The Russian invasion of Ukraine

The Russian invasion of Ukraine has dominated headlines since attacks began on 24 February 2022. There are various economic, social, political, humanitarian, and legal challenges arising from the conflict which have fuelled research around the globe, from the motives of the parties involved to the role of institutions such as NATO and the EU.

This special edition long read from UK in a Changing Europe collates five of our most popular pieces on the Russian invasion of Ukraine from experts in fields including international political economy, European politics and more, offering detailed analyses of some of these complex issues. These blogs explore the causes of the crisis, the political leaders involved, the developing refugee situation and more.

We begin with Simon Sweeney's article on NATO and EU expansion, and what role these might have played in provoking the conflict.

Sarah Whitmore and Dominic Lieven analyse the presidents at the fore of the conflict, Ukraine's Zelensky and Russia's Putin, emphasising the importance of understanding the political context in each state and the aims and motivations of the key figures involved.

The final two articles explore the impact of global and European responses to the war and the impact on civilians.

Luigi Scazzieri analyses the EU's response to the Russian invasion of Ukraine and whether this marks a new 'geopolitical awakening' for the EU.

The impact on Ukrainian civilians has been incalculable, reflected in the coverage of the millions of refugees who have fled so far. Randall Hansen's blog on the history of refugee policy in Europe rounds out this special edition long read.

1. **Has NATO and EU expansion provoked the conflict in Ukraine?**

By Simon Sweeney, Reader in International Political Economy and Business at the University of York.

Some analysts have suggested western expansion into eastern Europe after 1991 is a strategic blunder, and has predictably led to the catastrophe unfolding in Ukraine. The growth of the North Atlantic Treaty Organisation (NATO) from 16 members in 1990 to today's 30 is sometimes described as imperialist, and EU enlargement has been subjected to similar criticism, namely that a western power grab has provoked Russia.

Such views give succour to Vladimir Putin and undermine the legitimate wish of Ukraine to become part of the European economic and security architecture. They also undermine Ukrainian citizens under siege and defending their homeland.

Putin sponsored the uprising in Eastern Ukraine that has cost 14,000 lives, and illegally annexed Crimea. Years of aggression, including cyber-attacks, have culminated in the current disastrous war against an independent, democratic, and sovereign state, threatening regional and global stability.

The 1989 revolution in the Communist east of Europe was powered internally by popular protest. Beginning in Poland with the Solidarity movement, boosted by support from Pope John Paul II, change swept through the whole region. Soviet-backed governments fell, and the USSR itself imploded. Mikhail Gorbachev's dream of 'socialism with a human face' died, giving way to a kleptocratic autocracy under Boris Yeltsin.

Former Warsaw Pact members soon applied to join NATO and the EU. The Treaty of Rome offers EU membership to any European state willing and able to take on associated responsibilities and meeting Copenhagen Criteria for accession. Former Communist states had to implement reforms to business practice, property rights, and legal systems to cope with EU law and a market economy.

This upsets many on the left: the EU favours a capitalist market economy, which the peoples of the former Communist states wanted in the 1990s. They did not want, as Timothy Garton Ash eloquently testified, a version of socialism. From under Russian bombardment, a Ukrainian leftist, Taras Bilous,

has appealed to critics of Western policy to suspend their criticisms while Moscow rains missiles on Ukrainian cities.

> “Years of aggression, including cyber-attacks, have culminated in the current disastrous war against an independent, democratic, and sovereign state, threatening regional and global stability”.

NATO too has an ‘open door policy’ enshrined in Article 10 of the Atlantic Treaty. This offers membership to any ‘European State in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area’. All the former Communist countries wanted to join NATO to protect their interests and aspirations as independent sovereign states.

Applications to join both the EU and NATO are ‘merit-based’ and include shared values and a common understanding of democracy. In contrast, Russian claims on Ukraine are based on ethnicity, nationality, and geopolitics.

Three of the Visegrád Group – the Czech Republic, Hungary, and Poland – joined NATO in 1999. In the following year, Yeltsin handed power to Vladimir Putin and ten more states formed the Vilnius Group to prepare and lobby for NATO membership. Seven of them, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovenia, and Slovakia, joined NATO in 2004, just before their EU accession, for which Bulgaria and Romania had to wait until 2007.

