

JANUSZ JÓZEF WĘC
Kraków
ORCID: 0000-0002-6331-4133

The European Union in the face of the Ukrainian refugee and humanitarian crisis of 2022-2023

Dynamics – legal and institutional instruments – means of assistance

Introductory remarks

This article analyses the positions adopted by the institution of the EU and its member states in the face of the refugee and humanitarian crisis caused by the Russian aggression against Ukraine that began on 24 February 2022. The analysis is limited in principle to the legal status as at 31 December 2023. The author puts forward two research hypotheses. The first asserts that the European Union and its member states coped much better with the refugee and humanitarian crisis provoked by Russia's aggression against Ukraine than with the migration crisis of 2015–2016, because on this occasion much greater help came from volunteers, national and local NGOs and civil society organisations in the countries receiving refugees, but above all from Polish society, where on a mass scale people provided shelter, even in their own homes, to Ukrainians fleeing the war. The second hypothesis is that a particularly important role in coping with the mass influx of Ukrainian refugees was played by EU instruments of assistance that had existed previously but had not been duly recognised or had remained inactive, such as the temporary protection mechanism for refugees, the Integrated Political Crisis Response mechanism, and the Union Civil Protection Mechanism. Consequently, the author poses the following research questions. Firstly, which EU member states did the most to assist Ukrainian refugees, and why? Secondly, what was the reason for the high effectiveness of the EU's aforementioned legal, institutional, and assistance instruments? Thirdly, what was the scale of the economic, financial and humanitarian assistance provided to Ukraine by the European Union and its member states?

Dynamics of the refugee and humanitarian crisis in Ukraine resulting from the Russian aggression (2022-2023)

The Russian aggression against Ukraine that began on 24 February 2022 led to one of the largest refugee and humanitarian crises of post-World War II Europe. There were huge numbers of military and civilian victims in Ukraine in 2022–2023 as a result of war crimes, crimes against humanity, and probably also crimes of genocide. The governments of many EU member states, including that of Poland, were taken by surprise by the scale and scope of the Russian operations and the brutality of the aggressors. It is now clear that in this war Russia has made use of the internationally outlawed thermobaric weapons, tortured prisoners-of-war on a wide scale, and committed crimes against the civilian population. Ukrainian civilians have been the victims of shootings and violence, and large numbers of Ukrainian children have been taken to Russia and subjected to Russification. All this was accompanied by a vast amount of military destruction of Ukraine's critical and civilian infrastructure.

On the very day of the invasion, 24 February 2022, at a special meeting in Brussels, the European Council strongly condemned the “unprovoked and unjustified military aggression” that Russia had committed against Ukraine, noting that it constituted a gross violation of “international law and the principles of the UN Charter”. The Council also demanded that Russia “immediately cease its military operations, unconditionally withdraw all forces and military equipment from the entire territory of Ukraine, and fully respect Ukraine's territorial integrity, sovereignty and independence within its borders recognised by the international community”. The European Council also stated that Russia “bears full responsibility for this act of aggression and all the destruction and loss of life it will cause” and would be “held accountable for its actions”. In a spirit of solidarity with Ukraine, the European Council agreed further sanctions against Russia in addition to those that had been imposed since 2014, and asked the European Commission to propose emergency measures (European Council, EUCO 18/22: 1–2).

The EU's demands with respect to Russia were repeated in the Versailles Declaration, adopted at a meeting of heads of state or government on 11 March 2022. This also contained an announcement of temporary protection for all war refugees from Ukraine and the immediate making available of funds from the CARE (Cohesion's Action for Refugees in Europe) programme and from the REACT-EU instrument, which had been established for the reconstruction of member states' economies after the COVID pandemic. The leaders also commended “European countries, notably at the borders with Ukraine, for

showing immense solidarity in hosting Ukrainian war refugees”, and gave an assurance that the EU and its member states would “continue to show solidarity and provide humanitarian, medical and financial support to all refugees and the countries hosting them” (Versailles Declaration, 2022: 1–2).

Just over three months later, on 24 June 2022, the European Council again decisively condemned Russia’s “indiscriminate attacks against civilians and civilian infrastructure” and called on that country to “immediately and unconditionally withdraw all its troops and military equipment from the entire territory of Ukraine within its internationally recognised borders”. It also demanded that the Russian government respect international humanitarian law, including the provisions on the treatment of prisoners-of-war, and ensure the safe return of “Ukrainians, notably children, who have been forcibly removed to Russia”, and gave an assurance that “Russia, Belarus and all those responsible for war crimes and the other most serious crimes will be held to account for their actions, in accordance with international law” (European Council, EUCO 24/22: 2).

One of the many consequences of the Russian aggression was mass movements of the Ukrainian population. According to some estimates, in the initial phase of the war around one-third of Ukrainians were forced to leave their homes and move elsewhere in the country, while approximately six million people fled from the war to neighbouring countries, mainly Poland, Slovakia, Hungary, and Romania. Meanwhile, more than 17.6 million Ukrainians required humanitarian aid, including 6.3 million people who had been internally displaced as a result of the war. Russia’s aggression against Ukraine thus led to one of the world’s largest refugee and humanitarian crises (UNHCR, Ukraine Refugee Situation, 2024: 10). According to data from the Office of the United Nations High Commissioner for Refugees (UNHCR), from 24 February 2022 to 31 December 2023¹ the number of refugees crossing Ukraine’s borders with neighbouring countries covered by the RRP² exceeded 28,523,635, out of which 20,722,845 later returned to Ukraine. The largest numbers of refugees

¹ Although the end date for the analysis is stated as 31 December 2023, the figures for individual countries refer to periods ending between 7 November 2023 and 31 January 2024, and for Russia only up to 30 June 2023.

