

## REFUGEE RESPONSES IN THE POST-UKRAINE WORLD

### Abstract

The international arena has faced many challenges, pandemics, and crises in general. Many of these challenges elicited a specific response. Unfortunately, only a few of them received constructive responses. Many of them have had negative consequences. However, the great powers adopt legal acts without first assuming that they will be used on their territories. As a result, there was little time between the European refugee crisis, which arose from countries in the Middle East, and the recent Ukrainian refugee processes. The European Union, as one of the major world powers, is feeling the consequences of an armed conflict on its borders. While some in the EU were subtly refusing to respond appropriately to Middle East refugees, the EU now faces a much larger number of Ukrainian refugees who deserve to be welcomed. Meanwhile, Middle Eastern refugees continue to make their way to more peaceful areas where international law appears to be inapplicable. This leads to a divided world.

**Keywords:** Ukraine, refugees, migration, European Union

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## INTRODUCTION

Unfortunately, last year (2022) will be remembered by the Russian-Ukrainian conflict, which everyone hopes will end as soon as possible. Nobody imagined that in a time of established stability and an era of peace, a war could happen on European soil in the 21st century, and even less that it could happen between two "brotherly nations" that, in a certain period of their existence, "grew up" together, i.e., had a common history, shared beliefs and the same religion, had the same traditions, and spoke languages that are both parts of the Slavic language family. But brotherhood disappears at the moment when unity also disappears, from the slogan "brotherhood and unity" (an already proven fact arising from the conflicts during the breakup of Yugoslavia and other similar cases, and here it is repeated in the case between Russia and Ukraine).

In the famous "Crimea speech" from March 2014, President Putin said, "We are not simply close neighbours, but, as I have said many times already, we are one people. Kyiv is the mother of Russian cities. Ancient Rus is our common source, and we cannot live without each other." Later in the speech from February 21, 2022, he said "Ukraine was created by Russia and is an integral part of it, due to its history and culture," which clearly speaks of brotherhood and unity, highlighting Lenin's mistake about promoting the concept of self-determination of nations within the Soviet Union. On February 23, 2022, after Russia recognised the independence of the self-proclaimed Donetsk and Luhansk regions, Putin was authorised by the Duma to use weapons abroad, entered the Donbas region, and a few days later attacked Kyiv. The conflict has spread to most of the Ukrainian territory; unfortunately, it is still ongoing. In addition to destroying infrastructure, institutions, homes, and whole towns, it caused a new refugee crisis, which, unlike the previous refugee crisis that came from the Middle East, has derived from Europe itself. The practice showed that, even though the Western developed countries were putting in place a number of international laws to help refugees, these laws were not followed during the recent crisis. It is feasible that the recent Ukrainian refugees have more rights when compared to other refugees in the past. The international arena has expressed its willingness to help these refugees, and hence it has not felt the burden of welcoming them as it did with the previous refugee crisis of 2015.

### 1. The origin of the conflict and refugee crisis

#### 1.1. Dissolution of the Soviet Union and proclamation of Russian and Ukraine independence

Based on Article 72 of the Union of Soviet Socialist Republics (Soviet Union; USSR) Constitution (1977)<sup>1</sup>, which stipulated that each federal state reserve the right to secede from the USSR, Ukraine on August 24, 1991, declared its independence, and in December of the same year, together with Belarus and the Russian Federation (renamed on December 25), they signed the agreement on the abolition of the Soviet Union. In the Russian case, this decision was preceded by the adoption of the Declaration of State Sovereignty, adopted on June 12, 1990, by the Congress of People's Deputies. That day informally was named "Independence Day", although it was not clear whose independence it was referring to, its thoughts and independence from whom<sup>2</sup>. Two years later, in 1993, the new Russian Constitution was adopted and entered into force on December 12, 1993 (the day of the national referendum, as stated in the second part entitled "Final and Transitional Provisions"), and the Constitution of April 12, 1978, ceases to be valid<sup>3</sup>.

