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Changing Momentum
The EU's role in the Russia-Ukraine conflict

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1. Introduction

February 24th, 2022, marks a milestone in European history: With the invasion of Russian forces into Ukraine territory war returned to the European continent, 77 years after World War II and 10 years after the European Union was awarded the Nobel Peace prize for "the successful struggle for peace and reconciliation and for democracy and human rights." (The Nobel Peace Prize 2012). While Russian ground forces and missiles are hitting towards the Ukrainian capital Kiev, the European Union (EU) and its member states are struggling in finding a way to demonstrate power towards Russian President Vladimir Putin after a period of diplomatic efforts.

Not least these recent developments reinforce the question about EU's role in global politics. It is already longer observed that international organizations, such as the United Nations and its under organizations, the World Trade Organization or more informal formats, e.g. G7 or G8, deteriorate in acceptance and impact. At the same time big powers return in a fight for supremacy. The United States of America (U.S.), China, Russia – to only name few (Lippert 2020). Accordingly, former German chancellor Dr. Angela Merkel said in 2017, Europe increasingly needs to stand its own ground (Meiritz / Reimann / Weiland 2017). Also, Ursula von der Leyen, President of the European Commission and Josep Borrell, High Representative of the Union for Foreign Affairs and Security Policy (HR), require the EU to shape world order for securing European values, peace and welfare for its citizens (Barigazzi 2019). Yet, this aspiration is constrained by the EU's very nature between intergovernmentalism and supranationalism. As Josep Borrell also declares, the EU misses a common strategic culture and, thus, a collective action on international stage. With the foreign policies of the EU member states being largely driven by economic and security interests as well as geographic and historical parameters, the EU has been questioned frequently to be a "power" in international relations (Lippert 2020; Bulmer et al. 2020, p. 491).

And now, current developments within the Ukraine reveal a changing momentum – for the geopolitical order and possibly or the EU's foreign and security policy (Knight 2022). This paper will examine the conflict of the Russia-Ukraine crisis and the EU's role in it. First, a brief overview of EU's foreign and security policy will be given by taking the conceptual framework into consideration. Subsequently, a closer look is taken into the conflict and into EU's scope of action according to its current political structure. Finally, a conclusion will be drawn.

2. EU foreign and security policy

In order to understand EU activities in the Russia-Ukraine conflict, it is necessary to first examine on the legal framework in which the Union operates. Moreover, the conceptual framework of EU foreign and security policy will be analyzed for becoming familiar with its about its major way of power.

2.1 Legal framework

Until the end of the Cold War and the Maastricht Treaty 1993, the European Community (EC) was understood first and foremost as an economic community. With the introduction of the European Political Cooperation (EPC) in 1969 there had been certain infrequent and cautious collaborations regarding foreign affairs; however, ambitions and scope of actions remained limited and barely exceeded bilateral levels. Additionally, the North Atlantic Treaty Organization (NATO) remained the sole decision-making institution as regards matters of security and defense (Kadelbach 2006; Council of the European Union 2007).

Thus, European foreign and security policy was only put forward with the "Treaty of Maastricht on European Union" (TEU) entering into force in 1993. Herein, a Common Foreign and Security Policy (CFSP) was incorporated as a sperate intergovernmental pillar. It contained, especially with its reforms in the Treaties of Amsterdam 1999 and Nice 2003, an elaborated procedure as well as enhanced instruments and competences for the EU (Schmalz 2007, p. 95; Bulmer et al. 2020, p. 206). Main aims of this second pillar are: „preserving peace, strengthening international security, promoting international cooperation and developing and consolidating democracy, the rule of law and respect for human rights and fundamental freedoms" (Malovec / Padurariu 2021).

Integral component of CFSP is the Common Security and Defense Policy (CSDP) that has been passed in 1999 mainly due to the EU's failure in the Kosovo conflict. The CSDP's dual approach with a military and civil element marked the emergence of the EU into the direction of security and defense policy (Schmalz 2007, p. 97; Bulmer et al. 2020, p. 479-481). Focus is put on the civil-military crisis management by means of operational cooperation with NATO and crisis prevention. Basis for CSDP has been provided by the „Petersberg Tasks" adopted by the Ministerial Council of the Western European Union (WEU) in 1992 that include „humanitarian and rescue tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis-management including peacemaking, joint disarmament operations, military advice and assistance tasks, post-conflict stabilization tasks" (European Union 2022).