States choose whether to apply to NATO or the EU. They can leave either bloc if they wish. To suggest that NATO or the EU have indulged in imperialist expansion ignores the choice element exercised by the states concerned. The EU has certainly extended its influence for political and economic gain, but the process has been of mutual benefit. It is not the zero-sum game implied by imperialism.

NATO has been a defensive alliance since its foundation in 1949. This does not mean that some of its members, the US, UK, and France, have not engaged in egregious acts of war and human rights abuse since 1949. NATO’s only Article 5 intervention, involving collective defence, was in 2001 in Afghanistan. NATO’s International Security Assistance Force operation lasted

from 2003 until 2014, and while it can hardly be described as an unmitigated success, the major failures came later.

Other NATO operations in Bosnia Hercegovina and in Kosovo were provoked by what the International Criminal Tribunal for the former Yugoslavia later judged to be war crimes, including genocide, by the Serbian leaderships in Bosnia and in Belgrade. Those interventions lacked UN Security Council authorisation because Russia and China could apply a veto. Both were reluctant to condemn their Serbian allies.

EU and NATO enlargement should be seen in the context of the Helsinki Final Act (1975) to which the USSR was a signatory, and the Charter of Paris (1990), signed by Gorbachev. These texts underline the right of sovereign states to self-determination in their choice of partnerships. In the Budapest memorandum (1994) Russia agreed to respect the territorial integrity and the existing borders of Ukraine in exchange for Ukrainian denuclearisation.

What was agreed or not agreed regarding NATO expansion after the end of the Cold War is highly contested. Putin is aggrieved that the West broke commitments made in the aftermath of the Soviet collapse.

But it is an odd logic that supposes that Russia, a successor state to the former oppressor of nine NATO members, should have a veto over who joins the Alliance, a demand rejected by NATO Secretary General Jens Stoltenberg. Given the threat now, Putin's demand that NATO forces withdraw from the Baltic states is untenable.

Why did NATO not admit Russia as a member? There was a short period where Russia might have pursued membership, according to former NATO Secretary General George Robertson. Putin asked to be invited to join 'as an equal'. Robertson replied that NATO does not invite states to join, they must apply. Putin never did apply, and by 2004 he had gone off the idea, preoccupied with the Orange Revolution and pro-democracy movement in Ukraine.

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In any case, Russia did not meet the stipulation that a state joining the Alliance should be free from border disputes or internal conflict. Wars raged in Chechnya between 1994-96 and 1999-2000, with hostilities continuing for years afterwards.

NATO instead offered Russia a partnership, initially through the NATO-Russia Founding Act in 1997, intended to reassure Yeltsin. This was augmented by a NATO-Russia Council in 2002 to aid security cooperation. After the Vilnius enlargement in 2004, even Putin expressed the view that ‘each country has the right to choose the form of security it considers most appropriate’. Neither Yeltsin nor Putin were keen on NATO enlargements, but they acquiesced in their inevitability. They had no choice against the settled will of the countries involved.

Throughout the post-1949 period, NATO and the EU have been consistent in their shared commitment to European security. It is Putin who has changed, and Russia’s actions consolidate the prospect of a new cold war in Europe. NATO’s function is to secure peace in the North Atlantic area, a task as valid now as it ever was pre-1991. Given the bellicosity of the current regime in Moscow, NATO must maintain guarantees to its membership. It is fundamental to the values and aspirations cherished by NATO and EU members, and prospective members.

A new thought is whether current events will cause Finland and Sweden to reconsider their neutrality, and apply to join NATO.

2. **Understanding Putin**

By Dominic Lieven, Visiting Professor, London School of Economics and Political Science and Honorary Fellow, Trinity College, University of Cambridge.

In international relations it is vital to understand your adversaries. It is essential that Western policy-makers have an understanding of what motivates Vladimir Putin and what are his goals, his inner demons and his red lines. If lasting peace and security is ever to be achieved in Europe we also need to

understand legitimate security concerns of the broader Russian elite. These in no sense justify the Russian invasion of Ukraine which is not just immoral but also flatly contrary to Russian interests.

The origins of the current crisis lie in the collapse of the USSR. In the context both of Russian history and the disintegration of other empires the most astonishing aspect of the Soviet Union's collapse was that it was remarkably bloodless. The decline and fall of the Austrian and Ottoman empires- to take but two examples – resulted in world war, genocide and ethnic cleansing on a vast scale.

