

Introduction to the Special Issue “The War in Ukraine and its Long- Term Consequences for Security and Human Rights”

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DOI: 10.58866/HXZK2096

The full-scale invasion of Ukraine has moved into its third year. While Russia's invasion in February 2022 took many by surprise, so too did Ukraine's resolute defense and the unity of the West in standing up to Moscow's aggression. But how and when will this war end? And is it possible to rebuild European security?

This special issue of Security and Human Rights takes a long view on what has turned into a long war. In addition to this introduction, four substantive articles address a range of issues related to both security and human rights as well as the potential role of the OSCE in rebuilding a post-war security order. These articles have already appeared on the Security and Human Rights website, but have been combined into a special issue to cluster several articles on the topic of Ukraine and how Russia's invasion has had an impact on core issues that are covered by this journal such as human rights, the OSCE, as well as other topics that are relevant to the war in Ukraine and how to end it, such as sanctions.

The original motivation for putting together this special issue was that some members of the editorial board, more than a year ago, thought (but maybe they were merely hoping, like all of us) that by the end of 2023 the war would be over and that there would be opportunities to look at how to rebuild security and cooperation in Europe. Unfortunately, at the time of writing this introduction (July 2024) there is no end in sight to the war. But the day will come, and when it does many of the topics discussed in this special issue will be highly relevant, if they are not already. Therefore, rather than just looking back at the recent past, this special issue can also provide inspiration when looking to the future.

The first article of this special issue looks at the challenge of Ukrainians who have been deported to Russia, and how to bring them back. Onysiia Syniuk notes that the forcible transfers and deportations of Ukrainians already began on 18 February 2022, prior to the full-scale invasion of Ukraine by the Russian Federation on 24 February, with the announcement of evacuations in the territories of Donetsk and Luhansk regions.

However, since then, the process of forcible transfers/deportations gained momentum, and was enforced in all the territories occupied by Russia. Syniuk asserts that despite Russia referring to the displacements as evacuations, examining the grounds invoked for these evacuations and the way the process was and is carried out, arguably shows that the displacements fail to comply with the rules on evacuation under international humanitarian law and in fact amounts to forcible transfers and deportations.

In her article, Syniuk provides a comprehensive analysis of the process of forcible transfers and deportations of Ukrainians, conducted by Russia, including the timeline, geography and the policy designed to enable the process. The categories of people forcibly transferred and deported, as well as the violations they experienced prior, during and following the displacement are highlighted in order to determine the specific needs of the different groups involved in the process, including in relation to their potential future repatriation. Examining the decisions issued by Russian and occupation authorities, as well as the details of the process of forcible transfers and deportations in the different regions of Ukraine occupied by Russia, help determine a pattern and the planned nature of the act. The article concludes that the crime of forcible transfer and deportation is an ongoing one, and while the documentation efforts have been successful, issues arise with accountability and restitution. Syniuk concludes by calling for renewed pressure on Russia to comply with its obligations, as well as the urgency of devising practical ways of ensuring that people who want to return are able to do so and are assisted once they return.

On a related topic, Nader Nadery and Victoria Kerr look into lessons learned from trying to hold the Union of Soviet Socialist Republics (USSR) accountable for human rights violations during its occupation of Afghanistan. In February 1989, the USSR left Afghanistan following a ten-year invasion. Although an Action Plan for Peace, Reconciliation and Justice was drafted, in the quest for peace, justice for victims of the atrocities was never prioritised by authorities and the international community. Thirty-three years later, on 24 February 2022, President Putin of the Russian Federation announced the commencement of a ‘special military operation’ in Ukraine. Even as the invasion continues, questions remain as to how Ukraine will approach and implement transitional justice. Although there are clear differences between the invasions, if history is to be instructive, the authors point out that there is much to be learnt from the USSR invasion of Afghanistan, the response to it, and the Soviet legacy apparent in the Russian invasion of Ukraine which are of relevance to the transitional justice process in Ukraine and the international rule of law.

The authors note that Russia’s tactics in Ukraine, as in Syria and Chechnya, are similar to those used by the Red Army in Afghanistan, particularly the use of bombardments that cause ‘indiscriminate carnage’ to civilians and civilian infrastructure. They also highlight a pattern of conflict-related sexual violence. This begs the question of how to bring perpetrators to justice and how to uphold the right to a remedy and reparation for victims of gross violations of human rights.

The authors note the high number of actors who are gathering evidence in Ukraine about human rights violations. However, the vast number of cases makes the documentation process complex. Furthermore, Russia is not part of the International Criminal Court nor is it a member of the Council of Europe, and thus far cases before the European Court of Human Rights and the International Court of Justice in relation to the situation in Ukraine have been unenforceable against Russia.

Difficulties in addressing atrocities carried out by the USSR in Afghanistan as well as other countries in other contexts show the limitations of the current international system. Furthermore, political will is often lacking, which results in the selectivity of states in upholding international law and human rights commitments. Drawing on these historical perspectives, this article aims to generate further discourse on peace, justice and accountability for victims, ensuring past mistakes are not repeated.

The authors argue that the focus on accountability and justice for human rights violations in Ukraine could be an opportunity to bring back a stronger focus on victims and a closer link between human rights and security. They warn that reactionary and selective action will not prevent future illegal invasions nor civilian suffering in Ukraine or elsewhere.