According to the Constitutional Preamble, *the multinational people of the Russian Federation, united by a common fate on their land, establishing human rights and freedoms,*

*civic peace and accord, preserving the historically established state unity...recognizing ourselves as part of the world community, adopt the Constitution of the Russian Federation.* The first article of the Constitution determines that the Russian Federation - Russia is a democratic federal law-bound State with a republican form of government, while article 5 states that the Federation consist of equal federal subjects: Republics (with its own constitution and legislation), territories, regions, cities of federal importance, an autonomous region and autonomous areas (with its charter and legislation)<sup>4</sup>. In Article 65, Part 3, titled *Structure of the federation*, all federal subjects are listed, including Crimea among the republics and Sevastopol, among the cities of federal importance. These units were annexed by Russia in 2014, but they are also still part of the Ukrainian Constitution.

According to the Preamble of the Ukrainian Constitution<sup>5</sup>, adopted on June 28, 1996, *the Verkhovna Rada of Ukraine, on behalf of the Ukrainian people - citizens of Ukraine of all nationalities, expressing the sovereign will of the people, based on the centuries-old history of Ukrainian state-building and on the right to self-determination realised by the Ukrainian nation, all the Ukrainian people... confirming the European identity of the Ukrainian people and the irreversibility of the European and Euro-Atlantic course of Ukraine... guided by the Act of Declaration of the Independence of Ukraine of August 24, 1991, approved by the national vote on December 1, 1991, adopts this Constitution - the Fundamental Law of Ukraine.*

Ukraine is constituted as a Republic (Article 5) in which local self-government is recognised and guaranteed (Article 6 and Chapter 11 are devoted to the regulation of local self-government). The constitution stipulates that the state promotes the consolidation and development of the Ukrainian nation, its historical consciousness, traditions, and culture, as well as the development of the ethnic, cultural, linguistic, and religious identities of all indigenous peoples and national minorities of Ukraine (Article 11). The state language of Ukraine is the Ukrainian language (guaranteed by the Constitution of Ukraine and is determined by law) but is also guaranteed the free development, use and protection of Russian, and other languages of the national minorities of Ukraine (Article 10). It is interesting to note that Article 13 stipulates that the land, its subsoil, atmosphere, water, and other natural resources within the territory of Ukraine, the natural resources of its continental shelf, and the exclusive (maritime) economic zone, are objects of the right of property of the Ukrainian people. Further, the Constitution stipulates that Ukraine is a unitary state, that the territory within its present border is indivisible and inviolable, that the sovereignty extends throughout its entire territory (Article 2), and that the territorial structure of Ukraine is based on the principles of unity and indivisibility of the state territory and the combination of centralisation and decentralisation in the exercise of state power (Article 132, Chapter IX, titled *Territorial structure of Ukraine*). Article 133 explained that the system of the administrative and territorial structure of Ukraine is composed of the Autonomous Republic of Crimea, oblasts (24 total, including Donetsk Oblast, and Luhansk Oblast), districts, cities (the cities of Kyiv and Sevastopol have special status, which is determined by the laws of Ukraine), city districts, settlements and village. The tenth chapter is dedicated to the Autonomous Republic of Crimea. It states that Crimea is an inseparable integral part of Ukraine with its own constitution adopted by the Verkhovna Rada of the Autonomous Republic and approved by the Verkhovna Rada of Ukraine (Article 134). Article 17 stipulates that protecting the sovereignty and territorial indivisibility of Ukraine and ensuring its economic and informational security are the most important functions of the state and a matter of concern for the entire Ukrainian people.

