

**ПРАВЕН ФАКУЛТЕТ, УНИВЕРЗИТЕТ „ГОЦЕ ДЕЛЧЕВ“ – ШТИП**

**FACULTY OF LAW, GOCE DELCEV UNIVERSITY, STIP**



**ЕДИНАЕСЕТТА МЕЃУНАРОДНА НАУЧНА КОНФЕРЕНЦИЈА  
ELEVENTH INTERNATIONAL SCIENTIFIC CONFERENCE**

**ОПШТЕСТВЕНИТЕ ПРОМЕНИ ВО ГЛОБАЛНИОТ СВЕТ  
SOCIAL CHANGES IN THE GLOBAL WORLD**

**ЗБОРНИК НА ТРУДОВИ  
PROCEEDINGS**

**ШТИП 2024  
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РЕПУБЛИКА С. МАКЕДОНИЈА**



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**ШТИП 2024**



**FACULTY OF LAW, GOCE DELCEV UNIVERSITY, STIP,  
NORTH MACEDONIA**



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**ELEVENTH INTERNATIONAL SCIENTIFIC CONFERENCE**

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## **A COMPARATIVE ANALYSIS OF THE RUSSIAN – UKRAINIAN CONFLICT AND THE MIDDLE EAST CONFLICTS AND THE REFUGEE RESPONSES TOWARDS THE TWO REFUGEE CRISIS**

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### **Abstract**

In the 21st century, the international arena has faced numerous challenges, including pandemics, armed conflicts and various crises (economic and refugee crisis). Many of these challenges have elicited specific responses, however, only a few have been constructive, while many have had negative consequences. Notably, the great powers often adopt legal measures and acts without assuming that they will be used within their own territories. One of these types of measures pertains to the refugee crisis which are result of armed conflicts and European Union (EU) as a significant global power has been profoundly affected by them on its borders. The European refugee crisis, precipitated by conflicts in the Middle East, and the recent influx of Ukrainian refugees occurred in quick succession. While some EU member states subtly resisted appropriately responding to Middle Eastern refugees, the EU now faces a much larger number of Ukrainian refugees, who are generally perceived as deserving a warm welcome. The recent crises have demonstrated that, despite the Western developed countries' implementation of numerous international laws intended to aid refugees, these laws were not consistently upheld. Meanwhile, Middle Eastern refugees continue to seek refuge in more peaceful regions where international laws seem inapplicable, leading to a divided world. Consequently, Ukrainian refugees appear to receive more rights and better treatment compared to other refugees in the past.

**Keywords:** *Ukraine, refugees, migration, Middle Eastern crisis, European Union*

### **Introduction**

The last couple of years (2022/23), unfortunately, will be remembered by the Russian-Ukrainian conflict. 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 which are parts of the Slavic language family.

In the famous "Crimea speech" from March 2014, the Russian president Putin said "We are not simply close neighbors, 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 recognized the independence of the self-proclaimed Donetsk and Luhansk regions, Putin was authorized 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. Regarding this crisis 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. Dissolution of the Soviet Union and independence of Russia and Ukraine**

Based on Article 72 of the Union of Soviet Socialist Republics (Soviet Union; USSR) Constitution (1977) (Supreme Soviet of the USSR, 1982) - 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), signed the agreement on the abolition of the Soviet Union. In the Russian case, this decision was preceded by *Declaration of State Sovereignty*, adopted by the Congress of People's Deputies on June 12, 1990. That day informally was named "Independence Day", although it was not clear whose independence it was referring to, its thoughts and independence from whom (Черкасов, 2013). 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 (Rossiiskaya Gazeta newspaper, 1993).

According to the Russian 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). 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. 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 part of the Ukrainian Constitution.

According to the Preamble of the Ukrainian Constitution (Verkhovna Rada of Ukraine, 1996), 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 realized 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 recognized 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 centralization and decentralization 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.

