

Reflections on Russia's Invasion of Ukraine: One Year On





1 This paper is based on the remarks delivered by Pat Cox at the Institute for International and European Affairs headquarters in Dublin on 22 March 2023.

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The Russian invasion of Ukraine marks a point of inflection in global history and is the most momentous geopolitical event so far of the 21st century. It has been a wakeup call for the EU, the USA, the transatlantic alliance and NATO. Changes that proved elusive over the decades since the fall of the Berlin Wall crystallised into policy reversals and reforms within days of Russia's aggressive breach of the sovereignty and territorial integrity of Ukraine. We have entered a new age of uncertainty, triggered essentially by one man, Vladimir Putin, whose war of choice is driven by his sense of grievance, ambition, and insecurity.

In the EU, for example, and especially in Germany, more strategic decisions were taken within several days of Putin's invasion than had been taken in decades before. Nord Stream 2 was suspended. Years of policy continuity, *wandel durch handel*³, of change through trade with Russia under Angela Merkel, Gerhard Schroeder and others, evaporated in the heat of the moment. Chancellor Scholz committed Germany henceforth to spending 2% of its GDP on defence, still awaiting delivery. The EU broke with long standing taboos in creating the European Peace Facility from its own resources with an initial €500 million to provide weapons for Ukraine's defence. Fifteen days into the war agreement was reached at Versailles to phase out EU dependency on Russian fossil fuels as soon as possible. Finland and Sweden applied to join NATO. A Danish referendum reversed its European Security policy opt-out. Vacillation was displaced by decisiveness, complacency by urgency, division, for example on sanctions, by unity.

In Russia post-Soviet and past Romanov glories have been manipulated to mould a narrative of patriotic nationalism, neo imperial spheres of influence and the restoration of a greater Russia – 'the Russkiy Mir'. Russian ideologues promote this dream, having Mother Russia at its heart, and asserting a right to defend the interests of co-ethnics abroad, thus self-justifying interventions such as Georgia, Crimea, Donbas, and the war in Ukraine.

Aggression abroad has been accompanied by repression at home. Putin's neo-imperial and neo-colonial instincts are applauded by a subservient statist Russian commentariat. In Russia the Kremlin dominates and controls the nation's deceitful war narrative. All independent media outlets have been closed. Independent civil society has been banned. Western elites, NATO, the United States, and the big lie describing Ukrainians as neo-Nazis are blamed for triggering Russia's aggression. This aggressive war of choice is presented to the domestic Russian audience as a victim's war of necessity. Russia the aggressor is presented as the liberator. Russia the war monger is portrayed as the peace maker. Russia the despoiler of human rights is depicted as their guardian. Russia systematically is laying waste to Ukraine's civilian infrastructure while asserting it avoids civilian war targets. The war is not even called a war but instead is designated as 'a special military operation' by the Kremlin. To call it by its name is to risk imprisonment.

February 20th 2023 marked the ninth anniversary of the annexation of Crimea and of Putin's covert hybrid war in support of Moscow-backed separatists in Donbas. To mark that event he visited both Crimea and Mariupol. For most of the past decade Putin's war against Ukraine slipped out of our headlines and consciousness virtually disappearing in plain sight.⁴ It was punctuated by occasional desultory meetings of the Normandy

³ 'Wandel durch handel' denotes when Western countries seek to strengthen trade links with authoritarian regimes in the hope of inducing political change.

⁴ A notable exception was Malaysia Airlines Flight 17, a scheduled passenger flight from Amsterdam to Kuala Lumpur, that was shot down by Russian

contact group comprising the leaders of France, Germany, Russia and Ukraine, and the well-intentioned but ultimately ineffectual Minsk Protocols instigated by the OSCE together with Russia and Ukraine which contained but did not stop the fighting in Donbas.

