory.

The goal of this dissertation is to thoroughly analyze the CFSP, especially after the latest developments regarding the ongoing Ukraine crisis, and the desirable implementation of such policy which will strengthen the European Union's reaction capacity when facing global crises.

The thesis is divided into four main chapters.

The first chapter is dedicated to the general aspects of the European Union's foreign policy, with a deep analysis of the CFSP, and the international actors involved in the decision-making process. This chapter also details the research question, the research hypothesis and the methodology used.

The second chapter includes a background examination of the Ukraine history after the dissolution of the Soviet Union, the reasons that brought to the crisis begun in 2014, the current situation and the conflict following Russia's invasion of Ukraine territories.

The third chapter analyses the first international response, the European response to the crisis and the related implications, sanctions and outcomes.

Finally, the last chapter concludes the research with suggestions and policy recommendations aiming at implementing the CFSP. The latest crisis has clearly shown that the EU has the capability and the power to react promptly to global emergencies, consequently it should work towards a definite and permanent improvement of its decision-making processes to further solidify its main role as a guarantor for democratic values and fundamental human rights.

Chapter 1

EU Foreign Policy – The Struggle for Power

1.1 The EU as a Normative and Imperial Power and the Common Foreign Security Policy

This chapter will examine the main aspects of the European Union as an International power actor, focusing on the function of its foreign policy.

For decades the Member States of the European Community have cooperated in Foreign Policy, even exceeding the scope of the Community Treaties. In 1970, the European Political Cooperation (EPC) was established by six Member States through the Luxembourg Report, which was adopted by the foreign ministers in the European Council. The EPC was essentially an intergovernmental procedure, outside the jurisdiction of the Community institutions, through which Member States decided to cooperate in the field of foreign policy by consulting each other continuously and, when possible, harmonizing their viewpoints and establishing shared actions.

Being the EPC an intergovernmental process, it took place entirely outside the Community institutions and its purpose was to unify Europe on a political level. (Duquette, 2001).

Throughout the last decades EPC has achieved several goals of policy, including common negotiation approaches, coordination at international meetings, mutual actions and cooperation on the field between Member States in their assorted overseas missions (Duquette, 2001). The overall objective of the EPC was to maximize the influence of the Member States on the international arena. Member States believed that they could be more influential if viewed as a solid body.

The EPC arose out of a gap and a perceived need for European foreign policy unity. The Treaty of Rome, which established the European Economic Community in 1958, contained no foreign policy ambitions.

It is primarily concerned with economic policy, which is considered low-level politics, while foreign policy, which represents the essence of national sovereignty, is put inside the EPC framework in a loosely coordinated manner through intergovernmental agreement. Member States thus resolved to create two distinct categories in order for the European Council to become more involved on foreign policy matters.

The EPC's framework was specified in Title III of the Single European Act (SEA, 1986). Member States have since then been coordinating their foreign policy in accordance with the SEA's provisions.

Despite various objections, the SEA was able to actively integrate the European institutions within the EPC. The Commission, for instance, was given the role of maintaining economic and foreign policy cohesion. The EPC and the European Parliament had a direct relationship created through the SEA, but the issue was that none of the other organs had power over the EPC. As a consequence, the SEA synchronized Community and EPC processes without handing up major authority of foreign affairs to Community institutions. This has given form to a long-standing diplomatic debate process. (Duquette, 2001).

“The Treaty of Lisbon clearly states that the action of the Union on the international scene is to be guided by the principles that have inspired its own creation, development and enlargement, which the EU seeks to advance in the wider world. These include the principles of the UN Charter and international law, and promoting multilateral solutions to common problems.

The 2003 European Security Strategy regards an international order based on effective multilateralism as a strategic objective of the Union, an assessment fully confirmed by the 2008 report on the implementation of the strategy”. (Álvaro de Vasconcelos, 2010).

The EPC's transformation into the CFSP reflects a shift in Member States' emphasis away from national sovereignty and toward "Europeanization."

While the Member States were not ready to completely integrate their foreign policy yet, they expressed an interest in doing so. The CFSP allows the Union to acquire greater international influence by having Member States speak with a common voice on foreign policy and security issues.

The EU's Common Foreign and Security Policy (CFSP) has been the "odd one out" for decades. It arose gradually and pragmatically in the early 1970s, when it became evident that coordination of the various foreign policies of the Member States was useful, and sometimes even required, for the European Community to achieve its objectives. The CFSP goals are now an integral part of the European Union's overall objectives, and the policy area has evolved from a purely intergovernmental form of cooperation during the days of the European Political Cooperation (EPC) to one in which Member States are increasingly accepting new forms of institutionalization.

Article 3(5) TEU indicates the integration of foreign policy goals: *“In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.”*

In the context of the Common Foreign and Security Policy, Member States of the European Union (EU) coordinate, formulate and implement foreign policy strategies. This policy area, also known as EU foreign policy, includes a wide range of issues. It covers all aspects of foreign policy, including all security and defense problems.

Other EU foreign policies, such as trade, development cooperation, and humanitarian aid, are not included. The CFSP was founded in 1993 by the Maastricht Treaty. It replaced the European Political Cooperation (EPC), which had been in place since the 1970s and allowed Member States to coordinate their foreign policies.

The CFSP is supported by a unique institutional architecture in which national diplomats and EU officials work together to develop policy programs.

It is directed by the High Representative, who serves as the EU's "face and voice" abroad, and is reinforced by the European External Action Service (EEAS) in Brussels, as well as about 140 EU Delegations in third countries and international organizations. Because foreign policy is generally the domain of sovereign nations, the CFSP's unique character has long been a source of debate.

1.2 Research Question and Methodology

The methodology used for this dissertation is based on a qualitative analysis of the literature that will be discussed and official documents regarding CFSP and the Ukraine Crisis. This topic has been thoroughly analyzed by several authors, therefore the amount of information available is considerably extensive. What follows is the result of a deep analysis of institutional reports and official documents along with the existing literature which will lead this dissertation to its second main object: the Ukraine Crisis.

Research Question: How do institutional actors make decisions within the context of the CFSP when a crisis arises?

The research question leads us toward trying to understand what the decision-making process is and who the actors involved are when discussing the EU Common Foreign and Security Policy. The decision-making mechanism is complex and sometimes this complexity can interfere with the effectiveness and clarity of the policy. *“Coordination and unity of purpose at the top level between the President of the European Council, the President of the Commission and the High Representative will be critical to formulate and deliver a single EU message on key political issues”*.(Álvaro de Vasconcelos, 2010).

The dissertation wishes to expose the limits of the current CFSP's system, where decision-making is based on unanimity and not on majority voting. Therefore, the final aim is to reveal possible proposals that could improve and implement the CFSP in order to make it more efficient. If the EU wants to protect its interests in the current international scenario, it needs something more concrete and powerful.

Research Hypothesis: With an improvement of the EU Common and Foreign Security Policy, the European Union's performance and reaction power to manage an international crisis, such as the ongoing Ukraine one, would be strengthened.

Any international strategy's efficacy is largely dependent on the actor's ability to make both restrictive and favorable decisions. When more than one actor is engaged, the situation becomes far more complicated. On behalf of the European Union, fifteen Member States must agree to act. The Treaty on European Union established a number of acting techniques, some of which were strengthened by the Treaty of Amsterdam. In general, the amendments written in the Treaty of Amsterdam place a greater emphasis on decision-making. Article 12 outlines the methods through which the Union might pursue its CFSP objectives: standard procedures, joint actions.

While Article 12 shifts the focus toward achieving concrete outcomes, the Second Pillar remains intergovernmental, suggesting that the Member States' decisions are still mostly dependent on consensus. Common positions were the primary way of operating within the EPC, but under Article 12, these joint actions took on a more mandatory tone. They define the Union's approach to a certain geographical or thematic issue. Moreover, Member States must ensure that their public policies are consistent with the common beliefs. They should also make their actions easier and keep a clear position within international organizations and during international conferences. Common decisions have appeared as one-of-a-kind Council decisions obtained by consensus under Article 23. Joint actions are an important part of the CFSP. The Member States are currently bound by joint actions. When the Council commits to a cooperative effort, the Member States should adapt their strategy as needed. As a result, a Member State may not engage in one-sided behavior that is incompatible with the principle of joint actions.

Under the settlement on European Union, the Council plays the lead job in carrying out joint actions. The committee should decide as a group whether or not an issue should be the focus of joint actions. Nonetheless, the Council may act with a qualified majority while making a decision that entails joint actions. Apart from activities with defense consequences, the Council cannot act with a qualified majority, making the joint actions apparatus ineffective for security issues.

In the final decision-making process of joint actions, the Commission and the European Parliament have no direct involvement. Although the Commission has the power to make proposals and should be fully involved in CFSP activities, and the Parliament should be advised and kept informed about key CFSP decisions, the Council may accept joint actions. Whenever there is a political desire to do so, joint actions will emerge.

In any case, given the underlying choice that joint actions are vital, they represent a significant commitment to the CFSP, especially when compared to the non-binding activities made in the EPC system. Unlike the dynamic methods described above, the Council plays a less direct role in the development of shared strategies as a result of the Treaty of Amsterdam. (Duquette, 2001).

Given that the European Court has little jurisdiction over CFSP issues and that the Union cannot be held accountable for failing to act in the interests of CFSP objectives, there appears to be little that a Member State can do to challenge the Union for acting outside the scope of the CFSP or for failing to act where it should have facilitated CFSP objectives.

Essentially, because internal CFSP concerns are outside the jurisdiction of the European Court, the Union cannot sue a Member State for failing to support the CFSP. The basic approach for implementation under the CFSP is political pressure, as the Council must ensure that the Member States adhere to the CFSP's aims. Since the European Council is the Union's most powerful political body, it may exert political pressure on deviant Member States to achieve Union aims. Article 11(2) further obligates Member States to effectively and vigorously support the Union's external and security agenda in accordance to a spirit of commitment and mutual solidarity.

Several additional clauses of the treaty compel Member States to implement CFSP decisions. However, there is no provision stating that legal action may be taken against a Member State that does not agree with a CFSP requirement, a situation that might become highly unpredictable depending on the refractory Member State's political influence. The Treaty of Amsterdam was supposed to further enhance decision-making in the CFSP domain during the June 1997 Intergovernmental Conference.

The procedural criteria, such as explicitly setting vote rules, are crucial for decision-making capacity.

As previously stated, the traditional unanimity requirement for CFSP activity is recognized as a major cause of the dynamic interaction's delay, which commonly results in choices with less substance, or worse, no decision at all. During the Intergovernmental Conference, two parties clashed: those in favor of a majority vote and those in favor of continuing to make decisions by consensus. When the issue concerned international policy, the much-discussed benefits of a majority vote, were perceived as lacking advantages.

Some argue that a foreign policy strategy pursued against a Member State's plans might lose international credibility and be undermined by diplomatic actions from the opposing Member State. Majority voting supporters argue that this danger, to the extent that it cannot be avoided by political pressure, is a necessary reality if the Union is serious about establishing a successful and internationally recognized Common Foreign and Security Policy. Furthermore, if key CFSP decisions could be made by a majority vote, opposing Member States would be compelled to reconsider the majority in order to have a portion of their interests addressed rather than risk being outvoted entirely.

When a decision must be made unanimously, a Member State's abstention will not prevent the Council's decision to act from being adopted. If a Member State's abstention is qualified, the Member State is not required to communicate the decision; nonetheless, the Member State must accept that it binds the Union. Overall, the Member State may not take any action that interferes with or obstructs the Union's planned activities.

As a reassurance to minority opposing Member States, Article 23(1) states that a decision cannot be adopted if Member States qualify their abstention with more than 33% of the votes cast under the Community's qualified majority criteria. While this beneficial abstention exception was designed to reduce the rigidity of unanimous voting, it may work against the Union's goal of achieving a cohesive foreign and security policy. As a result, this technique allows a Member State to formally distance itself from a Union regulation, undermining Article 11's "spirit of loyalty and mutual solidarity".

1.2.2 Main features of CFSP

Legally, there may be no restriction to the scope of the CFSP, because it covers genuinely all regions of overseas and security policy, inclusive of all questions regarding the safety of the European Union, and the eventual framing of a common defense policy. In time, the CFSP might also additionally even cause a shared defense.

“In practice, the EU’s common security and defence policy (CSDP) is an international crisis management policy, whose aims include helping to prevent conflict and rebuild societies emerging from war” (Álvaro de Vasconcelos, 2010).

Nevertheless, in accordance with Article 2 TEU, while defining and imposing the CFSP, the following targets should be pursued:

- to shield the common values, essential activities and independence of the Union;
- to bolster the safety of the Union and its Member States in all ways;
- to hold peace and fortify global protection, according with the standards of the United Nations Charter, in addition to the standards of the Helsinki Final Act and the targets of the Paris Charter;
- to increase and consolidate democracy and the guideline of rule of law with regard to human rights and essential freedoms.

This list is comprehensive, but it leaves room for extensive interpretation. It illustrates the ambition of the European Union to play an extra visible role on the worldwide scene as it is no longer confined to safeguarding its own fundamental goals.

It similarly displays the information that economic and social balance and cooperation are related to worldwide peace, security and democracy. The European Union is therefore playing a major role within the CFSP.

According to Article 1 of the TEU, the European Community is replaced by the European Union (“The Union”), and supplemented by the regulations and the types of cooperation set out under pillars II and III of the TEU.

In addition, Article 2 of the TEU clarifies that one of the goals of the European Union is to assert its identification on the worldwide scene, especially enforcing the CFSP. As a result, the General Affairs Council on the 8th and 9th of November 1993 determined, despite the European Union's lack of legal personality, that any political statement under the CFSP may be issued on behalf of the European Union.

The ECJ lacks authority over decisions made under the TEU's second intergovernmental pillar, as well as the European Union's related enforcement actions. Therefore, neither the Member States nor Community institutions may task or enforce a European Union-determined course of action by a request to the ECJ. However, the ECJ should be asked to rule on whether or not a matter is under Community competence as part of pillar I, rather than the CFSP. As a result, the European Union cannot be held accountable for failing to act in accordance with Article 2 goals while also being confronted with a crisis in a neighboring region for which no cooperative action has been planned.

Nonetheless, the CFSP has some legal and political oversight tools that the EPC did lack. The regulations requiring joint actions, in particular, imply that such actions are mandatory for Member States responsible for such countrywide enforcement measures. Furthermore, the European Union's Council of Ministers must guarantee that Member States adhere to the aforementioned loyalty requirement. Involvement of the European Council, i.e. the Heads of State or Government of the Member States, is also important since it establishes the overarching proposals for joint actions.

“The key strategy documents adopted by the European Council in recent years—such as the European Security Strategy itself, the EU Strategy Against Proliferation of Weapons of Mass Destruction (2003), the EU Counterterrorism Strategy (2005), and the EU Internal Security Strategy (2010)—also fall into the category of Principles and Guidelines or Decisions on the strategic objectives and interests of the EU.” (Derek E. Mix, 2013).

As the European Union's highest political authority, the Council's formal engagement no longer just lends political weight to the approval of joint actions, but also binds a State's government to achieving the Union's goals in the region in question.

However, there is no official system of scrutiny in place with regard to the Community institutions involved in the CFSP, whether it is the Council or the Commission.

Despite the fact that its scope and duration are no longer limited, the CFSP is nevertheless subject to the subsidiarity principle, as are other European Union directives. Furthermore, every act determined with the help of the European Union under the CFSP must pass a triple test. (Derek E. Mix, 2013).

First, it has to be decided whether or not the European Union is performing inside the limits of powers conferred upon it with the aid of using Title V of the TEU, and the targets assigned to it.

Second, actions taken by the European Union as a whole, rather than national action, should be justified. Finally, the depth of the act should be proportional to the goal being sought. It should not be forgotten that if Member States are authorized and expected to act unilaterally outside the CFSP framework, they will undoubtedly respect the CFSP's aforementioned loyalty provision.