### **1.1. Russian – Ukraine conflict – a result of policy divergence**

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 for Georgia. All signatories, except for the Baltic republics of Estonia, Lithuania and Latvia, became part of the Commonwealth of Independent States (CIS) and on May 15, 1992, almost all CIS members (Georgia and Azerbaijan joined in 1996) signed the Collective Security Treaty a defensive military alliance (Istituto della enciclopedia italiana Roma, 2014). This alliance was left by Georgia, Azerbaijan and Uzbekistan in 1999, as well as by Ukraine in 2018. In the Ukrainian case the decision was related to its aspirations and orientation towards membership in the EU and NATO, which on other side 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 on March 21, 2014, was the signing of Political EU Accession, 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 (Kuchins, 2022). 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 Russian federation. In his speech held in the Federal Assembly on March 18, 2014 (Putin V. , 2014) 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 and Minsk 2 were signed, with the aim to bring a permanent solution. Minsk Protocol 1 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 decentralization of power, including by enacting the Law of Ukraine on the interim status of local self-government in certain areas of the Donetsk and Luhansk regions (Law on Special Status) (<https://peacemaker.un.org/>, 2015). 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 ([https://peacemaker.un.org](https://peacemaker.un.org/), 2015). Unfortunately, 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 (Putin V. , 2022), 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 recognize 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 demilitarize and denazify Ukraine, as well as bring to trial those who perpetrated numerous bloody crimes against civilians, including against citizens of the Russian Federation".

## **1.2. The refugee crisis - a result of Russian - Ukrainian conflict**

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" Putin 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 make 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 (Verkhovna Rada of Ukraine, 1996). 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 mobilizing 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 draft 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 among the members themselves, and then between the USA and Russia. Russia, after eight years of the annexation of Crimea, on February 22, 2022, recognized 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 almost two and a half years, 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.

According to the UNHCR (UNCHR, 2024) there have been 5,684,177 refugees registered in 2022 and 5,914,000 refugees registered in 2023. There have been 5,865,447 IDPs (the internally displaced persons) registered in 2022 and 5,088,000 IDPs registered in 2023 in Ukraine. Most of the refugees have asked for asylum in neighboring countries, such as Poland, Germany, and the Russian Federation. According to the UNHCR data, there have been over 106 557 asylum applications in Poland and Russia.

## **2. Refugee policy crisis in Ukrainian case**

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 one of the biggest and well-equipped armed country, on the one side, and Ukraine, supported (with weapons) by NATO, on the other side. These tensions in the upcoming months and years have predicted a more massive exodus of people outside of Ukraine. In two years and a half, there have been around 20 million refugees and IDPs registered (UNCHR, 2024). These numbers are of huge concern. There have been many sanctions imposed towards Russia by all of the Western countries (Council of European Union), 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. It is an interesting

fact because 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.

### **2.1. Directive for Temporary Protection and Ukrainian refugee crisis**

Council Directive 2001/55/EC, on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, (Directive for Temporary Protection) was adopted on 20 July 2001 (Official Journal of the European Communities, L 212/12, 2001). 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.

The Ukrainian citizens are by religion, mainly Christians, and they have European origins, which makes them local European nationals. 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 labor market and the right to open a payment account with basic features. 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. It can be extended depending on the situation. Having in mind that the reasons for granting temporary protection continued, for Ukrainian refugees, temporary protection was automatically extended for six months twice, until March 4, 2024. However, this Directive was extended, again, having in mind that the war in Ukraine is still ongoing. So, the EU member states have agreed to extend the current Temporary Protection Directive by one year, until 4 March 2025 (Council of the European Union, 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 does not apply to 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 cannot 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 (European Commission, 2022) 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 (European Commission, 2024) is a portal which has been set up, and it is the only center for information it supports services for Ukrainian-based researchers and scholars fleeing Ukraine.

The provisions in the Directive for Temporary Protection are set to in order to ease the refugee's situation. 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.

### **3. Middle East conflicts**

The revolutions and protests arising from the Arab Spring, combined with the establishment of the Islamic State in Syria and Iraq, challenged dominant ideas about what people in the Middle East expect from their governments. At the same time, a new wave of fleeing danger has been created, once again showing how the local, regional and global are connected in the identity of citizens and concepts of

citizenship. By bringing together new perspectives on these critical issues, this provoking new era illuminates emerging patterns in key areas such as citizenship and cultural identity, state borders, national and international policies. These new patterns are often not very good accepted by the states, usually the poorer ones. New policies may induce unwillingness to cooperate among states on a global scale, which, thereof it might produce with conflicts. Bearing in mind that the Middle East, is so called, gun of a barrel, it is inevitably the conflicts to arise on these territories.