The aims of CFSP and CSDP have been specified in the European Security Strategy, adopted by the Council of the EU in 2003, and its revision in 2016, the EU Global Strategy „Shared Vision, Common Action. A stronger Europe". The formulation of latter was mainly influenced by the tensions with Russia after the annexation of the Crimea in 2014. In both documents the EU took new threats into closer consideration, such as terrorism, state failure, regional conflicts or weapons of mass destruction, and developed strategic principles, i.e. strengthening security in the neighborhood or effective multilateralism (Lippert 2020, Bulmer et al. 2020, p. 479; Council of the European Union 2003, p. 2-14). With the Treaty of Lisbon, that amended the TEU and the TFEU in 2007 and that is the current legal framework regulating the EU foreign and security policy, the EU was provided with legal personality and the pillar structure was eliminated. Also, several new CFSP actors

were created, among others the High Representative of the Union for Foreign Affairs and Security Policy (HRUFASP or HR) who also serves as Vice-President of the Commission and the European External Action Service (EEAS) as the EU's diplomatic service (Bulmer et al. 2020, p. 481; Malovec / Padurariu 2021).

Despite those *upgrades*, CFSP has not "become regular EU business" (Bulmer et al. 2020, p. 481) and its structure and decision-making process remains complex within the linkage of intergovernmentalism and supranationalism. EU member states are obliged to support CFSP and cannot oppose its interest[1]; yet, their individual foreign policies exist alongside the European approach, especially as regards sensitive issues (Federal Foreign Office 2022). This still reveals strong difficulties in finding coherence within CFSP that can also be described as "pieced together" (Schmalz 2007, p. 104). According to Schmalz, the strong intergovernmental character of CFSP can be illustrated by following three aspects: First, in this field the member states do not transfer competences to the EU. It is the Solidarity Clause[2] that bounds them to a coherent foreign and security policy. Second, the central actors of CFSP remain the European Council, setting up common guidelines and strategies, and the Council of Ministers. The European Commission's influence is limited to the participation of its President in the European Council meetings, the management of CFSP-budget and the co-right of initiative. Also, the European Parliament is hardly involved: It needs to be consulted on and informed of CFSP matters and co-supervises the budget. Third, decision-making process within the European Council is based upon unanimity with reference to all CFSP-related issues (Schmalz 2007, p. 95-96; Kadelbach 2006, p. 15).

The intergovernmental character of CFSP implicates that foreign policy ambitions are broadly defined by EU member states. And even though the internal organization of CFSP has not yet been completed and is frequently discussed, it has somehow consolidated itself in a world order we knew until just recently.

2.2 Conceptual framework

The rather quick developments of CSDP, several EU military missions and EU fundings of weapons, trainings and equipment to third countries via the European Defence Fund (EDF) strengthened the opinion over the last decades the EU develops from a civilian "soft" power towards a military "hard" power (Campbell et al. 2021; Meiers 2007, p. 133). Thus far, this assertion could be disproved, since the EU is not a state that is authorized to put into force all of its political, economic and military instruments to achieve global influence (Lippert 2020). Its power is restricted not only by a missing common army, but moreover, in CFSP the EU lacks the requirements to swiftly take decisions, to talk with one voice and to effectively implement agreed actions. Yet, the EU also does not correspond to the classical concept of a civilian power in the sense of François Dûchene, namely a power without military operations (Rinke 2007, p. 115). Because even though the civilian

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[1] Art. 24, TEU
[2] Art 222, TFEU

approach determines the European foreign and security policy, with the implementation of CSDP military interventions can be deployed in order to endorse in conflicts and to aim at peacekeeping. Accordingly, the EU pursues another foreign policy concept that balances the traditional juxtaposition of civilian and military power and that has been developed mor recently as an advancement of the civilian approach (Kadelbach 2006, p. 29; Ehrhart 2007, p. 149).

That is the concept of a peace power by Hans-Georg Ehrhart. It implies that conflict prevention and management can be executed by the full range of instruments in the realm of foreign and security policy (economic and trade, developmental, diplomatic and military), but without military to be dominant. Accordingly, civil instruments shall be primarily deployed in crisis management, yet, a profound contrast between military and civil action does not apply anymore (Rinke 2007, p. 119-120; Ehrhart 2007, p. 149-150). Erhardt elaborated on five major principles for the EU to operate as peace power:

- A peace power needs to be normatively directed towards peace and stability; preventive strategies need to be primarily implemented.
- A peace power needs to be provided with necessary civil and military resources for a targeted conflict management (whereas latter can only be applied *ultima ratio*)
- A peace power works closely together with Non-Governmental Organizations.
- A peace power cooperates intensively with the two main international organizations United Nations and OECD (Rinke 2007, p. 120-121).