Another more formal effect of the subsidiarity precept's application may be that every CFSP guideline that includes joint actions would contain a motivation or explanation clause that respects the subsidiarity principle. Aside from the subsidiarity principle, the European Union emphasizes the *acquis communautaire*, which entails guaranteeing uniformity across all external activities that come within the TEU's pillars I, II, and III.

The Council and the Commission are both responsible for maintaining this uniformity. When selecting a *démarche*, or common position, or preparing a statement or joint action under the CFSP, the EPC provisions will also need to be taken into account. Respect for the latter does not, however, preclude the European Union from departing from earlier EPC commitments in its political communication with a third country if new circumstances arose, such as flagrant violations of human rights or involvement in terrorist acts with the aid of a third country. (Florika Fink-Hooijer, 1994).

The approach to achieving the objectives of the European Union in the CFSP is described in Article 3 of Title V of the TEU and it is broken down into two courses of action:

- the established order of systematic cooperation among Member States in policy behavior;
- the gradual implementation of joint actions in regions where Member States have crucial interests in common.

The CFSP ensures systematic collaboration, which is the traditional instrument of the EPC, using a classical diplomatic method. It is primarily based on frequent exchange of information between Member States within the Council on all topics of general CFSP interest. If the Council considers it necessary, in other words if there is a lack of shared will to do so, this basic form of collaboration might lead to the designation of a common function through the Council.

All of the European Union's "day-to-day" decisions are expected to be based entirely on shared viewpoints. As is typical under the EPC, it will be up to the Presidency to draft a position paper that reflects the shared political will of all participating parties. It's important to remember that once a shared opinion is developed, it doesn't necessarily have to be made public. (Florika Fink-Hooijer, 1994).

Any shared actions agreed upon unanimously by the Council must logically result in Member States ensuring that national rules comply with it. This outcome becomes much more significant when it comes to Member States' involvement in international organizations and global conferences, especially when not all of them participate.

In general, preparatory planning action may be required to maintain shared positions in the international arena. This commitment reaffirms Member States' overall obligation to fully assist the Union's foreign and security policies in a spirit of loyalty and mutual solidarity. As a result, Member States should refrain from engaging in any counterproductive activities.

Synchronized and convergent actions, as well as, in particular, shared accountability, are essential instruments for ensuring the European Union's long-term presence on the international scene. When the European Union fails to achieve a shared responsibility, the question becomes whether there is a place in the CFSP for different national bilateral actions.

The restrictive loyalty clause may only be put into practice and have an impact from a strictly legal standpoint if a European Union interest or policy has been defined. Furthermore, the statement associated with the TEU, which urges Member States to avoid obstructing unanimous decisions, does not have an obligatory nature. As a result, whether or not national interests can prevail, or whether or not a common position can be developed, will most likely be a question of political power rather than judicial limit.

1.3 Literature Review – an analysis of the CFSP

The characteristics of CFSP, as well as the different roles performed by various international players, were discussed in the previous section. This section will present the following literature used for this research work which includes the contribution of several authors who have been thoroughly analyzing the EU Common Foreign Security Policy for the last years. The next section will introduce the second main topic of this dissertation: the Ukraine Crisis.

In his paper: *International Governance as New Raison d'État? The Case of the EU Common, Foreign and Security Policy, 2004*, Mathias Koenig Archibugi uses the thesis of *Collusive Delegation* to explain a significant part of International Cooperation and the Foreign and Security Policy. According to Archibugi, the collusive delegation thesis might help explain why European countries have different preferences for the institutional depth of their foreign and security policy cooperation.

Andrew Moravcsik (1993a, 1994, 1997a, 1998a) developed a comprehensive theoretical framework for investigating collusive delegation. His strategy is based on three broad theoretical assumptions.

The first hypothesis is that international negotiation and collaboration can reshape the political resources that confer power within domestic politics. International cooperation, in particular, has the potential to: shift agenda-setting authority; redistribute chances for involvement in domestic decision-making procedures; magnify informational inequalities; and alter ideological reasons for actions. In a nutshell, international cooperation and institutions have the power to change the four I's: initiative, institutions, information, and ideas. (Archibugi, 2004).

The second argument is that redistribution of domestic political resources helps those who are directly responsible for international collaboration, who are usually national CEOs.

The final hypothesis is that this redistributive impact feeds back into intergovernmental negotiations, enhancing the executive's incentive to seek a deal. This is possible because those in control of the negotiations value cooperation, not just for the substantive and explicit benefits that provides, but also for the way it strengthens them in relation to other domestic players including members of parliament, subnational administrations, and interest groups.

Archibugi makes a summary of the collusive delegation thesis, according to him: governments place a premium on their ability to act independently not just in relation to the international environment, but also in relation to their own internal settings. Participation in international meetings and organizations tends to improve governments' domestic autonomy and change the allocation of power in the domestic arena in their favor. When evaluating the benefits of creating, changing, or joining an international organization, governments examine not only the immediate benefits of international policy coordination but also the implications for their domestic autonomy and power resources. Governments may confront a trade-off between external and internal autonomy when deciding whether to support or oppose transfers of decision-making competencies to international settings, and *ceteris paribus* select the approach that increases their total autonomy.

According to Archibugi, *“If the collusive delegation thesis is true, then we should expect governments with less autonomy in foreign and security policy to be more willing to delegate powers to supranational institutions than governments with a higher degree of autonomy, ceteris paribus”* (Archibugi, 2004).

In the framework of the CFSP, it might be argued that nations with sufficient power resources to conduct an independent and successful foreign policy should see no need to give up their sovereignty and enable supranational organizations to bind their hands. On the other hand, weaker nations should be interested in a comprehensive foreign and security strategy for at least two reasons.

First, when the European Union operates as a unit, these nations should anticipate their influence in international affairs to grow. The collective strength of the global polity would compensate for the loss of autonomy.

Second, a strict institutional framework would be a mechanism to restrain the more powerful Member States, whose autonomous foreign policy may eventually constitute a danger to the smaller nations' interests. Supranational integration, according to this logic, improves the security of smaller nations by increasing their foreign influence and limiting possible sources of friction.

As a result, governments with more powerful capabilities are expected to be less supportive of supranational integration in foreign and security policy than governments with lesser power capabilities. Since the end of the Cold War, the administrations of the four main EU Member States have voiced widely divergent perspectives on Europe's future political integration. Germany and Italy have adopted a federalist vision in which foreign policy and defense authority are delegated to common institutions. Those in the United Kingdom and France, on the other hand, have adhered to national sovereignty and resisted any treaty revision that may limit their external freedom of action. (Archibugi, 2004).

For Archibugi, according to the collusive delegation theory, the disparity between France and the United Kingdom on the one hand, and Germany and Italy on the other, reflects differences in the degree of policy-making autonomy executives have in relation to other domestic political actors, particularly those represented in parliament.

The episode of the Gulf War of 1991 is particularly instructive. France joined the fight without making a declaration of war, using Chapter VII of the United Nations Charter as justification.

Despite the fact that it was not a legal obligation at the time, the government permitted Parliament to voice its view by voting on a government statement. However, following this episode, the parliament was relegated to the background and had no further part in the situation.

When compared to other subject areas such as economic and social policy, Italy is no exception to the trend that foreign policy receives comparatively less legislative and political attention. However, when compared to the British or French situations, the Italian executive appears to have far less autonomy in relation to other political players such as members of parliament, party leaders, and, to a lesser extent, social pressure organizations. Italian decision-makers, like their German counterparts, confront a series of very stringent limitations that restrict their ability to maneuver in the international arena. (Archibugi, 2004).

These limitations are imposed only indirectly by the Italian Constitution, because the only provision directly affecting the relationship between parliament and government in foreign policy (article 80), which governs the ratification of international treaties, does not give the parliament particularly broad powers. For instance, the government's multi-party majority in parliament was split over whether Italy should participate in the multilateral operation to pacify Albania (spring 1997), whether Italy should support or oppose US military threats against Iraq for refusing to allow UN weapons inspectors in (February 1998), whether to grant asylum to Kurdish leader Abdullah Ocalan and thus indirectly over Italy's relations with Turkey (winter 1998–9).

The administration was not only forced to come to terms with a small number of opposing MPs during these events, but it also confronted significant political crises that may have led to its collapse. Because of their vulnerability to local political conflicts over foreign policy decisions, particularly those involving the use of military action, most Italian CEOs were willing to delegate major national security issues to international conferences. (Archibugi, 2004).

To sum up, according to Archibugi, if the logic of collusive delegation applies to the CFSP, we should expect that EU governments will react differently to the opportunity to loosen domestic political constraints through internationalization and that these differences will reflect the domestic institutional and political environment in which each of them operates. Executives who are less independent from parliamentary players in international and security matters, on the other hand, should be more disposed to favor a binding CFSP than executives who have more policy flexibility. To put it another way, the motivation to 'reduce slack' is contingent on how much slack the government currently has. (Archibugi, 2004).

In her work *Understanding the Common Foreign and Security Policy: Analytical Building Blocs*, 2003, Helene Sjursen tries to understand how we can make sense of the late-1990s attempts to develop the EU's Common Foreign and Security Policy and establish common institutional frameworks and shared security and defense capabilities. A fundamental problem which always arise according to Sjursen is that the CFSP is frequently criticized for its delayed decision-making process and inability to act decisively, particularly in international crises such as Kosovo, Bosnia, and the Gulf Wars. The institutional framework is hindered by the requirement for Member States to agree on all decisions. This takes time and might result in mediocre outcomes.

Sjursen explains in her work how there are also larger problems of vertical and horizontal coherence. Vertical coherence is the difficulty of ensuring that individual Member States' foreign, security, and defense policies "mesh" with one other. The issue of horizontal coherence concerns the degree to which the EU's numerous external actions are logically connected or mutually reinforcing. This dilemma stems in large part from the division of the EU's international policy into two distinct decision-making pillars.

Most analysts believe that the designation of a high representative for the CFSP hasn't helped and that the new committees and organizations created as a result of the defense and security reforms aren't likely to improve coherence significantly. These features of the CFSP make it difficult to respond effectively to crisis circumstances and decrease the EU's foreign policy effectiveness, consequently policy output is frequently poor.

The EU's policy instruments are the second topic of discussion. According to Sjursen, the CFSP is frequently portrayed as incapable of putting words into action.

For this very reason the CFSP was criticized in the 1990s for failing to lead European politics at the end of the Cold War. The US, not the EU with its new Common Foreign and Security Policy, have fulfilled this task. (Sjursen, 2003).

Moreover, for Sjursen, the trend of 'Brusselization' of European foreign policy is another indicator of change in the way European governments develop their foreign policy. Although foreign and security policy remains nominally under the jurisdiction of the nation-state and has not been transferred in any significant way to the European Commission, the foreign ministries of the Member States have found it increasingly difficult to govern the foreign policy process in reality. Foreign policy is more and more frequently being decided upon in Brussels by national representatives. This steady movement of decision-making from national capitals to Brussels has evolved in tandem with attempts to strengthen cohesion between the first and second pillars in the Maastricht and Amsterdam Treaties.

As a result, tensions have emerged between the Political Directors (who normally deal with the CFSP) and the Permanent Members, and later between Commission representatives and the High Representative. The crucial point is that this trend toward Brusselization demonstrates that centrifugal factors inside the EU are rather powerful, and that membership in the EU and participation in the CFSP cause significant changes in Member States' foreign policy. (Sjursen, 2003).

The majority of engagement in the framework of the CFSP takes the form of language, according to Sjursen, and very little interaction takes the form of monetary payments or military action. The COREU network, for example, is an important tool within the CFSP since it allows EU Member States to share information, ideas, analyses, and opinions, as well as produce common declarations. This network, which receives about 17.000 messages each year, is essential to the CFSP's overall operation. The creation of shared foreign policy is carried out on the basis of this network. (Sjursen, 2003).

In conclusion, for Sjursen, it would be foolish to disregard the fact that national security, defense and foreign policies remain strong, and that the EU continues to struggle to establish consensus, particularly in crisis situations requiring quick responses. It's difficult to find common ground and reconcile distinct national policy traditions. While studies that conceptualize actors as strategic or functional have little difficulty explaining why the EU is frequently an inefficient and incoherent actor in international politics, they have greater trouble understanding the CFSP's transformational character in terms of state foreign policy. (Sjursen, 2003).

Ramses A. Wessel in his work *Common Foreign, Security, and Defense Policy, 2016*, illustrates what the role of the European Union has been in the diverse missions carried out from 2003 onward, under the umbrella of the Common Foreign and Defense Policy.

The CSDP provisions have been used to establish both military and civilian missions. The European Union Police Mission in Bosnia and Herzegovina (EUPM) was established on January 1, 2003, as the CSDP's first-ever civilian crisis management operation. The EU ultimately deployed Operation Concordia, its first military operation, on March 31, 2003, to follow up on NATO's efforts in FYROM to contribute to a stable and safe environment. Since 2003, the EU has demonstrated its operational competence by initiating over twenty CSDP operations, primarily in Africa and the Western Balkans, but also in the EU's eastern neighbors, the Middle East, and Asia.

The EU has served as a crisis manager in a variety of areas:

as an honest broker of peace between conflicting parties (e.g. Aceh); - as a border management assistant (e.g. Moldova/Ukraine); - as a justice reform adviser (e.g. Georgia); - as a trainer of police and prison staff (e.g. Iraq); - as a security sector reformer (e.g. Guinea-Bissau); - as a security guarantor during elections (e.g. Democratic Republic of Congo); - as a peacekeeper on the invitation of a host country; - as a regional arrangement operating under a UN Security Council mandate to counter the threat to international peace and security (posed, for example, by piracy and armed robberies against vulnerable vessels off the Somali coast) and to assist peacekeeping operations carried out by other international organizations (e.g. Chad and Darfur); - as a

regional arrangement operating under a UN Security Council mandate to counter the threat to international peace and security. (Wessel, 2016).

According to Wessel, the EU has never engaged as a peacekeeper (like NATO did in Kosovo in 1999) or as a deterrent against an armed attack on its territory.

While the majority of the early operations were rather successful, owing to the fact that they were generally short-term and limited in scope and scale, they also showed inadequacies, inefficiencies, and wider crisis management difficulties. They range from "growing pains", such as establishing a brand of EU crisis management and planning and drafting appropriate mandates for CSDP missions, to longer-term issues like coherence among EU policies, institutions and instruments, coordination with other international organizations, particularly NATO and the UN, and consistency of output.

Lessons acquired from previous missions should be heeded as the European Union prepares to face its "maturity test" as an international crisis manager. Despite the growing pains of CSDP, the European Union has made significant progress in the deployment of crisis management operations. However, the CSDP's performance is no longer defined solely in terms of initiating missions, assuring mission output, and accumulating operational experience. The bar has been raised significantly. (Wessel, 2016).

The Union is also expected to carry out multiple operations at once, in accordance with both human rights and international humanitarian law, to fulfill its promises by completing its tasks, to effect positive change on the ground, and to demonstrate that it can lead among other international and institutional actors. Since the EU began larger and more challenging CSDP operations, these challenges have grown more serious. If such crises are badly managed, the European Union risks losing its newly gained trust and image as a regional and global actor dedicated to international peace and security, particularly if a CSDP operation that is ill-prepared and/or under-equipped falls into another 'Srebrenica.' In sum, the European Union's CSDP maturity is being challenged. (Wessel, 2016).

Regarding Common Foreign and Security Policy, Wessel explains how the treaty's clauses do not support the perception of CFSP as a completely "intergovernmental" type of international cooperation. CFSP's non-exclusive character, however, is critical.

The institutions' responsibilities, the Member States' commitments, and the decision-making procedures, according to Wessel all indicate the states' desire to develop a common policy that would not supplant individual states' national policies outright but would emerge only when and where possible. Despite precise responsibilities aimed at establishing a common policy, a number of ambiguous terms (*major shared interests, general interest, reasons of national policy*) give the Member States a lot of freedom. Member States are allowed to pursue their own national foreign policies if a common policy doesn't seem attainable. Even accepted decisions, as the basic CFSP legal instruments, do not deprive Member States of their whole authority to pursue national policy in the areas covered by the CFSP decisions. Most decisions, in practice, have a limited scope, allowing for alternative national strategies in the same subject area. Member States also have the option of emphasizing particular national preferences and implementation mechanisms even within the scope of CFSP decisions. (Wessel, 2016).

