

## The war in Ukraine and the European Union: A watershed moment for humanitarian assistance and protection policies

Federica Rosso

*Member of the editorial team, OSORIN*

1. **Introduction** – The outbreak of the war in Ukraine in late February has undoubtedly brought the international community to a watershed moment, shaking the post-Cold War geopolitical order and roiling global markets<sup>1</sup>. Among all crises unfolding all over the world, the war in Ukraine strikes for the joint response – mostly coming from western countries – which has followed in terms of economic sanctions to Russia<sup>2</sup>, military and financial support as well as humanitarian assistance to Ukraine. On 2 March 2022 the General Assembly met on an emergency special session (the eleventh called since the founding of the United Nations) and voted resolution ES-11/1 entitled “Aggression against Ukraine”<sup>3</sup>, where the international community demanded «that the Russian Federation immediately cease its use of force against Ukraine [and] that the Russian Federation immediately, completely, and unconditionally withdraw all of its military forces from the territory of Ukraine». The UNGA resolution was adopted by a vote of 141 in favour to 5 against (Belarus, Democratic People’s Republic of Korea, Eritrea, Russian Federation, and Syria) with 35 abstentions. The voting results of the UNGA resolution stand as a remarkable affirmation of the 193-member world’s body acknowledging of Ukraine’s sovereignty as well as a clear condemnation of Russia’s aggression<sup>4</sup>. This sets the scene of the major impact the war is having on the geopolitical order, going far beyond Western/Russia power dynamics.

This article aims at providing an overview of the EU's response to the war in Ukraine with regards to the assistance offered – both on the civil protection and humanitarian side – to Ukrainian refugees fleeing the war and entering the territory of EU Member States. Finally, the present contribution will draw some broad conclusions on the effects of the war on the EU civil and international protection.

2. **The Russia attack and invasion into Ukraine: factual background** – Resentments between Russia and Ukraine trace back in time<sup>5</sup>. The territory of Ukraine was part of the Soviet Union, though since its independence in 1991, and by 2013, the country has engaged in a political process to strengthen ties with the European Union. In 2014, tension escalated when large-scale protests resulted in the overthrow of the

---

<sup>1</sup> S. Pantuliano, *The systemic impacts of the war in Ukraine: a triple shock*, ODI Insight, 2022, [odi.org/en/insights/the-systemic-impacts-of-the-war-inukraine-a-triple-shock](https://odi.org/en/insights/the-systemic-impacts-of-the-war-inukraine-a-triple-shock).

<sup>2</sup> P. Quercia, *Lo spazio delle sanzioni nella crisi russo-ucraina*, in *Affari Internazionali*, 2022, [www.affarinternazionali.it/sanzioni-crisi-russo-ucraina](http://www.affarinternazionali.it/sanzioni-crisi-russo-ucraina).

<sup>3</sup> See [digitallibrary.un.org/record/3965290?ln=en](https://digitallibrary.un.org/record/3965290?ln=en).

<sup>4</sup> GA/12407, Meetings coverage, 2 March 2022, [www.un.org/press/en/2022/ga12407.doc.htm](https://www.un.org/press/en/2022/ga12407.doc.htm).

<sup>5</sup> To a detailed description see J. Mankoff, *Russia’s War in Ukraine: Identity, History, and Conflict*, Center for Strategic and International Studies (CSIS), 11 April 2022, [www.csis.org/analysis/russias-war-ukraine-identity-history-and-conflict](https://www.csis.org/analysis/russias-war-ukraine-identity-history-and-conflict).

Ukrainian Russian-friendly then-President Viktor Yanukovich and the consequent establishment of a new pro-western government. Therefore, Russia initiated military action in the internationally recognised Ukrainian territories of Crimea and Donbas and in February 2014 annexed Crimea to Russia. In the run-up to confrontations between Ukraine and Russia, on 21 February 2022 the Russian Federation formally recognised the independence of the eastern Ukraine regions of Donetsk and Luhansk and sent troops to the two separatist regions with the pretext to ‘maintain peace’<sup>6</sup>. On 24 February, Russia started its offensive over Ukraine from three directions: Belarus in the north, the Donbas region in the east and from Crimea. Despite the Russian attempt to seize the capital of Ukraine, Kyiv in the war’s opening days, the Russian offensive has now entered a second phase, with the aggressor withdrawing from the north of the country and seeking to seize control over the Donbas region in the East<sup>7</sup>.