## 1.2. Origin of the Russian – Ukraine conflict

The formal abolition of the Soviet Union took place on December 21, 1991, with the signing of the Alma-Ata Protocol by all Soviet republics (except Georgia), with which, all signatories, except for the Baltic republics of Estonia, Lithuania, and Latvia, became part of the Commonwealth of Independent States (CIS)<sup>6</sup>. On May 15, 1992, the CIS members signed the Collective Security Treaty, a defensive military alliance, which Georgia and Azerbaijan joined in 1996 and left in 1999, together with Uzbekistan, because of their prospects for joining NATO. Ukraine was also part of the CIS, but like Georgia in 2009, Ukraine left the Commonwealth in 2018. The reason was their aspirations and orientation towards membership in the EU and NATO, which represents a fundamental problem for Russian-Ukrainian relations. The dialogue on joining these alliances was intensified by Ukrainian President Viktor Yushchenko, but during the Yanukovich presidency, a law that prohibited joining military alliances was passed (in June 2010), and the signing of the Association Agreement was suspended (in December 2013). This decision led to massive popular protests known as “Euromaidan” and the replacement of President Yanukovich with Oleksandr Turčynov and of the Azarov government with the Yatsenyuk Government. The first step taken by the new government was the signing of Political EU Accession on March 21, 2014, followed by the signing of the Association Agreement by the new President Poroshenko on June 27 of the same year. These events (the way Yanukovich was removed and the installation of a pro-Western president), as well as the previous ones from 2004 related to the *Orange Revolution* (a protest against the rigged presidential election - according to the results pro-Western Yushchenko loses to pro-Russian Yanukovich - when a repeat of the second presidential election was demanded), Russia considered as illegal acts and sabotage of Moscow's interests and influence<sup>7</sup>. For this reason and based on the referendum results of March 16, 2014, according to which more than 83 per cent of the electorate participated and at which the majority declared Crimea reunification with Russia, Putin two days later requested the Federal Assembly to review the constitutional law for the inclusion of two new subjects in the federation - Crimea and Sevastopol - and to prepare an agreement for their entry into the federation. In his speech held in the Federal Assembly on March 18, 2014<sup>8</sup>, points out, that from time to time there have been attempts in Ukraine to deprive Russians of their historical memories, and that: *the residents of Crimea and Sevastopol turned to Russia for help in defending their rights and lives, in preventing the events that were unfolding and are still underway in Kyiv, Donetsk, Kharkiv and other Ukrainian cities*... *millions of Russians and Russian-speaking people live in Ukraine and will continue to do so. Russia will always defend their interests using political, diplomatic, and legal means. But it should be above all in Ukraine's own interest to ensure that these people's rights and interests are fully protected. This is the guarantee of Ukraine's state stability and territorial integrity.*

Following the Euromaidan protest, the demonstration also began in the Donbas region, where the separatist groups declared the Donetsk and Luhansk oblast as People's republics. Two protocols known as Minsk 1 (September 2014) and Minsk 2 (January 2015) were signed<sup>9</sup>, but the agreement did not bring a permanent solution, considering that the conflict continued and that in February 2022, Russia decided to sign a decree on the international recognition of the two separatist republics (based on the resolution adopted by the Duma on February 15, 2022) and announced that it would send Russian troops to the region to preserve peace. In his speech held on March 24, 2022<sup>10</sup>, Putin said that *“you cannot look without compassion at what is happening there. It became impossible to tolerate it. We had to stop that atrocity, that genocide of the millions of people who live there and who pinned their hopes on Russia, on*

*all of us. It is their aspirations, the feelings and pain of these people that were the main motivating force behind our decision to recognise the independence of the Donbas people's republics".* In this context, following Article 51 (Chapter VII) of the UN Charter, with the permission of Russia's Federation Council, and in the execution of the treaties of friendship and mutual assistance with the Donetsk People's Republic and the Lugansk People's Republic, ratified by the Federal Assembly on February 22, he decided to carry out a special military operation. As he said in his address, *Russia has not planned to occupy Ukraine, but to protect people who, for eight years now, have been facing humiliation and genocide perpetrated by the Kyiv regime. To this end, they will seek to demilitarise and denazify Ukraine, as well as bring to trial those who perpetrated numerous bloody crimes against civilians, including against citizens of the Russian Federation.*

Were these the reasons for starting the war, or were they the threats that Russia has felt for years as a result of NATO's policy of eastward expansion to Russia's border?