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Soviet history was exceptionally cruel and countless Soviet citizens had been killed or persecuted in the name of 'national security'. A vast police and military apparatus existed in the 1980s to defend the state. Even in democratic India the army – for all its desire to keep out of politics – will step in to avert the disintegration and partition of the country should this ever be threatened.

The 'most' the KGB and army could manage was the half-hearted and shambolic attempted coup of August 1991. Thirty years later the invasion of Ukraine is their moment of revenge.

For the West the collapse of the Soviet Union was a fairy story. The evil empire dissolved almost overnight with barely a shot fired in its defence. The new Russian regime swore allegiance to democracy and capitalism, in other words to the ideology of Russians' Cold War enemy.

But for Russia the 1990s were anything but a fairy story. They witnessed economic collapse, the obliteration of savings and pensions, and plummeting male life expectancy. Russia was reduced overnight from superpower to beggar.

Twenty-five million ethnic Russians suddenly found themselves stranded beyond Russia's borders, with the biggest contingent in Ukraine. Under far less provocation the Americans elected Donald Trump under the slogan 'Make

America Great Again'. It is hardly surprising that many Russians support Vladimir Putin.

To make a British comparison, it was as if the British Empire had collapsed suddenly in the 1930s – at a time when most British people took its existence and saw it as basically benevolent – and this collapse was accompanied by the secession of Wales (Belarus) and Scotland (Ukraine).

Actually the comparison does not go far enough. The English monarchy and religion did not originate in Scotland. Their Russian equivalents were born on the territory of today's Ukraine. Of all the territories lost in 1991 the one felt most deeply by Russians was Crimea, with its unique place in Russian culture and history which was owed above all to the two great sieges of Sevastopol in the Crimean and Second World wars.

The loss was made more bitter by the fact that Crimea was not part of historical Ukraine but was 'given' as a present by Nikita Khrushchev to mark the 300th anniversary of Ukrainian union (in the Russian interpretation) with Moscow. For Russian nationalists this was only the most egregious example of the Soviet leadership's ignorance and contempt for Russian history. All of us (and most of all Ukrainians) are now paying for this idiotic act.

I always believed that the Ukraine which emerged as an independent country with its 1991 borders would only survive if relations between Russia and the West remained good and Ukraine could act as a bridge between the two. If east-west relations soured and Ukraine was forced to make a choice between its neighbours then trouble was inevitable. This was partly for internal reasons.

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As a crude generalisation, there was a sharp divide between the pro-Russian east and pro-European Kyiv and western regions. Many millions of Ukrainians were killed by other Ukrainians, as well as by the Nazi and Soviet regimes, in the twentieth century. Historical memory was a source of bitter division. Vital too was the external, Russian factor.

Russian policy-makers deeply resented but accepted with gritted teeth the advance of NATO into eastern Europe. For Moscow any unequivocal Ukrainian tilt towards the West was unbearable and membership of NATO totally unacceptable.

Moscow does have legitimate grievances about Western disregard for Russian sensitivities and security interests but a stronger motivation for Vladimir Putin and his circle is a sense of rage and humiliation at Russia's loss of power, status and self-esteem since 1988.

To call this nostalgia for empire is fair enough so long as one does not associate this nostalgia with a plan to re-conquer the whole of the Soviet Union, let alone the Soviet informal empire in east-central Europe. Even the madder elements in the leadership know that this is impossible.

Having lost all of east-central Europe and much of the Soviet Union they are re-asserting their 'right' to Ukraine. After re-building the armed forces in the last ten years they feel they can achieve this goal. They have believed their own narrative that Ukrainians are not a true nation and that the West is so decadent and divided that it will offer no more than token resistance.

Even great powers must temper Realpolitik with some degree of restraint and proportionality. Only a life and death danger to vital Russian interests could justify the Russian invasion of Ukraine and the enormous suffering it has caused. No such danger existed.

Above all, the Russian invasion is based on gross miscalculation and is disastrous for Russia itself. All the economic gains painfully achieved since 1991 have been wiped out. The most enterprising and intelligent members of the younger generation will be paralysed or forced into emigration.

