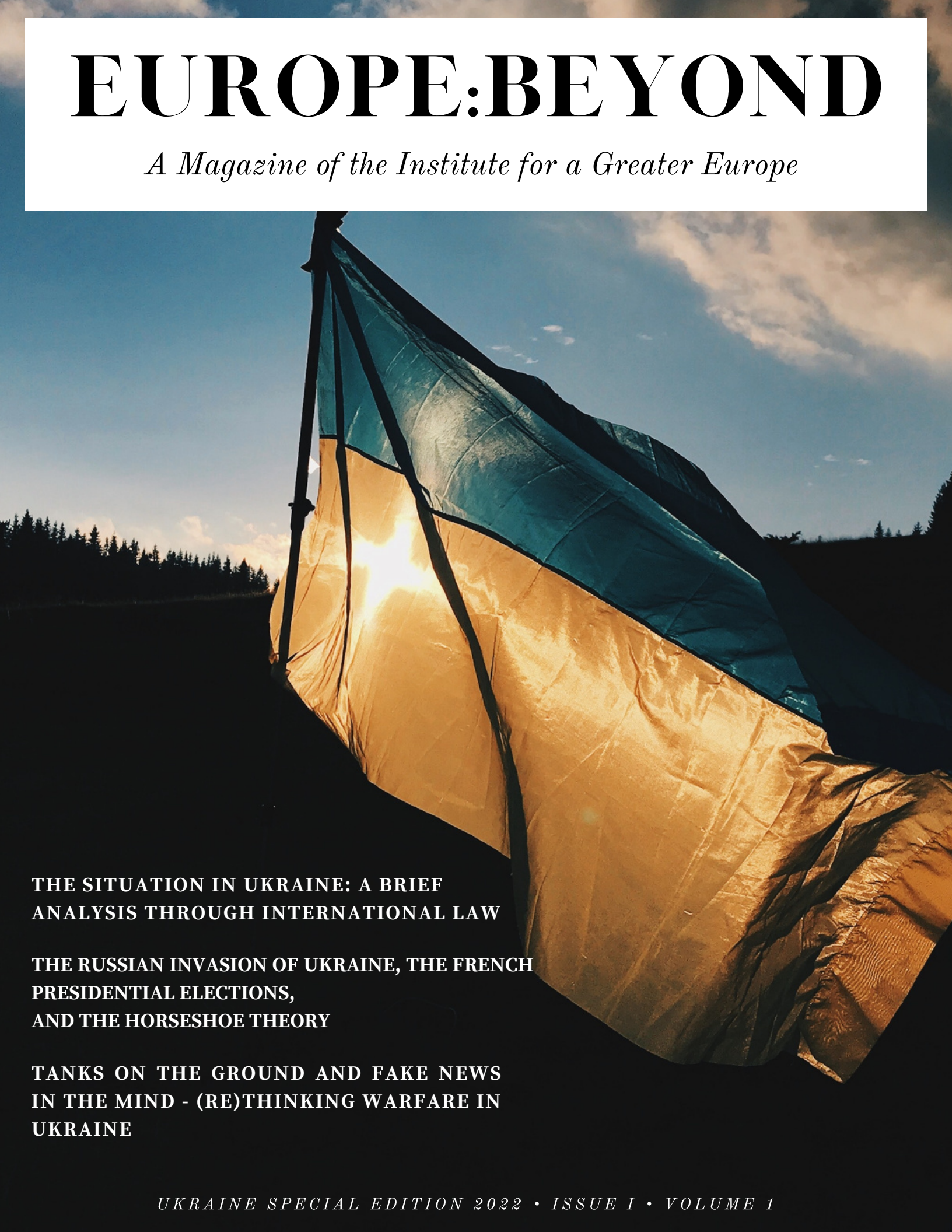


EUROPE:BEYOND

A Magazine of the Institute for a Greater Europe



**THE SITUATION IN UKRAINE: A BRIEF
ANALYSIS THROUGH INTERNATIONAL LAW**

**THE RUSSIAN INVASION OF UKRAINE, THE FRENCH
PRESIDENTIAL ELECTIONS,
AND THE HORSESHOE THEORY**

**TANKS ON THE GROUND AND FAKE NEWS
IN THE MIND - (RE)THINKING WARFARE IN
UKRAINE**

UKRAINE SPECIAL EDITION 2022 • ISSUE 1 • VOLUME 1

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Note from the Deputy Editor-in-Chief

Dear readers,

As Members of the Institute for a Greater Europe, we cannot but deplore and condemn in the deepest, strongest possible terms the heinous actions occurring in the course of the Russian Federation invasion of Ukraine.

Pursuing our goal to, on one hand, disseminate and contribute actively to open-minded, enriching and respectful debate, and on the other, reaffirm our commitment to integrate and foster relations within Greater Europe, we have decided to bring this Special Edition of our Magazine. In that sense, the Magazine seeks to offer our readers a multidisciplinary approach through the different axes involved in the ongoing conflict as to empower them on their ability to understand the potential effects of the situation in Ukraine.

As a result, the issue of the Magazine is a must in the understanding of the current armed conflict taking place in Ukraine. Having recourse to the energetic implications to European states, the geopolitical stakes involved throughout contemporary history, the question of nationalism in the Eastern area and the legal implications of the military intervention, the Magazine intends to serve as a first resource available to analyse and examine the situation. In the spirit of open discussion and diffusion of knowledge across borders, the Magazine seeks to offer new lights to our readers in their understanding of the conflict and empower them to discuss the ongoing situation.

We would like to take the time to wholeheartedly thank all of our writers and editors that have actively contributed to the Special Edition on Ukraine. Without their commitment and dedication it would not have been possible to publish the current edition of our Magazine.

Kind Regards,

Diego Sanchez
Deputy Editor-in-Chief, Institute for a Greater Europe

WHAT WILL EUROPE DO IF PUTIN TURNS OFF THE TAP?

Martyna Hanak

A few days ago, on February 22, in a surprisingly swift response to Russia's recognition of Ukraine's breakaway regions, German chancellor Olof Schulz put the approval of a crucial gas pipeline, Nordstream 2, on hold. Now, with the conflict in full swing, the markets are already showing signs of an imminent crisis, with gas stocks surging. As Europe prepares for the worst in the coming weeks, it is also faced with a much larger question – one that has been floating around for some time to no avail: are we prepared for the future without Russian energy?

RUSSIAN GAS IN EUROPE

Ukraine itself, a crucial terminal in the past, currently plays a marginal role in the distribution of gas. In the present day, only Slovakia, Italy and Austria use it as a transit corridor. Thus, disruptions of Ukrainian pipelines only, due to possible damages to infrastructure, would be manageable, as all of the potentially affected states enjoy a number of alternative options. However, if the sanction ping-pong continues, the majority of Europe may be affected.

The timing of the conflict is not without significance – and happens to be rather unfortunate. With winter weather still refusing to back down in many places, and the gas price crisis not yet over, a pause in gas flow could prove calamitous for thousands of households. Some European states (Bosnia and Herzegovina, Moldova, Macedonia, Finland and Latvia) rely exclusively or almost exclusively on Russian gas supply. In Germany, Italy and Poland, who are among the EU's most populous nations, the share of Russian gas exceeds 40%.

Playing with the gas tap is, however, a double-edged sword. Russia's economy heavily relies on European revenue. Can Putin afford to risk it? Unfortunately, his ace in the hole might once again be China. Just a few weeks ago Russian Gazprom finalised a big deal with China National Petroleum Corporation, agreeing on a large-scale supply of 48 billion cubic metres of gas per year. While Europe remains, for the time being, the biggest consumer of Russian gas, it is clear that Putin has long been exploring other options amid rising tensions. Meanwhile, Europe's efforts towards energy independence, away from Russia, were few and far between.

Nordstream 2 is the prime example of this. Since its conception, the project has been vehemently opposed as part of Germany's controversial Energiewende plan. Among its fiercest critics were Poland and Ukraine, facing loss of revenue from existing pipelines, as well as the US and the UK, which feared it would further tighten Russia's grip on Europe.



The practical rationale behind the Nordstream plan is not without merit. Together with its older brother N1, N2 could provide for more than a quarter of European gas usage. From Russia's perspective, it would allow it to slowly move away from continental Soviet-built pipelines going through Poland and Ukraine, and thus diminish control the two neighbours hold.

However, it might raise eyebrows whether, soon after the Crimea Crisis, was it ever reasonable to hand Putin the switch to a quarter of Europe's gas supplies on a golden platter?

Mindful of Russia's capriciousness, Europe hasn't entirely neglected its search for a backup plan. There already exists a robust system of liquified natural gas (LNG) shipments. The US, LNG's largest supplier, is ready and able to increase its export to Europe, as already manifested in December during the gas crisis. Detouring cargoes in response to an unexpected crisis has already proven to be palpable in 2011, when Japan shut its nuclear power plants after the Fukushima disaster. But experts warn that this will not prevent prices from rising. Additionally, Europe's capacity to receive LNG is also limited to a little under 30 terminals.

Could the gas conundrum see Europe turn back to coal like the prodigal son? Amid ambitious plans and promises of net-zero, the European Union has quietly increased its coal imports – primarily from Russia, no less – since last year. Yesteryear's coal powerhouses, Germany and Belgium, alongside the Netherlands, were the biggest importers.