**3. EU Temporary Protection** – The Temporary Protection Directive (TPD)<sup>8</sup> was triggered by the Council of the European Union in response to the Russian aggression of Ukraine on 24 February 2022 in order to respond to the refugee crises which would have ensued. On 2 March 2022, upon prior consultation with the home affairs ministers, the Commission proposed<sup>9</sup> to activate the TPD given «the gravity of the war and its proximity to the EU external borders [and maintaining that] the European Union is likely to face a situation characterised by a mass influx of Ukrainians and other third-country nationals ... who are forced to leave Ukraine because of the Russian invasion»<sup>10</sup>. As spelled out in the Directive, temporary protection should «quickly allow displaced persons to enjoy harmonised rights across the Union that offer an adequate level of protection, including a residence permit, the possibility to engage in employed or self-employed activities, access to suitable accommodation, the necessary social welfare assistance, medical or other assistance, and means of subsistence»<sup>11</sup>, as well as access to education for children under 18. The TPD consists of a one-year residence permit issued by EU Member States (Article 4).

The measure was adopted by the European Union for the very first time and thus represents a milestone for EU international protection policy. The EU and the Member States’ commitment towards Ukrainian refugees is remarkable by way of the set of rights refugees are entitled to. Yet the fact that the measure has been adopted in the framework of the war in Ukraine – which is a country part of the EU neighbourhood – leads to the comparison with other major refugee crises that have not however received the same attention. Noteworthy is also the – unprecedented – political and public consensus

---

<sup>6</sup> D. Child, R. Allahoum, *Putin orders Russian forces to Ukraine rebel regions*, Al Jazeera, 21 February 2022 <https://www.aljazeera.com/news/2022/2/21/us-warns-of-possible-targeted-killings-by-russia-live-news>

<sup>7</sup> Z. Beauchamp, *Russia’s offensive in the Donbas can’t make up for its failure in Kyiv*, Vox, 2022 <https://www.cnas.org/press/in-the-news/russias-offensive-in-the-donbas-cant-make-up-for-its-failure-in-kyiv>

<sup>8</sup> Temporary Protection Directive 2001/55/EC.

<sup>9</sup> See [ec.europa.eu/commission/presscorner/detail/en/ip\\_22\\_1469](https://ec.europa.eu/commission/presscorner/detail/en/ip_22_1469).

<sup>10</sup> See [eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0091&qid=1646384923837](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0091&qid=1646384923837).

<sup>11</sup> *Ibidem*.

revolving around the willingness to open the doors to Ukrainian refugees<sup>12</sup>. On the other hand, the EU response to the war against Ukraine is commendable and lays out the way forward to migratory policies. Indeed, the TPD sets a precedent in terms of EU capacity to agree on shared and effective solutions when challenging moments arise. It also constitutes an important step forward in the definition of a clear legal framework to grant international protection<sup>13</sup>.

**4. EU Civil Protection and Humanitarian Aid** – Whenever a crisis occurs, be it an environmental disaster or any other humanitarian emergency, the EU is equipped with an *ad hoc* system to respond to such crises in order to provide assistance to affected countries and populations. The EU humanitarian action is twofold and consists of two complementary branches: civil protection and humanitarian aid, which are both managed by the European Commission Civil Protection and Humanitarian Aid Operations Department (DG ECHO).