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Today's Russia is far too weak to force Ukrainians into subservience. By killing thousands of Russian-speaking Ukrainians and reducing their cities to rubble it has united the Ukrainian nation as never before.

The basic long-term reality is that Ukraine has lost Crimea and the eastern Donbas but Russia has lost Ukraine. Countless thousands of Ukrainians and Russians will probably die before all sides recognise this.

Worst of all, as Vladimir Putin and his bunker come to realise that they have pushed Russia into a cul de sac, the danger exists that desperation and humiliation may lead to risk-taking on an apocalyptic scale.

3. Russia and Ukraine: cometh Ze man

By Dr Sarah Whitmore, Reader in Politics at Oxford Brookes University.

In the weeks leading up to Russia's invasion of Ukraine, President Zelensky, the inclusive populist president who had been flagging in the polls for some time, espoused mixed messages. In discussing Russia and Ukraine, he warned the foreign media that Russia may occupy Kharkhiv, while domestically urging citizens to be calm and plan barbeques in May.

Some saw this as an attempt to stem the disastrous effect Russian aggression was already having on the Ukrainian economy, which was still struggling with Covid, and others as a sign of his weak leadership and failure to have a coherent strategy for dealing with Russia.

The prosecutor was trying to arrest Zelensky's main political rival, the previous president Petro Poroshenko, in a case that was widely seen as politically motivated and as rather a poor sign of Zelensky's democratic commitment – particularly as this took place against the backdrop of continued stalling and sabotage of desperately needed judicial reforms.

Unsurprisingly then, there was limited confidence in Zelensky's ability to lead the country in such dangerous times, and trust in other state institutions also remained catastrophically low. In private conversations, friends in Kyiv worried that key elites would simply flee abroad.

I tried to reassure them that at least the new Minister of Defence and Commander-in-Chief seemed competent and committed, and that (despite some stalled reforms) the armed forces were in better shape than ever. But privately I worried about Zelensky, his team, and about his parliamentary

majority: would they even stick around?

“There is a significant contrast between the two political regimes and it is important to understand that their trajectories have increasingly diverged over time”.

First, we should admit that Ukraine is not a consolidated democracy, it is a hybrid regime where democratic institutions are often subverted by so-called ‘informal practices’ (patronage, clientelism, nepotism etc). And yet, we should be sure to put this in the proper perspective.

Here a brief comparison with Russia is instructive. Although both Russia and Ukraine have pronounced neo-patrimonial features, where informal practices such as clientelism trump formal institutions, there is a significant contrast between the two political regimes and it is important to understand that their trajectories have increasingly diverged over time.

Ukraine has remained a highly competitive hybrid regime where incumbents generally lose elections (and attempts to steal them are successfully resisted), whereas Russia has not experienced a single democratic change of power in its history.

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Since 2014, Ukraine has successfully decentralised power to the local level; civil society is diverse, vibrant and has stepped in where the state was struggling; the opposition and media remain diverse, vocally critical; and social tolerance of difference is improving.

In contrast, in Russia authoritarianism was consolidated especially after Putin’s return to the presidency in 2012. Hyper-centralisation was intensified, the political space was progressively closed and state narratives are increasingly nationalist. This tendency has only intensified over time, with examples too numerous to mention.

Ukrainian pluralism, for all its flaws, and the repeated and growing willingness

of Ukrainians to stand up for general European values, were perhaps perceived by the Kremlin as the greatest threat of all.

On St. Valentine's Day this year, Zelensky addressed the nation. In a sombre suit in front of the flag and state emblem, he reassured Ukrainians that the government was preparing for all eventualities and the army was much stronger and more experienced than when Russia invaded the Donbas and occupied Crimea in 2014.

As war drew closer, he consistently reiterated Ukraine's commitment to peace and negotiations, but also to stand firm in the face of Russia's demands and false accusations. Zelensky's public pronouncements carefully reflected Ukrainians' perspectives on how to face Russian aggression, where the overwhelming majority ruled out any concessions on territorial sovereignty or integrity, such as opting for neutral status or recognising Crimea as Russian.

In mid-February well-known Ukrainian oligarchs returned from abroad after presidential urging, and, perhaps even more incredibly, parliament sat and adopted legislation with massive majorities not only to prepare for the expected military challenge and national emergency, but also found time to move towards stalled reforms to civil-military relations in line with NATO norms.