For states like Poland, still heavily relying on their own coal, the crisis could see them take a regrettable step back on the path to green transition. Ultimately the days of European coal mining are numbered due to dwindling resources. Increasing coal import, G7 reassures, is only a short-term solution, paradoxically serving to kick-start new technologies which in turn will "further accelerate the transition away from unabated coal capacity". However, even such a small bump could put into question Europe's role as the harbinger of a carbon-free future, just minutes after the COP in Glasgow.

Despite the momentary detour towards coal, the conflict might provide a strong incentive for Europe to speed up its transition to green energy. German Vice-Chancellor, Robert Habeck commented about the need for renewable sources: "it is not only a climate-related issue, but a security-related issue right now". Simultaneously, nuclear power, which has been on the blacklist of European leaders for quite some time, might be resurrected or, at the least, its life span extended for a while.

IS IT FINALLY TIME FOR THE ENERGY UNION?

Ambitious plans for the EU-wide energy union haven't moved past the planning stage. How the existence of such a structure would impact the current situation of the energy markets, one is left to wonder. The idea was introduced in 2014 by Donal Tusk, then Prime Minister of Poland, in response to the Russian annexation of Crimea. Now, we are facing an even larger threat from the East – yet the common energy strategy remains grossly underdeveloped.

The European Energy Union promised tight cooperation in a number of areas, among them energy, security, and solidarity, particularly relevant in the present day. In the Framework Strategy, inadequate preparation for a major supply disruption was highlighted, along with the need for a build-up of the minimum stock reserve, the Commission further mused on the possibility of collective gas purchasing in the face of a crisis.



The focus of energy cooperation efforts so far has been primarily on delivering the promises of the Green Deal. While the green transition is absolutely critical, the security concerns are not going to disappear. A better, more comprehensive energy union game plan should be on top of the Commission's agenda in the upcoming months.

CONCLUSION

After years of a cat and mouse game with Russia, Europe received a wake-up call, the gravest one we could possibly ever imagine. The gas is still flowing today, but will it tomorrow? Even politicians themselves don't have an answer to this question. If Putin turns off the tap, Europe's hands are almost tied. What the EU can, and indeed should do, is take immediate steps to prepare the European energy sector for a more self-sufficient future. Nuclear France, coal-reliant Poland, rogue Germany and Austria, and everyone in between need to find a common ground where energy security plays a fundamental role alongside green transition.

As I write these words, on February 27, early afternoon, Chancellor Scholtz revealed plans to build two additional LNG terminals. The announcement was a direct response to the Russian invasion of Ukraine: "The events of the last few days and weeks have shown us that a responsible, forward-looking energy policy is not only crucial for our economy and our climate.

But also crucial for our security", Scholtz explained. After the Nordstream dilemma, this could be a strong message that German energy policy is beginning to turn westwards, regrettably pushed by the current armed conflict waged by Russia in Ukraine.



About the Author

Martyna is a 4th year student of Law with European Legal Studies at the University of Aberdeen. Originally from Poland, she spent the past few years in Scotland and Belgium. Her interest in international affairs blossomed after an internship at the American Chamber of Commerce in Warsaw. Her main areas of expertise include environmental and energy policies as well as UK politics at large. Having been writing for most of her life, editing seems like a natural progression for her. In her spare time she enjoys learning languages and volunteering for local climate initiatives.



STRESS TESTING EUROPEAN POLITICS: NATIONALISM IN THE SHADOW OF WAR

Olivier Lawrie

‘History has proven that societies and alliances built on trust and freedom are resilient and successful. And that is exactly what the autocrats fear. The European Union stands with Ukraine and its people. We will continue to support them. Ukraine will prevail.’

As the situation in Ukraine escalates, these words represent the collective political force of the European Union. Words which, in the face of a war on a scale unseen on the European continent since the turn of the millennium, reaffirm one of the most intense difficulties the European Union has to continually overcome: nationalism.

The EU as an institution walks the political tightrope of preserving the national interests of member states and allies, whilst equally recognising the value of supranational cooperation in overcoming the threats manifest of the modern world.

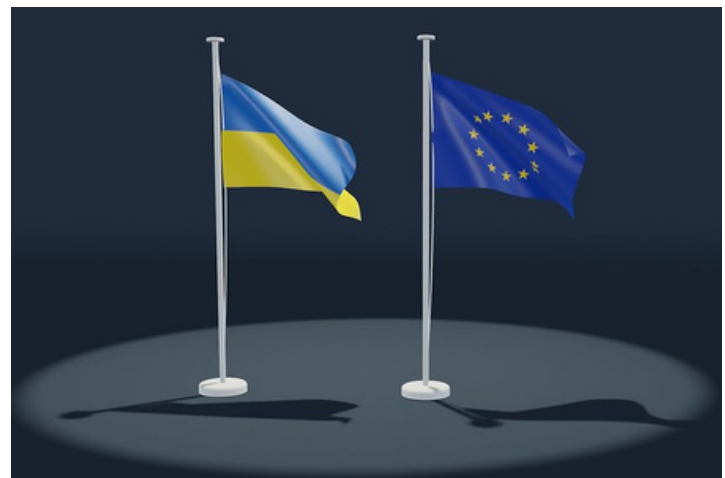
When approached in the context of degraded Russian-Ukrainian relations, the immense power of nationalism in European politics lays bare. It is not only fundamental to understanding the political pretext for this conflict, as is expertly contextualised by the Institute for a Greater Europe’s own Sam Appels, but I argue it will serve to reframe the debate surrounding the shape of, and necessity for, multilateral European politics.

The problematic nature of nationalism in the West has long been recognised, even if a homogeneous rationale for this issue is lacking.

Those who critique nationalism in abstract terms echo the words of Tagore, insofar as “the spirit of conflict and conquest is at the origin and in the centre of Western nationalism’.

But other academics observe political nationalism to be a tool by which morally dubious political ideology and policy are legitimised and bolstered. As evidence, one need only take just one volume of a leading journal on this issue, *Nations and Nationalism* from the University of Cambridge. Authors contribute on the themes of nationalism as a means for the depluralisation of American society, the causal relationship between nationalism and labour market discrimination and even the role of the digital sphere in harbouring (cyber)terrorism.

This clarifies the role of nationalism at its worst. At its best, nationalism can be seen as a political ideology, the application of which can, on balance, be justified to secure domestic political or identity continuity in the face of perceived threats.



the political force that is nationalism has been thrown back into the spotlight over recent works, with many commentators seeing nationalism, or the necessity of Ukraine remaining a sovereign and self-determining entity, as a driving force behind the latest Russia-Ukraine conflict. This has exposed in no uncertain terms the vulnerability of European politics to a political ideology as powerful as nationalism, to the point where this war is acting, and will continue to act, as a stress test of the ability of and the necessity for supranational political institutions.

In one respect, the European political machine has failed. One of the founding purposes of the EU was to make war not only unthinkable but materially impossible. An ideal which in part through a commitment to individual aims and identity, has been manifestly circumvented in this most recent conflict. Why there was a failure in this regard can neither be investigated fairly nor thoroughly in one article, but it is clear that there were failings when it came to Europe's political response to this developing conflict; be that diplomatic oversights from the European Commission for a lack of sensitivity to the consequences of their historical policy on the expansion of the North Atlantic Treaty Organisation.

Regardless of the finer details, it is clear that this conflict is indicative of the limits of the European political establishment, whereby nationalist-driven politics can, and do, undermine the *raison d'être* of the European Union as a political entity.

As Europe wrangles with this conflict, a dichotomy appears to present itself. We are experiencing a crisis borne out of nationalism, indicating how in this instance European politics has failed the aforementioned stress test. Yet, as this armed conflict develops further, the nationalist basis for this will in fact serve to denationalise the concept of Europe, reframing the debate around European politics for the betterment of the EU as a political institution.



Recently, we have seen the democratic priorities of EU citizens shift away from domestic concerns and move towards transnational issues such as the Ukraine armed conflict, highlighted by the immense numbers across Europe taking to the streets to lobby their governments to look beyond their own domestic agenda.

While this surely won't be permanent, in the face of rising domestic nationalism across European politics, a stark reminder of the intense dangers of nationalism in times of crisis is provided by the ongoing conflict in Ukraine.

Furthermore, it should underline the necessity of political projects that have a reach beyond the home country's borders, reinforcing in the minds of European citizens why sacrificing sovereignty in the name of global security is necessary and desirable in a continually changing international political landscape.

If this reminder of the intrinsic value of the European project comes to pass, it may well be one of the few silver linings from one of the most significant failures of European politics in recent memory. But in the shadow of war on its Eastern border, the EU must keep walking the tightrope between nationalism and internationalism. While this equilibrium is probably difficult to maintain, it underlines why it is absolutely vital that political projects like the EU exist. It's not perfect, no political entity is, but these are our best hopes to accommodate the perceived need of self-determination and to respond effectively to the very real threats we face in the modern world.

About the Author

Oliver Lawrie is studying languages at the University of Leeds, he is currently a final year student after being on placement for a year in Austria. A keen writer and linguist, his research interests include society, culture, economics and politics; having presented research on virtual communities undermining democracy and the decolonisation of contemporary German memory culture.