All changed utterly on the 24th February 2022 when Russian troops and tanks poured over the borders of Ukraine from the north and the east, and elite troops were helicoptered into Hostomel, the large Antanov airfield ten kilometres north of Kyiv. The aim was to create an airbridge, overwhelm Ukrainian resistance, and replace its leadership with a spare part Moscow-friendly elite. Denied a quick victory and suffering multiple setbacks on the battlefield between last August and November, Russia mobilised more soldiers, unleashed the Wagner private militia in Donbas, and resorted to all out aerial bombardment of civilian infrastructure, in particular electricity and water. To date there have been 15 rounds of missile and drone attacks killing dozens of civilians, injuring thousands, and wrecking key infrastructural targets. On November 11 2022, in a significant setback for Russia, Ukraine liberated Kherson. Since then the war has been conducted along a line of contact stretching almost a thousand kilometres in eastern and southern Ukraine, with an especially heavy war of attrition being waged in Bakhmut, and Vuhledar, both in the Donetsk oblast, conducted through trench warfare and close combat, with a shocking loss of life, reminiscent of the worst features of Europe's early 20th century.

After sham referenda, Russia annexed four Ukrainian oblasts last September, Luhansk, Donetsk, Zaporizhzhia, and Kherson, without expressly defining their boundaries. These connect the annexed Crimea to Russia through a wide eastern and southern corridor in Ukraine and cut off vast tracts of Ukraine's territorial waters in the Sea of Azov and the Black Sea. The war in Ukraine is expected to intensify in the coming months. Putin's determination not to lose suggests he is likely to continue to press for further territorial gains and consolidation. This is matched by Ukraine's legitimate determination to recover lost territory and restore its full territorial integrity, as it deploys better arms and equipment from western allies on the battlefield. The duration of the war and its outcome are indeterminate at this point. It is hard to know, all things considered, what either side would be prepared to settle for as a win, if that falls short of their own preferred definition of victory, or even if the war is winnable on their own preferred terms by either side.

The UN General Assembly resolution on the eve of the first anniversary of the war, supported by 141 of the 193 Member States, called for a comprehensive, just, and lasting peace in Ukraine in line with the principles of the Charter of the United Nations; reaffirmed its commitment to the sovereignty, independence, unity, and territorial integrity of Ukraine within its internationally recognised borders, extending to its territorial waters; reiterated its demand that the Russian Federation immediately, completely, and unconditionally withdraw all of its military forces from the territory of Ukraine within its internationally recognised borders; and called for a cessation of hostilities. This mirrors key aspects of President Zelensky's 10 point peace plan.

In March 2023, China has refined its 'no limits' friendship with Russia during a three day visit by Xi Jinping to Moscow to meet with Vladimir Putin, their fortieth face-to-face

controlled forces on 17 July 2014 while flying over eastern Ukraine. All passengers and crew were killed. In November 2022 a Dutch court found three men guilty of the murder of the 298 people onboard flight MH17, and handed down sentences of life imprisonment and a fine of more than €16 million in compensation to the victims. The three men remain at large and it remains unclear if they will ever serve their sentences.

meeting. What is emerging is a new asymmetric relationship tilted towards China, and one likely to intensify in this direction over time. China has not condemned the Russian invasion of Ukraine, has abstained in successive UN resolutions, and is reported possibly to be considering supplying arms to Russia. In its 12 point peace plan China is calling for a cessation of hostilities and a resumption of peace talks but makes no appeal for a Russian withdrawal or any specific insistence on the restoration of Ukraine's territorial integrity. If China wishes to play a meaningful role between Russia and Ukraine it will need to walk not only in the shadow of Putin but also will have to try to walk in the shoes of Ukraine on a pathway to a just and sustainable peace.