² The UNHCR, as the UN agency authorised by the General Assembly to direct actions related to refugees, provided economic, financial and humanitarian aid to war refugees from Ukraine through the neighbouring countries that received such refugees. The aid was provided in accordance with regional Refugee Response Plans (RRPs). The UNHCR’s first RRP (for 2022) covered Poland, Slovakia, Romania, Hungary, Moldova, Lithuania, Latvia, Estonia, the Czech Republic, and Bulgaria. The second RRP was published in January 2023 and referred to the

crossed from Ukraine into Poland (17,293,665), Hungary (4,230,790), Romania (3,962,700), Slovakia (2,021,965), and Moldova (1,014,515), and the respective numbers of returnees were 14,741,500 from Poland, 3,387,085 from Romania, 1,869,480 from Slovakia, and 724,780 from Moldova (cf. Table 1). In addition, in the same period, some refugees fled to Russia and Belarus: 2,869,100 persons crossed Ukraine's border with Russia, and 16,705 crossed its Belarusian border, although there are no Russian and Belarusian data concerning their possible subsequent return to Ukraine (cf. Table 2) (UNHCR, Ukraine Refugee Situation, 2024:1-2).

Table 1

Neighbouring countries covered by the UNHCR's regional Refugee Response Plan³

Country	Date of publication of data	Border crossings from Ukraine	Border crossings into Ukraine
Moldova	28 Jan 2024	1,014,515	724,780
Poland	15 Dec 2023	17,293,665	14,741,500
Romania	29 Jan 2024	3,962,700	3,387,085
Slovakia	14 Jan 2024	2,021,965	1,869,480
Hungary	31 Jan 2024	4,230,790	Data not available
Total		28,523,635	20,722,845

Source: based on UNHCR, Ukraine Refugee Situation (2024: 1–2).

same countries. Cf. UNHCR, Ukraine Situation Regional Refugee Response Plan (January–December 2023) (2023:30).

³ It should be borne in mind that the UNHCR statistics are based mainly on data supplied by the governments of European countries. The UNHCR stipulates: “While every effort has been made to ensure all statistical information is verified, figures represent an estimate, and potential further movements cannot be factored for the time being for all countries. Triangulation of information and sources is performed on a continuous basis. Therefore, amendments to figures may occur, including retroactively.” Moreover the number of refugees from Ukraine registered under the temporary protection system or similar national protection schemes in Europe may include (1) multiple registrations of the same person in two or more EU countries; (2) registrations that were not completed for various reasons, and (3) registrations of refugees who moved on to other countries, including outside Europe. As regards refugees returning to Ukraine, these are not always permanent returns, because the situation in that country remains highly unstable and unpredictable. Cf. UNHCR, Ukraine Refugee Situation (2024:1-2).

Table 2
Other neighbouring countries: Russia and Belarus

Country	Date of publication of data	Refugees registered in the country	Border crossings from Ukraine	Border crossings into Ukraine
Belarus	31 Dec 2023	39,900	16,705	Data not available
Russia	30 Jun 2023	1,212,585	2,852,395	Data not available
Total		1,252,485	2,869,100	Data not available

Source: UNHCR, Ukraine Refugee Situation (2024:1-2).

Among all Ukrainian war refugees, as many as 5,638,930 registered in European countries, of whom 4,386,445 did so under the EU's temporary protection mechanism or similar national protection schemes (Tables 3–4), while 1,252,485 persons registered in Russia and Belarus (cf. Table 2) (UNHCR, Ukraine Refugee Situation, 2024: 1–2).

Table 3
Countries covered by UNHCR regional Refugee Response Plans

Country	Date of publication of data	Refugees registered under the EU temporary protection mechanism or similar national schemes	Refugees registered in the country
Bulgaria	19 Dec 2023	174,710	51,860
Czech Rep.	31 Dec 2023	581,410	375,590
Estonia	31 Dec 2023	57,035	38,185
Lithuania	22 Dec 2023	83,050	52,305
Latvia	31 Dec 2023	52,120	43,825
Moldova	28 Jan 2024	31,625	120,695
Poland	15 Dec 2023	1,640,510	956,635
Romania	29 Jan 2024	155,035	85,710
Slovakia	14 Jan 2024	134,995	114,270
Hungary	31 Jan 2024	41,065	65,585
Total		1,904,660	2,951,555

Source: based on UNHCR, Ukraine Refugee Situation (2024:1-2).

Table 4
*Countries not covered by UNHCR regional Refugee Response Plans**

Country	Date of publication of data	Refugees registered under the EU temporary protection mechanism or similar national programmes	Refugees registered in the country
Albania	7 Nov 2023	35	7,495
Armenia	17 Jul 2023	605	605
Austria	31 Dec 2023	107,720	83,980
Azerbaijan	5 Dec 2023	110	4,555
Belgium	31 Dec 2023	79,790	75,055
Bosnia and Herzegovina	24 Dec 2023	210	210
Croatia	28 Dec 2023	25,180	24,150
Cyprus	12 Nov 2023	20,565	18,230
Montenegro	25 Dec 2023	10,220	64,240
Denmark	31 Dec 2023	48,680	36,960
Finland	31 Dec 2023	66,010	64,750
France	31 Dec 2023	102,090	69,670
Greece	31 Dec 2023	27,430	27,365
Georgia	30 Dec 2023	670	26,660
Spain	31 Dec 2023	195,165	199,155
Ireland	17 Dec 2023	102,560	102,560
Iceland	31 Dec 2023	3,765	3,795
Liechtenstein	27 Dec 2023	810	575
Luxembourg	14 Nov 2022	6,350	4,220
North Macedonia	24 Dec 2023	405	18,620
Malta	31 Dec 2023	2,330	2,115
Netherlands	31 Dec 2023	146,715	146,715
Germany	2 Dec 2023	1,028,940	1,125,850
Norway	31 Dec 2023	71,120	66,965
Portugal	31 Dec 2023	66,245	59,350
Serbia and Kosovo	31 Dec 2023	2,325	4,105
Slovenia	19 Dec 2023	10,430	10,635
Switzerland	29 Dec 2023	97,035	66,480
Sweden	28 Dec 2023	63,905	41,825
Turkey	29 Dec 2023	4,475	41,390

UK	12 Dec 2023	1,260	250,360
Italy	15 Dec 2023	188,635	169,040
Total		2,481,785	2,817,680

Source: UNHCR, Ukraine Refugee Situation (2024:1-2).