Article 196 of the Lisbon Treaty prescribes that «the Union shall encourage cooperation between the Member States in order to improve the effectiveness of systems for preventing and protecting against natural or man-made disasters»<sup>14</sup>, thus paving the way to a system of voluntary in-kind contributions from Member States (and the non-EU Participating States), with the Union (DG ECHO) playing a coordinating and supporting role vis-a-vis natural or man-made disasters. In this context, in 2001 the European Commission established the Union Civil Protection Mechanism (UCPM) with the aim to enhance cooperation between the EU Member States and six Participating States, namely Iceland, Norway, Serbia, and North Macedonia, Montenegro and Turkey, in the field of civil protection. The idea behind is that whenever states' response capabilities towards an emergency are overwhelmed, they can request assistance through the UCPM and EU countries and the other Participating States can step in and provide assistance. Any state in the world can submit a request and aid can take the form of in-kind assistance, deployment of specially equipped teams, or experts assessing and coordinating support right in the field<sup>15</sup>. The UCPM is facilitated by the Emergency Response Coordination Centre (ERCC), which monitors 24/7 events around the globe and acts as a liaison hub between EU countries, the six UCPM Participating States, the country affected by the crisis and civil protection and humanitarian experts.

On the humanitarian aid side, according to Article 214 TFEU, «the Union's operations in the field of humanitarian aid ... shall be intended to provide ad hoc assistance and relief and protection for people in third countries who are victims of natural or man-made disasters, in order to meet the humanitarian needs resulting from these

---

<sup>12</sup> S. Angenendt, N. Biehler, R. Bossong, D. Kipp, A. Koch, *Maintaining mobility for those fleeing the war in Ukraine: From short-term protection to longer-term perspectives*, SWP Comment, No. 26/2022, Stiftung Wissenschaft und Politik (SWP), [www.econstor.eu/bitstream/10419/256749/1/2022C26.pdf](http://www.econstor.eu/bitstream/10419/256749/1/2022C26.pdf) or <https://doi.org/10.18449/2022C26>.

<sup>13</sup> J. Motte-Baumvol, Mont'Alverne, Tarin Cristino Frota, G. Guimarães Braga, *Extending Social Protection for Migrants Under the European Union's Temporary Protection Directive: Lessons from the War in Ukraine*, April 1, 2022, [ssrn.com/abstract=4096325](https://ssrn.com/abstract=4096325) or <http://dx.doi.org/10.2139/ssrn.4096325>.

<sup>14</sup> See [eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12016E196](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12016E196).

<sup>15</sup> See [ec.europa.eu/echo/what/civil-protection\\_en](http://ec.europa.eu/echo/what/civil-protection_en).

different situations». Humanitarian aid is channelled to affected populations through humanitarian partners (mainly UN agencies, International Non-Governmental Organisations and the Red Cross/Red Crescent movements). The EU (European Commission and Member States collectively) are among the world's leading humanitarian donors (1<sup>st</sup> in 2020, 2<sup>nd</sup> in 2021), funding humanitarian programmes and conducting humanitarian advocacy worldwide.

**5. EU Action in Ukraine on the civil protection and humanitarian side** – On 15 February, Ukraine activated the EU Civil Protection Mechanism (UCPM). Further to the start of the war on 25 February and Russia's invasion, Ukraine has submitted subsequent lists of needs, including shelter items, food items, hygiene items, water, ambulances, medicines, emergency supplies, power supplies, fuel and various other tools and items. As of today, the crisis in Ukraine is the largest UCPM operation to date. DG ECHO has established three UCPM logistics hubs in Poland, Romania and Slovakia, where – thanks to the support of ERCC –, assistance is received, stored and then sent to Ukraine. All 27 EU Member States and 3 participating States Norway, Turkey and North Macedonia have delivered assistance to Ukraine and neighbouring countries, namely Moldova and Poland via the UCPM. As of 20 June 2022, over 42.000 tonnes of assistance have been delivered, with an estimated value of approximately EUR 400 million. On the humanitarian side, in response to the war in Ukraine, the EU has made available EUR 348 million for humanitarian aid projects to help civilians affected by the war<sup>16</sup>, with over 7.6 million people benefitting from humanitarian assistance in Ukraine.

**6. The impact of EU humanitarian assistance** – As stressed above, the war in Ukraine and the consequent EU response to the refugee crisis has set a strong precedent in migration policy, which is likely to be recalled again in the future, should major crises occur. In this sense, the EU actions will be certainly compared to the response put into place to face the side effects of the war in Ukraine. Indeed, the impact of the war goes even beyond migration policies as it is having huge repercussions on the EU civil protection and humanitarian aid delivery.