In conclusion, according to Wessel when states share a common foreign policy but are unwilling to give up their sovereign rights in favor of an independent common institution, the legal outcome of the CFSP discussions was the only option. While an examination of the origins of CFSP and subsequent negotiations reveal a general preference for "intergovernmental" cooperation on the part of most Member States, the further institutionalization of both CFSP and CSDP reveals serious constraints on both Member States and EU institutions in carrying out their foreign policy. (Wessel, 2016).

A final research paper that deserves attention is the work of Hylke Dijkstra and Sophie Vanhoonacker: *The Common Foreign and Security Policy, 2016*. Here the authors explain how "*the Common Foreign and Security Policy often referred to as EU foreign policy, has a broad scope. It covers all areas of foreign policy and questions relating to security and defense. The CFSP is supported by a unique institutional framework, in which member states diplomats and officials from the EU institutions jointly make policy.*" (Hylke Dijkstra, Sophie Vanhoonacker, 2016).

For the authors, the EU's actorness and identity have been a source of debate. The EU, like sovereign nations, does not appear to have the ability to react actively and purposefully in regard to other participants within the international system. Furthermore, it is questionable whether the EU has the same goals and objectives as sovereign states. The EU as a normative force has been a popular notion. According to this thesis, the EU is attempting to alter global political norms and standards.

For Hylke Dijkstra and Sophie Vanhoonacker the relationship between the EU and national foreign policy is a second hot topic. If the EU does have some actorness, it's crucial to establish where it sits in relation to the Member States' foreign policy. The debate over Europeanization, which began in the early 2000s, has been hugely helpful. The connection between EU and national foreign policy has been clarified. It's also led to several studies looking into the effects of Europeanization. Despite the fact that Member States continue to carefully defend their foreign policy control, all of them, particularly the larger ones, recognize the EU as a reference point. The EU's foreign policy imposes restrictions on national foreign policy decisions.

With the growth of many Brussels-based actors, the topic of whether centralization and delegation impact EU foreign policy results is becoming increasingly relevant. Intensive trans-governmentalism appears to be a perfectly appropriate description of the CFSP's governance form. Member States retain control over decisions, but their ongoing exchanges have an impact on the attitudes and identities of national diplomats. In the development and execution of foreign policy, EU institutions are gaining more autonomy. (Hylke Dijkstra, Sophie Vanhoonacker, 2016).

According to Hylke Dijkstra and Sophie Vanhoonacker, it is impossible to analyze the CFSP using a single conceptual framework or technique. The research objective of the CFSP is quite diverse, and this should be viewed as a strength rather than a negative. The disadvantage is that it is becoming practically difficult for students of EU foreign policy to keep up with all of the discussions. As a result, there has been some fragmentation.

Moreover, for the authors, CFSP researchers frequently draw on ideas and viewpoints from outside their field. Two examples are the Europeanization and CFSP governance research agendas. It's a good indicator that academics are interested in not just EU studies and international relations, but also comparative politics, public administration, economics, and sociology. However, finding the correct balance between the uniqueness of the EU foreign policy on the one hand, and the use of concepts and insights from other disciplines on the other, remains a challenge. It undoubtedly contributes to our knowledge of the CFSP if it works out. Additionally, transferring concepts between fields can often create more issues than it solves. (Hylke Dijkstra, Sophie Vanhoonacker, 2016).

Finally, the authors observe how CFSP's history is practically a product of global politics. It's impossible to dispute a certain trend, from Civilian Power Europe during détente in the 1970s to Normative Power Europe during the transatlantic war over Iraq in 2002-2003.

The governance of EU foreign policy has received a lot of attention. While simultaneous processes of institutionalization, Brusselization and delegation have given the EU foreign policy considerable autonomy from its Member States, it is far from complete autonomy. Rather, the EU's foreign policy is unique in that it is organized as a machine in which Member States and the European Commission work together. The EU's institutions work together to develop policies, although the EU's Strength Foreign Policy, continues to rely heavily on the involvement of member nations. (Hylke Dijkstra, Sophie Vanhoonacker, 2016).

The next chapter will be presenting the second main topic of this dissertation: the Ukraine Crisis. It will cover the history of Ukraine, from the aftermath of the Soviet Union's collapse, the political causes that first led to the escalation between Ukraine and Russia, all the way through the latest invasion of the Ukraine territories.

Chapter 2

The Ukraine Crisis and International Relations

2.1 The Ukraine Crisis in 2014

Historical background

A thorough analysis of the historical context is critical to understand the current problem. The Holodomor, a famine aggravated by Soviet collectivization and industrialization initiatives, killed between 2.5 and 7.5 million Ukrainians between 1932 and 1933. Following this, Soviet authorities offset the population losses by bringing in Russian migrants. The succeeding Russification strategy altered Ukraine's ethnolinguistic map. Several districts of eastern Ukraine along the Russian border (the Donetsk, Luhansk, Kharkiv, and Zaporizhzhya regions) had considerable Russian ethnic minorities by 1991, when Ukraine won independence, while the Crimean Peninsula had a Russian majority. Before the Soviet period, these demographic and linguistic distinctions had even deeper historical origins.

People in the largely Ukrainian-speaking parts of the nation typically thought of themselves as Europeans, as these countries had been part of the Polish-Lithuanian Commonwealth from the 14th to the 18th century, and then of the Austro-Hungarian Empire until 1918. The largely Russian-speaking province, on the other hand, had been a part of the Russian Empire since the 17th century.

There were also religious divisions, with Greek-Catholicism being practiced in the west and Orthodoxy in the center and east. As a result, the largely Ukrainian-speaking northwest had stronger links to Europe, and the predominantly Russian-speaking southeast had stronger ties to Russia.

Following the collapse of the Soviet Union and Ukraine's independence, this separation had a significant influence on the country's political reality and foreign policy.

The electoral results of pro-European and pro-Russian candidates in the 2004 and 2010 presidential elections reflected the country's ethnolinguistic map. Trade and economics are other elements to consider. Prior to 2014, Russia was Ukraine's largest trading partner, and it supplied Ukraine with significantly subsidized natural gas. Trade with the EU, on the other hand, was large and expanding. Many Ukrainians feel that greater relations with the EU will increase Ukraine's long-term prosperity and economic competitiveness, as well as improve chances for liberal democracy, decreased corruption, and the rule of law. Since the fall of the Soviet Union, the Russian Federation has pursued tighter economic integration with Ukraine and the post-Soviet republics.

The creation of the Commonwealth of Independent States (CIS) in 1992 was the first step toward this aim. Russia and many CIS nations founded the Eurasian Economic Community in 2000, and Ukraine later became an observer member of the organization. The Eurasian Customs Union, which was established in 2010, and the Single Economic Space, which was established in 2012, emerged from more integration within the Eurasian Economic Community. Finally, the Eurasian Economic Union was formally founded in 2015. Ukrainian officials, on the other hand, have rejected Russian aspirations to join the Customs Union and the Eurasian Economic Union, choosing to strengthen relations with the EU instead.

Ukraine has struggled to strike a balance between two economic integration vectors since independence: Europe and the west, or Russia and its integration efforts, namely the Eurasian Economic Union. Because of internal political tensions, neither vector has remained dominant for long, and any attempts toward integration in either direction have proved unstable. After the 2004 Orange Revolution in Ukraine, when pro-European demonstrators overturned a fraudulent election, a new election was held, with Viktor Yushchenko, a more pro-western president, being elected. Despite this, the EU's changes were only partially implemented. Viktor Yanukovich, a new president, was elected in 2010, and he adopted a "balanced" strategy that was more favorable to Russia.

After a protracted negotiation process, the Ukrainian government ceased preparations for signing an Association Pact and a free trade agreement with the EU on November 21, 2013, under Yanukovich's leadership. Russia exerted significant pressure on Yanukovich's government by imposing trade penalties and proposing financial rewards in exchange for rejecting the EU accord. Until February 20, 2014, Yanukovich's last-minute decision not to sign the EU deal sparked widespread public outrage against him and his corrupt regime. The administration retaliated forcefully, dispersing the protestors multiple times, while pro-Russian organizations staged counter-protests in favor of the government.

The 2014 Crisis

The crisis in 2014 arose as a result of the presidential elections in Ukraine in 2010. Yanukovich's election triumph, a name associated with Russia, has resulted in the country's prosperity. Yanukovich, in reality, prolonged the Black Sea Fleet's stay in Russia and Sevastopol, which was set to end in 2017, for another 24 years and agreed to Russia's involvement in Crimea until 2042. Yanukovich has unilaterally dissolved the Commission, which was preparing for the Partnership Agreement with the EU in November 2013, while anticipating a drop in energy costs from Russia, in exchange for this action. The EU opponents' protests then extended throughout the country, forcing Yanukovich to resign in February 2014. The problem, however, has taken a new turn as a result of this departure.

Russia, which has viewed the events in Ukraine as an attempt to organize a legitimate sentence from the start and views it as a procedural punishment, has applied its "punitive approach" to the current situation, resulting in the Crimean Crisis. As a consequence of this crisis, "Russian ethnic existence," one of the most crucial justifications for near-abroad strategy, has reappeared. Additionally, this logic suggested potential interventions in nations in the post-Soviet region (such as Kazakhstan). Following Yanukovich's resignation, Petro Poroshenko, a businessman and political historian who played a key part in the Orange Revolution, won the presidential election in May 2014.

Despite his support for EU integration, he saw Russia as the most significant neighbor country, and his proximity to balancing politics has drawn notice. Pro-Western parties, on the other hand, achieved a landslide victory in the October 2014 legislative elections. As a consequence, Russia took control of Crimea. (Burak Sarıkaya, 2017)

The significance of Ukraine for Moscow, however, is not confined to Crimea. In the geo-strategic and geo-economic perspective, Ukraine is extremely important to Russia. The issue in Crimea has turned into a worldwide crisis, although the situation of the two great powers, the EU and Russia, appears to be appropriate for their interests. Ukraine's security, as a transit nation in the context of the EU's energy security, is critical. Eastern European countries rely heavily on Ukraine for their energy needs, and Ukraine is an important country for the EU, which has integrated with Eastern Europe.

With regard to Russia, Ukraine serves as a major naval base for the Russian navy in the Crimean Peninsula, which Moscow controls. The fleet's strategic position and presence on the peninsula helped Russia's victory over Georgia in the 2008 South Ossetia conflict, and it also represents quite an important site for Russian security interests.

According to the doctrine of proximity to the periphery, which was first used by Yeltsin in 1993 during the term of office of Foreign Minister Y. Primakov, Russia declared that the former Soviet Union was responsible for ensuring the security and stability of its territory and giving priority in military planning to its immediate vicinity. Moscow boosted its operations in the "Near Abroad" nations after 2001 and was eager to expand its economic and security activities. In the case of any disagreement in CIS nations, such as Georgia and Ukraine, this approach initially intensified ethnic issues before emerging as a savior.

Following the disintegration of the Soviet Union, Russia has identified the Rimland area as the key region of Eurasia's foreign policy, with the geopolitical context of the Nations bordering the western and southern regions. It has stated that it will fight any measures that are hostile to it in this region. Russian minorities, often known as "Russians Abroad," who have lived in post-Soviet nations including Ukraine, have been used as a tool for the Russian Federation's policies.

They are attempting to safeguard the "Near Abroad" by generating security problems through the cultural and political rights of Russian minority living in these countries by establishing integration efforts in its economic, military and political dimensions, also makes it dependent on Moscow. In addition, Russia's Black Sea Navy is stationed in Ukraine's Crimean territory. Ukraine hosts a significant Russian population in the post-Soviet area and serves as a transit corridor for Russian energy sources to reach Western markets, which is one of the factors that increases the country's importance in Russia's eyes.

From a historical and social point of view, the arrival of Russians in Kiev represents another aspect that strengthens Ukraine's relevance to Russia owing to their common history. With these features, Ukraine must eventually become a Russian outpost in the west. The Crimean Crisis has heightened awareness of the "Russian ethnic entity," which is one of the most important reasons for this approach in the framework of near-abroad policy, and might prompt interventions in other former Soviet states (e.g. Kazakhstan). (Burak Sarıkaya, 2017)

This is the start of a new Eurasian power struggle between the West and Russia, particularly the United States of America. In this environment, Crimea has emerged as the first major conflict.

Ukraine and Crimea are important aspects of Russia's "Southward Policy," according to Moscow. As can be seen in the case of Georgia, Russia sent a message to Ukraine that it was willing to use any tactic. If Russia were to abandon Crimea and Ukraine, it could risk losing the Black Sea, the buffer zone between the Baltics and the Caspian. (Burak Sarıkaya, 2017)

It is common knowledge that this invasion of Crimea was just the first step of the aggressive policy of Russia towards Ukraine, leading to the current war in Ukraine. As a country that had been under Russian domination for many years, Ukraine's sudden independence following the fall of the Soviet Union caused significant challenges.

Indeed, Russia has historical ambitions in regard to both Ukraine's people and its territories, and it is unlikely that Russia would readily abandon them. Furthermore, the independence of Ukraine has been dubbed Russia's worst geopolitical setback in the post-Cold War period. Russia has lost not just its influence over the Baltic states and Poland, but also its capacity to command the former Soviet Union's Eurasian Empire that controls the southern and east southern non-Slavic peoples as a result of Ukraine's independence.

That is why Moscow has referred to Ukraine's independence as a "temporary diversion". The relationship between ancient national subjects and rulers, colonial and metropolis, center and periphery is reflected in this perspective. On the other hand, the current energy crisis represents another source of friction between Russia and Ukraine. Europeans now get a large amount of their oil and natural gas from Russian and Caspian basin deposits. However, Ukraine is the quickest route for these areas' energy resources to reach the European market. (Burak Sarıkaya, 2017).

“Russia’s annexation of Crimea and subsequent invasion of south-eastern Ukraine is unquestionably the most serious crisis in European security since the end of the Cold War, and possibly since the pre-détente era. It upends multiple assumptions that have underpinned American and allied foreign and security policy in Europe since the 1990s. Most importantly, it overturns the assumption that while Russia had the capability to alter borders in Europe by force, it did not intend to, and hence was a benign and even a pro-status quo power”(Christopher Chivvis, 2015).

On a global level, the conflict is similar to, but not equal to, the Cold War. The question of whether Central and Eastern European countries would be democratic after WWII, as the West believed had been agreed at the US-British-Soviet summit in Yalta, or whether they would be governed by Kremlin puppets, as Soviet leader Joseph Stalin believed was necessary for the Soviet Union's security, sparked the Cold War. The current debate, on the other hand, is about whether Russia has a privileged sphere of interests in the territories along its existing boundaries, as well as the right to control lesser nations if their internal or international policies are incompatible with what Russia considers to be its interests. Despite the fact that the Cold War and today's war are both about Russia's sphere of influence, the Nations directly affected are clearly not the same.

2.2 The Current Crisis

Russian President Vladimir Putin stated on February 21, 2022 that Russia would legally recognize the parts of the Donbas controlled by Russian-backed separatist fighters as separate sovereign republics. President Putin then issued Executive Orders recognizing the Donetsk People's Republic (DPR) and the Luhansk People's Republic's self-declared independence (LPR). The leaders of those territories and of Russia then signed Treaties of Friendship, Cooperation and Mutual Assistance. Russia also stated it would send troops to the DPRK and LPR to help with "peacekeeping." Eventually, Putin proclaimed the start of a "military action" in Ukraine in February.

While Putin said that the action in Donbas was a specific military operation and that Russia would not occupy Ukraine, the Ukrainian government claims that Russia has launched a full-scale assault on the country. Russian President Vladimir Putin said on February 24, 2022 that Russia will undertake a "special military operation" against Ukraine.