* Except for Russia and Belarus, for which data are given in Table 2.

Given that the mass influx of migrants in 2015-2016 had taken the European Union completely by surprise, it seemed that it would again have difficulty coping with the exodus of war refugees from Ukraine. However, in contrast to the previous migration crisis, this time assistance was provided on a vast scale by the societies of some EU member states, volunteers, national and local NGOs, and civil society organisations in countries hosting refugees. Ukrainian diaspora communities and refugees themselves also mobilised to ensure that people fleeing from violence received help and protection. According to Eurostat data, Poland was the EU member state that did the most to assist Ukrainian refugees, based on such criteria as public engagement and the scale of assistance, moral support, and the government's diplomatic efforts to persuade other countries to apply assistance measures (EU response to Russia's war of aggression, 2023: 5). Most noteworthy in this context, however, is the contribution of the Polish public, who on a vast scale provided shelter even in their own homes to Ukrainians fleeing the war, arousing genuine admiration from the governments of other countries and worldwide public opinion.

Legal and institutional instruments of the European Union and member states

Temporary refugee protection mechanism

On 27 February 2022, at an extraordinary meeting of the Justice and Home Affairs Council, consideration was given for the first time to the possibility of applying the mechanism for temporary protection of refugees as envisaged in Council Directive 2001/55/EC. That directive had been approved by the Council more than 20 years earlier, on 20 July 2001, in connection with what was then a mass influx of refugees to the European Union, especially from Bosnia and Herzegovina and from Kosovo, resulting from the armed conflicts in the Western Balkans. In those two decades, however, the new legal instrument had never been used. The directive stated that temporary protection was to apply exclusively in extraordinary situations, and ought to provide immediate and

collective protection to displaced persons who were unable to return to their country of origin. The mechanism was intended to reduce pressure on national asylum systems and to give displaced persons uniform rights throughout the EU. It would apply initially for a period of one year, but that period could be extended automatically by another six months, and by a maximum of a further year. The European Commission could also make a proposal to the Council for an additional one-year extension of temporary protection (Council Directive 2001/55/EC:162-171). By dint of two protocols attached to the TEU and TEC in the Amsterdam Treaty version, concerning the positions of the United Kingdom and Ireland (Article 1) and of Denmark (Articles 1 and 2), the terms of the directive did not apply to Ireland or Denmark. However, pursuant to Article 3 of the first of the protocols, the United Kingdom stated in a diplomatic note of 27 September 2000 that it intended to participate in the adoption and application of the directive (Council Directive 2001/55/EC: 163; Protocol 1, 1997: 83; Protocol 2, 1997:84-85).

On 4 March 2022 the Justice and Home Affairs Council unanimously approved Implementing Decision 2022/382, which recognised the existence of a mass influx of refugees from Ukraine within the meaning of Article 5 of Council Directive 2001/55/EC. An effect of that decision was the implementation of the mechanism of temporary protection within the European Union in respect of those refugees (Council Implementing Decision (EU) 2022/382: 1–6). The implementing decision came into effect on the same day, and was initially effective for one year; the Council subsequently extended it to 4 March 2024. Depending on the development of the situation in Ukraine, it will be possible to extend it for a further year, to 4 March 2025. The implementing decision concerns protection for citizens of Ukraine resident in that country before 24 February 2022, stateless persons or citizens of third countries who before that date “benefited from international protection or equivalent national protection in Ukraine”, and family members of the aforementioned persons (Article 2(1) of the decision). Responsibility for the coordination of cooperation and for the exchange of information between member states, in particular the monitoring of capacity to receive refugees and identification of their needs, was assigned to the European Commission, which was to cooperate in that regard with EU member states, the European Border and Coast Guard Agency (Frontex), the European Union Asylum Agency (EUAA), and Europol. Under Article 3(2) of the decision, all three agencies were also obligated to provide operational support to any EU member state that requested assistance in coping with the influx of migrants and with the decision’s implementation (Council Implementing Decision (EU) 2022/382:5-6).

As noted above, the Council's implementing decision of 4 March 2022 enabled the activation of a temporary protection mechanism for war refugees from Ukraine throughout the European Union (Council Directive 2001/55/EC: 163). This mechanism provided immediate and collective protection to persons fleeing the war. This meant that receiving countries did not have to consider refugee applications individually, although on the other hand the provision of temporary protection did not imply the granting refugee status as defined in the Geneva Convention of 28 July 1951 as amended by the New York Protocol of 31 January 1967 (Article 3(1) of the directive). Persons making use of the mechanism of temporary protection in the EU were permitted to make an application for asylum at any time, but the examination of such an application, if not processed before the end of the period of temporary protection, was to be completed after the end of that period (Article 17(1-2) of the directive). Registration under the EU temporary protection mechanism gave the persons concerned a status equivalent to that of a refugee. That protection ensured due respect for human rights and basic freedoms and for the principle of non-refoulement (Article 3(2) of the directive).⁴ Moreover, the establishment, implementation and suspension of the temporary protection system were to be a subject of regular consultation with the UNHCR and other competent international organisations (Article 3(3) of the directive). Pursuant to Articles 12, 13(1-4) and 14(1-2) of Council Directive 2001/55/EC, refugees obtained, among other things, the right to live in the host country for at least one year, access to the labour and housing markets, medical care, and education for their children (Council Directive 2001/55/EC, 2001: 166).