TANKS ON THE GROUND AND FAKE NEWS IN THE MIND - (RE)THINKING WARFARE IN UKRAINE

Stephan Raab



The 24th of February 2022, with a global pandemic still in full swing, marked the beginning of another historic event, a war in the heart of Europe. Something previously found in history books on the shelf suddenly became a reality, pictures of migrants pouring in the European Union on a daily basis in the news. This conflict, however, is unlike anything we have seen before involving a special kind of warfare as it combines the conventional concept of troops on the ground, conquering territory through hard power, and remote warfare through cyber technologies. Based on this argument, this contribution is structured as follows. The first part will outline some general thoughts about how to conceive war and the principles or rules of warfare. The second part will introduce the new aspects of misinformation and disinformation. In the third part, both parts will be led together to show the intricacies of information warfare. Finally, the fourth part will elaborate on certain perspectives on the war in Ukraine.

WHAT IS THE NATURE OF WAR? - A CONCEPTUALISATION OF WAR

Imagine you are searching for a restaurant to have dinner at after a troublesome day but scrolling through the reviews, you receive news about a war taking place in your direct neighbourhood. "The food is good, but the war in Ukraine is not" states a Google Review given for a McDonald's south of Moscow. Many examples like this can be found when scouting restaurants and leisure facilities in Russia. Those Google Reviews, which were formerly used for advertising and marketing in peacetime, have now become a weapon in a battle that isn't just about territory but also about the truth. Especially, the conflict in Ukraine requires a rethinking of concepts of modern warfare.

The Prussian general and Strategist Carl von Clausewitz defined war as "merely the continuation of policy by other means". Here, he legitimised the use of force as a means to an end to achieve political goals against enemies. Similarly, Chinese general Sun Tzu considered the military staff as assistants to the nation, arguing that: "The art of war is of vital importance to the State. It is a matter of life and death, a road either to safety or to ruin". However, both strategists disagree on one essential aspect. While Clausewitz focuses on the time when hostilities have already begun, arguing for a destruction of the enemy, Tzu concentrates more on the time before the hostilities begin. He searches for means to frustrate the plans of the enemy before they have a chance to implement them. Here, the difference between both strategists becomes obvious, with Clausewitz focusing on time in war looking for operational tactics, while Tzu tries to avoid bloodshed through the means of intelligence. Consequently, studying Sun Tzu seems to be more applicable for modern wars, as a final victory seems to be ever more surreal.

A JUST WAR OR JUST ANOTHER WAR? - DEFINING REASONS TO GO TO WAR

Both theoretical thinkers share the idea of war as: "a collision of two living forces, with each seeking to impose his will on the other." During the process of global digitisation, new platforms for settling disputes, either peacefully or violently, have been established. Sun Tzu, unlike Clausewitz, offers an additional component to the understanding of the contexts of modern warfare - focusing on the trinity of people, government and military, he takes the terrain into the mind, where the war is fought. Considering the times of cyberwarfare, the Chinese general concentrates on intelligence activities and manipulation in times of war. In Ukraine, two battlegrounds are active at the same time. Firstly, the massive destruction of Ukrainian cities and infrastructures by the Russian army. Additionally, and more innovatively in a negative sense, cyberspace such as Google Maps and Facebook or Apple has turned into a simultaneous battleground. As tens of thousands of people are trying to flee Kyiv and other cities, Google Maps decided to switch off its service in Ukraine to protect civilian people on their flights.

Nevertheless, considering the tremendous cost of resources and human lives threatened by war, what justifies declaring a war on an opponent, using weapons instead of words? Several philosophers agreed that war, despite being considered a human tragedy, might be a natural component of the global system. Simultaneously, there have always existed intentions to civilise the war. Notably, Hugo Grotius, having lived through the times of the Thirty Years War, has been a prominent believer in the idea. Facing the suffering of his time, he argued that there are only three reasons to unleash a war. First, every state has the right to defend itself, when being attacked by another state or foreign invader.

Second, if property has been stolen and there have been insufficient opportunities to return it, a state might turn to belligerent action. Eventually, in case a government has committed crimes against human rights, punishment might be allowed. Those arguments include certain restrictions. Above all, civilian people, not involved in military actions, are supposed to be protected. Moreover, there should be a solid assumption that this kind of war might be successful. Grotius elaborates on a primordial form of international law that is placed above the government. Above all, war may not be started merely to obtain an advantage, whether military, political, or economic. Therefore, it is essential to see potential reasons behind the conflict.

TURNING WORDS INTO WEAPONS - THE UKRAINIAN CONFLICT AS A KNOWLEDGE WAR

The unimaginable happened on the 24th of February suddenly, after many years of tense but peaceful stability. Now, a war is in full force right next to the European Union, which often boasts itself as a project of peacebuilding after the miseries of the World Wars. Considering the isolation of the Russian Federation on the international level, there is also a rising internal opposition of the Russian civil society condemning the war; for instance, about 7.000 Russian scientists signed a petition against the war in Ukraine. Consequently, a question arises - what are the motives and expected gains for Vladimir Putin to wage this war, not just against the Ukrainian people, but against NATO and the West? Answering this question requires the understanding of the principles of the territories and warfare, as it was proclaimed by Sun Tzu. On the one hand, using tanks and troops to invade Ukraine, using boots on the ground and destroying infrastructure has happened throughout history. Nevertheless, an arms race for superior weapons must be considered. On the other hand, there is a war going on, an even longer one, a war fought in cyberspace.

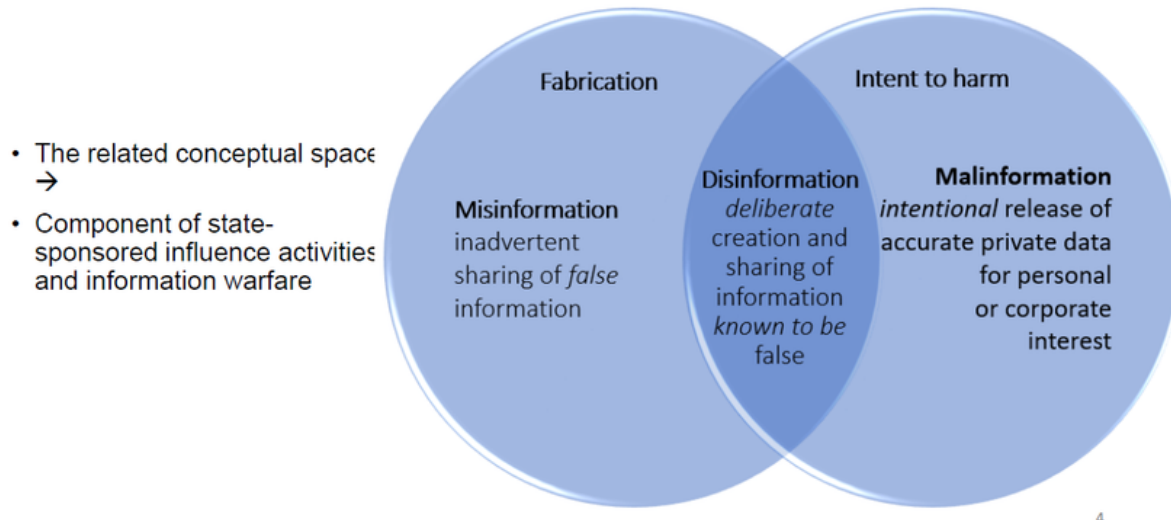
Different from geographic space, cyberspace is not delimited by boundaries such as mountains or seas as well, as there are no national borders hindering from passing through. Cyberspace stands as "a metaphor for describing the non-physical terrain created by computer systems. Online systems, for example, create a cyberspace within which people can communicate with one another (via e-mail), do research, or simply window shop". Those worlds only come into existence when they are actively generated through the exchange of information. Yet, considering the rising complexity of cyberspace, it is becoming more and more difficult to navigate through this world. Therefore, it becomes essential to rely on narratives to orient in a space that knows no concrete direction. Different from other technologies such as telephones, digital tools do not only serve to bridge the distance between two spaces, but rather start to create their own space.

CONQUERING THE CYBERSPACE - A NEW BATTLEGROUND ARISES

Beyond the military operation taking place in Ukraine, from the Russian side, termed as "Operation for the Liberation of Ukraine", the war began years prior to the attacks in 2022. According to the New York Times essayist Tom Friedmann, Putin has waged a war to conquer cyberspace all the way back in 2014 through fake news and disinformation. Digital war is based on a different paradigm than conquering geographic space. Different from conquering territory through tanks and weapons, digital warfare is about conquering the mind of the public, presenting a particular perspective as the only legitimate truth. Where the latter is about getting control over territory, the former aims at controlling the truth. The use of propaganda and disinformation is by no means new to war, however, it is the intensity and dynamics of sharing news that are unprecedented,

Here, three different types of information need to be distinguished. Misinformation is false information that is shared without the knowledge that it is false. Mal-information conversely is information that is true but shared with the intention to decry the reputation of another actor. Lastly, disinformation is information that is intentionally generated with the intention of manipulating and deceiving a certain audience.