On the relationship between civil protection and humanitarian aid within the EU, in principle, civil protection is meant to swiftly respond to catastrophic events by way of supporting and coordinating the delivery of in-kind offers through the UCPM system, whereas humanitarian aid is supposed to provide funds in response to emergencies happening outside of the EU. No doubt Ukraine represents a unicum in the panorama, if anything because it brought war back to Europe, triggering the biggest refugee crisis since World War II. In response to the war in Ukraine, the EU has started its largest UCPM operation since the creation of the Mechanism<sup>17</sup>. In parallel, it has deployed humanitarian aid providing food, water, healthcare, shelter and cash assistance, among others. In this

---

<sup>16</sup> See [ec.europa.eu/info/strategy/priorities-2019-2024/stronger-europe-world/eu-solidarity-ukraine/eu-assistance-ukraine\\_en#humanitarian-aid](https://ec.europa.eu/info/strategy/priorities-2019-2024/stronger-europe-world/eu-solidarity-ukraine/eu-assistance-ukraine_en#humanitarian-aid).

<sup>17</sup> See [civil-protection-humanitarian-aid.ec.europa.eu/where/europe/ukraine\\_en](https://civil-protection-humanitarian-aid.ec.europa.eu/where/europe/ukraine_en).

sense, civil protection and humanitarian aid have targeted the same emergency and country in an unprecedented effort to help the millions of people affected by Russia's aggression of Ukraine<sup>18</sup>.

Humanitarian aid is, in principle, meant to alleviate sufferings of people in the context of man-made or natural disasters or conflicts (principle of humanity)<sup>19</sup>. As such, humanitarian aid is neutral in the sense of being granted to everyone by way of being affected by conflicts or disasters, no matter other conditions. Despite the abundance by the humanitarian principles, humanitarian actors are very often perceived with suspicion, linked with one or the other party to the conflict, or serving a political agenda. However, the fact that the EU has openly and clearly stepped up to side one of the two parts to the conflict<sup>20</sup> does not mean *per se* that it is not acting under the principles of humanity, impartiality, neutrality and non-discrimination<sup>21</sup>. The EU in fact currently delivers assistance to both government and non-government controlled areas of Ukraine, as it did already since 2014. Overall, the war in Ukraine has brought attention back to the necessity of advocating for the respect of International Humanitarian Law by the parties to the conflict, notwithstanding the political stand of the parties delivering humanitarian aid.

**7. Conclusion** – The EU has extended unprecedented special protection to Ukrainians, by easing their asylum procedures for those fleeing the country because of Russia's invasion. In addition, this article has laid out the measures implemented by the European Commission both through its civil protection and humanitarian action. It has also highlighted the challenges posed to those same instruments that have been used in response to Russia's aggression. EU Member States on their part, have provided extraordinary support through the Union and individually, moving away from the bitter disagreements that emerged within the EU during the recent migration crisis in the aftermath of the Syrian war. Undoubtedly, the EU has invested much energy in the response to the war and its effects – like the consequences of the sanctions on Russia and food insecurity to name just a few. Finally, by putting up an unprecedented response vis-à-vis an unprecedented crisis, the EU has set up the basis for a new era of emergency response and crisis management.

Luglio 2022

---

<sup>18</sup> Assistance has been provided also to countries directly affected by the war like Moldova and Poland.

<sup>19</sup> See F. Kalshoven, *Impartiality and Neutrality in Humanitarian Law and Practice*, in *International Review of the Red Cross*, 1989, 516-535, M. Weller, *The relativity of humanitarian neutrality and impartiality*, in *Proceedings of the ASIL Annual Meeting*, 1997, pp. 441-450.

<sup>20</sup> See [www.ethicsandinternationalaffairs.org/2022/solidarity-not-neutrality-will-characterize-western-aid-to-ukraine](http://www.ethicsandinternationalaffairs.org/2022/solidarity-not-neutrality-will-characterize-western-aid-to-ukraine).

<sup>21</sup> See the European Consensus on Humanitarian Aid: [https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1431445468547&uri=CELEX:42008X0130\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1431445468547&uri=CELEX:42008X0130(01))