According to UNHCR data, in the period from 24 February 2022 to 31 December 2023, under the EU temporary protection mechanism or similar national protection schemes of EU member states, including countries belonging to the Schengen area under bilateral international agreements with the EU (Norway, Iceland, Liechtenstein, Switzerland), and those of third countries (Albania, Armenia, Azerbaijan, Georgia, Bosnia-Herzegovina, Montenegro, North Macedonia, Serbia and Kosovo, Turkey, and the UK), a total of 4,386,445 refugees from Ukraine were registered. These figures do not include Russia

⁴ The non-refoulement principle was codified in Article 33 of the Geneva Convention of 28 July 1951 on the status of refugees. It means that a person who has been refused refugee status must not be deported to a country where they would be at risk of persecution; such a person should be provided with a different form of international protection. Exceptions apply in cases where such a person poses a threat to national security or represents a public danger because they have been convicted of a serious crime (cf. Węc 2017: 29).

and Belarus, which did not introduce national protection schemes. The EU member states in which the largest numbers of refugees were registered were Poland, Germany, and the Czech Republic (cf. Tables 3-4) (UNHCR, Ukraine Refugee Situation, 2024:1-2).⁵

The coming into effect of the implementing decision to the temporary protection directive and the decision of the Polish government to open the border to all persons fleeing the war meant that within a short period, several million war refugees entered Poland, the vast majority being citizens of Ukraine. In view of the prohibition on leaving Ukraine that was imposed, with minor exceptions, on men aged between 18 and 60, the war refugees were mainly women with children, and this remains the case today. The Polish government's decision to limit control and registration procedures to a minimum reduced queues on the border, although despite this, in late February and early March 2022, it was necessary to wait upwards of twelve hours to cross into Poland. As noted above, however, a key factor was the mobilisation of Polish society in assisting those fleeing the war. Maciej Duszczyk identified three main groups of war refugees arriving in Poland. The first consisted of persons joining their families or acquaintances who already lived in Poland. In their case it was necessary to provide only immediate assistance in the initial period following their arrival. The second group consisted of refugees who had had no previous contacts with Poland and arrived without acquiring knowledge of the situation. In their case more extensive assistance was required, including such things as the provision of food, organisation of accommodation, and access to schools in the case of children. It was in giving help to this group of refugees that Polish society proved exceptionally able. Some of them subsequently returned to Ukraine, while some moved to other EU countries. The third group contained persons migrating between Poland, Ukraine and other states of the EU – this was a fairly small and mobile group of people who in principle were not in need of support. Most of them have not yet taken a decision as to where they wish finally to settle, but it should not be expected that a large number of persons from this group will choose Poland (Duszczyk, 2022: 1-3).

The efforts made by member states to fulfil the obligations arising from the Council's implementing decision of 4 March 2022 were supported financially

⁵ It should be noted here that Ukrainian refugees very often made use of the right, laid down in the Council directive of 20 July 2001, to resettle from one EU member state to another, which led to quite significant changes in the numbers of refugees present in particular countries in the years 2022-2023.

by the EU funds for cohesion policy⁶ and for internal policy in relation to migration, border management and security.⁷ For this purpose, a decision was taken to enable more flexible use of those funds. On 6 April 2022, the European Parliament and Council approved two legislative instruments: Regulation 2022/562 on Cohesion's Action for Refugees in Europe (CARE), and Regulation 2022/585 amending provisions on the Asylum, Migration and Integration Fund (AMIF) and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management. In turn, on 19 October 2022, the Parliament and Council adopted Regulation 2022/2039 on Flexible Assistance for Territories (FAST) CARE.

The first of these regulations loosened the rules on use of cohesion policy funds, in particular those from the European Regional Development Fund (ERDF) and the European Social Fund (ESF) attached to the previous long-term financial framework (2014–2020). However, the support from the ERDF and ESF merely supplemented the resources of the Asylum, Migration and Integration Fund (AMIF). Assistance to the victims of Russian aggression was also planned to be provided from the Fund for European Aid to the Most Deprived (FEAD), which was to deal with supplies of food and basic material

⁶ In the 2014-2020 financial perspective the EU had five Structural and Investment Funds (ESIFs): the European Regional Development Fund (ERDF), European Social Fund (ESF), the Cohesion Fund (CF), the European Agricultural Fund for Rural Development (EAFRD), and the European Maritime and Fisheries Fund (EMFF). Cohesion policy was supported by the ERDF, ESF and CF, and the common agricultural and fisheries policies by the EAFRD and EMFF respectively. Under a reform effective from 1 January 2021: (1) the ESF and the Fund for European Aid to the Most Deprived (FEAD) were combined into the European Social Fund Plus (ESF+); (2) the EMFF was renamed the European Maritime, Fisheries and Aquaculture Fund (EMFAF); (3) a new Just Transition Fund (JTF) was set up to deal with EU climate policy; and (4) EAFRD was excluded from the ESIFs. Consequently, the five ESIFs in the current financial perspective (2021-2027) are the ERDF, ESF+, CF, EMFAF, and JTF (Article 1(1b) of Regulation (EU) 2021/1060).

⁷ In the 2014-2020 financial perspective, EU internal policy in relation to migration, border management and security was supported by the Asylum, Migration and Integration Fund (AMIF) (Regulation (EU) 516/2014) and the Internal Security Fund (ISF). The latter included the instrument for financial support for external borders and visas (Regulation (EU) 515/2014) and the instrument for financial support for police cooperation, preventing and combating crime, and crisis management (Regulation (EU) 513/2014). In the 2021–2027 financial perspective internal policy is covered by AMIF (Regulation (EU) 2021/1147) and the ISF (Regulation (EU) 2021/1149), in addition to the Instrument for Financial Support for Border Management and Visa Policy, which replaced the aforementioned borders and visas instrument and is part of the Integrated Border Management Fund (Regulation (EU) 2021/1148).

assistance for those victims.⁸ The changes introduced by way of the analysed regulation concerned, among other things, the possibility of transferring funds between the programmes financed from the ERDF and ESF, the obtaining of 100% EU financing from programmes supported by the ERDF, ESF and FEAD in the 2021/2022 financial year, and the making of additional advance payments for projects so as to render rapid assistance to member states. Flexibility entailed, among other things, the reallocation of thus far unused amounts from the ERDF to infrastructure projects benefiting refugees, for example in providing access to health care and education (Regulation of the European Parliament and of the Council (EU) 2022/562: 1-5).