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It was little noticed, but this was clear sign: there was an elite consensus that there no way back from Ukraine's Euro-Atlantic aspirations.

As the full-scale invasion began, Zelensky addressed the nation daily in a khaki t-shirt, self-confident and ready for action, seeking to embody the armed forces' performance and mass civic resistance. President Zelensky had previously shown limited interest in military matters and reforms. But his media background turned out to be a wartime asset.

There were memorable soundbites ('I need ammo, not a ride'), macho

memes and jokes about ‘iron balls’ enthusiastically shared by Ukrainians (and not only Ukrainians) on social media.

Ratings followed – by the beginning of March, an incredible 98% supported the army, 93% the president and 84% local governors. This was matched by high levels of optimism and confidence in Ukraine’s victory in the war.

Even critics gave Zelensky their support and old political foes buried the hatchet. You might say that all this is to be expected in wartime, and there is nothing surprising here – it’s the ‘rally round the flag’ effect.

But this is not some distant foreign military adventure (like, say, the UK’s Falklands War, which resurrected Margaret Thatcher’s career) but a real, present threat to life with daily air-raid sirens, shelling, destruction, injury, deaths and omnipresent danger.

Yet officials and parliamentarians, long considered vain, corrupt and self-serving by a majority of Ukrainians, are staying and doing their job, facing these threats, probably on some ‘kill list’. And the Ukrainian state, which Russia tried for so long to present as failing and illegitimate, is demonstrating real capacity.

4. **The EU’s geopolitical awakening?**

By Luigi Scazzieri, Senior Research Fellow at the Centre for European Reform.

The EU’s response to the Russian invasion of Ukraine took many observers by surprise. For once, the Union exceeded expectations, and by a large margin. Divisions between member states melted away quickly in the face of Russian aggression, and the Union adopted a set of sweeping sanctions on Moscow. The EU’s High Representative for foreign and security policy, Josep Borrell, hailed the EU’s response to the conflict as a ‘geopolitical awakening.’

The EU has banned transactions with Russia’s central bank, cut off several Russian banks from the SWIFT payment system, banned Russian flights from EU airspace, taken the Russian propaganda outlets RT and Sputnik offline, and sanctioned Vladimir Putin himself.

Member states also agreed to provide Ukraine with €450 million to acquire weapons – a move labelled by Commission president Ursula von der Leyen as a ‘watershed moment’. The Union is also preparing to welcome large numbers of Ukrainian refugees and seriously looking into how to overcome its reliance on Russian energy.

“There is a real risk of the EU over-promising and under-delivering”.

These are very significant steps for the EU. Its relationship with Russia has undergone a sea change, and will likely enter a phase of protracted ‘cold’ confrontation. However, there are reasons to be wary about the claim that its response portends a broader ‘geopolitical awakening’.

There is a real risk of the EU over-promising and under-delivering. The reliance of many member states on Russian gas means that energy transactions will continue and some Russian banks, including Russia’s largest, remain connected to SWIFT. This will continue to provide Putin with valuable revenues.

It is also still unclear what military assistance the EU will give Ukraine and whether it will arrive in time to make any difference – Borrell’s idea of member states providing Kyiv with fighter jets has already been abandoned.

And, while some EU leaders like von der Leyen have raised Ukraine’s hopes of gaining EU membership, Kyiv’s hopes are bound to be disappointed. Not only is the accession process a long and technically demanding process, but the chance of all member states agreeing to admit Ukraine while it is at war with Russia is virtually zero, as it could trigger conflict with Moscow.

Sustaining a united response could also prove to be more difficult for member states than agreeing one, especially if the economic costs of sanctions hit European citizens hard, or if the risk of a direct military clash between the West and Russia rises as the conflict continues.

The emergence of the EU as a stronger geopolitical actor depends on whether member states are willing to pay the costs of doing so. To sustain higher defence spending in the face of competing spending priorities, and to ensure

that the economic impact of sanctions is manageable, the EU will have to relax its fiscal rules, or to embark on another round of joint borrowing.

At the same time, the EU will only emerge as a stronger military actor if member states see it as the framework though which to deepen integration.