At present the possibility of commencing meaningful peace negotiations remains elusive. This is so because no party to the conflict, neither the aggressor nor the defender, is prepared for that. For both sides elaborating a premature peace would carry significant risks. For Ukraine the fundamental viability and sustainability of the state needs to be secured but remains existentially threatened. For Putin, having launched a war of choice, his personal standing, his political survival, and that of his ruling elite are at stake. Russia's military factories reportedly are working three shifts, round the clock, and its army continues to mobilise recruits. While Putin's territorial ambitions in Ukraine have been contained for the moment, he has never resiled from his stated goal of eradicating Ukraine's existence. Exhibiting extraordinary resilience and courage, and despite all the hardships, Ukraine is fighting with determination for its freedom. Ukraine is relying on the willingness of its allies to supply it with the means to prosecute its war of defence. Putin, who plays a long game, and who, under a reformed constitutional provision, may contest two further rounds of Russian presidential elections, starting next year, may rely on time, war fatigue among Ukraine's allies, and a resurgence of American isolationism in the hope of retaining his ill-gotten territorial gains. When the fighting eventually stops, as surely it will at some point, the empirical outcome of who holds what territory will become the de facto point of departure of any negotiation process. Assuming he remains in power negotiating with Putin will not be easy. He is a man for whom, to quote George Orwell: *'War is peace, Freedom is slavery, Ignorance is strength'*. One can add to this the hurdle of the ICC arrest warrant for Putin on charges of abducting Ukrainian children which, at a minimum, opens him to potential arrest in any one of at least 120 states.⁵

The eventual cessation of hostilities will be complicated not just by issues of territory, de facto and de jure, but also by binding security guarantees, war reparations, sanctions policy, and asset freezes or confiscation, criminal accountability for aggression, torture, and the abuse of human rights, and the return of deportees and of prisoners of war. Securing justice, like securing the peace, will not be easy. This long list is infused with politically sensitive complexity, not just for Ukraine but also for its allies and particularly for the EU. The strategic interests of both Ukraine and the European Union are closely aligned.

Beyond the war, whenever and however it ends, looms the challenge of establishing a sustainable and just peace.⁶ Here EU and Ukrainian strategic interests are even more

⁵ As a state, the Soviet Union that Russia claims to be the successor of, committed an unimaginable number of crimes against its own citizens. This includes mass persecutions, extermination of national groups, ethnic cleansings, forcible deportations, organised artificial famines, confiscations of property, imprisonments, and killings of enemies of the regime - the list is long, the victims counted in millions. And yet, almost no one was brought to justice for these crimes. Similarly, there were no trials for crimes against citizens of other nations that the Soviet Union, and its successor Russia, dominated or invaded. Citizens from Baltic States, Central Europe, the Caucasus, and Central Asia -all suffered under Russia's occupation and witnessed extrajudicial executions, looting of property, rape,s and deportations. Justice was neither done nor seen to be done. Russia was not held to account for the indiscriminate bombing of hospitals and civilian infrastructure in Syria. Holding Russia to account on this occasion for Ukraine, for Europe, and even for Russia itself would strike a blow for accountability and justice.

⁶ Inevitably as fighting in Ukraine continues and intensifies, the prosecution of its war of defence is prioritised. This should not exclude a long and

closely aligned. Post war, an isolated and impoverished Ukraine, trapped indefinitely in no man's land, or caught in a frozen conflict between an anxious EU and a threatening Russia, would be a constant source of instability. This is not in the interests of Ukraine and assuredly is not in the interests of the EU and its frontline eastern Member States. I would argue that Ukraine's aspiration to join the European Union is an issue of strategic EU significance and needs to be treated as such. As a matter of self-preservation the EU cannot afford to risk a threatening and volatile political vacuum on its eastern flank, given Russia's consistently aggressive behaviour in what it sees as its sphere of influence, and its self-justified right of intervention to protect Russian co-ethnics in its near abroad.

This is a unique strategic challenge for which an appeal to past precedent as regards the pace and nature of accession is of limited value. Uniquely at a time of war, Ukraine applied for and received EU candidate state status in record quick time. This is an act of European solidarity, and a promise to Ukrainians that their costly fight for freedom will not be in vain. There is a solemnity to this act that must transcend business as usual enlargement precedents. The European Parliament correctly has described Ukrainian membership of the EU as '*a geostrategic investment.*' That investment will need to show meaningful and visible returns on the road to full membership while seeking to minimise process-driven political fatigue.