These criteria strongly underline the EU as being a peace power when considering its role in latest international conflict management in general and, specifically, it's activities in the Russia-Ukraine conflict.

3. The EU in the Russia-Ukraine conflict

One of the dominant conflict lines between the EU member states in a common foreign and security policy is the politics towards Russia (Lippert 2020). Tensions between Russia and the West can be traced back a long way in history, peaking in the Cold War from 1947 to 1999. Several conflicts followed, for instance in Chechnya from 1999 to 2009 or Georgia in 2008, and Russia "again presented a major challenge for EU foreign policy from around 2013" (Bulmer et al. 2020, p. 486) with the annexation of the Ukrainian peninsula Crimea and the long-lasting war in the Donbas region. Before relating EU CFSP to the crisis in 3.2, the following chapter gives a short analysis of latter events for better understanding the current Russia-Ukraine conflict.

3.1 The conflict

Following a long tense history between Russia and the Ukraine (see Annex 1), in 2013 Ukraine's then-President Victor Yanukovych decided on short notice not to sign the already negotiated Association Agreement with the EU. A major reason was that Russia strongly opposed Ukraine's Westward drift, severely threatened the country and finally restricted Ukrainian exports (Gardner 2014). As a consequence to this twist, thousands of Ukrainian citizens staged protests in Kiev chanting "Ukraine is Europe" on the streets. Opponent Vitaly Klitschko proclaimed "Today they stole our dream, our dream of living in a normal country." (BBC News 2013). The *revolution of dignity*, as it soon was called, continued into 2014 and grew in size, even though violence, assaults and unlawful arrests occurred increasingly. After protests were restricted in January 2014, the situation escalated and approximately 100 civilians died. President Yanukovych fled the country being ousted by the Ukrainian parliament that held new elections, in which Petro Poroschenko came out as Interim President. In December 2014, a pro-reform government came into power (Open Society Foundations 2019; Bulmer et al. 2020, p. 486).

The situation became even more tense with Russian's dramatic invasion and annexation of the Ukrainian peninsula Crimea in March 2014 as response to the fall of the Yanukovych government. Without markings and officially denied by the Kremlin, Russian forces entered Crimean territory, a region with a Russian majority. Soon the leader of the Russian Unity Party, Sergey Aksyonov, was installed by Vladimir Putin as Crimea's Prime Minister. Throughout March, the occurrences followed in quick succession, ending with the ratification of an annexation treaty by the Russian parliament and with Putin signing the law that formally integrated the Crimea into Russia on March 21st, 2014 (Cosgrove 2020, p. 21-22; Encyclopaedia Britannica 2022).

Hereafter, the Kremlin declared that it had no further plans regarding Ukrainian territory. However, in April 2014 NATO released a briefing that estimated 40,000 Russian forces close to the Eastern Ukrainian border. The Crimean crises had heightened ethnic division and encouraged pro-Russian separatist groups to fight for independence in the Donbas region. Supported with Russian weapons and equipment they stormed government buildings in Donetsk, Luhansk, Horlikova and Kramatorsk. Ukrainian military stroke back and a regional war broke out with Russian troops, although heavily denied by Putin, again entering Ukrainian territory as stated by NATO. The war caused over 10,000 lives and 24,000 injured people and finds its sad climax in recent escalations (Balmforth / Polityuk 2014; Council on Foreign Relations 2022; Encyclopaedia Britannica 2022).

In June 2014, then-President Poroschenko finally signed the Association Agreement with the EU. In the following, he proposed a series of political and economic reforms to prepare Ukraine for EU membership application in 2020 (Encyclopaedia Britannica 2022). In June 2017, the Ukrainian parliament decided to seek close cooperation with NATO as a strategic foreign and security policy objective. Three years later, the newly elected President Volodymyr Zelenskyy approved a new National Security

Strategy in which NATO membership became a central perspective (NATO 2022). This prevailing Westward drift of Ukraine following the EU Eastern Enlargement in 2004, a doubling of NATO member states since the end of Cold War (see Annex 2) and the armament by NATO in Eastern Europe from 2016 onwards to "deter possible future Russian aggression elsewhere in Europe, particularly in the Baltics" (Council on Foreign Relations 2022) have been observed carefully by Vladimir Putin. He considered these developments as threatening and "unjustified in light of the absence of the ideological and strategic danger previously constituted by the Communist system" (Shankar Bharti 2021, p. 161).