Putin claimed the following legal reasons for his conduct in his broadcast address: in conformity with UN Charter Article 51 (Chapter VII) (self-defense); in the implementation of the Donetsk People's Republic and Luhansk People's Republic friendship and mutual aid treaties, which were adopted by the Federal Assembly on February 22. The goals, according to the President, are to "defend those who have been subjected to humiliation and genocide by the Kiev administration for the past eight years." Russia will "attempt to demilitarize and denazify Ukraine," he added. Putin also stated that Russia has had no plans to invade Ukraine. Many worldwide reactions to the events in Ukraine have criticized Russia's military involvement as a breach of international law and the United Nations Charter. (Patrick Butchard, 2022).

For example, Article 2(4) of the UN Charter states: *“All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations”*.

President Vladimir Putin earlier stated that troops would be sent for "peacekeeping." The United Nations Secretary-General expressed his concern with the phrase, calling it a perversion of the idea of peacekeeping and claiming that they are not peacekeepers at all. This briefing outlines the international norms governing the use of force, self-defense, aggression and other special legal agreements that pertain to the Ukraine conflict. It also includes the international legal framework that applies to Russia's recognition of the self-proclaimed Donetsk and Luhansk People's Republics (LPR).

Ukraine filed a complaint with the International Court of Justice on February 26, 2022, requesting that the Court decide on Russia's military conduct and declare that Russia has no legal basis for its invasion of Ukraine. This case is in addition to a legal complaint Ukraine filed with the ICJ on January 16, 2017, which is still pending. The ICJ issued a legally enforceable order for interim measures on March 16, 2022, before making a final ruling in the matter. (Patrick Butchard, 2022).

The following interim actions were suggested by the Court:

1. The Russian Federation must immediately cease military actions in Ukraine, which began on February 24, 2022.
2. The Russian Federation shall ensure that any military or irregular armed units directed or supported by it, as well as any organizations and persons under its control or direction, do not take any actions that would aggravate or prolong the dispute before the Court or make it more difficult to resolve;
3. Both Parties shall refrain from taking any action that would aggravate or prolong the dispute before the Court or make it more difficult to resolve.

Separatists in eastern Ukraine's Donetsk and Luhansk regions held unofficial referendums in 2014, declaring the Donetsk People's Republic and the Luhansk People's Republic to be independent nations. The West criticized these elections and pronouncements as incompatible with Ukraine's sovereignty and territorial integrity, and all countries except Russia have refused to recognize them. In international law, the validity of unilateral secession from a state is not always evident.

In general, entities inside an existing state do not have the unilateral right to secede, and if there is full internal self-determination, there is no right to exterior self-determination (independence) (ie, the full participation of minority populations in civil and political life).

However, there are no legal criteria that decide whether secession is legitimate or not, and the legality or otherwise of each case is highly dependent on the facts. In general, state practice implies that unilateral secession is not forbidden by international law, but it does imply that this maneuver is severely restricted since it violates the crucial concept of state territorial integrity. The international condemnation of Russia's recognition of the Donetsk and Luhansk People's Republics has triggered several legal arguments. Russia's recognition of these territories alone has been considered a breach of international law by several countries, with some labeling the recognition as a violation of Ukraine's sovereignty and territorial integrity.

Others say that it is a breach of the UN Charter as well as an act of hostility. Whether or not the attempted change of territory in Ukraine amounts to an illegal 'acquisition' of territory by force, states and commentators appear to agree that it is a violation of Ukraine's territorial integrity, the principle of non-intervention, and possibly even the international prohibition of force. Some have suggested (before Russia's military intervention on February 24) that Russia's engagement in eastern Ukraine and the Donbas might amount to a violation of international law's prohibition of force in particular - a peremptory norm. (Patrick Butchard, 2022).

Dr. Diane Desierto, Professor of Law and Global Affairs at Notre Dame Law School, for example, stated on February 22 that: *“All of the unilateral actions to use military force are now being taken without any reference to the United Nations Security Council, and certainly without any qualms about complying with the Charter of the United Nations on its foundational Jus Cogens principles of territorial sovereignty, the prohibition against the use of force, the principle of non-intervention, and Charter duties to respect human rights and cooperate with the United Nations and all its Members in respecting human rights”*.

According to Dr. Desierto, such violations of an overriding rule of international law would trigger the obligation of non-recognition established in Article 41 of the ILC's Article on State Responsibility. To put it another way, no state will recognize the condition, and no state will offer help or support in sustaining it. Although the act of recognizing these areas does not affect the region's legal standing under international law, it might constitute a breach of international law due to the use of force that has led to this scenario.

The validity of some of these legal reasons is still to be resolved because an authoritative decision of Russia's early engagement in eastern Ukraine, prior to its February 24 military assault, is still pending. However, these are the most compelling arguments now advanced by nations and experts about the international legal consequences of Russia's recognition act. (Patrick Butchard, 2022).

Putin's speech on February 22 tried to legitimize the move by citing prior Western intrusions in other countries, stating that the United States and its allies were a lying empire. Putin implied that western nations were potential aggressors, saying that anyone who attacks his country directly would suffer defeat and terrible repercussions. Putin stated that Russia cannot remain quiet and passively witness these events while alluding to what he described as NATO's eastward expansion. He accused NATO and the West of violating Russia's military cooperation with Ukraine's red line.

When asked about possible consequences to Russia's actions, Putin said: *“I would now like to say something very important for those who may be tempted to interfere in these developments from the outside. No matter who tries to stand in our way or all the more so create threats for our country and our people, they must know that Russia will respond immediately, and the consequences will be such as you have never seen in your entire history. No matter how the events unfold, we are ready. All the necessary decisions in this regard have been taken. I hope that my words will be heard”*.

2.2.1 International law that applied to Russia's military intervention

Prohibition of force

Article 2(4) of the UN Charter states:

“All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations”.

The prohibition also exists in customary international law, which stems from the same universal principle that prohibits the use of force in international affairs. Indeed, UN General Assembly’s resolutions appear to illustrate that the customary restriction essentially mirrors the prohibition established in Article 2 in terms of core and terminology.

President Vladimir Putin earlier stated that troops would be sent for "peacekeeping." The United Nations Secretary-General voiced his displeasure with the word, calling it a "perversion of the principle of peacekeeping." When one country's military invades another country's territory without permission, they are not acting as impartial peacekeepers. They are not peacekeepers at all. (Patrick Butchard, 2022).

Self-defense

Article 51 of the United Nations Charter recognizes states' right to self-defense, which reads: *“Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the*

present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security”.

When claiming to be acting in self-defense, Russia wrote to the United Nations Security Council, as required by Article 51, to report its actions. Apart from annexing the full text of President Putin's TV address on February 24, this letter did not elaborate on any of the reasons or justifications for this alleged act of self-defense.

While Putin claimed self-defense as a justification for the military action on February 24, such justifications are only acceptable when in reaction to an armed attack. In his speech, Putin did not mention or accuse any specific armed strike, and Ukraine has denied any non-defensive military activity beyond its boundaries.

The operation, according to UK Foreign Secretary Liz Truss, was an unprovoked, deliberate strike against a legitimate democratic state. Putin's justification for self-defense appears to be an argument for preemptive self-defense, according to Dr Marko Milanovic, Professor of Public International Law at the University of Nottingham School of Law, because there is no proof of an armed strike against Russia from Ukraine. However, he claims that most international lawyers believe that any such preemption argument is incompatible with Article 51.

Milanovic further claims that Russia cannot utilize collective self-defense to help the self-proclaimed Republics of Luhansk and Donetsk since these entities lack the legal capacity to do so. Furthermore, any act of self-defense must be both reasonable and required in response to any violent attack.

These standards are also linked to international humanitarian law (or laws of war) regulations governing the means and techniques of warfare, such as the prohibition of people being targeted. Even if proof of an armed attack could be found, it's uncertain if Russia's goal of demilitarizing and denazifying Ukraine is a necessary and proportionate use of force anyway. (Patrick Butchard, 2022).

Legal mechanisms and specific guarantees

The current situation is also governed by a number of special international accords. Take, for example, the Budapest Memorandum of 1994. Russia, the United States and the United Kingdom signed this agreement to provide security assurances to Ukraine in exchange for Ukraine's admission to the Nuclear Non-Proliferation Treaty. While some argue that it does not represent a formal treaty, international experts claim that this may not be the case, or at the very least that the exact legal status may be more complicated.

In any event, the US, UK and Russia promised Ukraine in the Budapest Memorandum that they would:

- Respect Ukraine's independence, sovereignty and current boundaries.
- Not threaten or use force against Ukraine's territorial integrity or political independence.
- Refrain from imposing economic sanctions on Ukraine.
- Commit to pursuing assistance for Ukraine through the UN Security Council if Ukraine is the victim of an act of aggression or a threat of attack using nuclear weapons.
- Commit to not using nuclear weapons against non-nuclear powers unless they are attacked, or their territory or allies are attacked.
- Consult with each other if these obligations are called into doubt

International Court of Justice invocation

Ukraine filed a complaint with the International Court of Justice on February 26, 2022, requesting that the Court decide on Russia's military conduct and declare that Russia had no legal basis for invading Ukraine. This case is in addition to a legal complaint Ukraine filed with the Court on January 16, 2017, which is still pending at the International Court of Justice.

While both Russia and Ukraine have the right to appear before the ICJ and file complaints, none has accepted the Court's compulsory jurisdiction which is a jurisdiction over legal disputes set forth in Article 36 (2)-(5) of the ICJ Statute.

As a result, any legal issue between the two countries must be filed before the Court under a particular agreement or pre-existing treaty obligation that recognizes the ICJ's jurisdiction. The Genocide Convention is one such treaty, with Article 9 stating that any disputes between the parties to the Convention relating to the interpretation, application or implementation of the Convention shall be submitted to the International Court of Justice at the request of any of the disputants. Ukraine has indeed presented legal arguments to the Court on this basis. (Patrick Butchard, 2022).

Ukraine asserted that Russia has falsely claimed that genocide has happened in Ukraine's Luhansk and Donetsk areas, and has exploited that claim to justify its so-called "special military operation." Ukraine has stated explicitly in its appeal to the Court that no such genocide has occurred and that Russia has no legal right to intervene in and against Ukraine for the purpose of preventing and punishing any alleged genocide.

Ukraine claims that the Russian Federation's declaration and implementation of measures in or against Ukraine in the form of a "special military operation" declared on February 24, 2022 on the basis of alleged genocide, as well as the recognition that preceded the military operation, are incompatible with the Convention and violate Ukraine's right to be free of unlawful actions, including military attack, based on a claim of preventing and punishing genocide that is wholly unfounded.

Ukraine has argued that, since the Genocide Convention does not control the norms on the use of force under international law, Russia does not have a legal basis to employ such force under the Convention. Ukraine's goal is to have the Court rule on the legitimacy of Russia's conduct, based on Russia's invocation of genocide, and to bring the case under the Genocide Convention. The Court has agreed that this is a credible foundation of jurisdiction for this stage of the action, as detailed below, but will explore the matter in further depth at a later point.

On March 7, 2022, Russia didn't appear for the oral hearing. However, Russia filed a detailed legal argument with the Court, stating that the Court should not have jurisdiction over this case since it is not covered by the Genocide Convention. The reality is, Russia said, that the Convention does not offer a legal foundation for any military action or state recognition merely because they are beyond its sphere of applicability. Russia's legal arguments before the Court echoed portions of President Putin's TV address on February 24, claiming self-defense and support for the Donetsk and Luhansk People's Republics.

Russia, on the other hand, contended that its recognition of these republics was consistent with the international right to self-determination. The Russian Federation considers the recognition of the Donetsk and Lugansk Peoples' Republics to be a sovereign political act. (Patrick Butchard, 2022).

It is related to the right of peoples to self-determination under the United Nations Charter and customary international law, as expressed in statements by the Russian Federation's President and Permanent Representative to the United Nations, who specifically quoted from the principle of peoples' self-determination as reflected in the 1970 Declaration of Principles of International Law Concerning Friendly Relations.

In regard to Ukraine's use of the Genocide Convention, Russia asserted that the Convention could not apply, even when Russian officials, including President Putin, claimed that genocide was taking place in Ukraine. According to Russia, mentioning genocide does not imply that the Convention has been invoked or that a dispute has arisen under it, because the concept of genocide exists in customary international law separate from the Convention.

It can also be found in national legal systems, such as those of the Russian Federation and Ukraine. In the statement of the Russian Federation's President, to which the Government of Ukraine refers, there are no allusions to the Convention. (Patrick Butchard, 2022).

Before making a final ruling in the matter, the ICJ issued an Order for interim measures on March 16, 2022, which was legally binding on both parties. The Court ordered the Russian Federation to take the following interim measures:

- The Russian Federation shall immediately cease military operations in Ukraine that began on February 24, 2022;
- The Russian Federation shall ensure that any military or irregular armed units directed or supported by it, as well as any organizations and persons under its control or direction, do not take any steps in furtherance of the military operations;
- Both parties have to agree to avoid taking any conduct that will aggravate or prolong the dispute in front of the Court, or make it more difficult to resolve.

Russia's military operation on February 24, 2022 has been labeled an act of aggression by some countries such as the EU, the United Kingdom and the United States. This, according to NATO Secretary-General Jens Stoltenberg, is a flagrant breach of international law. An act of aggression against a country that is sovereign, independent and peaceful. (Patrick Butchard, 2022).

On February 25, Russia vetoed a draft Security Council resolution that would have condemned Russia's actions against Ukraine in the harshest terms possible. This draft, co-sponsored by 81 member states, claimed that Russia's aggression against Ukraine constituted a breach of UN Charter article 2, paragraph 4, and requested that Russia withdraw all of its armed forces from Ukraine immediately. Aside from the Russian veto, 11 members voted in favor of the text, with three abstentions (China, India and the United Arab Emirates). On February 28, 2022, the UN General Assembly convened an emergency extraordinary session under the Uniting for Peace protocol.

On 2 March 2022, the General Assembly voted on a resolution identical to one rejected by Russia in the Security Council, based on declarations made by nations during the emergency extraordinary session. (Patrick Butchard, 2022).

This was the first time in 40 years that the Security Council has passed a resolution called "Uniting for Peace - Aggression against Ukraine" was the title of the General Assembly's Resolution. It said, among other things, that the General Assembly:

1. Reaffirms its support for Ukraine's sovereignty, independence, unity and territorial integrity within internationally recognized boundaries, including territorial waters;

2. Strongly condemns the Russian Federation's aggression against Ukraine, which violates Article 2 (4) of the Charter;
3. Demands that the Russian Federation immediately ceases its use of force against Ukraine and refrains from threatening or using force against any other Member State;
4. Demands that the Russian Federation withdraw all of its armed forces from Ukraine's territory within internationally recognized boundaries immediately, totally, and unconditionally.
5. Condemns the Russian Federation's decision on the status of some sections of Ukraine's Donetsk and Luhansk regions on February 21, 2022, as a breach of Ukraine's territorial integrity and sovereignty and in violation of the Charter's principles;
6. Demands that the Russian Federation rescind its decision on the status of some sections of Ukraine's Donetsk and Luhansk regions immediately and unconditionally;
7. Urges the Russian Federation to follow the principles set forth in the Charter and the Declaration on Friendly Relations;
8. Encourages the parties to adhere to the Minsk accords and to work constructively towards their full implementation in appropriate international structures, particularly the Normandy format and the Trilateral Contact Group;
9. Demands that all parties allow safe and unrestricted travel to destinations outside of Ukraine, as well as facilitate rapid, safe and unhindered access to humanitarian aid for those in need in Ukraine, protect civilians, including humanitarian personnel and vulnerable people, such as women, the elderly, people with disabilities, indigenous peoples, migrants, and children, and respect human rights;
10. Condemns Belarus' role in this illegal use of force against Ukraine and urges it to uphold its international duties.