Defining Disinformation



What is Disinformation? (depicted after Wardle & Hossein 2017 p.20)

As the Covid pandemic has already shown, obtaining reliable, trustworthy information is becoming ever more difficult with more information to be processed. The spread of the virus was accompanied by a massive “infodemic” – an over-abundance of information –some accurate and some not – that makes it hard for people to find trustworthy sources and reliable guidance”. The same counts for the conflict in Ukraine, where the authenticity of footage and news shared on social media cannot be guaranteed anymore.

There are three ways of establishing the truth. The first is correspondence theory, whereby a statement is considered true as long as it corresponds to reality. Those are primarily descriptive claims, which are barely contested, as, for instance, stating that Russia is a country spanning Europe and Asia. However, already at this stage, it needs to be asked whether there might be a common reality accessible for all actors.

Consequently, things are becoming more complicated with the other theories, mostly defining truth according to the perspective taken. Looking through the lenses of coherence theory, a statement is considered true, as long as it is fitting without contradiction into a system of other statements. This leads to an ambiguity- a statement may be deemed true within a system but untrue outside of it due to a different perspective.

Eventually, the consensus theory argues that something is to be considered true when a majority agrees that it is indeed true. It is difficult, however, to define what constitutes the actual truth. Every person and every actor perceives the world through particular cultural lenses. Proving the real truth, as mentioned in the case of the metaphor of the philosopher and the cave by Plato, would require access to the world as it really is, rather than the way people and communities are perceiving it. Contemporary examples of this are given in the movie series Matrix.

Here, great power exerts its influence in distorting the truth, as power implies not perceiving the truth at face value, but intentionally distorting it. This can be seen in the case of Ukraine, with the Russian invasion legitimised by allegedly liberating the country from Nazis, despite the fact that the president of Ukraine Zelensky himself is of Jewish origin.

Further beyond this controversial claim made by Russian President Putin, there are different perspectives to be unearthed, drawing conclusions from the end of the Cold War. Some argue that the newly established Russian Federation was betrayed by the West with the enlargement of NATO and the European Union. Others argue that those countries were joining the Western alliance voluntarily, therefore Russia should not have the right to make any claims upon this. It is difficult to determine who is to blame, as well as what is the truth of history that has led to the tragedy in Ukraine. However, what can be ascertained is the existence of a window of opportunity - when Putin visited the German Reichstag in 2001. Unfortunately, this historic chance was not utilised by both sides.

THE LAST (OUT)POST – RETHINKING HOW TO THINK ABOUT WAR

Wherever this war might evolve, it can now be followed directly by observing the movements of troops and people on services such as Google Maps. Probably just a few months before the invasion of Ukraine, such a kind of warfare would have been unthinkable for many. With the events of February 2022, it is time to rethink the concepts of war in times of cyberspace and digitisation. Modern warfare is fought not just on the battleground but also concerns access to the minds and control of the public. An invasive and offensive war started by Russian forces is not to be justified by any means.

Nevertheless, more than tanks on the ground, it reveals the fight for truth in the digital and real-world, with each side trying to justify their story of the past and the future, through the means of (dis)information. In times when access to information and communication is easier than ever, we might recall D. Wright Eisenhower's words from the Second World War: "public opinion wins wars.". "Psychological warfare has communication as a transmission channel and propaganda as its content".

Concluding this analysis, the military conflict in Ukraine serves as a harbinger for a new kind of war. Different from its predecessors, as nowadays everybody can share their interpretation of truth, as well as manipulate others, forcing them to consider their perspective on history. The war in Ukraine has reached a new dimension of conflict, where the fight is not just about territory, but also about the truth. Now anybody can join the fight, often from a device, without putting their lives at risk. As we are confronted with a massive flow of information and disinformation, it is becoming ever more complex to figure out what is true and what is false. What has become obvious is that not only tanks and missiles but disinformation is a powerful weapon in the war of the mind. Hopefully, the suffering of the Ukrainian people will end as soon as possible and belligerent parties will come together for a peaceful diplomatic resolution of the war. This war is a war of the mind, fought about different ways of sense-making, as history has told several times: "In a war, it is the truth that dies first!"



About the Author

Stephan Raab works as scientific staff at the Museum of the Future in Nuremberg. He is a contributor and editor at the youth-led think tank Institute for Greater Europe. He holds a Master in Political Science and a Master in Adult Education/Continuous Education from the Otto-Friedrich-University Bamberg as a graduation from the European Academy of Diplomacy Warsaw. His interests are located in comparative educational research, global education and the development of democratic dialogue in the European context.





POKING THE SLEEPING BEAR: IS THE UKRAINE CRISIS STILL THE WEST'S FAULT?

Adith Srinivasan



On 24 February 2022, just days after officially recognizing the independence of Ukraine's border regions of Luhansk and Donetsk, Russia declared a full-scale invasion of Ukraine's eastern Donbas region by land, air, and sea, targeting military assets and cities across the country. As this article is being written, the Russian military now sits just on the outskirts of Ukraine's capital of Kyiv, and signs of it slowing down have yet to appear.

Shortly after the announcement of the invasion, NATO Secretary-General Jen Stoltenberg condemned "Russia's reckless and unprovoked attack on Ukraine", further observing that "despite our repeated warnings and tireless efforts to engage in diplomacy, Russia has chosen the path of aggression against a sovereign and independent country." Later that day, U.S. President Biden delivered an address on "Russia's Unprovoked and Unjustified Attack on Ukraine," beginning by addressing the elephant in the room: "The Russian military has begun a brutal assault on the people of Ukraine without provocation, without justification, without necessity." Yet, to frame Russia's invasion of Ukraine as reckless and unprovoked is to underestimate the influence of Western security strategy (that of the United States, the European Union, NATO, and the relevant member countries) in altering the payoff matrix for, and thereby affecting, Russian aggression. While Russia certainly lacks any valid legal grounds which justify its military invasion and occupation of Ukraine, geopolitical motives still abound, principally of Western creation.

Importantly, this is not a new position to hold in the debate on the Ukraine conflict. Shortly after Russia's 2014 annexation of Crimea, well-known international relations (IR) scholar John J. Mearsheimer wrote a piece for Foreign Affairs entitled, "Why the Ukraine Crisis is the West's Fault: The Liberal Delusions that Provoked Putin," followed in 2015 by a public lecture on the same subject. This article reviews and reframes the contributions and insights of Mearsheimer's piece in the context of the most recent developments in Ukraine. In particular, it seeks to explore the geopolitical motivations behind Russian aggression in Ukraine, with a particular focus on Western security strategy. In so doing, it hopes to reconceptualise the role of European Member States (and the West, more broadly) in Eastern Europe and thereby chart a path forward on the Eastern front.



THE 2014 UKRAINE CRISIS AS THE WEST'S FAULT: MEARSHEIMER'S GEOPOLITICS

For Mearsheimer, the 2014 annexation of Crimea was the result of three phenomena (by no means recent developments) which occurred simultaneously on the Eastern front of the European continent: (1.) the expansion of the North Atlantic Treaty Organization (NATO), (2.) the expansion of the European Union (EU), and (3.) the democratisation of states in Eastern Europe (particularly on the initiative of Western liberal democracies). In light of these developments, Mearsheimer argued that Russia's militarism was a direct response to these threats by Western countries against its strategic position in geopolitics. To Russia, it would appear as though the expansion of NATO and its concomitant security guarantees (Article 5, in particular), the increasing inclusion of states in the EU's partnership initiatives (and the basket of ideological commitments that such partnerships carries with them), as well as the social engineering efforts by Western liberal democracies in Eastern Europe, were all part of a larger strategy by the West "to move Ukraine out of Russia's orbit and integrate it into the West", "to turn Ukraine into a Western stronghold on Russia's border", and perhaps most importantly to weaken Russia by attacking the last bastions of its ideological fortress. As Carl Gershman observed in an article for the Washington Post in September 2013, "Ukraine's choice to join Europe will accelerate the demise of the ideology of Russian imperialism that Putin represents." For Russia, should NATO and EU countries have been successful, there would have been no buffers between itself and its enemies. It would have forever shared a backyard with states organised to erode the foundation of its institutions and weaken its hold on geopolitics:

"A huge expanse of flat land that Napoleonic France, imperial Germany, and Nazi Germany all crossed to strike at Russia itself, Ukraine serves as a buffer state of enormous strategic importance to Russia. No Russian leader would tolerate a military alliance that was Moscow's mortal enemy until recently moving into Ukraine. Nor would any Russian leader stand idly by while the West helped install a government there that was determined to integrate Ukraine into the West."

Thus, as Mearsheimer put it, "Washington may not like Moscow's position, but it should understand the logic behind it. This is Geopolitics 101: great powers are always sensitive to potential threats near their home territory."

THE CURRENT ARMED CONFLICT IN UKRAINE: STILL THE WEST'S FAULT?