### 3.1. Syria

The Syrian conflict started with demonstrations against the current president Bashar Al-Assad. He has been ruling Syria since the year of 2000 and before that his father Hafez Al-Assad has been ruling the country. They were normal protests deriving from dissatisfied group of citizens from the particular state's regime. They fight against the unilateral political party regime, and search for a multi political parties' system. After few months these demonstrations have raised into civil war. The civil war is consisted of the supporters of the Al-Assad's system and the opponents of this system. When the civil war began, there were four main factions of fighting groups throughout the country: the Kurdish forces, ISIS, other opposition and the Assad regime. The opponents of the regime s.c. jihadists consist the IS (Islamic State). Their descent and main goal are the president Al Assad resignation. The presence of the great powers is obvious, and their influence is of a great amount in this region. Some call it "proxy war", some call it "civil war". "Proxy war" implies that local combatants are principally agents of external sponsors (William, 2018, p. 6). However, the great powers took part in this civil war. The ongoing war in Syria has come up with dangerous results. There have been embassies closed, diplomats and ambassadors were recalled, and Syrian ambassadors were expelled out of the other countries, there is also a ban of import of the Syrian oil, there is a huge refugee crisis raised and the most frightening moment is the continual growing of the number of deaths.

### 3.2. Iraq

Almost nearly 40 years Iraq has always been part of a battling field. The Iran- Iraq War which lasted for 8 years (1980-88), was nothing else but fight for territorial and political disputes. Iraq wanted to seize control of the rich oil- producing Iranian border region of Khuzestan, a territory inhabited largely by the ethnic Arabs over which Iraq sought to extend some form of suzerainty. Iran and Iraq restored their diplomatic relations, and Iraq agreed to Iranian terms for settlement of the war. (The Editors of Encyclopædia Britannica, 2024)

The first Iraq War (1990-1991) began with invasion of Kuwait. It again was motivated by the oil-fields, this time in Kuwait. The presence of the USA, UK and Israel (Coalition forces) was big. Therefore, the president Saddam Hussein has named this war "Holy War" or "jihad" – War against US and Israel (Robertson, 2003). This War concluded after the liberation of Kuwait by Coalition forces and Iraq agreeing to United Nations demands.

The second Iraq War (2003-2011) happened as a reason for hindering the UN inspections in Iraq, and the continuance of the possession and production of weapons for mass destruction, even though it was agreed the opposite. President Bush condemned that this kind of weapons for mass destruction were manufacturing to be used by the terrorist group Al-Qaeda. According to Bush Administration the perpetrators of 9/11 terrorist attacks made, the disarmament of Iraq, a new world priority (Schoenfeld, 2023). Hence, the president Bush supported by the UK Prime Minister Tony Blair with some smaller contingents from several other countries invaded Iraq and rapidly defeated Iraqi military and paramilitary forces. After the violence began to decline in 2007, the US gradually reduced its military presence in Iraq, formally completing its withdrawal in December 2011.

The civil war (2014) in Iraq became as a consequence from the armed conflicts in Iraq from 2003 and from the Syrian crisis from 2011. It would be more of a pause between two wars. The relevant setting

for the 2011 Syrian crisis that became a war across both Syria and Iraq was above all else the domestic environment in Syria, largely insulated from the post-2003 turmoil in Iraq. Yes, external events contributed to the chain reaction that began in the neglected southern Syrian town of Dera'a in March 2011, but the so-called Arab Spring revolutions in Tunisia and Egypt provided the relevant wider context – not an Iraq that was relatively pacified in early 2011 (William, 2018, p. 14). The United States have officially withdrawn from Iraq in 2011, but came back on the head of a new coalition. This new coalition led by the USA main aim was to defeat ISIS. However, there have been other turmoil in Iraq. Other aim of this war the resignation of the Prime Minister Nouri al-Maliki. His regime has been showing the greed to take control of the country's natural and capital resources, such as oil. Hence, this authoritarianism can be perceived as one of the causes for civil war in Iraq.

