

EUROPE

The Ukrainian Crisis and its Impact on the European Security Governance and Global Legal Order



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Emergency services are working around the clock to deal with the consequences of Russia's strikes on Ukrainian infrastructure. (file photo). Photo from the State Emergency Service of Ukraine

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As the attack on Ukraine continues by the Russian Military, there is a need to understand the continued impact of such attacks on global governance and legal order. The illegal annexation of Ukrainian territories has been one of the most shocking incidents affecting the world order since World War II ended. It sets a dangerous precedent for all independent nations formerly part of big empires from asserting their own identity as sovereign nations as per international and domestic norms.

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Historically, the modern Ukraine crisis began with Nikita Khrushchev's 1954 transfer of Crimea from the Russian Socialist Federal Republic to the Ukrainian Socialist Federal Republic in order to commemorate the 300th anniversary of Ukraine-Russia unification. The crisis further extenuated during the 1990s after the disintegration of the USSR, when the Western leaders understood that Russia must not be labelled as a defeated state. It was in this background that the West was to assume responsibility to develop post-Cold

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interests and promoting democratic and liberal values, alongside keeping Russia within the framework.

Further adding to the complexity was the fact that NATO, under the US leadership, developed a complicated architecture where NATO's integrated military command structure would be preserved. The aim was to develop close relationships with the European countries that later took the form of the European Union. Surprisingly, during these deliberations, the United States and other NATO nations never took into consideration the fact that it may be Russia's will to remove the NATO like the Warsaw pact and have an equal role in developing a new institution for ensuring security.

Nonetheless, the act of a nation ie Russia exercising control over the political decision-making of another independent nation ie Ukraine with the objective to retain in its influence using force undermines various key principles of international law. It is argued by Russia that the West including the European Union ("EU") has failed to understand Russia's security interests whereas the EU argues that a serious diplomatic effort is necessary to re-establish the core principles of the European political order which Russia so far have failed to do.

What needs to be understood is that for Russia, the defiance in the post-Soviet Union era world order can be traced to the act of taking Pristina airport with paratroopers in 1999 based on a presumed occupation by the North Atlantic Treaty Organization (NATO) which is similar to the ongoing Ukrainian Crisis where NATO's eastward expansion has been cited as the reason for anticipatory self-defense

Cut to the present, the annexation of Crimea, aggression against Ukraine and the illegal annexation of Ukrainian territories by Russia have far-reaching implications for European and global security. It challenges certain basic assumptions underlying the western policy in the post-Cold War era of treating Russia more as a partner than an adversary and considering Europe essentially stable and safe from invasion. The lack of an EU strategic framework to deal with security challenges in relation to Russia. EU needs to have a more robust defence posture requiring it to revisit its defence strategies especially when the possibility of Russian aggression against other European states cannot be excluded. The Common Security and Defence Policy (CSDP) responsible for supporting revised security policies has been insufficient as Ukraine's sovereignty and independence is seen as essential indicator for future European security governance. The CSDP sought autonomy from North Atlantic Treaty Organisation ("NATO") to have Europeans provide for their own security as a strategic doctrine, but it has since generated limited autonomous military capacity.

In this context, there is need to analyse to what extent Russia's intervention in Ukraine is based on the assertive defence of its interests in its neighbourhood inspired by a revisionist challenge to the European rules-based system of security governance and how it impacts global order. The need of the hour is to see how International Community, States and Multilateral Institutions respond to Russia's actions to provide the balance between the requirements of European security and the resources available to support it as International law is dealing with the unique challenge posed by Russia's defiant behaviour including the acts of claiming exclusive rights and privileges; the need to claim a higher position in the international social hierarchy due to diminished reputation and importance, relative to other nations; and a belief that all these actions are necessary for national prestige, security and wealth

Going forward, the United Nations Security Council and other multilateral institutions need to be democratized to accommodate the differing views considering contemporary



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and they should be accountable to the international legal framework for inclusive global governance.

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