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Military integration could develop through NATO or in small groups of states instead; indeed, it seems likely that the need to keep the US firmly anchored in European security will further entrench NATO’s primacy and diminish calls for a bigger role for the EU in hard security matters. This would push the Union to focus its efforts on softer elements of security, like cybersecurity, and on fostering more joint defence research and procurement.

The most consequential integration step in EU foreign policy would be removing the need for unanimity between member states – but changing that rule requires unanimous agreement, which seems far from certain to materialise.

So long as each state has a veto, the crucial factor in shaping the EU’s strength as a geopolitical actor will remain its ability to reach consensus on a case-by-case basis. And we should not underestimate just how favourable the circumstances of Russia’s aggression were to generating EU unity – and how unique.

First, there was no ambiguity about who was responsible for starting the conflict. Putin’s completely unprovoked invasion of Ukraine united member states in a manner that would have been much harder to achieve had Putin launched more limited or covert military operations.

The EU already had a very poor relationship with Russia, which was under a significant regime of sanctions after its 2014 annexation of Crimea and intervention in the Donbas. Meanwhile, Ukraine, which has been drawing closer to the EU since 2014, could hardly have appeared more restrained and worthy of European support.

Second, Russia's attack on Ukraine posed a real danger to the EU's security, as it directly threatened EU member states which border Russia and Ukraine. This put extensive pressure onto the other member states to respond resolutely.

The EU's reaction to the invasion was not only about defending Ukraine or principles of international law, but also about reducing the concrete risk of future Russian aggression towards the EU itself.

Third, the EU was, to a considerable extent, following Washington's lead in responding to Russia's actions. The US provided the broader diplomatic and military policy framework within which the EU could develop a strong response. Washington also helped generate EU unity, pushing sceptical EU states to respond robustly to Russia's aggression. Vetoing sanctions was unthinkable.

In coming years, the EU may be faced with conflicts very different in form from Russia's invasion of Ukraine. They may be civil wars, without such a clear aggressor and worthy partner to support; they might not directly threaten and mobilise such a broad group of member states; and the US might decline to become involved, instead of providing a comfortable blanket of leadership for the EU. Divisions between member states may be much harder to overcome.

None of this is to downplay the significance of the EU's response to Putin's attack on Ukraine. Just two weeks ago it was difficult to imagine the EU responding in such a robust manner, and it may well be that the conflict will spark further integration in security and defence. But it is simply too early to be sure about that.

5. **Again, again and again: war, refugees and Russia's invasion of Ukraine**

By Randall Hansen, Director of the Centre for European, Russian and Eurasian Studies, the Munk School & Canada Research Chair in Global Migration, Department of Political Science at the University of Toronto.

On 21 October 1941, the Wehrmacht was within seven miles of Kharkiv. Over the summer, German forces had overrun vast swathes of Soviet territory, quickly capturing all of Ukraine. The Soviets applied a scorched earth policy, devastating Ukraine, and evacuated 3.8 million people. Following standard

tactics, the Wehrmacht launched a bombing raid, followed by an artillery barrage. They took complete control of the city on 24 October.

> “Eighty years ago, it was unimaginable that one day Russian forces would launch an artillery barrage on Kharkiv and that Ukrainians would defend themselves with German arms”.

By then, the population had shrunk to 300,000 people. Kharkiv would be the site of two more battles between the Red Army and German forces, including urban warfare in which merciless SS troops fought house-to-house in the Spring of 1943. By the end of the war, the city was a blackened shell.

Eighty years ago, it was unimaginable that one day Russian forces would launch an artillery barrage on Kharkiv and that Ukrainians would defend themselves with German arms. But that is now our world. Ukraine in 2022 is, as the Foreign Secretary observed, like the Ukraine of 1941.

It is so in two ways. The most obvious is as the victim of an unprovoked, illegal, and brutal assault. The less obvious is as the source of what the UNHCR claims will be ‘the greatest refugee crisis this century.’ The claim is possibly hyperbole – 12.5 million forcibly displaced Syrians exceed the projected 10 million Ukrainians.

More importantly, it implies an unmerited singularity to **Ukrainian refugee movements**. In fact, they are more notable for their similarities with than their differences from other mass refugee movements.