Consequently, in December 2021 the Russian government sent more than 100,000 troops to the Russia-Ukraine border as satellite imagery revealed. Almost simultaneously, the U.S. intelligence officials warned that Russia could be designing an invasion for early 2022. Later this month, the Russian government demanded from NATO and the U.S. to end military activities in Eastern Europe, to refrain from further expansion of NATO towards Russia and, mainly, to prevent Ukraine from becoming a NATO member. NATO allies opposed these demands and after an intense path of diplomatic attempts for de-escalation, Russia invaded Ukraine on February 24th, 2022, breaching with international law.

3.2 EU's role in the conflict

The long-lasting Russia-Ukraine conflict as examined above reveals the constraints of EU CFSP as elaborated upon in chapter 2: European foreign and security policy is restricted by its strong intergovernmental character. As Shankar Bharti states: "The main weakness of the EU lies in itself and more so within the member states, which have not been able to implement a genuine Common Security and Defence Policy (CSDP) and an EU energy policy. Thus, much of the problem has come from its side since it has allowed Russia to take reading very favourable to its interests" (Shankar Bharti 2021, p. 160; Bulmer et al. 2020, p. 486). The diverse relations of the EU member states with Russia led to a limited exercise of already limited instruments under CFSP. Germany, for instance, was accused by other member states and the U.S. to predominantly follow an economic driven policy towards Russia that just recently became obvious around the discussion of Nord Stream 2 Pipeline that strengthens Russia and weakens Ukraine geopolitically (Lippert 2020). Openly sympathetic for Putin's regime have always been Italy, Hungary, Greece, Cyprus and Austria, as per tradition they are closely linked with Russia in political, historical, religious and cultural terms. It occurred that despite an informal policy of the EU to refrain from diplomatic events with Russian governing class, these member states continued meeting with Putin (Shagina 2017).

Since 2014 civil instruments under CFSP have all been applied. Accordingly, after the annexation of the Crimea the Council of the EU adopted a Decision, the only legal instrument under CFSP, to impose sanctions against Russia, comprising entry bans, arms embargo, economic sanctions and freezing of assets. As explained above and according to Bulmer et al. "member states only agreed on a limited range of sanctions given divergent interests and relations with Russia" (2020, p. 486). In

addition, several Declarations were set up that are used by the Council as political statements towards third countries. In this context, several demands were made towards the Russian government and the separatists in Eastern Ukraine[3] (Wessels 2016, p. 7-10; Lippert 2020). The financial resources for Ukraine had been increased by 11 billion Euros in March 2014. Furthermore, on the basis of CSDP provision the EU established a small civil mission (European Union Advisory Mission, EUAM) in July 2014 that assists in reforming the civil security sector in the way to a constitutional development of Ukraine (Lippert 2020; Auswärtiges Amt 2020).

The main informal instrument of CFSP, the so-called *political dialogues,* applied broadly. The HR, several foreign ministers and/or high representatives of EU member states held diplomatic talks with each other, with third countries and international organizations, such as UN, NATO, Organization for Security and Co-operation in Europe (OSCE). Already during the Maidan protests in February 2014, the foreign ministers of Poland, Germany and France supported the negotiations between then-President of Ukraine Victor Yanukovych and representatives of the opposition. Even though the agreements made were quickly violated, the three foreign ministers played a diplomatic key role for a short time (Lippert 2020). A new political dialogue developed in June 2014 as *Normandy Format*, when German Chancellor Dr. Angela Merkel and French President François Hollande participated at the meeting of Vladimir Putin and then-President of Ukraine Petro Poroschenko next to D-Day celebrations in the Normandy. This informal meeting, where Merkel and Hollande unofficially participated as representatives of the EU, led to the *Minsk Agreements* in September 2014 and February 2015 that were supervised by OSCE and further politically supported by the *Normandy Four.* The participants of both, the *Minsk Agreement* and the *Normandy Format*, agreed upon full respect of Ukrainian sovereignty and territorial integrity, a joint declaration that subsequently has been broken (Auswärtiges Amt, 2017; Lippert 2020)

Most recently on February 24th, 2022. In the advent of Russian invasion, the EU and its member states continued with intensified dialogues, mainly bilateral, but closely coordinated and agreed upon within the European Council, with HR Josep Borrell, with the European Commission and in a broader context with the United Nations and NATO. They acted according to the normative principles of the EU as a peace power with the values expressed in Article 21, TEU:

> "The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law." (European Union 2016)

It became apparent that those values are not considered as valid for all countries with Russia breaching international law by sending troops into a sovereign state. As German Foreign Minister Annalena Baerbock states: "We strongly believed in diplomacy to the bitter end, but President Putin did not" (ZDF 2022, 3:05 – 3:11).