The annexation of Crimea was decided after the Ukrainian intention to launch a Euro-integration process, which directly contradicted Russian interests. In the "Crimean Speech" he explained that they already heard a declaration from Kyiv about Ukraine soon joining NATO and that the presence of NATO's navy in the city of Russia's military glory (Sevastopol), would create a perfectly real threat to the whole of southern Russia. He points out that NATO remains a military alliance, and they are against having a military alliance making itself at home right in their backyard or in their historic territory. Four years later, in July 2018, the NATO-Ukraine Commission Summit held in Brussels reaffirmed NATO's commitment to a stable and secure Ukraine, as well as Ukraine's commitment to Euro-Atlantic integration. With the duty to ensure the implementation of the strategic path of the state for Ukraine's full membership in the European Union and the North Atlantic Treaty, in 2019, Articles 85, 102, and 116 of the Ukrainian Constitution are supplemented with the duty to provide the implementation of the strategic course of the state for gaining full-fledged membership of Ukraine in the European Union and the North Atlantic Treaty Organization.<sup>11</sup> These constitutional changes were certainly contrary to Russian interests and were seen as a threat to Russian security. As a result, in 2021, Russia began mobilising troops along the Ukrainian border under the pretext of conducting military exercises. The American President Biden announced economic sanctions in the case of an invasion of Ukraine, to which Russia responded (December 17, 2021) with demands that included a ban on Ukraine entering NATO and a limit to the deployment of troops and weapons to NATO's eastern flank, in effect returning NATO forces to where they were stationed in 1997, before an eastward expansion. On December 26, the United States rejected a draught agreement proposed by Russia and allowed the Baltic states to transfer weapons to Kyiv. During the whole of January and February of 2022, Russian troops were gathering, while in Europe they were first looking for a diplomatic solution between the members themselves, and then with the USA and Russia. Russia, after eight years of the annexation of Crimea, on February 22, 2022, recognised the independence of the self-proclaimed Donetsk and Lugansk, and the next day it received authorization from the Duma to use weapons abroad and entered the Donbas region with an action called "denazification" to save Russians from genocide. A few days later, on February 26, Kyiv was also attacked, and on February 27, Putin decided to alert the Russian forces for nuclear deterrence, accusing the West of an aggressive policy towards Russia. Unfortunately, after nine months, the war is still going on and has caused great damage, killed people, and caused a refugee crisis with many displaced people.

Of course, the consequences of the war are mostly felt by the citizens of Ukraine, but it also indirectly caused consequences at the international level, and one of them is the refugee crisis.

## **2. Response to the Ukrainian refugee crisis**

### **2.1. Ukrainian refugee crisis**

A refugee crisis is an inevitable element that comes along with an armed conflict. As a consequence of a conflict, the persons of concern are the refugees and the internally displaced persons (IDPs). Having in mind that the Ukrainian conflict started on February 24, 2022, no one has thought of this long-lasting internal European armed conflict. As the tensions intensified, the numbers of refugees and IDPs were getting bigger.

At the beginning of the conflict, the people were mainly IDPs who were noticed in the peaceful cities around Ukraine and who were displaced from the armed-affected areas of Ukraine. Following that, there have been a couple of attempts at negotiations, which were hopeless. The two conflicting parties did not find any means for pacifying the situation, and hence the armed attacks continued. Russia, as the biggest and best-equipped armed country, on the one side, and Ukraine, supported (with weapons) by NATO, on the other side. These tensions in the upcoming months have predicted a more massive exodus of people outside of Ukraine. In less than a year, there have been around 12 million refugees and IDPs registered.