Pursuant to the second regulation, provisions were enacted enabling the allocation for Ukrainian refugees of €420m of unspent internal policy funds from the 2014-2020 financial perspective. A change was also made to the rules for the second edition of AMIF, implemented under the new financial perspective in 2021-2027 (Regulation of the European Parliament and of the Council (EU) 2022/585: 1-5). The main goal of AMIF was now to increase national capacities to cope with the influx of refugees from Ukraine, to improve migration management procedures, and to foster solidarity and a sharing of responsibilities between member states, in particular through assistance in crisis situations and a relocation mechanism, enabling EU countries and other public or private donors to provide additional funds for its functioning.⁹ Also made available for Ukrainian refugees was a part of the funds (€10 bn) reserved in the long-term budget for 2021–2027 under the REACT-EU instrument allocated for the reconstruction of member states' economies following the pandemic (Regulation of the European Parliament and the Council (EU) 2022/585: 1-5). It is estimated that in 2022 the European Union earmarked a total of around 17 billion euros as support for member states receiving Ukrainian refugees, made up of €7 bn of unspent EU funds from 2014–2020 and €10 bn under REACT-EU. Member states could make use of these funds to support Ukrainian refugees in meeting urgent needs, such as accommodation, education, health care, and child care (EU solidarity with Ukraine, 2024:6-7).

Regulation of the European Parliament and of the Council (EU) 2022/2039 of 19 October 2022 on FAST – CARE made provision for new financial means

⁸ In the 2014-2020 financial perspective, FEAD was engaged in providing food or basic material assistance (clothing, footwear, hygiene products) to those most in need, as well as advice and help to the poorest in coming out of poverty and achieving social inclusion.

⁹ The availability of AMIF funds to countries hosting Ukrainian refugees was extended to mid-2024.

for Ukrainian refugees. These strengthened still further the flexibility of use of EU funds, increasing advance payments by an additional €3.5 bn, allowing 100% co-financing of investment projects promoting socioeconomic integration and the social inclusion of citizens of third countries, enabling the transfer of funds not only between the ERDF and ESF, but also with the Cohesion Fund (CF), and assigning 30% of the funds allocated for refugees to local authorities and civil society organisations functioning within local communities (Regulation of the European Parliament and of the Council (EU) 2022/2039:23-29).

To assist member states in applying the Council's implementing decision of 4 March 2022, the European Commission also issued operational guidelines, offering expert knowledge (a Technical Support Instrument), intended to assist member countries in making full use of EU funds for the hosting and integration of refugees (European Commission, 2022:1-2).¹⁰ It also published guidelines for member states' border control personnel, serving to help them effectively manage traffic on borders with Ukraine and reduce waiting times, without lowering the level of security (EU solidarity with Ukraine, 2024: 7).

Integrated Political Crisis Response

Just three days after the Russian invasion, on 27 February 2022, the Justice and Home Affairs Council took a decision to invoke the Integrated Political Crisis Response (IPCR) mechanism (Extraordinary Justice and Home Affairs Council, 2022:1-3). This mechanism had been established by the Council of the European Union on 25 June 2013, and could be invoked either by the presidency or by any member state, relying on Article 222 of the TFEU (the solidarity clause). It serves the making of arrangements in reaction to various crisis situations, as well as coordinated EU decision-making in case of serious and complex crises, including acts of terrorism. The IPCR had been invoked on several occasions in previous years. In October 2015 the Luxembourg presidency took a decision to invoke the IPCR information exchange procedure for the purpose of monitoring migrant flows, supporting the decision-making

¹⁰ The Technical Support Instrument is an EU programme serving to make available technical knowledge necessary for the implementation of reforms. The support is funded exclusively by the EU (co-financing by member states is not required). The instrument was intended to provide assistance to member states in reducing the economic and social impacts of the crisis related to COVID-19. It is a continuation of the Structural Reform Support Programme (2017-2020), and is managed by the Commission's Directorate-General. Cf. European Commission, Technical Support Instrument (2023: 1-2).

process and enabling the better implementation of agreed measures. In the following month the presidency invoked the full mode of the IPCR mechanism.¹¹ From then on it could operate in that mode if activated. This allowed the EU to hold successive “round table” meetings with interested parties to discuss and coordinate its response to various migration-related issues. This process was used, among other things, to facilitate the EU’s monitoring of the 2021 migration crisis on the Polish–Belarusian border.

In relation to the refugee and humanitarian crisis in Ukraine, the first IPCR round table technical meeting took place on 28 February 2022. Among issues considered at this and subsequent meetings were matters of humanitarian aid (mainly medical and healthcare items and equipment for providing accommodation), EU support in hosting refugees, and assistance in external border management (for example, in relation to security checks and registrations at borders). The meetings were chaired by the EU presidency with participation by representatives of the European Commission, the European External Action Service, EU agencies, the Ukrainian government, the office of the President of the European Council, and experts (Rządowe Centrum Bezpieczeństwa, 2024:1-4).