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[3] Example for a respective Declaration: https://www.consilium.europa.eu/media/29144/142863.pdf

However, it became also apparent that these values can be a binding force: As a response to Putin's ongoing military actions against Ukraine and according to its legal framework under CFSP, the EU and its member states imposed unprecedented sanctions upon Russia, including i.e. a ban on transactions with the Russian Central Bank, an exclusion of Russian banks from SWIFT system, a ban on the overflight of EU airspace, sanctions against President Vladimir Putin, Foreign Minister Sergey Lavrov, members of the National Security Council and Russian State Duma as well as against other individuals. Furthermore, the EU has decided upon a € 500 million package to support Ukrainian armed forces with equipment and supplies (European Council / Council of the European Union 2022). Also, the EU member states reacted with severe measures, reaching from the supply of (defensive) weapons and military equipment and financial support to haltering economic relations, as in the case of Germany with Nord Stream 2 Pipeline.

4. Concluding remarks: A changing momentum

Inevitably, Russian invasion into Ukraine territory marks a turn of eras. Security experts are speaking about a new geopolitical order, going back in time to the Cold War with an eastward shifted West-bloc (Knight 2022). The European Union needs to adjust, the member states need to adjust: „We woke up in another world. And when the world is changing, politics needs to do the same" (Annalena Baerbock in ZDF 2022, 2:24 – 2:30). After a great deal of hesitation, Germany, for instance, changed just yet its longstanding post-World War II practice of not sending weapons to conflict zones by supporting Ukraine with 1,000 anti-tank weapons and 500 Stinger anti-aircraft defense systems (Herszenhorn / Bayer / von der Burchard 2022). Moreover, Germany decided to invest 100 billion Euros into its own defense policy. In how far the member states are now willed to a stronger policy transfer onto supranational EU level remains to be seen. In how far this is a necessary step at all with reference to the EU's role as peace power needs to be discussed.

Because albeit the efficiency of CFSP is criticized, this existential crisis has proven that the EU is capable – also in CFSP matters – to decide swiftly. Even more it has revealed that states are bound together by common values rather than legal frameworks. The coherence within the EU has lately been threatened by disassociating movements, such as Brexit or breaches of rule of law in Poland. Now, with a 'common threat' to European peace and security, European democratic countries find themselves closer together. This will serve the EU to stand its own ground in a changing political sphere. And how strong the EU is perceived and capable to impactfully act on international stage is depended on its internal stability and resilience. This is a tiny glimmer of hope within the cruel occurrences of which Ukraine is the victim. The country is currently and basically over the last decade fighting to secure our European peace. Not least that's why the Union seriously needs to examine Ukraine's pledge for swiftly becoming an official membership candidate. It owes.