According to the UNHCR,<sup>12</sup> there have been 5 437,961.00 refugees and 6 275,000.00 IDPs registered in Ukraine. Most of the refugees have asked for asylum in neighbouring countries, such as Poland, Germany, and the Russian Federation. According to the UNHCR data, there have been over 1 million asylum applications in Poland and Russia. More concretely, there have been 1 456,250.00 asylum applications registered in Russia, while in Poland there have been 1 200,207.00 asylum applications registered. Less than a million asylum applications are registered in Germany.

These numbers are of huge concern, having in mind that the conflict started less than a year ago. There have been many sanctions imposed towards Russia by all of the Western countries, and hence, Russia has cut the gas to many of the European countries, therefore leading them to an energetic crisis. Having this in mind, the refugee crisis would get even bigger. The people in Ukraine are looking forward to escaping the country. What would be feasible shortly is their fleeing away to the warmer southern EU countries. This was not the case with the previous refugee crisis of 2015 when the refugees were fleeing away to the western and northern more developed countries.

The Ukrainian citizens are by religion, mainly Christians, and they have European origins, which makes them local European nationals. This is allowing them to fly away to every EU member state where they meet every satisfactory condition for their continued normal life. The Directive for Temporary Protection, which was activated in 2022, is giving rights to Ukrainian refugees, such as:

- Residency rights
- Access to housing
- Social welfare assistance
- Medical care
- Legal custody and safe placement for unaccompanied children and teenagers
- Access to education for children and teenagers

- Access to the labour market
- The right to open a payment account with basic features.<sup>13</sup>

Following the Directive explanation, “temporary protection” is a special procedure designed to offer refugee families from other countries immediate safety in the event of a large-scale migration crisis. It can be used for people seeking asylum who are unable to return to their home country. If there's a chance that the asylum system can't handle this influx, it could have a negative impact on how well it functions to protect the interests of those involved and anyone else who needs to be protected.

According to this Directive, the temporary protection lasts for at least a year, until March 4, 2023, but may be extended depending on the situation in Ukraine. If the reasons for granting temporary protection continue, for Ukrainian refugees, temporary protection will be automatically extended for six months twice, i.e. until March 4, 2024. The Ukrainian refugees who have obtained this status of temporary protection can move freely around the EU for a period of 90 days to 180 days. However, this is not an example of third-country nationals who have fled Ukraine. If they are citizens of a country which is not exempt from the Schengen visa requirement, then their moving around the EU can not be allowed.

The Ukrainian refugees already in possession of temporary protection can engage in vocational training in employed or self-employed activities and enjoy equal treatment with workers in the Member States in the aspect of wages. Education right is also provided for school-age children. The European Commission set up an EU Education Solidarity Group for Ukraine<sup>14</sup> to identify the needs of Ukrainian children and to support the Member States that are hosting them, including peer learning and policy guidance. The European Research Area for Ukraine<sup>15</sup> is a portal which has been set up, and it is the only centre for information it supports services for Ukrainian-based researchers and scholars fleeing Ukraine.

All these given rights to the Ukrainian refugees through the Directive for Temporary Protection is providing a normal life to the refugees, which every person deserves. These actions of the European Union and the European Commission must be greeted in the case of Ukraine. However, all these provisions with rights were not an example of the previous refugee crisis which took place on the European continent, and which faced too many barriers, itself.

## **2.2 Ukrainian refugee crisis vs. Middle East refugee crisis**

There have been 7 years apart from one refugee crisis to another on the European continent. No one could have thought of the emergence of a refugee crisis in the middle of Europe, especially one which would be predicted by a world power such as Russia. While the nations are fighting for obtaining democratic values, peace and stability, there was an armed conflict started, which was mainly encouraged by the genocide over the Russian minority in the Republics of Donetsk and Lugansk, the high level of corruption in Ukraine, the NATO closer approach in Ukraine etc. This armed conflict has led to the refugee crisis which the EU is facing today. However, as of today, no one has expressed that there is a crisis itself. Compared to the Middle East refugee crisis, which took place in the year of 2015, the whole Western developed countries were panicked about a refugee crisis coming from the armed conflicts in the Middle East.