On 28 March 2022 the European Commission announced a 10-point plan to improve coordination of the reception of persons fleeing the war in Ukraine. It provided for, among others, the following instruments of assistance: (1) launch of an EU-wide platform for refugee registration, called the Solidarity Platform, which would enable the coordination of all actions being taken to handle the crisis, including cooperation with the Ukrainian authorities and other organisations from that country; (2) assistance in coordinating the work of the main national transport and information hubs situated at key points on the routes taken by people fleeing the war (border crossings, bus and rail stations, large transit accommodation centres, etc.); (3) strengthening of reception systems and assurance of continuous care of refugees (for example through the Safe Homes initiative for housing refugees in private homes); (4) development of an emergency plan at EU level to ensure coordination of actions to meet medium- and long-term needs of refugees as foreseen in na-

¹¹ The IPCR, operating in full mode, has four instruments at its disposal: the round table, a special Internet platform for information exchange and collection, a 24-hour contact point for interested parties, and a working group of experts responsible for preparing analytical reports to provide decision-makers with a clear picture of the current situation. The IPCR contact point in Poland is the Government Security Centre (cf. Rządowe Centrum Bezpieczeństwa, 2024:1-4).

tional emergency plans; (5) introduction of standard operational procedures and guidelines on the reception and support of children (in particular disabled children and those without carers or separated from family) in relation to fast identification and registration, accommodation, and the prevention of human trafficking; (6) preparation of an EU joint plan against human trafficking and the provision of full assistance to victims of such activity; (7) assurance of adequate resources and funds earmarked to finance the aforementioned actions (The 10-Point Plan, 2023:1-3).

The Solidarity Platform enabled member states to exchange information about persons registered under the temporary protection mechanism or corresponding protection schemes set up under national law. In the coordination of cooperation with national transport and information hubs, the EU Agency for Asylum, in close cooperation with relevant organisations already active locally, became engaged in supplying information on such matters as reception places or minors lacking carers. Responsibility for ensuring continuous care for refugees lay with the European Commission, which cooperated in that regard with member states and the UNHCR. It was also tasked with developing a “common EU index” which member states, EU agencies and other international organisations were to feed into. This served to enable monitoring of changes in the situation with respect to arrivals, to evaluate migration pressure, and to ensure immediate reaction at national level or, when necessary, at EU level. The Solidarity Platform, run by the EU Anti-Trafficking Coordinator, worked with member states and EU agencies, including the European Labour Authority and Europol, to prepare a common plan to counteract threats related to human trafficking and to support potential victims (The 10-Point Plan, 2023:1-3).

On 8 June 2022, the Justice and Home Affairs Council adopted a political conclusions document on children’s rights, placing particular emphasis on the protection of those rights in crises and emergencies. It drew attention to the need to protect children experiencing armed conflicts and their effects, citing provisions of the EU’s Charter of Fundamental Rights. In particular, this concerned protection against military conscription, human trafficking, illegal adoption, sexual abuse, and separation from family (Council of the European Union, Conclusions, 2022:1-11). On 27 June 2022 the Council asked member states to ensure that children displaced from Ukraine received free legal assistance and access to health care, to inform children travelling from Ukraine without carers or separated from their families about their rights and to include them under national child protection systems, and to make every effort to ensure that the manner of reception of children conformed to the highest standards (Council of the European Union, Conclusions, 2022:1-7).

Union Civil Protection Mechanism

The third of the EU's assistance instruments for Ukraine was the Union Civil Protection Mechanism (UCPM). This was established by a Council decision of 23 October 2001 "establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions" (Council Decision 2001/792/EC: 7). This document was subsequently amended on several occasions, for the last time via a regulation dated 20 May 2021 (Regulation of the European Parliament and of the Council (EU) 2021/836: 1–22). The UCPM would coordinate, at EU level, all responses to natural disasters and to man-made humanitarian disasters. Civil protection included both preventive measures (mitigating the consequences of future emergencies or natural disasters) and current assistance, provided to people in emergencies. This assistance included, among other things, search and rescue actions, supply of medical personnel and equipment and medicines, provision of temporary shelter, and the safe repatriation of EU citizens.

Countries participating in the UCPM include all EU member states as well as the United Kingdom, Iceland, Norway, Albania, Bosnia and Herzegovina, North Macedonia, Montenegro, Serbia, and Turkey. It has at its disposal the Emergency Response Coordination Centre (ERCC), which provides round-the-clock monitoring of world events and coordinates any EU response.¹² Like the IPCR, it was established by the Council of the European Union on 25 June 2013. Any country in the world, as well as the UN or its agencies and other international organisations, may request assistance from the ERCC if they lack the capacity to cope alone with a natural disaster or man-made humanitarian disaster. On receiving such a request, the ERCC mobilises and coordinates the assistance offered by member states. Since 2001 the EU's civil protection mechanism has been activated more than 600 times, both within and outside EU territory; for example, in relation to repatriation from Afghanistan (2021), the pandemic crisis (2020-2022), forest fires in Europe (2021-2022), and most recently Russia's war against Ukraine (2022-2023) and the earthquake in Turkey and Syria (2023) (EU civil protection, 2024:1-4).

When on the day of the Russian invasion Ukraine made a request to be included under the civil protection programme, the European Union, on a proposal by Slovakia, immediately activated the UCPM. On 28 February 2022 Poland also established a civil protection mechanism at national level. On

¹² The contact point for the ERCC in Poland (like in the case of IPCR) is the Government Security Centre (cf. Rządowe Centrum Bezpieczeństwa, 2024:1-4).