Flash forward. On 17 December 2021, Russia issued a list of security guarantees to ease what appeared to be building tensions in Europe. Perhaps unsurprisingly, among the items listed were a commitment against further NATO eastward expansion (near Russia) and a ban on Ukraine entering NATO. Of course, this proposal was shot down by world leaders, with the U.S. and NATO refusing to relent to Russia's insistence on limiting NATO membership. Yet, the pushes against NATO's eastward expansion which preceded the present invasion of Ukraine suggest that at the heart of Russia's militarism yet again lies a concern about the strategic expansion of the NATO bloc near its territory. Indeed, in remarks dating back to Russia's initial claim to Crimea in 2014, Putin drew parallels between NATO's eastward expansion and a history of "humiliation" that the country was subject to at the hands of the United States and its allies following the collapse of the Soviet Union: "They cheated us again and again, made decisions behind our back, presenting us with completed facts...That's the way it was with the expansion of NATO in the East, with the deployment of military infrastructure at our borders. They always told us the same thing: "Well, this doesn't involve you."

Even further back, one could hardly forget the 2008 Russian-Georgian war which followed NATO's promise at its 2008 Summit in Bucharest that Georgia and Ukraine would one day be members of the organisation. Yet, then too, as Mearsheimer observed, "despite this clear warning, NATO never publicly abandoned its goal of bringing Georgia and Ukraine into the alliance. And NATO expansion continued marching forward, with Albania and Croatia becoming members in 2009." More recently, U.S. intelligence officials had warned of a potential Russian invasion in early 2022 as early as December 2021.

Shortly thereafter, on 16 December 2021, during a meeting with Ukraine's President Volodymyr Zelenskyy, NATO Secretary-General asserted only that "Any further aggression against Ukraine will have severe consequences," and still held out hope that Russia would accept an invitation to meet NATO at the negotiating table to discuss potential terms of de-escalation and respect for Ukraine's territorial integrity and sovereignty. Yet, recall that it was precisely at this time that Russia's terms were released and then rejected by U.S. and NATO leadership. This is not to say that the US and NATO should necessarily have relented to Russian pressures to abandon Ukraine. But that the Alliance nonetheless held out hope that Russia simply would not invade Ukraine of its own volition appears to be a strategic miscalculation. For Mearsheimer, the Russian invasion of Ukraine was an inevitability that had to be stopped; it was the default, the status quo. Russia would continue to escalate military tensions unless Western leadership managed to quell the Kremlin's aggression. It would not stop of its own accord.

Cast in this light, the lack of an adequate deterrent against military invasion, as well as the absence of any potent auxiliary mechanisms to retaliate, should Russia choose to invade, were examples of failures of Western strategy. It thus appears that the West's strategy has simply failed in Ukraine.

Not only did its constant efforts to drive closer and closer toward Russia, armed with ideologies and alliances antithetical to those of the Kremlin appear to push the already empire-hungry country even closer to the edge, but its failure to strategically plan for the event of a Russian invasion appears to simply overlook the geopolitical motives that its security strategy in Eastern Europe has created for Russia.

By no means, however, is Russia a "victim" of Western strategic expansion. It is its military that is currently invading Ukraine, its ammunition that is tearing down the homes of so many, and its threats that are forcing locals to seek refuge. It thus bears principal responsibility for the armed conflict currently unfolding.

In turn, the expressions of solidarity, as well as the provision of material assistance being spearheaded by NATO and EU members affirms the much-needed sort of organisational unity and integrity that serves as the symbolic foundation of such alliances and partnerships. Yet, just as Mearsheimer set forth in 2014, Western leadership cannot simply abdicate its failure to plan for and prevent the invasion. Strategic miscalculations still constitute failures, especially when they incur the costs currently being borne by the people of Ukraine. Thus, just as one does not solely fault the raging bear for the damage it causes, but also the one who poked it, so too must we acknowledge the strategic failures of Western leadership which culminated in the war unfolding before us.

Such a sober realisation is imperative in times like these. Armed conflicts of the sort currently unfolding in Ukraine bring with them displacement, death and destruction on a scale that demands not only global attention but learning, in order to prevent such catastrophes in the future. If any means exist by which we might prevent, or at least reduce the likelihood of such catastrophes, they must be explored. In this light, the current framing of the invasion as entirely out of the control of Western leadership risks setting a dangerous precedent if accepted. Should we refuse to explore what options may have existed for European and NATO states to prevent the havoc currently being imposed on the Ukrainian people, this would amount to a convenient shirking of the responsibilities of global leadership. Ignorance can certainly be bliss, but in a world where such catastrophes are visible, bliss no longer feels possible, and ignorance is unacceptable.



About the Author

Adith Srinivasan is an undergraduate student at the University of Edinburgh, where he is currently pursuing a Master of Arts with Honours in Politics, Philosophy, and Economics (PPE). Originally hailing from the United States, he served as a 'Youth Ambassador' to Germany for the U.S. Department of State in 2019-2020, as a recipient of the Congress-Bundestag Youth Exchange (CBYX) Study Abroad Scholarship. It was here that he first discovered and became immersed in the European idea. Adith's academic interests include the political economy of development, the politics of time, and international security. When he is not reading or writing, he can be found learning new languages and polishing new pieces on the classical guitar.





THE SITUATION IN UKRAINE: A BRIEF ANALYSIS THROUGH INTERNATIONAL LAW

Diego Sanchez Borjas



THE FACTS OF THE CASE

On February, 21st 2022, President Vladimir Putin of the Russian Federation announced that his government would recognise the independence of the territories of Donetsk and Luhansk, both located within the territory of the Republic of Ukraine. Certainly, the episode brings some remembrance about the events of approximately 8 years ago when the Russian Government recognised the independence of the Autonomous Republic of Crimea -an action considered to be unlawful under international law. Nonetheless, the action anticipated the celebration of Mutual Assistance and Friendship Treaties with the self-proclaimed republics -now recognised by the Russian Government- in which it was provided for the military assistance between the contested territories and the Russian Federation. After the decrees recognising the self-proclaimed republics as independent, sovereign states were signed by President Putin, including the ones containing the mutual assistance and friendship treaties, the Russian Parliament -both the lower chamber or Duma and the upper chamber- ratified them unanimously. Afterwards, President Putin announced in a televised address the deployment of Russian military forces in the territories of the self-proclaimed territories as "peacekeeping forces" under the decrees signed and ratified stating that those actions responded to the threat the possible integration of Ukraine in NATO posed to the security of the Russian Federation, in addition to claiming the actions correspond to Ukraine's non-compliance with the Minsk Accords.

Moreover, the Republic of Ukraine requested an emergency meeting of the UN Security Council to address the situation in its country, specifically the announcement of the Russian Government that military forces would be deployed in the Donetsk and Luhansk regions. During the emergency meeting, the Russian Ambassador to the UN, and current rotatory President of the Security Council, expressed that the claims made by Western delegations that Russia was conducting a full-scale invasion of Ukraine were non-sense. On February 23rd, 2022, President Putin delivered a new televised address where he announced his intention to "demilitarise" and "denazify" Ukraine, including a pledge to Ukrainian military forces to surrender, the justification of his actions as falling into Article 51 of the UN Charter, a warning that any interference with Russian forces would entail harsh consequences, and the consideration of a "special military operation" in Ukraine intended to reduce Ukraine's military capabilities and protect the Russian-speaking population within the self-proclaimed republics from alleged "genocide".] The speech, that came after the upper chamber authorised unanimously the deployment of Russian forces overseas, interrupted the emergency session of the Security Council scheduled that day, in which the UN Secretary-General pledged directly to President Putin to stop and return his soldiers home. Whilst the Security Council emergency session was taking place, the reports of bombings to military complexes and urban nucleus, direct military engagements between Russian and Ukrainian forces and the massive flux of citizens fleeing the capital, Kyiv, and the bordering regions arrived.

THE LEGAL ANALYSIS

Under international law, the act by a government to recognise the existence of another state and its government is of political rather than legal nature. In the case of the self-proclaimed Republics of Donetsk and Luhansk, both territories aimed at separating from Ukraine to become independent states.] Conversely, the political nature of the act adopted by a government does not preclude the possibility for international law to regulate the situation it intends to recognise. As a result, bearing in mind the territorial integrity and sovereignty of Ukraine as main international obligations founded in the principle of sovereignty enshrined in the UN Charter, the act to recognise the existence of sovereign, independent states within the territory of another sovereign, independent state with which armed engagements have been undergone - as the self-proclaimed republics have relied on the use of force to engage against the Central Government - would constitute an act aimed at rendering lawful a situation created by a serious breach of international law - the violation of the territorial integrity and sovereignty of Ukraine. Thus, for Russia to have provided support and recognition to the self-proclaimed republics to allow them to maintain this condition as "independent, sovereign states" constitutes an act contrary to international law insofar it perpetuates an illegal and unlawful situation towards the international obligations vis-à-vis Ukraine.



Notwithstanding the aforementioned, in the case of Donetsk and Luhansk, their status and consideration would be also discussed with reference to the Minsk Accords -a set of memorandums and protocols drafted during the Trilateral Contact Group meetings under the auspices of the French Republic, the German Republic and the OSCE in Minsk.

Following the text of the Protocol of 1 September 2014, the then Governments of Ukraine and Russia "reached an understanding with respect to the need to implement the following steps" that included, inter alia, to:

"Implement decentralization of power, including by enacting the Law of Ukraine on the interim status of local self-government in certain areas of the Donetsk and Luhansk regions (Law on Special Status)." (point 3), and

"Ensure the holding of early local elections in accordance with the Law of Ukraine on the interim status of local self-government in certain areas of the Donetsk and Luhansk regions (Law on Special Status)." (point 9).