The Resolution had 141 votes in favor, with 5 votes against, 35 abstentions and 12 states absent or not voting. Belarus, North Korea, Eritrea, Russia, and Syria were among those who voted no. The whole vote record can be seen on the United Nations website.
(Patrick Butchard)

Chapter 3

Ukraine Crisis – The European Response

3.1 The Global Response

The Russian intervention was criticized by the United Nations General Assembly, and NATO's Member States suspended the NATO-Russia Council. The EU, US and Canada, together with Australia and Japan, announced economic penalties against Russia on March 17, 2014. As the battle progressed, the penalties increased. Russia has since been sanctioned by 41 nations, which have targeted major persons, corporations, and economic sectors, most notably the Russian oil and gas sector. In response, Russia has imposed its own counter-sanctions, including a restriction on agricultural imports from the European Union, Norway, Canada, the United States, and Australia. In addition to sanctions, the sharp drop in oil prices harmed the Russian economy, as energy exports account for a significant percentage of the government budget.

Russia has increased its military presence in Crimea and crushed local resistance since 2014. More than 30,000 Russian troops have been sent to Crimea. Ground, artillery, coastal defense, air defense, and fighter units are among Russia's armed troops in Crimea. Russia has also expanded the strength and capacity of its Black Sea Fleet, which is based in Sevastopol. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has identified "*many and grave*" human rights abuses in Crimea, with minority Crimean Tatars especially targeted. Russia is said to have transferred over 200,000 Russian citizens to the seized territory.

The Ukrainian government and state-owned enterprises have filed the case in international tribunals claiming that their rights were violated in Crimea and nearby marine waters. (Cory Welt, 2021).

The alleged annexation of Crimea by Russia is disputed by many of the international community. Many have criticized Russia's occupation as a breach of international law and its own international obligations. Many see it as a breach of the 1994 Budapest Memorandum, in which Russia, the United States and the United Kingdom (UK) reiterated their commitment to preserving Ukraine's independence, sovereignty and existing boundaries, as well as the need to refrain from threatening or using force against Ukraine.

Since 2014, the United Nations General Assembly has voted many times, most recently in 2020, to maintain Ukraine's territorial integrity, condemn Crimea's *"temporary occupation"* and reiterate non-recognition of its annexation. Russia and Ukraine have formally agreed to join in a conflict resolution process centered on the Minsk agreement. Representatives of Russia, Ukraine and the Organization for Security and Cooperation in Europe (OSCE) — members of the Trilateral Contact Group — signed the Minsk agreement with Russian proxy authorities in eastern Ukraine in 2014 and 2015.

The accords are supported by the Normandy Four, a larger multinational coalition that includes France, Germany, Russia and Ukraine. The Minsk agreement has been supported by the United Nations Security Council, which includes Russia as a permanent member. Resolution 2202 (2015) of the United Nations Security Council approved and urged all parties to fully implement the package of measures. (Cory Welt, 2021).

A presidential statement issued by the United Nations Security Council in 2018 urged the parties to recommit to the peace process and make rapid progress in implementing the Minsk accords. President Zelensky of Ukraine first tried to re-energize a stalemate-ridden conflict resolution process. One long-planned confidence-building move was undertaken in 2019 by Ukrainian and Russian-led troops: the evacuation of military soldiers and equipment from three disengagement zones near residential areas.

Several large prisoner swaps also took place. Armed hostilities have resumed despite the July 2020 cease-fire being more effective than previous ones.

Furthermore, efforts to resolve more difficult issues, including as the evacuation of Russian soldiers and the legal status of Russia-controlled territories, have failed. (Cory Welt, 2021).

The Ukrainian administration has made tighter integration with the EU and NATO a priority since 2014. A new constitutional amendment entrusted the administration with carrying out Ukraine's "strategic trajectory" toward EU and NATO membership in 2019. In his first overseas trip as president, Zelensky visited Brussels, where he reiterated Ukraine's strategic route to full membership in the EU and NATO.

An Association Agreement, which fostered convergence with EU rules and regulations and included a Deep and Comprehensive Free Trade Area, was the EU's fundamental framework for political and economic involvement with Ukraine (DCFTA). The DCFTA appeared to have a major beneficial impact on goods trade, according to the EU. In 2017, the EU allowed Ukrainian nationals visa-free access to the Schengen region of free movement, which allowed people to travel between most European countries without having to show their passports. In reaction to Russia's invasion of Ukraine, the EU imposed sanctions and backed Ukraine against Russian naval aggression. (Cory Welt, 2021).

Ukraine's attempt to break free from Russian control, Moscow's refusal to accept Kyiv's Euro-integration path and, in general, Ukraine's independence as a state with an autonomous foreign policy have been the fundamental causes of the Russia-Ukraine conflict.

All of this is linked to one central reason: Russia has long seen Ukraine's privileged position within the post-Soviet region and its independence as an artificial and temporary phenomenon, a historical incident. (Armin Staigis, 2017).

As a result, Moscow sees Ukraine's European and Euro-Atlantic integration as an attempt to abandon Russia's sphere of influence. To avoid this, the Kremlin has launched a "hybrid" war in Ukraine, employing a wide range of damaging tactics, including military expansion in Donbas, economic pressure, energy blackmail, information sabotage, separatist incitement and backing for terrorist organizations.

It's worth noting that the number of residents who believe the cause of the conflict resides in violations of the eastern Russian-speaking community's rights is rather low (5%). As we all know, Russia's leadership and state-controlled media have stated that this is the fundamental reason for the fighting in Donbas. (Armin Staigis, 2017).

Russia's refusal to take measures toward a diplomatic solution to the issue led the EU leaders to announce heavy sanctions in a statement released on March 6, 2014. On March 17, 2014, EU foreign ministers decided on a package of sanctions on 21 officials for their part in endangering Ukraine's territorial integrity.

This included asset freezes and travel prohibitions. Throughout 2014, the list of people and businesses subject to penalties, as well as the legal grounds for doing so, grew. Additional sanctions on the Russian Federation were imposed by the EU on July 29, 2014. These included:

- limiting Russia's access to capital markets;
- an embargo on the import and export of arms and related material;
- an export ban for dual-use goods for military end users (items that can be used for both military and civil purposes);
- restrictions on the export of certain energy-related equipment and technology to Russia.

This comes after the European Council meeting on the 16th of July, during which EU leaders decided to impose more sanctions against Russia. Following the downing of Malaysia Airlines Flight 17 over Donetsk in Eastern Ukraine, EU foreign ministers requested for the implementation of measures to be expedited. (Stefano Fella, 2022).

On July 30, 2014, more trade and investment restrictions were imposed on Crimea and Sevastopol. At the European Council of March 2015, EU leaders decided to tie the length of sanctions on Russia to the full implementation of the Minsk peace agreements. Because the Minsk accords had not been completely implemented, the sanctions were renewed in December 2015. Between 2016 and 2021, they were extended multiple times more.

By October 2021, the EU has imposed restrictive measures (asset freezes and travel bans) on 185 people and 48 entities in relation to Ukraine's territorial integrity.

In January 2022, the sanctions imposed in 2014 were extended for another six months till the end of July 2022. The EU Council (Member State Ministers) approved measures in April 2014 aimed at providing economic and financial assistance to Ukraine. Among them was a resolution to provide Ukraine with up to €1 billion in macro-financial assistance (MFA) to aid its economic stabilization and structural reform plan.

It also passed legislation allowing Ukraine unilateral trade preferences, including temporary customs duty reductions or eliminations prior to the implementation of the EU-Ukraine association agreement. (Stefano Fella, 2022).

The €1 billion MFA authorized by the EU Council in April 2014 was in the form of loans, and it was in addition to the EU's existing MFA commitments. The acceptance of further EU MFA operations for Ukraine in 2015 (€1.8 billion), 2018 (€1 billion) and 2020 (€1.2 billion) followed. Macro-financial assistance (MFA) activities are a unique EU crisis response tool that are part of the EU's larger involvement with neighboring nations. They are provided to EU neighboring countries with serious balance-of-payments problems. Some of the funds were dependent on Ukraine implementing specific policy actions. The third €600 million tranche of the 2015-2018 program, for example, was not paid out because Ukraine had not met four of the 17 policy pledges that were required for this installment. Two of them have to do with the battle against corruption. Nonetheless, the EU's MFA funding for Ukraine were the most it had ever awarded to a single partner nation by 2020. The European Commission stated in its proposal for further assistance on 1 February 2022 that the EU has already helped Ukraine through five MFA operations totaling €5 billion in loans from 2014 to 2021. (Stefano Fella, 2022).

3.2 What are the actions taken by the EU in response to the current Ukraine Crisis?

President Vladimir Putin signed Executive Orders on February 21, 2022, recognizing the self-declared independence of the Donetsk People's Republic (DPR) and the Luhansk People's Republic (LPR), the Donbas territories controlled by Russian-backed separatist troops. Russia has also dispatched soldiers to the region. Despite considerable diplomatic work to avert a feared armed clash between the two nations, Russia continues to bolster its military position along the Ukrainian border. (Stefano Fella, 2022).

Near Ukraine, Russia has collected more than 100,000 troops, as well as ships, planes, rocket launchers and other heavy hardware, causing some politicians and pundits to predict conflict. Others feel that Russian President Vladimir Putin is still engaged in a diplomatic game aimed at pulling Ukraine into Russia's area of influence, among other things. Following the annexation of Crimea in 2014 and the destabilization of certain eastern Ukrainian provinces, the United States, the European Union and other nations have warned Russia of severe sanctions if it restarts hostilities. (Marcin Grajewski, 2022).

3.2.1 First package of Sanctions

On February 22, the European Council President, Charles Michel, and the European Commission President, Ursula von der Leyen, released a joint statement condemning the decision as unconstitutional and unacceptable. They said that the EU was unified in its support for Ukraine's sovereignty and territorial integrity. Later in the day, EU foreign ministers gathered to agree on a first set of penalties in response to Russia's conduct. (Stefano Fella, 2022).

The following sanctions were agreed upon by EU Foreign Ministers on February 22:

- The list of those subject to an asset freeze and travel restriction now includes 351 members of the Russian Duma who voted for recognition of the DPR and LPR.
- Targeted sanctions would be imposed on 26 individuals and entities who are undermining or threatening Ukraine's territorial integrity, sovereignty and independence, including banks that are financing Russian decision-makers, those in the defense sector who participated in the invasion, and those responsible for waging a disinformation war against Ukraine. Sergei Shoigu, the Russian Defense Minister, was among them.
- Targeting commerce to and from the EU from the DPR and LPR.
- Preventing the Russian state and government from accessing European capital and financial markets and services, especially by limiting Russian sovereign debt access to EU financial markets.

These steps were done in collaboration with the United States, the United Kingdom and Canada. Josep Borrell, the EU's High Representative for Foreign Affairs and Security Policy, stated that the EU will significantly increase sanctions in response to Russian behavior. In addition to these steps, Germany's Chancellor Olaf Scholz said on February 22 that the certification of the Nord Stream 2 gas pipeline connecting Russia and Germany will be halted.

Josep Borrell expressed his gratitude to Germany for strengthening the EU's united message by halting the pipeline in his remarks following the meeting of foreign ministers on February 22. The United States and a few EU Member States have previously rejected the project. As a Russian invasion of Ukraine seemed increasingly inevitable, calls for Germany to shut down the pipeline became louder. (Stefano Fella, 2022).

Response of EU Leaders

On February 24, 2022, an emergency extraordinary meeting of the European Council was already scheduled. After the Russian recognition of the DPR and LPR, Charles Michel named it. 45 Russia initiated military action across Ukraine on the morning of February 24, 2022, with air attacks across the nation and troops crossing the border from several sides. Right after a meeting on February 24, the members of the European Council (the heads of state or government of the 27 Member States) released a common statement.

The European Council denounced Russia's unprecedented military intervention against Ukraine in the strongest terms possible and urged Russia's unconditional departure. According to the report, Russia was breaking international law and jeopardizing European and global security and stability. Belarus' role in the attack against Ukraine was also condemned. Later in the day, the European Council stated it would agree on steps that would inflict large and severe costs on Russia for its actions. International partners would be involved in the reaction. Ukraine will get further political, financial and humanitarian aid from the EU.

The President of Ukraine, Volodymyr Zelenskyy, spoke at the European Council meeting later that day via videoconference. The meeting's findings reaffirmed the messages from the previous declaration. It stated that Russia will be held accountable for its conduct and that more sanctions were being prepared against Russia.

Within the UN, the Organization for Security and Cooperation in Europe, NATO and the G7, the EU would maintain robust collaboration with partners and allies. The European Council also reaffirmed its support for Ukraine, recognizing Ukraine's European ambitions and choice, as outlined in the Association Agreement.

In addition, the European Council reaffirmed the EU's unwavering support for, and commitment to, Georgia's and the Republic of Moldova's sovereignty and territorial integrity. Following the meeting, European Council President Charles Michel stated that EU leaders had engaged in a lengthy discussion after waking up in Europe to a new world, one in which the rule-based system has been shaken to its core and has come under a severe attack.

The conference, he added, was also an occasion to underline the EU's unity, as well as the EU's solidarity with partners and friends throughout the world, in defending international law and the rule-based system.

Michel also mentioned conversations concerning the EU's strategic autonomy being developed. He cited two examples: the need to minimize EU energy dependence and the need to boost EU security and defense capabilities, while acknowledging that NATO continues to be the cornerstone of European security. (Stefano Fella, 2022).

On the 10th and 11th of March 2022, EU leaders had an informal summit of heads of state or government in Versailles. France, which holds the rotating Council Presidency for the first part of 2022, hosted the event. The leaders signed the Agreement of Versailles. This was a reiteration of previous statements condemning Russia's conduct and support for Ukraine. It said that the EU and its Member States will continue to offer Ukraine with coordinated political, financial, material and humanitarian assistance, as well as assistance in the restoration of a democratic Ukraine after the Russian onslaught ended.

At the same time, the leaders stated that they were committed to putting even more pressure on Russia and Belarus. The proclamation mentioned Ukraine's application to join the EU on February 28, 2022, and stated that Ukraine had exercised its right to determine its own fate. It said that the European Commission will provide views on Ukraine's, Moldova's and Georgia's EU membership applications. Russia's aggression war was defined as a tectonic upheaval in European history in the proclamation. Given the consequences, EU leaders resolved to take greater responsibility for our security and take more significant actions toward strengthening European sovereignty. (Stefano Fella, 2022).

The statement focused on three major features in this regard: a) strengthening the EU's defense capabilities; b) reducing energy dependency; and c) establishing a more stable economic basis. In regard to these dimensions, preliminary ideas were made, which the EU and individual Member States will pursue.

Increasing defense capability

While noting the "unique nature" of particular Member States' security and defense policies, EU leaders agreed on the importance of investing more and better in defense capabilities and new technology. The following were included:

Significantly increasing defense spending, with a focus on identified strategic shortfalls and capabilities developed collaboratively within the EU; incentivizing collaboration in joint projects and joint procurement of defense capabilities; taking measures to strengthen the defense industry; and preparing for fast-emerging challenges such as hybrid warfare, countering disinformation and increasing cyber security.

EU leaders have urged the European Commission to present an examination of defense investment gaps by mid-May, in collaboration with the European Defense Agency, and to suggest any further actions needed to improve Europe's defense industrial and technology basis.

Reducing energy dependency

The current scenario, according to the declaration, necessitated a complete re-evaluation of how the EU guaranteed the security of its energy sources. In this regard, EU leaders resolved to gradually reduce reliance on Russian gas, oil and coal imports. This would include hastening the decline of overall reliance on fossil fuels while taking into consideration national conditions and the Member States' energy mix decisions. The development of renewables would be accelerated, and more work on increasing energy efficiency and managing energy use would be done, among other things. To meet these goals, the Commission was asked to develop a strategy to reduce energy dependence on Russia by the end of May 2022. It was also asked to provide a strategy by the end of March to assure supply security and inexpensive energy rates over the coming winter season. (Stefano Fella, 2022).

Creating a strong economic foundation

The proclamation emphasized the importance of reducing strategic reliance in other vital industries: vital raw resources; semi-conductors; health and medicines, which require funding for research and innovation; digital technology; and food, which

necessitates measures to ensure food security by lowering reliance on major imported agricultural items. The declaration included policies to encourage investment and enhance the EU's economic foundation.