13 March 2022 the EU began evacuating people in need of medical intervention from Ukrainian territory; nine days later an EU humanitarian centre was opened in Lviv, and on 19 April the EU provided €45 million in humanitarian assistance for persons directly affected by Russia's invasion. Not only did the activation of the UCPM prove extremely useful, but the European Commission reported that the provision of assistance to Ukraine was the largest operation carried out within that framework to date. Through the UCPM, EU member states could request items required to meet the needs of persons displaced from Ukraine who were present on their territory, and could make use of EU co-financing of such assistance (EU civil protection, 2024: 3). All member states as well as Iceland, North Macedonia, Norway, Serbia and Turkey provided material assistance to Ukraine. The total value of aid given to the people of Ukraine by the EU under the UCPM between 24 February 2022 and 31 December 2023 was €796 million (cf. Table 7). In view of Ukraine's growing need for medical items, the rescEU strategic reserve established in 2019 was also activated; this includes, among other things, a fleet of firefighting planes and helicopters, aircraft for medical evacuation, medical rescue teams and field hospitals, medical stocks and mobile laboratories, means of temporary accommodation, and transport and logistics (EU solidarity with Ukraine, 2024:3-4).

Economic, financial and humanitarian assistance from the EU, its member states and the EBRD for Ukraine and Ukrainian refugees

Apart from the use of the mechanism of temporary protection for refugees and the IPCR and UCPM instruments, the European Union, as well as its member states and financial institutions, provided significant economic, financial and humanitarian assistance to Ukraine in the period under analysis. Economic and financial assistance was meant to support the Ukrainian economy, the management of emergency situations, and rapid reconstruction. In the years 2022–2023, the European Union, together with member states, the European Investment Bank (EIB) and the European Bank for Reconstruction and Development (EBRD), transferred a total of €39.6 billion to Ukraine (cf. Table 5) (Regulation (EU) 2022/2463:1-14). As regards assistance for refugees, the EU transferred €17 billion in that period to member states receiving Ukrainians on their territory, of which €7 billion consisted of unspent amounts from the Structural and Investment Funds for the years 2014-2020, and €10 billion came from the REACT-EU instrument originally designated for repairing social and economic damage caused by the COVID-19 pandemic and for

preparing member states' economies for environmental and digital modernisation (cf. Table 6) (EU solidarity with Ukraine, 2024:6-7). In turn, humanitarian aid for the civilian population in Ukraine and Ukrainian refugees hosted in EU member states, assigned in the years 2022-2023 by the EU and member states, totalled €3.746 billion (cf. Table 7) (Regulation (EU) 2022/2463: 5).

Table 5

Financial assistance from the EU, member states and financial institutions to support the Ukrainian economy, emergency management and rapid reconstruction in 2022-2023

Provider	Purpose	Amount in € bn
EU member states	Subsidies, loans and guarantees	9.45
The EU	Budgetary grants and support	2.35
	Macrofinancial assistance	25.20
	EU-guaranteed grants and loans from EIB and EBRD	2.60
Total		39.60

Source: based on EU solidarity with Ukraine (2024:1-2).

Table 6

Financial assistance from the EU for Ukrainian refugees, transferred to member states in 2022-2023

Instrument	Amount in € bn
ERDF, ESF, FEAD and AMIF: unspent funds from 2014-2020	7.00
REACT-EU	10.00
Total	17.00

Source: based on EU solidarity with Ukraine (2024:6-8).

Table 7

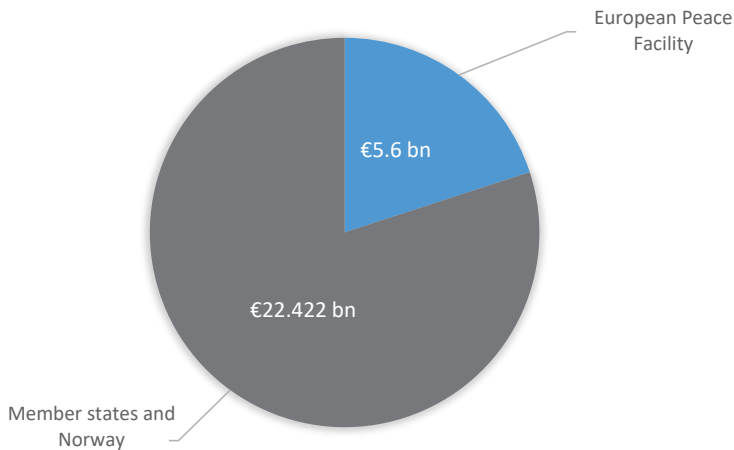
Humanitarian assistance from the EU and member states for the Ukrainian civilian population and refugees in 2022-2023

Type of humanitarian assistance	Amount in € bn
EU humanitarian assistance under UCPM	0.796
EU member states' humanitarian assistance	2.100
EU humanitarian assistance for civilian population and refugees	0.850
Total	3.746

Source: based on EU solidarity with Ukraine (2024: 3-4).

This means that the total of economic, financial and humanitarian assistance from the EU, member states, the EIB and the EBRD in the period from 24 February 2022 to 31 December 2023 was as high as €60.346 billion. Adding to that the value of military support, which amounted to €28.022 billion in the same period (cf. Figure 1),¹³ the total value of assistance from the EU and its member states and financial institutions provided to Ukraine in the period under analysis was the astronomical sum of €88.368 billion (cf. Figure 2).

Figure 1
Military support in the period from 24 February 2022 to 31 December 2023

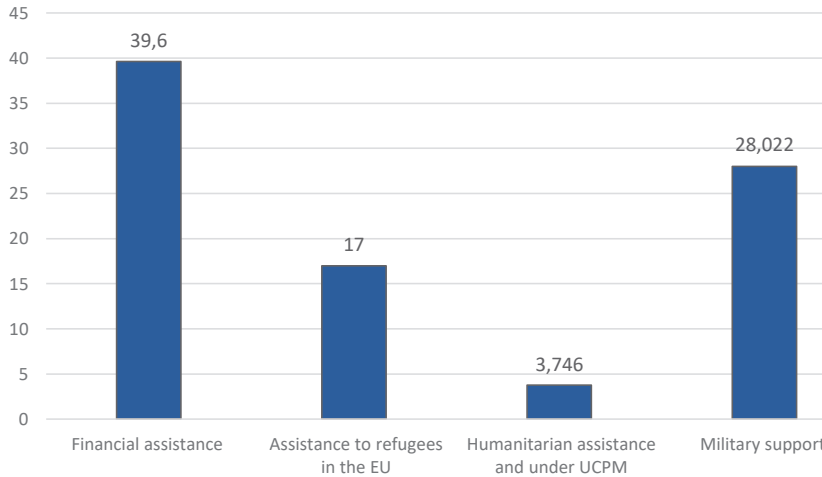


Source: based on EU solidarity with Ukraine (2024: 5).