### **3.3. Afghanistan**

The war in Afghanistan is again an international conflict, in which the parties are Afghanistan (Al-Qaeda and Taliban) and the Great Powers (USA with its alliances) (Witte, 2024). The 20 years long war represents the longest war fought by the United States against Afghanistan perpetrators of the 11 September attacks. It all started, in the aftermath of the September 11 with a single goal of demolishing Al-Qaeda and Taliban. Taliban represented the ultraconservative political and religious faction that ruled Afghanistan and provided sanctuary for Al-Qaeda, perpetrators of the September 11 attacks. The United States has made an ultimatum to Taliban. It was to hand over the Al-Qaeda's leader, Osama Bin Laden. After Taliban refused to hand Bin Laden over, the US started revenge towards Taliban. The toppling of Taliban by the US was an easy step. It lasted only two months. Several fundamental factors contributed to the collapse: Afghan disliked the repressive Taliban regime; many Taliban leaders defected when its power waned; Taliban fighters were largely committed to static defense; Al-Qaeda could offer little assistance to the Taliban; opposition and the Taliban were closely matched; air attack targeted and controlled by ground forces was devastatingly effective (Walter, 2015, p. 62).

After defeating Taliban, the next step for the US and its allies was to beat Al-Qaeda's leader Bin Laden. This step was a little more difficult for the US forces than the toppling of Taliban. It took almost 10 years after the 9/11 attacks. Allegedly, he was killed on the night of 2nd of May 2011 in Pakistan by the US Special Forces. The following three years was a period when the conflicting parties started some sort of negotiation for structural peacebuilding and sustainable peace. The period of transition was seen as a last opportunity to create the necessary conditions for transforming international support in a way that reinforces a viable democratic state. However, Taliban regained its power again. The NATO forces, as allies to the United States, didn't manage to eliminate the Taliban through military means and hence the United States and the Taliban signed a conditional peace deal in Doha which required that US troops withdraw by April 2021. Since this period has expired and was not respected by the US, the Taliban started a broad offensive and finally took Kabul on 15th of August 2021. That is when Taliban declared a victory and the war ended.

## **4. Middle East refugee crisis**

### **4.1. Syria**

The Syrian civil war, sparked originally by a combination of a grassroots protest movement for socio-economic and political reform on the one hand, and President Assad's heavy-handed response to it on the other, thus far killed over 200 000 people and displaced half of Syria's pre-war population of 24 million (ARK group DMCC, 2016, p. 14). "Starting in the summer of 2011, the Syrian army's offensives forced tens of thousands to flee. From early 2012 on, with fighting flaring up throughout most of the country and the bombing of cities, displacement of the civilian population accelerated. The relatively unscathed Syrian coast became home to millions. Others fled to Lebanon, Iraq, Jordan and Turkey. Starting in the winter of

2012-2013, nearly a half million Syrians registered with UNHCR in neighboring countries, a figure that rose to 4.8 million by the end of 2015. Seeing that the conflict would be of long duration, many refugees left Turkey for Europe in late 2015 to ask for asylum." (Baczko, 2018, p. 157,158).

According to the World Bank statistics (World Bank, 2023), in the year of 2013, there have been 2.468.323 Syrians registered who have left their homes. In 2014 this number gets bigger. There have been 3.887.490 Syrian refugees registered. In 2015 the number of the refugees from Syria has reached to 4.873.236 and in 2016 this number is the highest or, 5.524.511.

#### **4.2. Iraq**

The 2003 invasion of Iraq left a legacy of violence and a political system which was increasingly used by political leaders for sectarian advantage. After a period of relative stability, violence has increased in Iraq during 2014. Since the beginning of 2014, an extreme jihadist group ISIL/Da'esh, who are also active in Syria, has gained control of territory in the mainly Sunni and contested areas of Iraq" (Rohwerder, 2014, p. 1). The conflict spread north after the extremist group Islamic State, took over Mosul, Iraq's second largest city. As of October 2014, the fighting has caused the internal displacement of 1.8 million people and there are 5.2 million who need urgent humanitarian assistance.

According to the World Bank statistics (World Bank, 2023) the highest number of refugees has been noted in 2013, or 401,461 Iraqi refugees. In 2014 this number is decreasing to 369,960 refugees. In 2015 there have been 264,086 refugees registered, while in 2016 there have been 316,056 refugees fleeing away from Iraq.