In light of the aim of implementing the terms of the Minsk Agreement, the aforementioned Governments agreed on a Package of Measures for the implementation of the Minsk Agreements of 12 February 2015 that included, but was not limited to:

"Launch a dialogue, on day 1 of the withdrawal on modalities of local elections in accordance with Ukrainian legislation and the Law of Ukraine "On interim local self-government order in certain areas of the Donetsk and Lugansk regions" as well as on the future regime of these areas based on this Law. Adopt promptly, by no later than 30 days after the date of signing of the document a resolution of the Parliament of Ukraine specifying the area enjoying the special regime, under the Law of Ukraine On interim local self-government order in certain areas of the Donetsk and Lugansk regions", based on the line of the Minsk Memorandum of September 19, 2014." (point 4), and the

“Reinstatement of full control of the state border by the government of Ukraine throughout the conflict area, starting on day 1 after the local elections and ending after the comprehensive political settlement (local elections in certain areas of the Donetsk and Lugansk regions on the basis of the Law of Ukraine and constitutional reform) to be finalized by the end of 2015, provided that paragraph 11 has been implemented in consultation with and upon agreement by representatives of certain areas of the Donetsk and Lugansk regions in the framework of the Trilateral Contact Group.” (point 9).

In the terms of the Vienna Convention of the Law of Treaties, the literal meaning of those provisions do reflect that both parties notably, the Russian Federation and Ukraine, expressed their consent, if considered that those steps fall into documents named as Protocol or Package of Measures for Implementation, to bound themselves to adopt the conduct necessary as to achieve the actions included therein. To that extent, any action or omission attributable to either Russia and Ukraine that does not fall in conformity with the steps to which they expressed their understanding to achieve may constitute a breach of international law and amount to an internationally wrongful act.

On that line, it is noteworthy to bear in mind the invocation by Russia of the alleged promise to Mikhail Gorbachev, the then leader of the USSR, by the then NATO leaders, to not expand the membership of the Alliance beyond the 1989 limits. Regardless of the nature of the aforesaid promise, under international law, the non-compliance with an international obligation does not consent nor allow another state to use it as an excuse to preclude the wrongfulness of its own non-compliance. Furthermore, it is applicable likewise the rule whereby a permissible action or conduct under domestic law - in this case, the lawfulness under Russian law of an act or decree recognising the independence of Donetsk and Lugansk and deployment of “peacekeeping forces”- does not translate into a permissible action or conduct under international law.

For Russia to have adopted a decree recognising the independence of the self-proclaimed territories constitutes a breach of the commitments undertaken in the Minsk Protocols inasmuch it contravenes the letter of the Protocols that provided for the celebration of local elections under Ukrainian law and the adoption of a legal regime under Ukrainian law without any reference to or provision for the independence or further recognition of the aforesaid independence by any of the parties. Even if contended that Russia's actions fall into a reaction to an alleged breach of the promise made to Gorbachev, under international law, it has to be further contended whether the promise existed before examining its legal nature. In that sense, by recalling the terms of the Treaty on the Final Settlement with Respect to Germany of 12 September 1990 - where the USSR and the USA were parties to -, Article 5 possess a limited material scope insofar it only establishes that no further deployment of NATO troops will occur until Soviet troops had abandoned the territory of East Germany, including the express provision that those NATO troops would be of German nationality only excluding nuclear weapons and foreign forces. To enlighten the discussion into the circumstances that led to the adoption of the Treaty, an interview to the then Soviet leader unfolded, in his own words, that no promise was made to him on no further NATO enlargement.



Hence, if the main treaty to which the current Russian Government pleads in its support makes no reference to any prohibition of further NATO enlargement, and the then Soviet leader confirmed no promise was made to him by NATO leadership in that time, no valid instrument or source is able to originate any obligation to which, under international law, other states could be bound to observe. As a result, no previous international obligation may be invoked to allegedly preclude the wrongfulness or justify the decision of the Russian Government.

Having clarified no promise existed, and no treaty provision precludes the decisions of NATO enlargement, the analysis points now to the lawfulness of the Russian Government decision to recognise the self-proclaimed republics and the deployment of military troops. Bearing in mind the Minsk Protocols provided no reference to the independence of the self-proclaimed territories, that the applicable international obligations binding Russia towards Ukraine and the international community provide for the respect to territorial integrity and the prohibition of the threat or use of force, no further assertion can be construed as to determine whether the self-proclaimed territories can claim the lawfulness of its decision to secede from Ukraine under the right of self-determination, it is unlikely the situation may constitute a consistent action or conduct under international law. As established under international law, for the right to concur, the territory involved must comprise a people in the terms of the resolution, and be either conquered or under domination, occupation by a foreign military presence, or under a colonial regime, or under international administration. Given the cumulative nature of the conditions, when established that the situation in the self-proclaimed territories do not fall into any of the situations indicated in the resolution, as the territories are currently ruled by separatist militias without any direct state affiliation in direct confrontation with the Ukrainian state forces, the right of self-determination cannot justify nor legitimise the act of self-independence.

Nonetheless, we would examine the effects of the act of recognition adopted by the Russian state towards the sovereignty and territorial integrity of another state, Ukraine. According to international law, no harm or damage is required for an international wrongful act to concur, therefore, the mere adoption and entry into force of the decree recognising the self-proclaimed territories as independent states is sufficient to establish whether an international obligation was breached or not. Having likewise established that the alleged non-compliance of the terms of the Minsk Protocols by Ukraine cannot void the obligations to which the Russian state is bound to observe, the adoption of the decree can be examined as to its lawfulness under the international obligations assumed by Russia.

According to the Articles of Responsibility of States for Internationally Wrongful Acts (ARSIWA), the decree signed by the President of the Russian Federation constitutes an act or conduct by a state organ, taking into account the act of the acts of a Head of State are attributable to that state; also, the content of the decree enters into conflict with the international obligation assumed by the Russian State of respecting the territorial integrity and sovereignty of states under the Charter of the United Nations, including the contents of the Minsk Protocols, insofar it encompasses the fragmentation of the territorial integrity of another sovereign state under Russian domestic law, a situation consolidated further with the incursion of military forces regardless of the purpose to which they have been deployed.

Furthermore, the deployment of military forces would amount to an exercise of extraterritorial jurisdiction of the Russian state within Ukrainian territory to pursue actions that deprive or usurp the exercise of governmental functions by Ukrainian authorities within its territory without its consent or any applicable rule or authority that justifies it. Whereas the act is attributable to, and it constitutes a material breach of an international obligation enshrined in international law, it would now be necessary to examine whether the act in itself is lawful or not.

Although it possesses political nature, the decree contains the direct instructions or orders that allow Russian military forces to incursionate into the territory of another sovereign state without its consent. As such, the content and effects of the decree adopted recognising the independence of the self-proclaimed territories is not consistent with international law inasmuch it pretends to legitimise the threat or use of force in international relations -through the deployment of active state military forces- to address the security concerns of one state in relation to the expansion of the membership of a military alliance.

Additionally, when referring to the alleged "genocide" the Russian Federation has accused the Ukrainian Government of committing against Russian-speaking inhabitants in the self-proclaimed republics, there is no sufficient nor founded evidence to sustain this claim. As construed in the Rome Statute and the applicable jurisprudence of the international criminal tribunals, the crime of genocide requires to prove two elements: the intention or *mens rea* - to eliminate wholly or partially a certain group due to its certain and particular features- and the action or *actus reus* -a widespread or generalised plan or action to carry out the genocide. However, from the reports of the international human rights missions of the situation in the self-proclaimed republics since the conflict began in 2014 no information can be found as to sufficiently or reasonably led to believe Ukraine, or members of the Ukrainian Government, had the intention to carry out such acts or conducts against the Russian-speaking population living in the contested area of the Donbass[38]. Consequently, no reason can be found to sufficiently or validly justify the intervention by the Russian Federation into the territory of Ukraine.

Albeit the consequences relate directly or indirectly to the decrees authorising the incursion of "peacekeeping forces", it is noteworthy to discuss and examine the lawfulness of the recent activities undertaken by the Russian Government in Ukraine.

The speech delivered by President Putin whilst the Security Council was holding its meeting that announced the deployment of a "special military operation" and the beginning of an armed engagement between the Russian and Ukrainian armed forces in Ukrainian soil raises serious concerns under international law.

Firstly, to consider the military intervention as a "special military operation" is irrelevant to the effects under international law of such conduct. As the order was delivered, following the request to the upper chamber of the Russian Parliament, and aimed at attacking facilities located within Ukrainian territory and seizing control over airports and other infrastructure complexes, the military operation falls into the consideration of an armed attack carried out by the Russian Federation against Ukraine under international law.

Secondly, the military intervention did not constitute to any extent a valid exercise of the right to self-defence. The Russian Government invoked Article 51 of the UN Charter to justify the lawfulness of the "special military operation" on Ukrainian soil, however, the article only applies in circumstances where an imminent threat is posed by that state to the state intending to exercise self-defence. In this case, there is no evidence produced to indicate the events in which an attack by Ukraine was imminent against the Russian Federation nor of any circumstances to which collective self-defence could have been validly invoked if considered that it cannot be founded solely or exclusively on the subjective assessment of the state invoking it to preclude its wrongfulness. Hence, self-defence does not justify nor support Russia's contentions to carry out military intervention in Ukraine.