Eight countries currently have EU candidate state status. These include Albania, Bosnia and Herzegovina, Moldova, Montenegro, North Macedonia, Serbia, Turkey, whose accession negotiations have been frozen for many years, and Ukraine, Kosovo and Georgia also formally submitted applications for membership in 2022. There is considerable recent evidence in the cases both of Georgia and Moldova of Russia's capacity and determination to engage in covert operations to sidetrack their respective EU membership aspirations.

In these remarks, I propose to focus on the Ukrainian case. No previous EU enlargement has ever taken place under such complicated conditions. As pointed out by the President of the European Commission, Ursula von der Leyen, when referring to Ukraine's candidate status '*there is no rigid timeline. It is a merit-based process.*' With so many states in the enlargement frame, she added also, '*it's up to the candidate country how far and how fast they reach the goals that are being set.*' Though correct this is only part of the story. EU Member States and their respective appetites for acceleration or procrastination of the enlargement process also exercise critical influence in determining the pace of events. Member State unanimity is required from the European Council on when to open negotiations, on the setting of negotiating mandates, through to the Council signing off on closing negotiating chapters, and for the final ratification of accession treaties.

As regards EU engagement, Ukraine is not starting from zero. Acceding to the EU has popular support, constitutional expression, and political priority in Ukraine, accentuated and not diminished by the war. Post-Yanukovich⁷, Ukraine duly signed both Association and Deep and Comprehensive Free Trade Agreements (DCFTA) with the EU. As a result, Ukraine gradually has been approximating its legal base to substantial elements of the

deep contemplation of the day after – what to do and how to do it – after the fighting stops. Iraq twenty years ago proved to be an easy military victory for the US and its allies against Saddam Hussein, but having won the war they lost the peace. This war is complex, as will be the peace that follows. Winning a sustainable and just peace needs both anticipation and preparation.

⁷ Viktor Yanukovich was president of Ukraine from 2010-2014, when he was removed from office following popular protests, dubbed the Euromaiden/ Maidan Uprising protests, sparked by his decision to not sign a political association and free trade agreement with the EU in November 2013. These protests were followed by the Maidan Revolution, also dubbed 'the Revolution of Dignity', in February 2014, in the weeks before Russia's annexation of Crimea.

EU acquis in many areas. This is recognised by the European Commission even as its assessment report set a number of additional conditions to be fulfilled by Ukraine. Notwithstanding the pressures of war, I expect these will be addressed by Kyiv as a matter of top priority. Failure to do so would be a self-imposed delay brought by Ukraine upon itself. The early fulfilment of the conditions set by the EU would suggest that accession negotiations potentially could be launched by the end of this year. For Ukraine limited political and administrative bandwidth, and the significant uncertainties and risks associated with fighting and trying to win the war, will impact the initial pace of engagement. This holds true also for the EU.

When negotiations start it should be possible to identify and deliver intermediate, pragmatic, and deliverable milestones, potential early wins, on the way to full membership. Ideally to achieve this, realistic mutual expectations between the EU and Ukraine should be established early on. Otherwise, fast track deliverables, such as transport or electricity connectivity, could risk to be misperceived both by Ukraine and some Member States as alternatives to and not accelerators of the overall accession process. I do not see staged integration and a faster track logic as mutually exclusive. On the contrary, I would suggest they are and can be complementary.

For EU veterans, enlargement has always raised the classic debate between deepening and broadening the Union, posing the question of whether the EU is ready for enlargement?

Based on its internationally recognised de jure borders, including Crimea, Ukraine is a large state. In European terms it is second in size only to Russia and larger than Sweden, twice the size of Italy and almost one and three quarter times the size of Germany. Ukraine's agricultural output as a share of GDP is a significant multiple of the EU average. Ukraine's GDP per capita is just above a quarter of that of Poland. In summary, Ukraine is big. It has a large agricultural sector, and it is relatively poor. These three observations alone have significant implications for the scale and allocation of the EU budget in areas such as the Common Agricultural Policy and cohesion fund expenditure to name just two.