Some definitions are in order, as commentators throw the term ‘refugee’ around loosely. Under **Article 1 (2)** of the 1951 UN Convention relating to the status of refugees, a refugee is one with a ‘well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group, and political opinion, [who] is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.’ An asylum seeker is one seeking formal recognition of this status.

Conservative politicians often demonize refugees because they are not technically fleeing persecution, and the Convention definition allows such a

critique. Bombs and bullets do not, as such, persecute. For this reason, among others, the principle of *non-refoulement*, an obligation not to return someone to a place where they 'face torture, cruel, inhuman or degrading treatment or punishment and other irreparable harm,' is more important for refugees than Article 1 (2).

There is no right to refugee status under the Convention, but article 33, **supported by multiple other Conventions**, creates a state duty of non-return where people face harm. A refugee is thus a person facing a well-founded fear of harm.

This understanding of a refugee also better fits the facts since war, rather than political persecution, produces most population displacements. It always has. World War II resulted in the flight or expulsion of at least 70 million people. Today, the top-five refugee-producing countries are Syria (6.8 million refugees), Venezuela (5.4 million), Afghanistan (2.8 million), South Sudan (2.2 million), and Myanmar (1.1 million).

These five countries account for almost two-thirds of the world's total refugee population of 26.4 million people. In every case except Venezuela, they are fleeing war. For four decades, the world's largest refugee outflow was the product of another Russian (well, Soviet) invasion: of Afghanistan in 1979.

The mass arrival of Ukrainians in Hungary, Poland, Romania, and Slovakia was eased by visa-free travel from **Ukraine to the EU**, but the vast majority of refugees always end up in contiguous states: most Afghans fled to Iran and Pakistan; most Syrians to Turkey, Jordan and Lebanon; most South Sudanese to Ethiopia, Sudan, and Uganda; and most Burmese to Bangladesh.

This fact is, on one level, unremarkable: refugees do not want to leave but they need safety, and they seek it in the first country they find. That country generally accepts them. For all the anti-refugee rhetoric, hate speech, and occasional horrendous attacks on refugees, most countries respect the *non-refoulement* principle. They allow refugees from neighboring states to enter, and, despite intermittent threats, they do not forcibly return them to places where they face harm.

The EU's openness to Ukrainian refugees is not, as hysterical, hard-left

Twitter would have us believe, the product of Aryan solidarity but rather the basic exigencies of mass influxes. When millions of people move en masse towards a country, its government has two choices: open the border or open fire. States, democratic and undemocratic, Convention signatories and non-signatories, generally open their doors.

Although Syria is hardly contiguous to Germany, Berlin faced a similar choice between doors and bullets. This choice, not Angel Merkel's naivety, as right-wing commentators would have us believe, led Germany to accept one million Syrians.

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Bombs, bullets, missiles, and shells certainly harm, and Ukrainians fleeing the country are refugees. However, the status granted by the EU to them falls short of the full refugee recognition accorded to Syrians. To manage the influx, the EU dusted off a long-forgotten directive, which allows them to grant Ukrainian refugees three years' temporary protection.

The US federal government regularly accords this status to refugees from Latin America, but it is rare in Europe, last used for Kosovar refugees. EU member states, who have jurisdiction over migration policy, can deviate from the directive in a more liberal manner, as Ireland has done.

Whether Ukrainians graduate to full refugee status or not depends on the outcome of Russia's war. The hope is that Ukrainians will return home and temporary protection will cease, but the precedents are not encouraging.

Hundreds of thousands of refugees from Kosovo and the former Yugoslavia did go home, but in most cases, refugee movements obey what migration scholar and former Deputy Head of UNHCR Alexander T. Aleinikoff calls 'Newton's Fourth Law:' displaced populations remain displaced.

If Moscow wins this war, EU member states should transform temporary protection into full refugee status and integrate Ukrainians into their educational systems, labour market, languages, and societies. Hannah Arendt's oft-cited claim that citizenship is the right to have rights is, in fact,

wrong; resident foreigners have all sorts of rights. But there is nothing better than citizenship, for refugees and everyone else.

This special edition long read, ‘The Russian invasion of Ukraine’, features blogs from Simon Sweeney, Sarah Whitmore, Dominic Lieven, Luigi Scazzieri and Randall Hansen, with an introduction from Tara Zammit, Communications Officer at UK in a Changing Europe.

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