Thirdly, the armed attack carried out by the Russian Federation against Ukraine may constitute an act of aggression. Given that the armed attack did not pursue any of the purposes recognised in the UN Charter - an action authorised by the Security Council or of the valid exercise of the right of self-defence -, and it intended to affect directly or indirectly the "sovereignty, territorial integrity and political independence" as recalled from President Putin's televised address on the "special military operation" directly targeting the "regime" in Kyiv, the conduct of the Russian Federation may constitute an act of aggression.

Fourthly, the Russian Federation is bound to comply and observe international special legal régimes that derive from its armed attack against Ukraine. On one hand, the Russian Federation is ought to respect the terms of International Humanitarian Law - or the laws of the war - in the conduct of its armed forces in the field, especially when related to the treatment of civilians, the wounded soldiers, prisoners of war - in which Ukraine is bound to comply and respect as well towards Russian soldiers captured or wounded. In that sense, any military action against any protected site under International Humanitarian Law (eg. hospitals, schools, civilian areas), or civilians, wounded soldiers or other conduct contrary to the provisions of the Geneva Conventions and Protocols carried out by Russian - or Ukrainian - forces would constitute a punishable act under the Rome Statute of the International Criminal Court. On the other hand, and in direct relation to the aforesaid consequence, Russian forces - including civilian officials - are still subject to the jurisdiction of the International Criminal Court for any violation of the Geneva Conventions and for the alleged commission of any other crime punished by the Rome Statute even though the Russian Federation is no longer a State Party to the Rome Statute. As the armed attack occurred in the territory of Ukraine, a non-State Party to the Statute that recognised the jurisdiction of the ICC in 2014 over alleged crimes within its territory,

the Court and its Prosecutor can exercise jurisdiction to investigate, elucidate and prosecute any allegedly involved individual within the armies or governments of any of the parties involved in the conflict - either Russia or Ukraine - in the commission of graves crimes that includes war crimes, crimes against peace, and the crime of aggression.

CONCLUSION

To conclude, the situation currently taking place in Ukraine is relevant to international law for four reasons: First, the decision of the Russian Government to recognise their independence breaches the obligations assumed towards Ukraine -Minsk Protocols- and the international community-territorial integrity and sovereignty. Second, the action by the Russian Government to recognise the self-proclaimed territories cannot justify in any extent the recourse to the deployment of military forces in the territory of Ukraine. Third, even if it is accepted that Ukraine allegedly violated its obligations towards Russia under the Minsk Protocols, that does not justify in any extent the conduct of the Russian Government concerning the situation in the self-proclaimed territories. Fourth, the actions of Russia may constitute an armed attack that falls into the definition of an act of aggression against Ukraine. Lastly, Russia and Ukraine are bound by the rules of the war and could be held accountable for conducts contrary to the special legal regime in times of armed engagements, including individual criminal responsibility.



About the Author

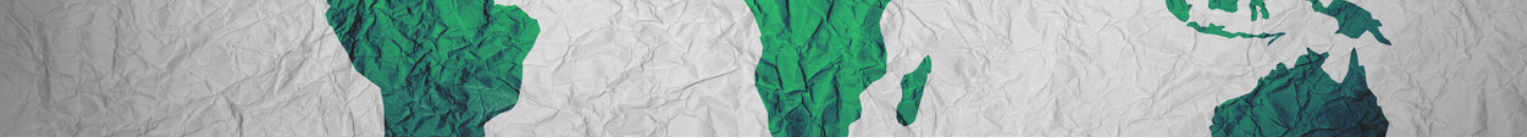
Diego is a Law graduate student in Barcelona, originally from Peru, currently pursuing a Master's of Laws and a Postgraduate Diploma on EU Environmental Law. He considers himself greatly involved in researching and seeking, from a legal perspective, solutions to the issues currently affecting the international community. His primary research areas are, namely, International and European law (including International Human Rights Law), as well as International Relations. He believes there is no possible way to encourage everyone to contribute actively to solve an issue if no knowledge on what is currently taking place is available, a reason why he considers the role of sharing and discussing opposite viewpoints enriching to participate in change.





THE RUSSIAN INVASION OF UKRAINE, THE FRENCH PRESIDENTIAL ELECTIONS, AND THE HORSESHOE THEORY

Thomas Yaw Voets



INTRODUCTION

As Russia amasses troops within Ukraine's borders - causing mass desperation, human suffering and destruction - the world's attention is, rightly, focused on its immediate consequences in areas such as migration, security, energy, and many others. Yet, its impact on the local political situation in countries such as France (where a presidential election is imminent, more specifically on 10 and 24 April), remains somewhat underexposed.

This article aims to bridge this gap, using the horseshoe theory as a theoretical basis. By looking at the positions of the main French presidential candidates regarding the Russian invasion of Ukraine, this article seeks to examine whether the horseshoe theory holds true in this context and, on that basis, elaborate on the possible consequences for the French presidential elections

The Horseshoe Theory

In a traditional political axis, the extreme left and extreme right are treated as polar opposites on a single, straight continuum. However, French philosopher Jean-Pierre Faye claimed that the extremes are, in fact, closer to each other than to the political centre.

He believes that the political spectrum to not be linear, but instead curved like a horseshoe - the right and left extremes of which almost meet. This is known as the horseshoe theory. Faye's theory has often been derided for being (too) simplistic, which is why it remains rather controversial in political science and has received substantial criticism from several scholars.

Nevertheless, there are obvious common features among the left and right versions of populism, backed by empirical studies. Hence, the horseshoe theory, in my opinion, does have merit when it comes to analysing and describing specific issues in the realm of political science. What this article will attempt to do is to discuss the candidates participating in the upcoming French presidential elections and their views on the Russian invasion of Ukraine.

The French presidential elections - do the extremes meet in their views on the Russian invasion of Ukraine?

Although a large number of candidates have expressed interest in participating in the French presidential elections, Emanuel Macron's main challengers this time around are: Valérie Pécresse from the centre-right; Marine Le Pen, a nationalist Eurosceptic; Eric Zemmour, who wants to "save France" from mass immigration; and Jean-Luc Mélenchon, a hard-left firebrand.

All the leading candidates have their own views and attitudes regarding Russia. Some have either openly supported closer ties with Russia, while others have avoided explicitly criticizing it[8]. However, the escalating conflict in Ukraine has forced them to clarify their positions. (Un)surprisingly, they now unanimously condemn the invasion - albeit while disagreeing on who is responsible for it.

Taking into account the horseshoe theory, which assumes that candidates representing the extremes on both sides of the political axis will have more in common than ones representing the center. The views of Marine Le Pen, Eric Zemmour and Jean-Luc Mélenchon should be more similar compared to the views of Emanuel Macron and Valérie Pécresse. But is this the case? Let's find out.

Jean-Luc Mélenchon

Mélenchon has long had an ambiguous position on Russia and its military interventions, notably in Syria in 2015. He has called for de-escalation of the crisis since early 2022 – but has also said that he understands why Russia would feel threatened by NATO moving closer to its border, and why this would result in an increase in the Russian military presence near Ukraine. In addition, he has previously said French politicians “have a duty to ensure that Ukraine does not enter NATO in the East” and argued Russia “is not an enemy but a partner.”

Yet, in a complete turnaround, Mélenchon has condemned the invasion as a demonstration of “pure violence”, saying that Russia “takes responsibility for a terrible setback in history” by attacking Ukraine, which he argued “creates the immediate danger of a generalized conflict that threatens all of humanity.” Nonetheless, having long engaged in anti-American rhetoric, Mélenchon believes it is best for France to adopt a position of non-alignment (i.e. not siding with Russia or NATO) in the Russian-Ukraine conflict.

Emmanuel Macron

Macron has long advocated for better diplomatic relations with Russia, seeking a new European security architecture of which Russia would be a part. Similarly, he believed he could prevent an escalation of tensions between Russia and Ukraine by personally engaging in diplomacy at the highest level with Putin – albeit unsuccessfully.

Yet, in recent weeks, Macron has continued his diplomatic efforts. As such, he has maintained diplomatic channels with Putin, hoping to broker a swift end to the conflict. Nevertheless, he also consulted with his European partners in an attempt to strengthen European sovereignty, including by reinforcing NATO's easternmost borders and approving arms transfers to Ukraine.

Valérie Pécresse

While she remained very vague during her election campaign, Pécresse has condemned Putin's actions and supported “really strong sanctions” on Russia since the beginning of the crisis. After the invasion, she called for a meeting of the United Nations Security Council to ask for a ceasefire. She also said that the European Union should plan how to provide humanitarian aid and defence equipment to Ukraine (as it subsequently has done).

