

# Ukraine and the Responsibility to Protect: the consequences for the vulnerable (and the not yet vulnerable) should be front and centre of our reasoning



*Emotional responses to the Russian invasion of Ukraine are understandable and sometimes worthy, but they do not necessarily make good policy, writes [Jason Ralph](#). He highlights the importance of conscientious reflection on the consequences of action.*

The sense among Western civil society and governments that we have a responsibility to protect the Ukrainian population from Russian aggression is palpable. We feel it. We articulate it by asking 'how can we help?' Politicians do not have to refer to the UN's [Responsibility to Protect](#) doctrine – or 'R2P' – for us to recognise the power of this emotional response.

Emotional responses are understandable and sometimes worthy, but they do not necessarily make good policy. There is a step between embracing the moral impulse and working out a responsible way forward. One cannot properly discharge the responsibility to protect by taking actions that will increase the vulnerability of those one is trying to protect. The 'do no harm' principle is important.

But that only helps to contextualise the problem. The problem itself is a practical one. It is about knowing with confidence whether intervention can ease suffering, and that requires forward thinking. The Pragmatist philosopher John Dewey called this a '[dramatic rehearsal](#)' of various options. Or, in the more recent words of IR academic [Kathryn Sikkink](#), we need to 'weigh the consequences' of available actions. We need, in other words, to be prudent.

But consequences for whom? A humanitarian responsibility involves thinking prudently about the consequences for those in immediate need of protection from atrocity crimes. A government cannot be responsible if its definition of prudence is skewed by a narrow conception of the national interest. Not taking action that has a reasonable chance of successfully protecting the vulnerable simply because it is not in the national interest is, in this context, irresponsible. The invocation of 'prudence' to prevent intervention in such an instance is '[rhetorical](#)'. It is a veil behind which nations protect particular interests and hide from their humanitarian responsibilities.

But again, this only contextualises the problem. The problem is knowing what practical steps will work to protect the vulnerable and not exacerbate the suffering. This is where we are in the current situation. How can we protect Ukrainians from atrocities without escalating to a level that makes the situation worse for them? I do not pretend to know the answer. A judgment has to be made by those with situational knowledge; knowledge of the political/military probabilities.

But it is surely crucial that the threat of nuclear atrocity is part of that decision-making. One thing should be clear. The use of nuclear weapons is in all likelihood a violation of international humanitarian law. These weapons are so powerful that their effects do not discriminate between civilians and combatants. The casualty level would be so large that the human cost would be disproportionate to any military advantage.

In short, anyone invoking R2P to intervene in this conflict (or any other conflict) should recognise that reducing the risk of nuclear conflict *is* atrocity prevention. That may mean ruling out military intervention.

This is the current concern of those arguing against the imposition by NATO of a 'no fly zone'. What if NATO planes enforcing it take off from bases in (for example) Poland, and Russia responded by attacking those bases? The conflict has then escalated to a war between two nuclear powers, because NATO would no doubt act on its Article 5 commitment to collectively defend Poland.

Some are citing the western efforts during the Berlin blockade of 1948-49, when Britain, France, and the US helped the besieged residents of that city without resorting to armed conflict with the Soviet Union. But the West had a nuclear monopoly at that point. These arguments do not consider how the West responded to similar situations once the nuclear monopoly disappeared. Look at the West's response to the Soviet Cold War crackdowns in Hungary, Czechoslovakia, and Poland.

Ruling out military intervention does *not* mean we accept that nothing can be done. The Realist refrain that tragedy is inevitable because 'that's the way the world is' will not do. In fact, it is an abnegation of our responsibility to protect and it does not feel right. Pragmatic humanitarianism in complex situations where military measures cause (or risk causing) more harm than good thus requires creativity and imagination. What might that look like?

In many ways, the international community is demonstrating that right now: sanctioning and shaming the aggressors so they recalculate interests; arming the vulnerable so they can defend themselves; making it clear individuals will be prosecuted for war crimes; providing humanitarian assistance; providing safe passage for those who have protected themselves by fleeing the situation; sharing the burden of refugee settlement. These too are humanitarian interventions, and they also carry varying degrees of risk. But the risk that these interventions will make things worse for the vulnerable (which includes the populations surrounding Ukraine) are much lower.

Yet saying that still does not free us from reflecting and deliberating on what should be done. Take diplomatic isolation, for example. Some have raised the possibility of expelling Russia from the UN. Whether this is legally possible is questionable. The more important point, however, is that such an action could sever an important diplomatic channel, which may be necessary for deescalating tension and negotiating peaceful exit routes (the so-called 'off-ramp').

Take also international criminal justice. The argument that International Criminal Court involvement will act as a deterrent for the commission of war crimes is weak. Look at the prosecution record of the Court. Putin will not be deterred by it. The lesson surely is that states – [especially the United States](#) – should be more supportive of the Court, which includes ratifying the Rome Treaty.

There is another issue with criminal justice in conflict: the possibility that it takes away the off-ramp. Witness, for instance, the frustration with the ICC when it indicted Gaddafi in the summer of 2011. African states thought that was an imprudent move because it scuppered [their preferred approach](#), which was a negotiated end to the fighting. Article 16 of the Rome Treaty allows the UN Security Council to pass a resolution postponing criminal proceedings if they pose a threat to international peace and security. If Russia and Ukraine do need a negotiated way out, will we see Western states cooperating with Russia and China on the Security Council to postpone the Court's involvement?

And granting refugees asylum is not unproblematic. A possible risk with this response is that it may encourage war aims that seek the removal of a population from their country. But this is a difficult argument to stand by when people face genuine threats and have decided to protect themselves by fleeing. The responsibility of governments is surely to grant these vulnerable people asylum.

There are no straightforward answers to the questions we face. Some are less complicated than others and simply call on the political will of governments and citizens to implement. Others require a conscientious reflection on the consequences of action. The consequences for the vulnerable (and the not yet vulnerable) should be front and centre of our reasoning.

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## About the Author



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