I am assuming here that the cost of post-war reconstruction will not be a charge on the EU budget but will be funded by various national and international pledges and possible Russian reparation or asset seizure payments. If that was not the case then EU budgetary needs would be even more acute. Experience teaches us that net contributing states are wary of committing significant extra resources to the EU budget, while net recipient states resist erosion of what they already receive. Is the EU ready in budgetary terms for what awaits it? In short, I would suggest that the answer right now is no. This can be fixed but needs to be anticipated and resolved.

Responding to the recommendations of the Conference on the Future of Europe, the Council recognised and concluded that only a very limited number of specific measures would require Treaty change in order to be fully implemented. This issue of amending the Treaties also has been addressed by the European Parliament which suggests the need to reform voting procedures at the Council in areas such as sanctions, the passerelle clauses⁸, and emergencies. The avoidance of policy-making gridlock in a larger and more diverse Union of the future is a matter of common concern. Is the EU ready in institutional

⁸ A passerelle clause is a clause in treaties of the European Union that allows for the alteration of a legislative procedure without a formal amendment of the treaties.

terms for what awaits it? I would suggest the answer right now is no. This too is an area that can be fixed and should be worked on. Failure to resolve foreseeable issues such as these in a coherent and timely fashion carries a high risk not only of frustrating the enlargement process but also of fracturing the wider strategic purpose it can serve.

As noted earlier, Council unanimity is required at many stages of the accession process. For those states less disposed to any given enlargement, these procedures offer multiple points where through revealed preferences, hidden agendas, or the nominal protection of national interests, individual Member States can block or delay progress. Moreover, Member States and the EU institutions will insist on hard evidence of a sustained Ukrainian commitment and capacity to root out the kind of endemic corruption and undue oligarchic influence that has blighted its early decades of independence and that, unaddressed, could diminish its future prospects

If one contemplates the shock waves and insecurity that would emanate from instability in Ukraine, and truly sees its accession to the EU as an anchor of future peace with stability, then politically, the EU needs to draw a lesson from Mario Draghi's three infamous words that saved the Euro and do - *'Whatever it takes'*.

Ukraine's systemic transformation from a post-Soviet deep state dominated by self-serving elites to an open, modern society and democracy is the work of a generation. The Revolution of Dignity in 2014 marked a decisive point of transition. The war marks a point of total rupture with Ukraine's Soviet past. Any residual nostalgia for old days and ways is now expunged.

In much of the post-Soviet era and space strong personalities coexisted with weak institutions. This combination resulted in an underdeveloped political culture characterised by weak political parties, opaque systems of justice and prosecution, too much impunity, too little transparency and accountability, poor checks and balances, and a totally inadequate separation of powers. This cultural dimension runs deep. It was sustained not only by interests but also by embedded attitudes and practices, learned and transmitted over time. This would not be an inaccurate description of the independent Ukraine prior to the Maidan Uprising.

Ukraine is undergoing a deep transformation. In seeking EU membership it is inviting the EU and its institutions into a deeper and long lasting relationship. This needs the EU to give credit to Ukraine where that is due, and obliges it to criticise Ukraine when and where that is necessary. The giving of time, commitment, and energy can and should be generous, but the giving of resources and the ultimate gift of membership must carry conditions. To avoid superficiality, membership should not be turbo charged. To avoid discouragement it should not be unduly delayed. As regards full membership, the EU will need to strike a balance between Ukraine's determination to get it early and the Union's imperative to get it right.

The greater the clarity and commitment of the Union to embrace and fulfil Ukraine's membership aspiration the stronger will be the EU's ability to shape and assist its reform and modernisation. A point of departure is to recognise the strong political commitment and will on the Ukrainian side to do *'whatever it takes'*.

In July 2022, Ukraine published an ambitious National Recovery Plan⁹ focused on resilience, recovery, modernisation, and growth. Even as Ukraine fights this existential war President Zelensky established a National Recovery Council to coordinate and develop the plan. It is suffused with references to the European Union, identifies 15 national programmes, and spells out the assistance needed from partners. These include:

- Support on the way towards EU integration and unlocking access to markets;
- Assistance in strengthening a mutual defence and security system, and
- Financial support, including facilitation of private investment.