Annex 1: Selected Russian-Ukrainian Interactions, 1954 to 2014

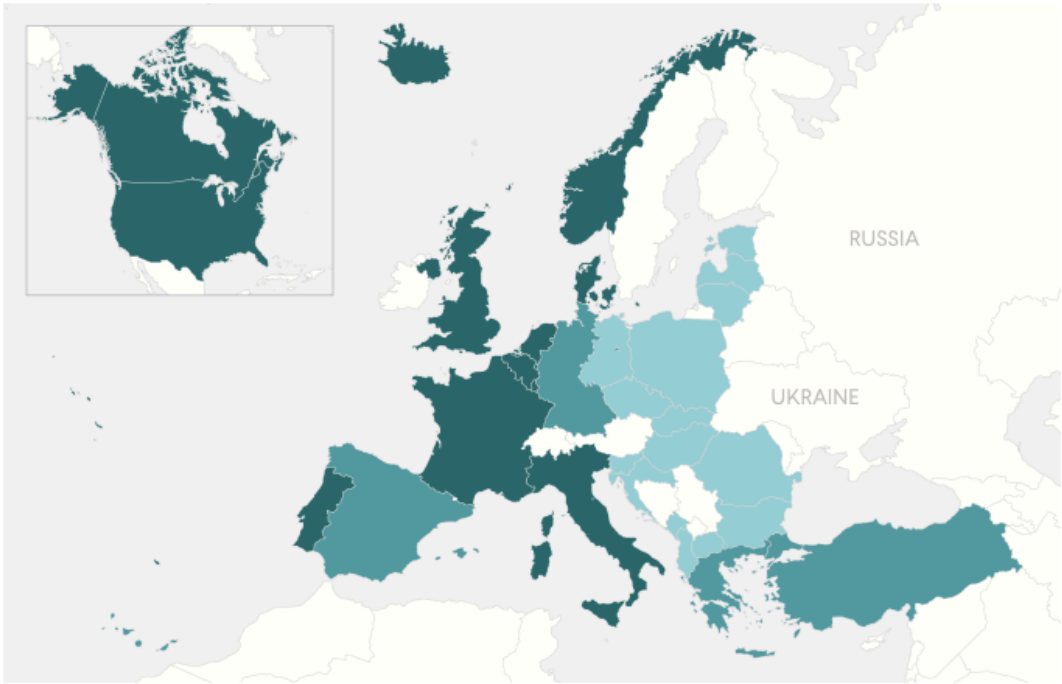|		
1954	FEB	RSFSR gifts Crimea to UkSSR.
1986	APR	Nuclear disaster at Chernobyl.
1990	JUL	Ukraine declares sovereignty from USSR.
1991	AUG	Ukraine declares complete independence.
1992	FEB	Ukraine intends to pursue NATO Membership Action Plan.
	MAY	Ukraine relinquishes control of all tactical nuclear weapons inherited from USSR.
	MAY	Russia declares that gifting of Crimea to Ukraine was illegitimate.
1993	JUL	Russia declares Crimean city of Sevastopol is part of Russia.
1994	DEC	Ukraine, Russia, United States, and United Kingdom sign Budapest Memorandums on Security Assurances. Ukraine relinquishes strategic nuclear weapons.
1997	MAY	Ukraine and Russia sign treaties recognizing Ukrainian borders as-is, partitioning the Black Sea Fleet, and leasing naval base in Sevastopol.
2004	NOV	Orange Revolution in Ukraine, defeating Yanukovych and leading to pro-Western Yushchenko administration.
2008	APR	Putin warns that if Ukraine joins NATO, it risks losing Crimea.
	AUG	Russia invades Georgia, using the Black Sea Fleet based in Sevastopol.
2010	FEB	Yanukovych becomes president of Ukraine.
	APR	Ukraine extends expiring lease of Sevastopol to Russia until 2042.
2011	NOV	Russia lays groundwork for Eurasian Economic Union.
2013	SEP	Using carrots and sticks, Russia targets countries seeking an Association Agreement (AA) with the EU; explicitly threatens Ukraine at Yalta.
	OCT–NOV	Yanukovych flies to Moscow multiple times for talks.
	NOV **21**	Ukraine announces it will not sign the AA to "ensure the national security of Ukraine," sparking beginning of the Euromaidan protests.
	NOV **28**	Ukraine does not sign AA at EU summit.
	DEC **17**	Yanukovych and Putin sign Ukrainian-Russian Action Plan.
2014	JAN–FEB	Euromaidan protests continue to escalate.
	FEB **21**	Yanukovych signs compromise deal with opposition leadership but flees country for Russia.

Although Ukraine surrendered its inherited nuclear weapons and received formal security assurances, its peace with Russia was progressively threatened after the USSR collapsed. Ukraine sought to balance Russian ties with Western economic integration—viewed by Moscow as a violation of its sphere of influence and a threat to EAEU success. Threats and measures against Ukraine led Yanukovych to reject EU association, triggering Euromaidan and his removal from office. Russia responded by invading Crimea.

Figure 3. Selected Russian–Ukrainian Interactions, 1954–2014

Source: Cosgrove 2020, p. 7

Annex 2: NATO Eastern Enlargement

Founding members

1949   Belgium
Canada
Denmark
France
Iceland
Italy
Luxembourg
Netherlands
Norway
Portugal
United Kingdom
United States

Cold War expansion

1952   Greece
Turkey

1955   West Germany

1982   Spain

Post–Cold War expansion

1990   Germany*

1999   Czech Republic
Hungary
Poland

2004   Bulgaria
Estonia
Latvia
Lithuania
Romania
Slovakia
Slovenia

2009   Albania
Croatia

2017   Montenegro

2020   North Macedonia

*German reunification in 1990 resulted in what was formerly East Germany becoming part of NATO. The map shows West and East Germany.

Source: Masters 2022

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