When comparing the numbers of refugees, one can see that from the year 2015 till the beginning of 2016 there have been around 1 million refugees arriving from Middle East countries to the European Union countries. According to the (FRA) Fundamental Rights

Report of 2016<sup>16</sup>, over a million people sought refuge in EU member states in 2015, confronting the EU with unprecedented challenges. While this challenge was quite an issue back then, this year, in 2022, there are over 5 million refugees registered by the UNHCR who have crossed the borders outside of Ukraine. Yet, there is no proclamation of a refugee crisis, coming out of Ukraine. Instead, the European nations are welcoming the refugees, as their own nationals, hosting them, giving them job places, access to healthcare institutions, education to the children etc. Since this provision of human rights should be an example for every single refugee, as defined in the Convention on the Status of refugees from 1951, there is visible discrimination among different groups of refugees, who have one general thing in common - they flee away because of an armed conflict in their home country. Since the European countries were discussing if the people from the Middle East were refugees or migrants, one cannot escape the fact that these people were fleeing away from their home country/residence country, where an armed conflict occurred, specifically (Iraq, Afghanistan and Syria). This fact gives them the status of refugees.

There are many international legal acts adopted, that focus on the status of the refugees, their rights and obligations in the hosting countries. One of the main international acts is the Convention on the Status of Refugees from 1951 and its Protocol from 1967. The hosting countries are taking into force the provisions adopted in these two acts, which are mainly general and vague in certain situations. Therefore, in every refugee crisis, there are specific legal acts adopted by the affected countries. In the refugee crisis from 2015, one of the most commented legal acts was the EU-Turkey statement, according to which Turkey received 3 billion EUR help from the European Union, to host the refugees, build camps, and provide them assistance with everything they need. On the other hand, Turkey had to receive back every refugee who had illegally entered the borders of the EU through Greece, on whose behalf the EU would take one refugee on its territory.

Another legal act is the 17 points Action Plan<sup>17</sup>, which was adopted at a mini-summit in Brussels, for the Balkan countries. This Action Plan incorporated: joint management of migration flows, strengthened border control, strengthened refugee and migration movement etc.

Another legal act was the Relocation plan of the EU, out of which, each European state should take a corresponding percentage of refugees from Greece and Italy, to their territories. Many of the EU countries disliked this decision and didn't respect it.

Wondering if these people from the Middle East are refugees or migrants, the acts which were adopted by the European Commission, were more or less focused on how to remain the refugees outside the European Union.

During the Ukrainian crisis, the Directive for Temporary Protection<sup>18</sup> was activated. This Directive was primarily adopted in the EU in 2001, and it found its first application in 2022 during the Ukrainian crisis. This Directive provides immediate and temporary protection in the event of a mass influx or imminent mass influx of displaced persons from non-EU countries who are unable to return to their country of origin. The question which tackles is, why this Directive has not been activated during the previous refugee crisis from the Middle East in 2015. Having in mind that the refugees from the Middle East were non-EU nationals who were unable to return to their country of origin, it is clear that this type of people falls under the provisions of this Directive. Instead of its activation in 2015, and protecting the mass influx of displaced persons, it was first activated this year 2022 to provide help and protection to the Ukrainian refugees.

The discrimination among different types of refugee groups is evident, according to the upper mentioned legal acts. Besides the legal acts, one can see the discriminatory actions, on the field. According to the Report of Amnesty International, discrimination is obvious between different ethnical groups fleeing away from Ukraine - Ukrainian nationals and third-country nationals.