Reforming procedures for authorizing investment projects in the EU, as well as providing a straightforward and predictable regulatory environment for small and medium-sized enterprises (SMEs), were among them. This included fostering skills and job development, achieving ecological and digital goals and enhancing the integration, attractiveness, and competitiveness of European financial markets. (Stefano Fella, 2022).

The EU's sanctions and other responses to Russia's invasion of Ukraine have been coordinated with the United Kingdom, the United States, Canada and other allies. The G7 structure was also used to coordinate the international reaction to Russia's invasion of Ukraine. Some announcements were timed to coincide with European Council sessions.

Although the EU as a whole is not a member of the G7, three EU Member States (Germany, France and Italy) are, together with the United States, the United Kingdom, Canada and Japan, G7 members, and the Presidents of the European Commission and the European Council attend G7 leaders' meetings. Representatives from the EU also attend other G7 meetings.

3.2.2 Second Package of Sanctions

Following the adoption of the first package of EU sanctions on February 22, 2022, EU foreign ministers agreed on a second package on February 25, 2022, in response to Russia's invasion of Ukraine. On the 28th of February, a third package arrived, followed by a fourth on the 15th of March.

The sanctions, according to the European Commission, are intended to: stifle the Kremlin's capacity to fund military action in Russia; impose obvious economic and political consequences on Russia's political elite accountable for the invasion; and erode Russia's economic basis. (Stefano Fella, 2022). On February 25, 2022, the following sanctions were announced:

Sanctions on individuals

President Putin and Russian Foreign Minister Sergey Lavrov, as well as members of Russia's National Security Council and members of the Russian Parliament who were not previously designated, were placed on the sanctions list for their support for Russia's recognition of the LPR and DPR. People and corporations supporting and benefiting from the Russian government, as well as family members of listed individuals, have been added to the EU's list of individuals eligible for designation. Furthermore, the EU would pursue those persons who aided Russia's armed attack against Ukraine.

Financial sanctions

Sanctions on Russia's access to EU financial markets were also tightened. Russian banks, including the Russian Central Bank, were barred from lending or purchasing securities in any form. 70% of the Russian banking market is targeted by these sanctions. Three major Russian banks have had their assets frozen, and the list of state-owned firms subject to sanctions has been expanded to include the defense industry. Individuals from Russia would also be prohibited from depositing money in EU banks in excess of a specific amount.

Technology for certain industries

The EU also imposed export restrictions on some commodities and technology relating to the oil refining industry, as well as the aviation and space industries, including a ban on all aircraft and equipment sales to Russian airlines. Additional limits were put on dual-use items and technology in the defense and security industry, including semiconductors and cutting-edge technologies like drones and accompanying software, as well as encryption software.

Visas

The EU has made it impossible for Russian officials to travel without a visa. Russian officials and companies will no longer be able to take advantage of visa-easing measures that provide them preferential access to the EU. According to the EU, this decision will have no impact on regular Russian nationals.

3.2.3 Third Package of Sanctions

On February 28th, and again in early March, the EU tightened its sanctions against Russia. Additional aviation and financial measures were accepted by the EU Council on February 28th.

Aviation

Any aircraft operated by Russian air carriers, any Russian registered aircraft, and other aircraft owned, chartered or otherwise controlled by a Russian legal or natural person would be denied permission to land in, take off from or fly over EU Member States' borders.

Finance

Transactions with the Russian Central Bank, as well as any person, business or body working on its behalf or at its direction, would be illegal. Further restrictions were accepted by the EU Council on March 2nd. Seven Russian banks were barred from using the SWIFT system as a result of this. This would take effect ten days later and would apply to any legal person, business or body incorporated in Russia that owns more than 50% of these banks' property rights directly or indirectly. There would also be a ban on the following things:

- investment in or contributions to future Russian Direct Investment Fund-funded projects.
- the sale, supply, transfer or export of euro denominated banknotes to Russia or any Russian person, company or body, including the Russian government and the Central Bank of Russia, or for use in Russia.

Russian Press

On the same day, the EU Council imposed sanctions on Russia's state-owned news outlets Russia Today and Sputnik. The suspension of Sputnik and Russia Today's broadcasting activity in the EU was agreed by the Council.

This would be until the aggression against Ukraine ends and the Russian Federation and its linked outlets stop spreading disinformation and manipulating information against the EU and its Member States, according to the statement. The suspension took effect on March 2nd. Sputnik and Russia Today are under the constant direct or indirect control of Russian Federation authorities, according to the press release, and are important in backing military action against Ukraine and destabilization of its neighboring nations. (Stefano Fella, 2022).

The European political parties and civil society, as well as the functioning of democratic institutions in the EU and its Member States, were targeted, according to the report.

Radio communications technology and maritime navigation goods

On March 9th, the European Union's Council imposed further restrictions on the sale of marine navigation items and radio communication technology to Russia.

Extended sanctions against individuals

The sanctions were extended until September 15th, 2022, by a Council vote on March 10th. The EU's list of sanctioned persons was increased on March 11th. Roman Abramovich and German Khan, as well as other important entrepreneurs working in vital economic sectors such as iron and steel, energy, banking, media, military and dual-use products and services, were among those included to the list. Several renowned businesspeople and oligarchs have previously been sanctioned in prior rounds. Those advocating the Kremlin's narrative on the crisis in Ukraine, such as Konstantin Ernst, were also placed on the expanded list (CEO of Channel One Russia). The EU had imposed an asset freeze and a travel restriction on 877 individuals and 62 businesses as of March 15th. Members of the Belarusian military were also there. (Stefano Fella, 2022).

3.2.4 Fourth Package of Sanctions

Following the G7 declaration on March 11th, the European Council granted the European Commission the green light to support WTO measures to deny Russian products and services favored treatment in EU markets. Belarus's membership in the World Trade Organization (WTO) was similarly put on hold by the EU. This was disclosed on March 15th, along with a fresh set of sanctions on Russia that the Council had approved. The following were involved:

- restricting all interactions with specific state-owned firms;
- prohibiting the supply of credit rating services to any Russian person or organization, as well as access to any subscription services related to credit rating activities;
- tightening export restrictions on dual-use goods, and commodities and technology that might contribute to Russia's technological enhancement of its defense and security sectors;
- prohibiting new investments in the Russian energy sector, as well as imposing a comprehensive export restriction on equipment, technology and services for the energy sector.

The list of persons and companies susceptible to restrictive measures has become even longer. The Council identified the persons listed as "important oligarchs, lobbyists and propagandists supporting the Kremlin's narrative on the crisis in Ukraine". Companies in the aviation, military and dual-use sectors, as well as shipbuilding and machine making, have been included to the list. (Stefano Fella, 2022).

3.2.5 The Impact of Sanctions

Prior to the adoption of the fourth sanctions package, European Commission President Ursula von der Leyen stated that the sanctions had already had a significant impact on Russia's economy, with the ruble plummeting, many key Russian banks being cut off from the international banking system, and companies leaving the country one by one, unwilling to associate their brands with a murderous regime.

The fourth wave of sanctions, she claimed, will increase economic pressure on the Kremlin by acting in tandem with other G7 measures.

Some Member States asked for further sanctions on Russia, including restrictions on energy imports, in the run-up to the European Council meeting on March 24th-25th. An oil embargo was demanded by Poland and the Baltic nations. Given their own substantial reliance on Russian energy imports, other countries, particularly Germany, were reluctant to go that far. Some Member States supported a ban on Russian ships docking in EU ports, while others preferred to focus on fixing loopholes in current restrictions. Poland had asked for a comprehensive ban on commerce with Russia, while some Member States backed a ban on Russian ships landing in EU ports. (Stefano Fella, 2022).

Military Support

On February 28, 2022, the European Union stated that it would fund the acquisition and transfer of deadly military weaponry to Ukraine. The European Council agreed on two measures under the European Peace Facility (EPF) to help the Ukrainian Armed Forces strengthen.

This contains a €450 million support package for military support for defensive purposes, as well as a €50 million support package for non-lethal supplies. Josep Borrell, the EU's High Representative, stated that this was in response to a request from Ukraine's Foreign Minister. He stated that this was the first time in EU history that deadly weaponry will be provided to a third nation, and that the EU was doing its best to assist Ukraine and that the EU stood by the Ukrainian people. The EU would also provide geospatial intelligence through the EU satellite center at Ukraine's request.

Several EU Member States have offered or promised to deliver weaponry and military equipment to Ukraine. Belgium, Croatia, Denmark, Estonia, Finland, France, Germany, Italy, Latvia, Lithuania, the Netherlands, Poland, Slovakia, Slovenia and Sweden are among them.

Germany's declaration on February 26, 2022, that it would deliver deadly weapons to Ukraine was considered to be a historic departure from its post-World War II policy of avoiding transferring weapons to combat zones. (Stefano Fella, 2022)

3.3 Outcomes

The 27-member European Union (EU) has reacted to Russia's invasion of Ukraine in February 2022 with unparalleled unity and quickness. The EU has adopted a series of sanctions—or restrictive measures—in order to suffocate Russia's capacity to finance the conflict in Ukraine, inflict costs on Russia's elites and erode the country's economic foundation.

Sanctions may only be imposed if all EU Members agree. EU penalties included freezing the assets of 80 businesses and placing asset freezes and travel restrictions on 1,091 Russian officials, parliamentarians and other elites as of April 8, 2022. (Kristin Archick, 2022).

Existing sanctions against Russia's financial sector have been further extended, including: limited transactions with Russia's Central Bank and blocked access to its reserve holdings, frozen assets of seven Russian banks and their disconnection from SWIFT (the world's dominant international financial messaging system, headquartered in Belgium). Imports of coal, steel and other raw materials, liquor and seafood from Russia will be prohibited starting from August 2022.

Certain oil refining, aviation, marine and technology (e.g., semiconductors) exports, as well as the export of luxury items to Russia, have been prohibited. Expanding the scope of dual-use products and technology export controls. Russian planes, ships and freight carriers will be denied access to EU airspace, seaports and roads, respectively (with some exceptions, including for energy-related cargo).

Belarus will face further sanctions as a result of its backing for Russia's invasion of Ukraine. Given the EU's commercial links with Russia, as well as its reliance on Russian energy supplies, its harshest sanctions can be considered remarkable.

However, some criticize the EU for not disconnecting Sberbank (Russia's largest bank) and Gazprombank (related to Russia's energy industry) from SWIFT and for not banning Russian oil and gas imports. (Kristin Archick, 2022).

EU – US Cooperation

Russia's conflict on Ukraine has bolstered US-EU ties and transatlantic cooperation. In terms of the sorts and timing of sanctions imposed, the US and the EU have mostly acted in lockstep. Many EU sanctions, like those on Russia's Central Bank, are identical or substantially comparable to US penalties. The EU and the US created a transatlantic task force with additional partners to guarantee effective execution of sanctions against identified persons and businesses, and announced steps to terminate Russia's preferential trade treatment under WTO regulations.

One point of contention between the US and the EU is the banning of Russian oil and gas imports. Imports of Russian crude oil and certain petroleum products, as well as liquefied natural gas (LNG) and coal, have been restricted in the United States.

The EU, on the other hand, is significantly more reliant on Russian energy than the US. While some EU nations are apparently in favor of going beyond barring Russian coal imports to banning oil and gas imports as well, others are wary. (Kristin Archick, 2022).

The EU has committed to lowering its reliance on Russian energy, beginning with a two-thirds reduction in demand for Russian gas by the end of 2022. President Biden pledged to assist the EU lessen its reliance on Russian gas by working with international partners to increase LNG exports to the EU this year, and revealed plans to permit additional annual U.S. LNG shipments through 2030 while in Brussels on March 24-25, 2022.

These and other aims will be implemented by a new US-EU task group on energy security. Biden also announced preparations for the United States to accept up to 100,000 Ukrainian refugees and emphasized strong collaboration between the US and the EU on humanitarian aid operations.

The Russian invasion of Ukraine has reignited debate over a number of EU projects that might have a major impact on how the EU as a whole and US-EU ties develop. Security and Defense are two of the most important issues for Congress.

Russia's activities may force the EU to step up efforts to increase military capabilities and become a more independent global player as a result of its actions (often referred to as strategic autonomy).

Such goals may exacerbate tensions between the US and the EU, but Russia's aggression has bolstered NATO's relevance and may deepen the NATO-EU alliance (as the EU's new Strategic Compass statement suggests).

Policies on energy and climate change: Russia's conflict in Ukraine might hasten EU energy diversification efforts (long advocated by some in Congress), strengthen the European Green Deal to combat climate change, and promote US-EU collaboration on clean energy technology and renewables. Enlargement of the European Union: In the past, there has been considerable bipartisan support in Congress for EU enlargement.

With the EU agreeing to review Ukraine's recent membership application, Russia's invasion may be strengthening Ukraine's EU membership hopes. However, joining the EU takes a long time, and several EU countries are concerned about Ukraine's preparedness and further antagonizing Russia. (Kristin Archick, 2022).

Economic Implication

The major effects of the Russia-Ukraine war on the global economy are rising energy costs and weakened confidence in financial markets, which are aided by tough international sanctions against Russia. Although Ukraine is not a big commercial partner for any major economy, Russia has substantial exposure to the European Union and the United Kingdom. China, the United States, Germany, France and Italy are among Russia's largest import partners, accounting for between 1-3.7 percent of the country's GDP.

According to the International Monetary Fund (IMF), Russia's contribution of global GDP is forecast to reach 1.6 percent in 2022, while Ukraine's economic output is expected to account for 0.2 percent of global output.

While the economies of Ukraine and Russia are minor in comparison to the global economy, they are important in some areas, especially energy and food. The impact of the war on commodity prices and, as a result, household spending is more relevant than the risk of contagion via trade links with other countries. Agricultural exports are a major source of trade spillovers. Russian and Ukrainian wheat exports account for nearly a quarter of worldwide wheat exports, according to the US Department of Agriculture (USDA, 2022).

Corn and other coarse grains are also important exports, with Ukraine and Russia accounting for about a quarter of world exports. Ukraine and Russia account for around 80% of sunflower oil exports. Sanctions and delayed supply would raise wheat and other food prices, contributing to the global economy's already high inflationary pressures.

In some emerging nations that rely on imported grain and where food accounts for a large portion of family spending, there might be negative political consequences. While exposure to Russian actual activity and demand may not be sufficient to severely upset the global economy, Russia's involvement might have indirect worldwide impacts owing to Russia's position as one of the world's largest oil producers and exporters.

If new international sanctions are placed on Russia as a result of a military war, the penalties might undermine Russia's capacity to export oil and gas, resulting in an increase in energy costs. The US dollar accounts for more than 80% of Russia's daily foreign exchange transactions and half of its commerce. The US, the European Union, the United Kingdom, Australia, Canada and Japan have all stated that they intend to target banks and wealthy individuals, while Germany has halted a major Russian gas pipeline project. (Iana Liadze, Corrado Macchiarelli, Paul Mortimer-Lee, Patricia Sanchez Juanino, 2022.)

The Russian central bank's foreign reserves have been frozen, and its banks' access to the international payment system SWIFT has been restricted, however, energy transactions and the payment of gas bills will continue to be permitted. These penalties, which are harsher than those imposed in 2014 in response to Russia's annexation of Crimea, have been implemented in stages, with the first targeting some of Russia's

state-owned institutions and preventing it from paying out its debt with US, European and Japanese markets.

Access to European capital markets is likewise restricted, as is access to funds held by EU banks, and trade between the EU and the two rebel-controlled areas is prohibited.

The partial shutdown of SWIFT to some Russian banks, as well as the freeze of Russian central bank assets, has brought attention to Western bank claims on Russian firms, with the highest exposures going to banks in Austria, France and Italy, according to the BIS. According to the ECB, Russian bank subsidiaries outside of Russia are under significant difficulty and may be forced to close. Russia might face restrictions on financial transactions using US dollars, as well as hi-tech trade with the US and Europe. Overall, the conflict is causing a 1.5 % drop in GDP in 2022 and a 2.6 % drop in 2023 in Russia. Increased import costs as a result of the ruble's depreciation, as well as higher inflation expectations, will drive Russian inflation way up. Decreased confidence, lower real earnings and interrupted commerce will be the negative consequences. Higher Russian profits from oil exports will not completely offset the overall effect on Russia's GDP.