¹³ Military support included amounts assigned by individual EU member states (€22.4 bn), Norway (€22m), and the European Peace Facility (€5.6 bn). On the origin and functional principles of the latter instrument, established in 2021, see Węc (2022: 222-224, 2023: 135-137).

Figure 2

Total financial, humanitarian and military assistance from the EU, member states, the EIB and the EBRD between 24 February 2022 and 31 December 2023



Source: based on EU solidarity with Ukraine (2024:5-6).

Conclusions

Analysis of the available source material has confirmed both of the research hypotheses formulated at the outset. The European Union and its member states coped with the refugee and humanitarian crisis resulting from Russia's aggression against Ukraine much more effectively than in the case of the refugee and migrant crisis of 2015–2016 (hypothesis 1). There were two basic reasons for this success. Firstly, the crisis saw engagement on a mass scale from volunteers, national and local NGOs, and civil society organisations in the countries receiving refugees. Secondly, spontaneous help came from the Polish public, who on a vast scale provided shelter in their own homes to Ukrainians fleeing the war, a fact which won admiration from many Western states and the public there. This is all the more noteworthy given that the influx of war refugees from Ukraine in 2022–2023 was several times greater than the number of war refugees from Syria and Iraq and refugees and economic migrants from African countries in 2015–2016. The role of Polish society was especially invaluable because it was Poland that received the largest wave of refugees. Among the 31,392,735 Ukrainian refugees who arrived in neighbouring countries, as many as 17,293,665 crossed the border

into Poland, compared with 4,230,790 coming to Hungary, 3,962,700 to Romania, 2,869,100 to Russia, 2,021,965 to Slovakia, 1,014,515 to Moldova, and 16,607 to Belarus. The numbers of those returning to Ukraine were as follows: 14,741,500 persons from Poland, 3,387,085 from Romania, 1,869,480 from Slovakia, and 724,780 from Moldova (there are no Russian or Belarussian data concerning returnees to Ukraine). A particularly important role in coping with the mass influx of Ukrainian refugees was also played by EU legal and institutional instruments that already existed but had not been duly recognised or had not been activated, such as the temporary refugee protection mechanism, Integrated Political Crisis Response, and the Union Civil Protection Mechanism (hypothesis 2).

In answering the first research question, it can be concluded that among all EU member states, it was Poland that did the most to assist Ukrainian refugees, where the criteria for assessment include public engagement and the scale of assistance, moral support, and government diplomatic activity in persuading other countries to apply means of assistance. Under the EU's temporary refugee protection mechanism or similar national protection schemes of European states – excluding Russia and Belarus, which did not implement such schemes – a total of 4,386,445 persons registered, with the largest numbers being in Poland, Germany and the Czech Republic. In answer to the second research question, the high effectiveness of the temporary refugee protection mechanism, Integrated Political Crisis Response, and the Union Civil Protection Mechanism resulted from two causes: first, these legal and institutional instruments were already known in the EU, but had not thus far been activated, whereas their activation enabled a rapid response in the time of crisis; second, this made it possible to bypass the complex and sometimes very arduous legislative process for creating new legal instruments, which might have ended in a similar failure as occurred with the crisis of 2015-2016. Particularly invaluable was the mechanism of temporary protection for refugees, because registration under that mechanism gave the persons concerned a status equivalent to that of a refugee, with all the legal, financial and social consequences (for example, the right to stay in the host country for at least one year, access to the employment and housing markets, medical assistance, and the right to education for children). Furthermore, regarding the third research question, the scale of the economic, financial and humanitarian assistance provided by the European Union and its member states was vast, but this was also Europe's largest refugee and humanitarian crisis since the times of the Second World War. The total value of economic, financial and humanitarian assistance provided by the European Union and its member states and financial institutions,

in the analysed period from 24 February 2022 to 31 December 2023, amounted to €60.346 billion. Including military support given to Ukraine by the EU and its member states, the total was as high as €88.368 billion.

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Janusz Józef Węc, Professor, Institute of Political Science and International Relations, Jagiellonian University (janusz.wec@uj.edu.pl)

Keywords: European Union, Ukraine, refugee and humanitarian crisis, temporary protection mechanism for refugees, Integrated Political Crisis Response, Union Civil Protection Mechanism

ABSTRACT

The European Union and its member states have managed the refugee and humanitarian crisis triggered by Russia's aggression against Ukraine much more effectively than the refugee and migration crisis of 2015–2016. There are two main reasons for this success. First, volunteers, national and local NGOs and civil society actors from the host countries became much more involved in efforts to cope with the crisis. Secondly, spontaneous help was provided by the Polish public, who on a vast scale offered shelter in their own homes to Ukrainians fleeing the war, a fact which won the admiration of many Western countries and the public there. The role of Polish society was especially invaluable given that Poland took in the largest wave of refugees: 17,293,665 people crossed the Ukrainian–Polish border between 24 February 2022 and 31 December 2023. EU legal and institutional instruments that already existed but had not been duly recognised or activated, such as the temporary protection mechanism for refugees, Integrated Political Crisis Response, and the Union Civil Protection Mechanism, also played an extremely important role. The total economic, financial and humanitarian assistance provided by the European Union and its member states to Ukraine in the analysed period to the end of 2023 was €60.346 billion, with military support amounting to a further €28.022 billion.