“‘Radicalised people, in particular Black people, reported suffering discrimination and violence by Ukrainian forces when trying to leave Ukraine.’ Racialized people from a number of countries in Africa, the Middle East and South Asia recounted how Ukrainian forces and staff repeatedly prevented them from boarding trains towards Poland at Lviv train station. They were told that there was a need to give priority to women and children, but African and South Asian women were reportedly also not allowed to board trains in some instances.”<sup>19</sup>

There are a variety of responses that states adopt towards different refugee groups. The discriminatory approach might differ from country to country. The main bases for discrimination might be the origins of the refugees, their ethnical background, the language they speak, their religion etc. The refugees might be granted protection or might be turned back. The states do not always use their full capacity to give a proper response to the refugees.

To explain this discrimination, there is a two-part theoretical framework explained by Abdelaaty, according to which policymakers in refugee-receiving countries weigh international and domestic concerns.

“Policymakers in a receiving country might decide to offer protection to refugees from a rival country to undermine the sending country's stability, saddle it with reputation costs, and even engage in guerilla-style cross-border attacks. At the domestic level, policymakers consider political competition among ethnic groups--welcoming refugees who are ethnic kin of citizens can satisfy domestic constituencies, expand the base of support for the government, and encourage mobilisation along ethnic lines. When these international and domestic incentives conflict, the state shifts responsibility for refugees to the UN, which allows policymakers to placate both refugee-sending countries and domestic constituencies.”<sup>20</sup>

According to this, the welcoming policy of the EU member states can be confirmed. As some politicians in some of their official speeches say that the Ukrainians are the same ethnicity as their own and that they are granted protection in the hosting countries, this statement of Abdelaaty is affirmative. The EU states are welcoming the Ukrainian refugees, granting them workplaces and sheltering them. However, this was not the case with the Syrian refugees, and usually, they were stuck at the camps.

When it comes to different ethnic communities, discrimination can not be overcome. At first glance, the local population would not accept the refugees as their equal fellow citizens. Hence, the main issue of the non-discrimination approach provided by the UN is questionable, when it is evident that the states breach Article 3 of the UN Refugee Convention 1951. Therefore, it can be concluded that discrimination among different refugee groups exists even though the states are willing to adopt and (semi)implement legal acts in terms of helping the refugees.

## **Conclusion**

The world has been radically changing in the last few years. Two key geopolitical game changers, the COVID-19 pandemic and the Russian-Ukrainian war, are changing geopolitical patterns and accelerating the redistribution of geopolitical power. The already perceived transition of power from the West to the East is more than evident. In such a situation within the framework of international relations, the armed conflict on the soil of Europe produced one of the biggest migration crises ever seen. The dynamisation and prolongation of the crisis will have far-reaching consequences for the global international order. Apart from military conventional actions, a variety of non-conventional, asymmetric and hybrid threats are emerging that conventional armed forces cannot deal with great success. The energy crisis strongly affects all economies strongly affects the processes of energy transition and worsens the resilience of modern societies. These conditions further affect the possibilities for the emergence of new migration flows.

Drawing a parallel with the migrant crisis of 2015—the Middle East migrant crisis as a result of the armed conflict in Syria—it is quite clear that the treatment and status of refugees from Ukraine are different. We can argue that with increased engagement, particularly by the EU, in the area of preparedness to deal with Ukrainian migration.

With the activation of the Temporary Protection Directive for refugees from Ukraine, the EU's privileges and benefits to Ukrainian refugees are clear. Most of these include residency rights, access to housing, social welfare assistance, medical care, legal custody and safe placement for unaccompanied children and minors, access to education for children and minors, access to the job market, and the right to open a payment account with basic features. All these rights are completely different from what Europe is experiencing with the refugee crisis as a result of the developments in Syria. An impression is gained, if one relies on the Copenhagen School of Security Studies, and foremost on Temporary Protection Directive, it is evident that migration movements as a result of the Russian-Ukrainian armed conflict have been de-securitized.