If sanctions were to be extended to Russian energy exports, the consequences for the Russian economy would be even worse, but the cost to the West would be higher energy costs and a larger growth impact, raising the likelihood of a recession in the wake of considerably tougher sanctions. Second, increased energy prices will contribute to inflation. The proportional significance of energy in the CPI in the United States, for example, is 7.3 %, with energy commodities such as gasoline accounting for 4% and energy services such as electricity and piped gas accounting for 3.3%. Electricity, gas and other fuels make for 3.3% of the CPI in the United Kingdom, while gasoline and lubricants account for another 2.7%.

Increased oil prices would hinder global growth since many of the world's economic development engines, such as China, Japan and Europe, are net energy importers. Although the United States is self-sufficient, increasing oil costs may shift revenue from consumers to producers, thus reducing demand. (Iana Liadze, Corrado Macchiarelli, Paul Mortimer-Lee, Patricia Sanchez Juanino, 2022.)

Meanwhile, energy producers' increased revenue will not be spent right away, implying that the oil price shock shifts money from spenders to savers, lowering global GDP. Not only is the European Union the most vulnerable of the major economies to rising expenses, but it also faces the threat of energy shortages.

Russia accounts for over a quarter of the EU's crude oil imports from outside the bloc, as well as nearly half of the EU's natural gas imports. The EU's energy reliance rate, calculated as the percentage of net imports (imports minus exports) in gross inland energy consumption (defined as the sum of energy generated and net imports), demonstrates that imports account for more than 60% of the EU's energy requirements.

This indicates that the EU's response to a spike in energy costs is influenced not just by the energy intensity of EU Member States' imports, but also by the proportion of Russian imports. The percentage of European countries that rely on Russian gas ranges from zero in Spain to roughly 40% in Germany and Italy, but it is considerably greater in eastern Europe, such as the Czech Republic and Bulgaria.

With summer approaching, gas supply problems in 2022 may not have a significant impact on the economy, but the most critical period if gas supplies are disrupted will be next winter. Gas prices will remain high this summer as storage levels are replenished. There will almost certainly be major investment in green energy in Europe, as well as port facilities for importing LPG, in order to lessen dependency on Russia, but this will take time to develop: this will add to GDP.

European energy costs would rise if sanctions were imposed on Russia's energy exports (i.e., Western nations may refuse to buy oil and gas from the huge Russian energy conglomerates like Gazprom or Rosneft) or if Russian gas exports were used as a tool for leverage through decreased supply. If this occurs, European energy costs would very certainly surpass the \$140 per barrel seen in 2008.

The war is expected to increase expenditures in areas other than first-aid for refugees, including defense costs. As China develops and confronts the US in Asia and Europe, confronted with a belligerent Russia, it will be forced to spend far more on defense than it has in the past. (Iana Liadze, Corrado Macchiarelli, Paul Mortimer-Lee, Patricia Sanchez Juanino, 2022.)

This would cause significant economic concerns at a time when the country is already suffering demographic challenges and certain important actors are facing severe financial problems as a result of the pandemic.

NATO EU nations that are most vulnerable to the crisis, such as Germany, have increased military expenditures in response to US pressure to raise defense spending closer to 2% of GDP. (Iana Liadze, Corrado Macchiarelli, Paul Mortimer-Lee, Patricia Sanchez Juanino, 2022).

There is a strong likelihood that NATO defense spending will rise over the next few years, assuming that this will amount to 0.5% of GDP over two years, roughly equal to a 30% increase in defense spending in Western Europe, where most countries do not meet the NATO target of 2% of GDP, with the average being 1.6. Outside of NATO, nations like Sweden, Finland and a number of Eastern European countries are likely to increase defense expenditure significantly in reaction to the Russia-Ukraine situation.

With the central bank's assets frozen, banks' SWIFT access restricted, and Germany and the EU willing to supply arms to Ukraine, the risks in Russia are clearly greater than elsewhere in Europe, with the ruble plunging on foreign exchanges and the central bank hiking interest rates to 20% to combat inflationary pressure. Share values in Russian bank subsidiaries overseas have plummeted, and there have been long lines at cash machines in Russia due to concerns about bank liquidity.

Lack of access to imports will cause supply chain issues, while Russia will seek supplies from nations that are not subject to sanctions. In Russia, inflation is expected to rise as the crisis wreaks havoc on the economy, albeit increased oil prices would boost income. As political risk and uncertainty rise, inbound foreign direct investment flows will dry up, and export limitations will increase the government's reliance on money printing to fund the war, raising the risk of inflation.

New lenders will be wary, and those anticipating loan payments will be anxious, due to concerns about counterparty exposure to Russian firms. Some European banks' risk premia have risen, while their stock values have plummeted.

Markets will be on the lookout for any indications of default or liquidity issues for companies with significant ties to Russia. The European Central Bank has predicted that rising energy costs will stifle European GDP by 0.2 percentage points.

If gas supplies are disrupted and rationing occurs, the ECB estimates that the impact will be significantly severe, with a gas restriction shock knocking GDP down by 0.7 percentage points. The EU may slip into recession if Russian gas imports were to completely stop.

Because the UK imports the majority of its gas from Norway and generates a significant portion of its own gas, supply disruptions would be less probable, but wholesale gas prices would rise. (Iana Liadze, Corrado Macchiarelli, Paul Mortimer-Lee, Patricia Sanchez Juanino, 2022).

With Ofgem restricting gas price rises to families, increasing wholesale gas prices would put a strain on gas providers' financial positions, as well as the government's, if it did not intervene to mitigate the effect of higher costs. When Ofgem examines price limitations again in October, gas prices at household level are expected to rise.

The conflict in Ukraine poses a worldwide economic challenge, with only a few winners, energy exporters and many losers.

It casts doubt on monetary policymakers' plan since it will hurt growth while also putting upward pressure on inflation, which is already high. In the near run, higher rates will not be able to offset rising costs as a result of the conflict, but they will worsen any decline in confidence and activity.

Lower activity in the long run will assist in attenuating the second-round impacts on prices, so the monetary policy may not need to respond as much to the conflict itself at policy-relevant horizons. The question for central banks is what to do about rate rises that are already planned. (Iana Liadze, Corrado Macchiarelli, Paul Mortimer-Lee, Patricia Sanchez Juanino, 2022).

Refugee Crisis

The Russian invasion of Ukraine has caused one of Europe's greatest and quickest refugee migrations since the end of World War II. Only seven days into the conflict, on March 2nd, 874,000 individuals were estimated to have fled to the United States. Nations that are part of The United Nations High Commissioner for Refugees (UNHCR) has issued a statement.

According to estimates, up to five million individuals abandoned the country in the first two months. The European Union (EU) estimates that this number might be greater. There will be a total of seven million refugees. Regardless of whatever number might be correct, it is patently obvious that Europe is facing a refugee crisis. (Global Detention Project, 2022).

The migrants have received a flood of public and political support from Ukraine's neighbors. Political leaders have stated publicly that Ukrainian migrants are welcome, and nations have been ready to meet refugees at their borders with teams of volunteers distributing food, drink, clothes and medications. Slovakia and Poland have announced that refugees fleeing Ukraine's war are allowed to enter their countries even if they do not have passports or other valid travel documents; other EU countries, such as Ireland, have announced that visa requirements for people fleeing Ukraine are removed immediately.

Ukrainian migrants are being given free access public transportation and phone connectivity throughout Europe. The EU wants to reactivate the Temporary Protection Directive, which was put in place in the 1990s to deal with large-scale refugee migrations during the Balkan crisis. Refugees from Ukraine would be allowed up to three years of temporary protection in EU nations without having to apply for asylum, with rights to a residence permit and education opportunities, housing and the labor market under this program.

The EU also wants to make it easier for refugees fleeing Ukraine to cross borders and enter the EU.

Many Ukrainian refugees have been moving from neighboring nations to join relatives and friends to other EU countries, where they may travel visa-free for 90 days. Politicians and the public throughout Europe are rallying to demonstrate sympathy and support for refugees fleeing Ukraine.

This is how the international refugee protection regime should function, particularly in times of crisis: countries keep their borders open to those fleeing wars and conflict; unnecessary identity and security checks are avoided; those fleeing warfare are not penalized for arriving without valid identity and travel documents; detention measures are not used; refugees are free to join family members in other countries;

refugees are welcomed with charity and solidarity by communities and their leaders. (Global Detention Project, 2022).

Food Crisis

There is considerable international anxiety that Russia's conflict may trigger a global food crisis comparable to, if not worse than, the one that hit the world in 2007 and 2008. The conflict comes at a time when the world's food supply is already under strain from climate change and the Covid-19 pandemic to feed an ever-increasing population in a sustainable manner. (Anna Caprile, 2022).

Russia and Ukraine are important agricultural actors, exporting roughly 12% of all food supplies exchanged worldwide. They are important suppliers of fundamental agro-commodities like wheat, maize and sunflower oil, and Russia is also the world's leading fertilizer exporter. For their basic food supply, certain areas rely heavily on imports from these two nations. In North Africa and the Middle East, Russia and Ukraine contribute more than half of all cereal imports, while Eastern African nations buy 72% of their cereals from Russia and 18% from Ukraine.

The war's impact on global food supply will be determined by the length of the conflict and the evolution of various scenarios.

What should be taken into account is the significant reduction in exports and the production of essential commodities, caused by the conflict rather than the economic sanctions imposed on Russia, which were designed to avoid the agricultural sector.

Overall, the European Commission forecasts that up to 25 million tons of wheat will have to be replaced to fulfill global food demands in the current and next season; it has also projected a worldwide increase in the price of food and agri-food inputs (fertilizers and energy), which were already at record high before to the conflict. In the wake of Russia's conflict, for this reason, EU leaders issued the Versailles statement on March 10th-11th, urging the Commission to submit measures to reduce increasing food and input costs and improve global food security.

The Commission quickly presented a package of recommendations based on lessons gathered from the outbreak. These were outlined in a message issued on March 23rd titled "Safeguarding food security and boosting the resilience of food systems," which included short and medium-term measures at the EU and Member State levels.

The majority of the changes may be implemented using current tools, primarily the common agriculture policy (CAP). Parallel to this, the Commission announced the suspension of two widely anticipated Green Deal legislative proposals: pesticide sustainability and EU nature restoration objectives.

The European Parliament passed a detailed resolution on March 24, 2022, asking for a "urgent EU action plan to secure food security inside and beyond the EU in view of Russia's invasion of Ukraine," and endorsing several of the Commission's proposals. When discussing the biodiversity and "farm to fork" initiatives, Members emphasized the need to maintain food supply security in both the EU and vulnerable nations. Safe food routes to and from Ukraine to distribute help and products were also requested by the Parliament. (Anna Caprile, 2022).

Chapter 4

Future challenges for the EU Foreign and Security Policy

4.1 Possible Reform of CFSP

Europe is dealing with two main problems that are interconnected. First, the financial and economic problems have resulted in austerity policies. Second, the resurgence of geopolitics has engulfed Europe's immediate neighborhood. The Ukraine war is the case. The huge security problems that we are currently seeing are only symptoms of the new historical era that we have just entered: one marked by a significant power shift. History tells us that such periods are accompanied by a slew of wars. It's no longer merely a matter of 'events happening' arising in a system of crystallized international relations. Geopolitics has returned, bringing with it decades of unrest and possibly war. History also shows us that the only way out is for international collaboration to become more formalized.

Returning to a symphony of sovereign national governments and building ad hoc alliances along the way will provide no more results (or calamities) than before. Dealing with geo-strategic challenges is now the exclusive domain of governments the size of countries or political structures that represent regions. As a result, the phrase "towards an ever closer Union" ceases to sound like a religious hymn. It's a plea for pragmatism and reality in order to form a united front. (Jo Coelmont, 2015).

Since the conclusion of the Cold War, developments in Ukraine have profoundly challenged the foundations on which the European security system has been built. Because of Russia's actions, Europeans have been compelled to consider the unthinkable: a return to armed inter-state combat. Despite the fact that instability is approaching from both the south and the east, many countries' security resources are dwindling.

Indeed, the terrible situation of public finances in many European countries is casting doubt not just on governments' ability to satisfy their sovereign imperative, national defense, but also on societal cohesiveness.

When confronted with this geopolitical environment, governments and defense planners must figure out how to combine the many geographical, budgetary and temporal components into a realistic strategy.

Member States were far more ambitious in the start of the CSDP. The European Council resolved in Helsinki in 1999 to build an independent strategy to make decisions and, when NATO as a whole is not engaged, to start and conduct EU-led military actions in response to international crises. The Treaty on European Union's definition of the 'Petersberg Tasks' made it plain that this encompassed peace enforcement, i.e. war, as well as traditional peacekeeping, military aid, evacuation and humanitarian help.

To that aim, the European Council established the Headline Goal: to deploy up to a corps-size formation (50,000 to 60,000 troops) within one or two months, and to keep it operational for at least a year. The Headline Goal, on the other hand, was last mentioned during France's EU presidency in 2008, and the battlegroups have utterly eclipsed it. But, even if the battlegroup plan worked perfectly, would it truly boost the EU's ability to act significantly? Which of the current crises (Ukraine, Syria, Iraq, Libya, Mali...) would benefit from the deployment of a battalion-sized battlegroup? Clearly, the CSDP's initial *raison d'être* has to be reintroduced to today's political, diplomatic and military decision-makers.

Unfortunately, the mechanism that made the CSDP conceivable in the first place was uncertainty regarding its own *raison d'être*. As a result, the strategic situation should drive Europeans to resurrect their original aspiration for autonomy and reconsider the roles of the different pillars of the European security architecture: the EU and its CSDP, NATO and national governments. At the end of the day, there is only one security architecture, and the question is not about which element of it does what, but whether what has to be done gets done as effectively and efficiently as possible. The EU is in the greatest position to address a major strategic question: which security duties does Europe wish to take on beyond its borders?

For that is a consequence of overall foreign policy, which includes commerce, development, diplomacy and defense, and which only the EU's Common Foreign and Security Policy, which is coordinated closely with the Commission, addresses comprehensively. (Sven Biscop, 2015).

In a real crisis, the EU should be the primary platform for crisis management: assessing what is occurring, deciding how urgent it is, deciding what has to be done and forming the coalition that can accomplish it. When military action is decided upon, elements of NATO's command structure are frequently called upon to carry out the mission. (Sven Biscop, 2015).

What exactly does the EU mean when speaking about comprehensive approach? This concept has evolved to suggest that the EU should employ all of its available resources to respond to crisis circumstances in third countries; provided, of course, that they are used wisely. The EU does require a comprehensive approach, but it must be aimed toward overall defense. A comprehensive strategy is required, not only for crisis management but also for deterrent maneuvers. A comprehensive strategy under the crisis management paradigm is designed to bring stability to a nation or area; in the deterrence paradigm, a comprehensive approach must be about providing the Kremlin with reason to change its calculations on Ukraine and Eastern Europe.

A comprehensive strategy to deterrence prioritizes military capabilities while also including intelligence, energy security, foreign investment regulations, essential transportation infrastructure and other factors. Rather than huge utopian projects, like a EU Army, the EU must rely on its current infrastructure for deterrence. CSDP should not be conceived solely in terms of crisis management operations in the future, because defense encompasses so much more. This type of comprehensive approach starts with the realization that defense is more than simply a specialty area of government policy; it is the foundation of our existence. Of course, such concepts are dependent on the member nations' political will. (Daniel Fiott, 2015).

The invasion of Ukraine has ushered the EU into a new age. The union reacted to the Russian assault with a level of cohesion and commitment that had never been seen before.

The EU, in collaboration with the US, has unleashed a plethora of sanctions that is causing chaos on Russia's economy. It was able to raise a significant amount of additional funds for Ukraine. Even more radically, the EU provided weaponry to a country under assault for the first time ever. (Stefan Lehne, 2022).