Marine Le Pen

Le Pen has long had a special connection to Russia and Putin's regime. Her party has received a Russian loan for its 2017 presidential campaign. That same year, she met the Russian president in Moscow. It is therefore not entirely unexpected that, when the conflict broke out, she condemned “a misunderstanding of the issues” related to the conflict – in particular from the non-Russian side. However, as the conflict worsened, Le Pen about-turned, publishing a statement on her website stating there was “no reason to justify” the invasion of Ukraine, condemning it as “unjustifiable without reservations,” and called for its “immediate end”. In addition, she has called for a United Nations meeting on the crisis and urged neighbours of Ukraine such as Hungary, Poland, Romania, and Slovakia to help stop the conflict. Nonetheless, she opposes any French and/or NATO military support for Ukraine, urging Macron to focus solely on the diplomatic path.

Eric Zemmour

Zemmour has always been heavily pro-Russia, having said previously he “admired” Vladimir Putin as a “patriot” and called his concerns around NATO expansionism in Ukraine and Georgia “completely legitimate”. Even more so, Zemmour denied that Russia would invade Ukraine, and argued that Putin’s claims were “fully legitimate”, claiming that he would lift all sanctions on Russia if he was president. Since then, however, Zemmour has changed his mind somewhat and condemned Russia's invasion of Ukraine. At the same time, he also said that Putin had a normal reaction to decades of humiliation by the US and the West. and that, “while Putin was guilty, NATO was responsible”.



CONCLUSION

If we look at the - sometimes revised - positions of the French presidential candidates with regard to the Russian invasion of Ukraine, we see that the horseshoe theory holds true to some extent. After all, the most extreme candidates on both sides - Marine Le Pen, Eric Zemmour and Jean-Luc Mélenchon - all seem to retain their anti-American/NATO sentiment despite the deteriorating conflict. Their positioning is in stark contrast to the positions of Valérie Pécresse - who favours European coordination, but regards the Americans as essential partners - and Emmanuel Macron - who once referred to the NATO alliance as 'brain dead', but now coordinates closely with his American and European partners through NATO.

Now, what does this mean for the French presidential elections? While it is difficult to make clear predictions, it is rather conceivable that the debate on the Russian-Ukrainian conflict (and the broader geopolitical role of France) will take centre stage in the coming weeks, and may develop into two clear camps: one camp that favours a strong EU (in the NATO context), working with its US partners; and another camp that believes in anti-imperialism, Americanism and even French non-alignment. This may - as seems to be the case now - have an influence on who advances to a possible second round, resulting in a representative from both camps. And it can also affect voting behaviour in the second round, as voters with a certain sentiment may choose to side with a candidate with similar sentiment (despite different ideological positions) or prefer to stay at home (despite the same ideological positions), which can lead to an unexpected outcome. After all, none of the candidates seems to have the necessary numbers to win uncontested. Thus, victory only seems possible with the support of the other candidates' voters. Or, their failure to turn out to vote against a candidate.

About the Author

Thomas Yaw Voets is a teaching assistant in the field of European Union Law at the University of Antwerp. He has two master's degrees. One in Law. And one in International Relations and Diplomacy. Before becoming a teaching assistant, he worked as a trainee at the Permanent Representation of Belgium to the United Nations in Geneva, at the office of a Belgian Member of the European Parliament, and at the International Peace Information Service — an independent research institute.





RESOURCE LIST

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- UNHCR UNHCR | Donate to families from Ukraine
- WFP Donate Now | United Nations World Food Programme (wfp.org)
- WHO Foundation WHO Health Emergency Appeal for Ukraine

INTERNATIONAL NGOS

- International Rescue Committee: <https://www.rescue.org/topic/ukraine-crisis>
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- International Medical Corps Give to International Medical Corps
- CARE UKRAINE CRISIS FUND: Urgent aid for 4 million — Give now (care.org)
- Save the Children Ukraine Crisis Children's Relief Fund - Save the Children
- Mercy Corps Crisis in Ukraine: Give now | Mercy Corps
- Medical Teams International Medical Teams International
- SOS Children's Villages Help Children In Ukraine - SOS Children's Villages USA (sos-usa.org)
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- Ukraine Crisis Relief Fund - GlobalGiving
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- Austria-specific:
- Spenden für die Ukraine | spendeninfo.at - Aktuell
- Spenden & Nothilfe Ukraine: Caritas Österreich

LAW FIRMS STARTING FREE (PRO BONO) SUPPORT FOR UKRAINIAN REFUGEES

(US, UK, CA) Paul Weiss Mobilizing Pro Bono Resources for Ukrainian Refugees (contact)

Firms Drop Russian Clients, Offer Aid for Ukraine (Greenberg Traurig / EU, US contact), (UK, US Ropes & Gray contact), (Crowell & Moring / Belgium, US contact)

Local NGOs

- Ukrainian Red Cross: Donate – Товариство Червоного Хреста України (redcross.org.ua)
- Nova Ukraine: provides humanitarian aid to vulnerable groups and individuals in Ukraine. Donate here: <https://novaukraine.org/donate/>. Help Wounded Ukrainian Soldiers: provide medical rehabilitation to wounded Ukrainian soldiers with serious spinal trauma. <https://novaukraine.org/helping-wounded-soldiers/>
- "Територія Добра" (Territory of Kindness) Help Ukraine (vuf-td.space)
- Caritas Ukraine Donate funds to Emergency Appeal - Caritas Ukrain
- Save Ukraine- post from Facebook. Together with the "Save Ukraine" Mutual Assistance Center we are conducting the evacuation of Ukrainian families from combat zones in Luhansk, Donetsk, and other regions. "Save Ukraine" has extensive experience in evacuating and providing families with the necessary support during the occupation of Ukrainian territories in 2014-2015. Save Ukraine has officially partnered with Exitus, a US-based non profit to aid in the evacuation, ongoing sustainability for the orphans, and the network of families that are supporting them. You can donate and support us here: www.joinexitus.org For any questions please contact Albina Golik at albinagolik@gmail.com
- Razom Inc: fosters civic engagement amongst Ukrainians. <https://razomforukraine.org/donate/>
- NGO Come Back Alive: provide material and technical assistance to the Ukrainian Armed Forces Save lives in Ukraine | Come Back Alive
- Army SOS Ukrainian NGO helping equip the armed forces on the front, mostly investing in providing the necessary technology and protective gear. Donate | Допомога Армії України (armysos.com.ua)

OFFER ACCOMMODATION

- Worldwide:
- shelter for ukraine (google.com)
- Help Ukraine (google.com)
- Germany: Unterkunft Ukraine (unterkunft-ukraine.de)
- Berlin: Ukraine Help Berlin — Volunteer Signup (seatable.io)
- Poland: Ukraiński Dom
- Switzerland:
- Familles d'accueil pour les personnes réfugiées d'Ukraine - Vous pouvez vous inscrire sur cette page. (osar.ch)
- StandWithUkraine: Infos für Helfende-FR - Campax

VOLUNTEER

- Tech to the rescue: Ukrainian NGOs need tech support to build resilience and strengthen civil society. Help them design digital solutions that matter.
- Ukraine Global Taskforce: If you want to actively help Ukrainians (for whatever reason) continue reading. If not, help out by either forwarding this post or the doc you're looking at (use this link).
- UkraineNow - Help Ukraine a global decentralized effort to help Ukrainians and other nations deal with the humanitarian crisis
- Supportukrainenow.org, Created by Global Shapers Hubs in Ukraine: Volunteer Sign up (airtable.com)
- Ukraine Help Berlin — Volunteer Signup (seatable.io)[o]
- List of charities from Reddit

[For a more detailed resource list, please refer here](#)

SOME MORE WAYS TO HELP

CREDIT: EU Russia Civil Society Form's telegram

"Dear friends, we are here with another digest of resources, which can be helpful for you and other people affected by war:

- Offer a job to a Ukrainian. Via the website UA Talents, you can make your contribution by hiring a Ukrainian talent for your company's team.
- Make your anti-war position known publicly.
- Take action by asking companies to donate. Ukraine's medical supplies are falling dangerously low. Global Citizen provides a template for urgent emails to companies that have the capacity to donate supplies now.
- Support the Kyiv declaration. The six-point appeal has been signed by 40 Ukrainian civil society organizations in Kyiv and other cities under siege. You can help by spreading the word on social media.
- Donate to 4FreeRussia foundation. Free Russia Foundation is an international organization supporting civil society and democratic development in Russia. The team was relocated to Poland and is now providing humanitarian assistance to displaced people from Ukraine—including political exiles from Russia and Belarus who had lived in Ukraine as refugees.
- Offer professional help. Reporters without Borders are looking for an assistant in the press office with a focus on Russia, Ukraine, Belarus. It is a full-time position for three months in Berlin, starting asap. Candidates need to have journalistic experience and speak Russian, German and English.
- Become a host for Ukraine-related artists and cultural workers at risk.
- Partner up with MitOst to support any collective efforts in and for Ukraine. The organization is connecting and coordinating people willing to help in all fields, from fundraising to volunteering with refugees. You can join by filling in the FORM on their website."





SOURCES

Editorial Note: As a general rule, magazines do not often publish sources with their articles; however, in the interest of full transparency, we have decided to include this section at the end to credit those experts and sources which helped to inform the work of our contributors. Additionally, all images used in this publication are free to use, non-copyrighted, in the public domain, and/or reproduced with expressed permission of the creator(s). The images were taken from Wikimedia Commons, Unsplash and Flickr. If you have any questions on sourcing, please contact: magazine@institute-greater-europe.com.

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