The EU has an indispensable role to play in the animation and delivery of these planned objectives, especially post-war.

In Ukraine when the war ends the individual and societal post-traumatic physical and psychological consequences will be enormous. Ukraine will require massive assistance with reconstruction, starting with homes, hospitals, schools, and essential infrastructure. It needs and deserves high levels of external support willingly given but with strict conditionality to avoid a reversion to older forms of elite corruption with impunity. The inevitable creeping centralisation of power and of official communications policy during a period of martial law and war, in peace, will need to yield to open and accountable governance, pluralist politics and strong independent political, judicial and media checks and balances. Acceleration of the implementation of the EU-Ukraine DCFTA, further integration into the EU Single Market, and the earliest deepening of transport and energy linkages should be encouraged as concrete steps in the right direction. We know from past experience that an abiding challenge for candidate and newly acceding states is their limited administrative and absorption capacities. The call to establish an Eastern Partnership Academy for Public Administration deserves support. Early twinning arrangements both of personnel and territories should be encouraged between Member States and Ukraine. EU resources need to be dedicated to assisting the development of quality National Programmes for Adoption of the Acquis in Ukraine and Moldova. Last but not least, our elected representatives must explain, explain, explain. Communicating the strategic necessity for the EU and also for Ukraine of proceeding down this road is essential to inform and prepare national public opinions for what lies ahead.

In conclusion, in this short paper I have argued:

That Ukraine's aspiration to join the European Union is a matter of strategic EU significance and needs to be treated as such. In terms of self-preservation, the EU cannot afford to risk a political vacuum on its Eastern flank.

What's more, it's clear that this is a unique enlargement challenge for which an appeal to past precedent as regards the pace and nature of accession is of limited value.

I have argued that I do not see staged integration and a faster-track logic as mutually exclusive and a 'whatever it takes' approach is called for.

It is clear that a balance must be struck between Ukraine's determination to get it early and the EU's imperative need to get it right.

⁹ See: https://global-uploads.webflow.com/621f88db25fbf24758792dd8/62c166751fcf41105380a733_NRC%20Ukraine%27s%20Recovery%20Plan%20blueprint_ENG.pdf

This leads me to suggest that Ukraine's ambition to join the EU has some parallels with another recent unprecedented EU event, Brexit.

When it came to the UK's withdrawal, the EU 27 and the three institutions, Parliament Commission and Council, stood together, agreed on what mattered most, and acted in concert with coherence and consistency. This proved to be remarkably effective. This is not a suggestion aimed at the creation of an artificial enlargement timetable but rather one that recognises the desirability within the EU of building the mutual trust and understanding essential to realising this most complex and unprecedented challenge. There are different emphases evident between what some observers before the big bang enlargement of two decades ago described as 'old' and 'new' Europe. The EU's centre of gravity looks poised to shift further east. Mutual distrust or incomprehension would offer no way forward. With Brexit no institution abandoned its prerogatives but all acted in common cause and in the common interest, to agreed common timetables. Given the stakes and complexity involved, does Ukrainian EU membership not also suggest the need for a special and coherent political and inter-institutional response?

Conclusion

When he chose to invade Ukraine twelve months ago Vladimir Putin underestimated the courage and resolve of Ukrainians to defend their freedom, sovereignty, and territorial integrity. He misread the willingness and capacity of Ukraine's allies to assist in that task. Paradoxically, Putin has become Ukraine's most potent unifying force, in forging the birth of a new Ukraine whose independence will have been earned not just through the referendum of 1991 but also through the appalling blood sacrifice, death, and destruction being endured by its people today.

The EU is a Union of voluntary engagement not a Europe delivered from the barrel of a Russian neo-imperial gun. This is the choice and the dream of Ukrainians, to be part of the family of EU nations and states. In response to their nightmare of today we must help to deliver that dream for all their sakes but for ours also.

Slava Ukraini.

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