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<sup>3</sup> The Constitution of Russian Federation, (Accessed November 29) <http://www.constitution.ru/en/10003000-01.htm>

<sup>4</sup> The federal structure of the Russian Federation is based on its state integrity, the unity of the system of state authority, the division of subjects of authority and powers between the bodies of state power of the Russian Federation and bodies of state power of the subjects of the Russian Federation, the equality and self-determination of peoples in the Russian Federation.

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<sup>7</sup> Kuchins, Andrew C., “L’Ucraina paga anche gli sbagli dell’America”, Limes, Rivista italiana di geopolitica, La Russia cambia il mondo, 2/2022, GEDI, Roma, March 2022, p.82

<sup>8</sup> Address by president of the Russian Federation, March 18, 2014 (Accessed November 29)  
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<sup>9</sup> Minsk Protocol was signed in September 2014 by the Trilateral Contact Group, consisting of representatives of Ukraine, the Russian Federation and the Organization for Security and Cooperation in Europe (OSCE), including the implementation of immediate bilateral cessation of the use of weapons; monitoring and verification by OSCE of the regime of non-use of weapons; implement decentralisation 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).

“Annex I to the letter dated 24 February 2015 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council” (Accessed November 26)

[https://peacemaker.un.org/sites/peacemaker.un.org/files/UA\\_140905\\_MinskCeasfire\\_en.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/UA_140905_MinskCeasfire_en.pdf)

The provisions of the protocol did not lead to a result because the fighting continued, and in January 2015 the separatist forces launched a new offensive. After negotiations between the Russian, Ukrainian, French president and the German chancellor and the leaders of the two separatist republics, a new package of measures known as Minsk 2 was adopted in Minsk on February 12, 2015. In addition to the ceasefire in certain areas of the Donetsk and Lugansk regions and the withdrawal of weapons by both sides on equal distance, Minsk 2 provided a special status for Donetsk and Luhansk.

“Package of measures for the Implementation of the Minsk agreements” (Accessed November 26)  
[https://peacemaker.un.org/sites/peacemaker.un.org/files/UA\\_150212\\_MinskAgreement\\_en.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/UA_150212_MinskAgreement_en.pdf)

<sup>10</sup> Address by president of the Russian Federation, (Accessed November 29)  
<http://en.kremlin.ru/events/president/news/67843>

<sup>11</sup> N. 2680-VIII dated February 7, 2019, Constitution of Ukraine, no. 5

<sup>12</sup> Refugee Data Finder, UNHCR. (Accessed November 29) [UNHCR - Refugee Statistics](#)

<sup>13</sup> COUNCIL DIRECTIVE 2001/55/EC. (Accessed November 29) <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0055&from=EN>

<sup>14</sup> EU Solidarity with Ukraine. (Accessed December 1) [Fleeing Ukraine: support for education \(europa.eu\)](#)

<sup>15</sup> EURAXESS. (Accessed December 1) [ERA4Ukraine | EURAXESS \(europa.eu\)](#)

<sup>16</sup> Asylum and migration into the EU in 2015. European Agency for Fundamental Rights. (Accessed December 2) [Focus – Asylum and migration into the EU in 2015 \(europa.eu\)](#)

<sup>17</sup> Meeting on the Western Balkans Migration Route: Leaders Agree on 17-point plan of action. (Accessed December 2) [Meeting on the Western Balkans Migration Route: Leaders Agree on 17-point plan of action \(europa.eu\)](#)

<sup>18</sup> COUNCIL DIRECTIVE 2001/55/EC. (Accessed November 29) <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0055&from=EN>

<sup>19</sup> Amnesty International. Poland: Authorities must act to protect people fleeing Ukraine from further suffering. (Accessed December 3) [Poland: Authorities must act to protect people fleeing Ukraine from further suffering - Amnesty International](#)

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<sup>20</sup> Abdelaaty, Lamis Elmy. *Discrimination and Delegation: Explaining State Responses to Refugees*. Oxford University Press, Jan 22, 2021