The EU nations, overcoming long-standing divides in this area, opened their borders to the massive influx of refugees. Josep Borrell, the EU's High Representative for Foreign Affairs and Security Policy, has hailed the EU's response as the beginning of a geopolitical Europe. However, while the EU has shown its ability to respond to a unique challenge, it is merely the beginning of an era marked by several serious challenges that will need strong decisions and decisive action. At every stage, it would be foolhardy to rely on impromptu mobilization.

Rather, the EU should improve its tools so that it can become more successful in the long run. The existing foreign policy arrangements, which were forged in a more hospitable international climate, have a number of basic flaws. Decision-making based on consensus among twenty-seven different countries is clearly a limitation that frequently results in delays and, in some cases, obstructions.

The responsibilities of numerous institutional entities, such as the European Council, European Commission and European External Action Service (EEAS), are not well defined and their leaders frequently compete rather than work as a cohesive team. And Member States who pursue their own national foreign policy in parallel to the common one frequently demonstrate a lack of commitment to European-level cooperation.

4.2 Policy Recommendation

The following three changes may be able to help close these gaps:

4.2.1 Decision-Making by Qualified Majority Vote

The dispute over qualified majority voting dates back to the European Union's Common Foreign and Security Policy. It was clear from the start that achieving consensus among a big group of countries would be a severe impediment to responding to world concerns. Many other policy areas, some of them just as delicate as foreign policy, have become subject to majority vote in recent decades.

However, despite repeated attempts in this area, no breakthrough in foreign policy has been made. The proponents of the change did not press hard enough, and a number of smaller nations objected, fearing that their national interests would not be adequately safeguarded without a veto.

Skeptics include major EU politicians such as European Council President Charles Michel, who stated that while unanimity slows down and often even inhibits decision-making, it also encourages the EU to work tirelessly to achieve unity, which is the EU's true strength. However, as the world situation worsens, the trade-off between the ideal of unity and the high cost of unanimity in terms of efficacy is becoming increasingly apparent. (Stefan Lehne, 2022).

The need to go to majority voting has recently grown increasingly pressing, notably during the current European Union summit. However, it is unclear whether the hesitant governments' positions have changed. The shock of the Ukraine war, on the other hand, should allow meaningful progress on this subject to be made. Of course, some may claim that the EU demonstrated its ability to move quickly and forcefully even without a majority vote in this situation.

However, this was a once-in-a-lifetime event in which two foreign players played a key role in bringing the EU's twenty-seven Members together. The first was Russian President Vladimir Putin, whose unjustified and unforgivable actions enraged even Russia's most ardent supporters in the EU. The other was the administration of US President Joe Biden, whose zealous leadership secured a well-coordinated Western reaction. The EU's unity would be at jeopardy without this rare combination of external influences.

As history has shown, internal differences and the advent of powerful foreign players have resulted in an increasing number of occasions when individual countries have obstructed EU policies and actions. If Member States acknowledge the necessity for a stronger European foreign policy in view of the deteriorating geopolitical climate, then moving toward a more effective decision-making procedure seems to be a natural next step.

Having the exception of choices with military repercussions, for which the EU Treaty prohibits majority vote, this may be done for every issue concerning foreign policy.

A gradual introduction of majority vote, starting with the less contentious issues, would be better than no movement at all. Without changing the treaties, majority voting might be implemented. On the basis of a European Council resolution, Article 31/3 of the EU Treaty authorizes this.

The pact already includes provisions to address the concerns of States that have previously been hesitant. The option of constructive abstention, which Austria, Ireland and Malta recently exercised in the case of weaponry transfers to Ukraine, allows countries to be exempted from carrying out a specific decision. It provides a promising method for avoiding bottlenecks, one that should be used more frequently in the future.

If a country believes that vital and declared grounds of national policy are at issue, it can also use the emergency brake of sending a decision to the European Council. The implementation of majority voting would not transform the Council's operation. (Stefan Lehne, 2022).

The priority will always be to act on the basis of unanimity, just as it is in other areas of EU policy. The only exception will be actual voting. The option of going to a vote, on the other hand, would make it more probable that unanimity is established quickly and that the content of decisions is not reduced to the lowest common denominator of national perspectives. Majority voting would be beneficial, but it should not be viewed as a panacea that would solve all of the EU's foreign policy shortcomings. It must be complemented by a reorganization of the necessary institutional structures. (Stefan Lehne, 2022).

4.2.2 Streamlining the Institutional Infrastructure

The notion of establishing the EEAS as a support mechanism for the high representative was first proposed during the European Convention (2002–2004) and then incorporated into the Lisbon Treaty. Several States were still of the opinion that the commission should stay away from security and defense matters at the time. The EU, on the other hand, did not want to create a full-fledged EU foreign minister as a distinct body.

As a result, the EEAS was created as a hybrid body between the Commission and the Council, primarily reliant on the former in terms of funding and processes while being unsure about the latter's ownership. The EEAS has achieved significant progress in its eleven years of operation. The EU delegations, in particular, have taken on the rotating presidency's foreign policy tasks, enhancing the EU's face and voice in third countries.

In addition, the EEAS has succeeded in bridging the gap between traditional foreign policy and the Commission's external policies to some extent. The EEAS, however, has never been able to overcome its structural flaws. It lacks the required power to effectively coordinate between the Commission and the Member States, as well as the clout to influence the policymaking process in the Council. With rare exceptions, it has surrendered itself to serving as the EU's foreign policy machine's secretariat.

Reallocating the majority of the EEAS's resources to the Commission and using the rest to support the European Council's foreign policy work would simplify the unnecessarily complicated institutional environment, remove duplicate structures and boost the key actors' ability.

The Commission's prohibition on becoming engaged in defense has long since vanished. The EU defense fund has been implemented by the Commission's Directorate-General for Defence Industry and Space since 2021. (Stefan Lehne, 2022).

Furthermore, European Commission President Ursula von der Leyen claims to be the head of a geopolitical commission, and she wishes for a more active foreign policy role for herself and her organization than her predecessors. The Commission already has a significant role in foreign affairs, particularly with nations with which the EU has a strong treaty-based relationship. More importantly, the altered international environment needs a comprehensive re-evaluation of EU foreign ties.

Many EU policies, such as trade, investment, competition, and research and technology, arose in a global environment where collaboration was thought to be a win-win situation. These measures must now take power dynamics into account and become both tougher and more flexible. Today, the Commission is spearheading efforts to improve resilience by eliminating asymmetric dependence, strengthening key sector capability and safeguarding the EU against external pressure.

The necessity to use the EU's economic power to safeguard its interests has never been more pressing. This necessitates a more seamless merger of external economic contacts and foreign policy. The diverse instruments must be brought together behind a unified strategy based on a strategic perspective.

This was meant to be made easier by the High Representative wearing two hats: foreign and security policy oversight and vice president of the commission. In practice, however, the people who held this post, who worked both inside and outside the Commission, were unable to carry out their responsibilities. The Commission's ability to combine the different instruments would be enhanced if the majority of the EEAS, including the delegations, were merged into it.

This procedure will take time because the EEAS is founded on Article 27 of the EU Treaty. However, a gradual integration might be started shortly by modifying the Council's decision on the EEAS and supporting informal agreements. The Commission's expanded external relations arm should enable continued participation of diplomats from Member States, notably in EU delegations.

Their political perspective and experience are a valuable addition to the Commission's knowledge. (Stefan Lehne, 2022).

4.2.3 Enhancing the Foreign Policy Capacity of the European Council

The Commission can make a significant contribution to improving EU foreign policy because of its control over the most critical external tools and institutional capabilities, but intergovernmental cooperation will continue to play an important role.

In this regard, the Foreign Affairs Council has lost a lot of power to the European Council during the previous few decades. On high-profile matters, the European Council now nearly invariably takes the lead, while the Foreign Affairs Council's influence has dwindled dramatically. This trend reflects changes in national administrations. Foreign policy has become an issue for the entire government as a result of several causes, including the expansion of the international agenda, the proliferation of stakeholders, and the blurring of domestic and external policy borders.

Only the prime minister or, in certain cases, the president of a country has now the authority to oversee both the formulation and implementation of foreign policy. Foreign ministers continue to have an important role, especially in larger nations, but their impact is mostly determined by how effectively they cooperate with their superiors. The Lisbon Treaty has already acknowledged this tendency by entrusting the operational decision-making authority in foreign and security policy to the European Council.

The organ, on the other hand, is now unprepared for this duty. It meets just a few times a year and engages with a variety of topics other than foreign affairs (though it now sometimes resorts to online meetings in urgent situations). The work of the European Council does not always appear to be effectively linked with the rest of the EU's foreign policy apparatus. The prime ministers and presidents that sit in the European Council, with few exceptions, have a background in domestic politics and have little expertise in international affairs.

They frequently adopt a short-term perspective, seeing foreign events primarily through the lens of their own domestic politics. This disjointed approach fails to recognize the EU's collective potential and can lead to a lack of ambition and excessive risk aversion.

Michel, the president of the European Council, has attempted to boost the body's foreign policy activities. However, strategic conversations on big international concerns are still infrequent, and they are often overshadowed by more pressing matters.

The European Council still handles foreign policy in a crisis-management mode for the most part. As the conflict in Ukraine shows, this can have remarkable results, but there have also been numerous instances where the Council has failed to meet the task. There is need for improvement, notably in the preparation for European Council foreign policy discussions. (Stefan Lehne, 2022).

This is now handled in part by the ambassadors and foreign ministers in Brussels during their monthly meetings, and in part by the sherpas, the prime leaders' closest aides on EU affairs. The task split between these two groups of leaders is frequently unclear, resulting in improvisation and tension. These issues might be addressed by establishing a more robust support system based after the National Security Council in Washington.

This council advises the president on a wide variety of policy topics and directs interagency collaboration on national security concerns. In the context of the EU, such a body may be staffed by personnel from the EEAS and appropriate Council Secretariat divisions. It might be led either directly by the president of the European Council or by a senior representative who works closely with the president. It would primarily serve two purposes.

First, it could provide strategic advice to members of the European Council well in advance of a debate, drawing on the resources of the entire EU system including EU delegations, military and civilian operations, the EU intelligence center, headquarters expertise and contributions from Member States. In addition to national efforts, having a shared evaluation and analysis as a foundation for discourse would help the EU attain significant outcomes. Second, the new institution should be charged with improving coordination not only among Brussels-based foreign policy actors but also among Member States.

The fact that Member States conduct their own diplomacy in parallel to the EU's common strategy is a fundamental characteristic of the intergovernmental method.

This is unlikely to change in the near future. However, there is a compelling rationale for deeper collaboration in areas where the EU plays a significant role. The European Council's new support structure might serve as a clearinghouse for the institutions' and Member States' top-level diplomacy. Information and evaluations would be shared, trip arrangements would be coordinated and important messages would be synchronized. Smaller consultation groups comprised solely of the larger Member States are already being coordinating to some extent.

The objective is to extend this day-to-day cooperation to all twenty-seven governments, fostering a stronger sense of teamwork. The possibility of mandating individual prime ministers or foreign ministers with specific diplomatic missions on behalf of the EU should be used far more frequently. Smaller consultation groups exist on a variety of themes, and they may be made more public by providing findings or including officials from EU institutions.

The tangible, day-to-day experience of collaborating and communicating inside the European Council's framework should assist with a long-term development of trust, eventually leading to more coherence and unity. (Stefan Lehne, 2022).

In conclusion, the existing EU foreign policy arrangements were forged during a time when the world appeared to be moving toward a rule-based international order and Europeans could rely on the United States' benign hegemony. Geopolitics has resurfaced with a fury in the last fifteen years. The Russian invasion of Ukraine is a particularly dramatic stage in the world's steady decline towards persistent great power struggle, rather than a sad one-off incident.

While Biden's government has restored a working transatlantic connection following the chaos of his predecessor Donald Trump's presidency, it is unclear if this will last beyond 2024. Furthermore, it is unclear whether the EU's current fair-weather foreign policy will be able to endure the storms of the new age. The EU requires something more solid and effective if it is to safeguard its interests in the current international situation. The EU's new Strategic Compass will, ideally, provide a significant push for the EU's security and defense dimension to flourish. However, a stronger security strategy must be accompanied with a more effective foreign policy.

The suggestions mentioned above are only a few of the options available. Better decision-making in the Council based on a majority vote, a stronger role for the Commission in bringing external economic relations and foreign policy together and increased capacity for the European Council to lead the policy process could all contribute to the EU becoming a more resilient and capable international actor.

4.3 Conclusion

The European Union has shown unity and commitment in its response to Russia's invasion of Ukraine, which has brought conflict to its doorstep. The EU, along with Kyiv's other Western allies, has assisted Ukraine in resisting the invasion and raising the costs to Russia, while keeping the door open for dialogue and reducing the risks of direct confrontation with Moscow to the greatest extent possible, as the Crisis Group stated in its latest statement on the war.

Maintaining efforts to stop the killing in Ukraine and controlling the threat that the war poses to Europe's overall security – as stated by Crisis Group – will have to remain the EU's top priority. The conflict is also accelerating changes in EU foreign policy as Brussels struggles to cope with new geopolitical circumstances.

It is difficult to overestimate the magnitude of the EU's and Member States' response to Russian aggression. The 27-member bloc reacted quickly, imposing against Russia the strongest sanctions in the history of the EU and sending a surge of direct bilateral military assistance to Kyiv. The bloc is known for slow, timid foreign policy decision-making, often hampered by cumbersome procedure and internal division. In the midst of Europe's largest conflict in decades, the EU and its Member States have abandoned some long-standing principles and taken moves that would have been met with fierce hostility in normal circumstances.

These include decisions by the EU to finance, for the first time, the delivery of lethal weapons to a third country; to increase defense cooperation in the face of new threat perceptions; to send (mixed) signals of openness to EU membership for the bloc's Eastern neighbors after years of enlargement fatigue;

and to activate, for the first time, the EU's 2001 Temporary Protection Directive, which grants temporary residency to Ukrainian refugees.

The EU's entry into uncharted territory over Ukraine may provide an important precedent for a more aggressive EU foreign policy that extends beyond the crisis's imminent resolution. But in order for this to happen in a constructive way, the EU will have to face difficult questions that have been largely ignored while the EU has been in crisis mode.

These include, among other things, questions concerning the scope and aim of its defense programs, the strategic use of large-scale sanctions, the essential protections for the transfer of deadly weaponry, and the benefits and drawbacks of more EU expansion. If the EU wishes to build a more successful European foreign policy, it will have to address these issues straight on.

The European Parliament passed a resolution requesting the European leadership to award Ukraine the status of EU candidate nation in response to Ukrainian President Volodymyr Zelensky's bid for EU membership. Despite the fact that European leaders have been evasive in their responses and Kyiv's membership in the EU remains a long way off, recent events have re-ignited debates over the strategic relevance of the EU's expansion program in general. However, the EU may continue to utilize its expansion strategy to deepen connections with its neighbors, provide incentives for them to align their policies with the EU's and leverage bilateral cooperation to counterbalance pressure from foreign powers.

This is especially true in the situation of Ukraine right now. Some officials in Brussels believe it will be difficult for the EU to abstain from granting Ukraine some type of admission status. Beyond that, as discussions to end the war continue, Ukraine's aspirations may include the likelihood of stronger collaboration between Brussels and Kyiv. In the absence of full membership, European states might provide circumstances for Ukraine's greater engagement with the EU while managing Kyiv's expectations about the country's accession chances.

The EU has proved its ability to act decisively and unitedly in response to the war in Ukraine, despite the fact that it is in the midst of a serious crisis that threatens Europe's security. However, the unpleasant fact is that, more often than not, Brussels has lacked the desire and cohesiveness to act in its day-to-day foreign policy. It has been especially cautious during moments of stress prior to crises erupting. Because the EU's reaction to the situation in Ukraine may allow Brussels to carve out a larger role for itself in foreign, security and defense policy, it must ensure that it overcomes this deficit and begins to confront the knotty issues that such a role would entail. It should approach this duty with the same zeal and unity that it has shown in the aftermath of Russia's invasion.

Unfortunately, the conflict between Ukraine and Russia is not over at the time of writing (April - June 2022), and the crisis is still evolving day by day.

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