Russia’s aggression against Ukraine as well as human rights violations have triggered a resolute response from the West. This includes several rounds of sanctions against Russia, particularly by the United States, the United Kingdom and the European Union. But after more than two years, how effective are they? Larissa van den Herik and Peter van Bergeijk assess the impact of sanctions, particularly what they describe as “autonomous sanctions” by individual states and the EU (without an underlying obligation by the UN Security Council to do so) in addition to institutional sanctions imposed by international organizations (such as expelling or suspending Russia as a member) and corporate self-sanctioning: sanctions by private sector actors that either divested or exited from Russia.

The authors underscore that the aim of sanctions has been to maximize the cost of war for Russia and to ensure Putin's strategic failure, as well as to signal resolute defense of the norm that borders cannot be changed by force. This is what Oona Hathaway and Scott Shapiro have described as "outcasting" in their book *The Internationalists*. The intention is to punish Russia for what it has done, try to change Moscow's behaviour, and deny Russia the benefits available to being part of certain clubs such as the G7 and the International Olympic Committee.

However, as the authors point out, the impact of the sanctions has been lower than anticipated; indeed the IMF forecasts that the Russian economy will grow by more than two percent in 2024. President Putin has not changed his behaviour, Russia's economy has not collapsed, and Russia's war machine is still rolling. The authors attribute the limited impact of sanctions to a number of factors. The first is that sanctions work better against democracies than autocracies; the pain threshold of the latter is higher because leaders with a strong grip on their country pay less attention to public opinion. Secondly, Russia has found ways to adjust, not least in finding alternative customers to buy its oil and gas – particularly in Asia – and enhancing trade with "friendly countries" (not least for tech imports). The authors also caution that the opaqueness of Russian data and national accounting practices may mask the real impact of sanctions on the Russian economy. Furthermore, the perceived robustness of the Russian economy is partly due to a major increase in industrial production for the defense industry.

Therefore, while sanctions from the West and others have demonstrated resolve and unity in defending the norms of the post-1945 international order, they also show how sanctions in themselves are insufficient to end the war. They will have to be constantly adjusted and adapted, there will have to be greater use of secondary sanctions against enablers, and sanctions will have to be used in combination with other means in order to affect change. Unfortunately, moves by the West to bolster the military defense of Ukraine show the extent to which economic sanctions have been insufficient in stopping Russia's aggression.

Indeed, more than two years into the full-scale invasion, the signs are of escalation rather than de-escalation. Both Russia and the West are in an arms race and there is a boom in the manufacturing of war material and ammunition. Almost all arms control instruments have been dismantled. Russia has moved nuclear weapons into Belarus. The West is delivering increasingly more sophisticated weapons systems to Ukraine. President Macron of France has not ruled out sending ground troops to Ukraine.

In this security environment, is there a place for the OSCE or cooperative security? Walter Kemp argues that reports of the OSCE's death are an exaggeration. However, without a doubt, the organization is in trouble: in the past few years, all ten principles of the Helsinki Final Act have been violated. There is war in Europe instead of cooperation. Since decisions in the OSCE are taken by consensus, the polarized geopolitical environment is making it difficult to agree on anything – from the agenda of meetings to who should hold leadership positions in OSCE institutions. No unified budget has been adopted since 2021. Nonetheless, Kemp argues that the OSCE, one of the few remaining European security organizations where Russia and the West can talk and seek to manage relations peacefully, is still alive. There is a place for both the OSCE and cooperative security, at least in the post-war context. Kemp suggests that the OSCE should be considered to be on standby rather than on life support and that participating States, or at least the organization's leadership, should work on a cooperative agenda that would provide the OSCE with a strategic direction so that it is prepared and well-positioned for being a key forum for managing relations between Russia and the West when the time is ripe. However, if and when security and peace are to be restored in Europe, it is time to start planning


now: history shows that it usually takes a crisis to reform the multilateral system as witnessed in 1815, 1919 and 1945. But the security structures and arrangements that emerged after those wars were months if not years in the making, for example at the Congress of Vienna, Versailles as well as Dumbarton Oaks and San Francisco. Debates and drafts on a new order were already being carried out (among the Allies) before the old one fell away. Kemp also explains that cooperative security is not appeasement and suggests using the 25th anniversary of the Helsinki Final Act in 2025 as a way of reminding the public, parliamentarians and politicians about OSCE principles and commitments, the importance of dialogue and the link between human rights and security. Kemp concludes that the OSCE faces its biggest crisis since 1975 yet also its biggest opportunity since 1990. With effective leadership and enough buy-in from participating States the OSCE could become a key venue for rebuilding some degree of predictability and order in Europe.

We hope that these articles can trigger debate and contribute to fostering ideas on how to enhance security and protect human rights at this difficult time in Europe.

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July 2024





This article was published by the Security and Human Rights Monitor (SHRM).

Security and Human Rights (formerly Helsinki Monitor) is a journal devoted to issues inspired by the work and principles of the Organization for Security and Cooperation in Europe (OSCE). It looks at the challenge of building security through cooperation across the northern hemisphere, from Vancouver to Vladivostok, as well as how this experience can be applied to other parts of the world. It aims to stimulate thinking on the question of protecting and promoting human rights in a world faced with serious threats to security.

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