#### **4.3. Afghanistan**

Afghanistan is one of the most affected countries by war in the world. After the fall of Taliban and establishment of a new democratic government with the help of the international community, Afghanistan still faces an immense challenge in state building process, conflict transformation and peace building (Rahman, 2008, p. 3). The ethnical conflict remains one as the most important conflicts today Afghanistan faces beside other issues such as terrorism, insurgency, political instability and weak governance. However, beside the ethnical tensions there have been political instabilities such as political maneuvers and alliances, which have also caused conflict tensions.

All these instabilities, have caused the huge fleeing away from the country. According to the World Bank statistics (World Bank, 2023) in 2013, there have been 2.556.483 refugees registered, who have left the country. In 2014, this number has raised to 2.596.259 refugees. The year of 2015 was the peak of the fleeing. There have been 2.666.294 displaced persons from Afghanistan. In 2016 this number has decreased to 2.501.447 refugees.

Regarding the European refugee crisis, Afghanistan's conflict has escalated in the year of 2015, when there have been the biggest numbers of refugees. In 2016, there has been weak de-escalation of the conflict, so do the numbers of Afghan citizens who fled away.

### **5. 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 (according to Putin), 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 Fundamental Rights Report (FRA) of 2016 (Fundamental Rights Report 2016, 2016), 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, 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). Namely, they are people who are persecuted and deprived of their homes and communities and means of livelihood are frequently forced to flee across the borders of their home countries and seek safety abroad (Betts, 2011, p. 2). Additionally, "The figure of the refugee is an integral part of the international system, symbolizing the failure of the state-citizen-territory relationship assumed by the state system to seamlessly ensure international order and justice" (Haddad, 2008, p. 235). When speaking in terms of a conflict, refugee is a person who has been persecuted from his/hers home country because of an armed conflict situation or violence in his/hers home country. This fact gives them the status of refugees.

There are many international legal acts adopted: The Convention on the Status of Refugees from 1951 and its Protocol from 1967, The New York Declaration for refugees and migrants (2016) the Global Compact of refugees (2018) etc. These all focus on the status of the refugees, their rights and obligations in the hosting countries. The main international acts are 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. Hence, 3 billion Euros were disbursed in Turkey in order to give a positive response to the refugee crisis. Additional 3 billion Euros has been allocated for the following years, which makes total of 6 billion Euros allocated through the Facility for refugees for the period between 2016-2025, focusing on humanitarian assistance, education, health, municipal infrastructure and socio-economic support. These funds are used to increase school attendance among refugee children, offer catch-up and back-up educational support, construct new schools, provide health consultations and vaccines for infants, and provide support for basic needs of approximately 1.7 million refugees (Directorate-General for Communication, 2018). Another legal act is the 17 points Action Plan (European Commission, 2015), 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 (Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece) out of which, each European state should take a corresponding percentage of refugees from Greece and Italy to their territories (European Union, 2015). Many of the EU countries disliked this decision and didn't respect it.



While Germany has taken the lead from the very beginning of the crisis, insisting that the refugees be allowed to stay in Germany and apply for asylum-seeker status, France, with other member states such as the UK and Hungary, has been reluctant to open its border to the refugee flooding into the EU across the Mediterranean and Balkans (Darwinda, 2019, p. 136). For example, Hungary did not accept to be part of the resettlement scheme. Hungary has had more conservative measures undertaken, in order to respond to the crisis. It did not want the refugees to come to its territory, therefore it closed the borders, and built a wire fence. Short after Hungarian's unwelcomed policy towards the refugees, Austria has followed the Hungarian example. Even though, at first place, Austria has accepted the EU policies, it was also part of the European relocation scheme, and received financial help from the European funds, Austria has moved from pro-German to pro-Hungarian country.

During the Ukrainian crisis, the Directive for Temporary Protection 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 in the year of 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. "Radicalized 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" (Amnesty international, 2022).

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 mobilization 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" (Abdelaaty, 2021).

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 cannot 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 dynamization 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, 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 refugee crisis as a result of the armed conflict in Syria, Iraq and Afghanistan—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 teens, access to education for children and teens, 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 the Middle East. Or, 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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