

Explainer: International implications of Russia's invasion of Ukraine

On March 7, 2022, the scholars of the Conflict & Security Research Cluster at the Balsillie School of International Affairs gathered to answer some of the more commonly asked questions about the broader implications of the Russian invasion of Ukraine. Veronica Kitchen & Timothy Donais, the co-leaders of the Research Cluster, distilled the discussion into the following explainer.

Is a negotiated solution to the war possible?

A negotiated solution requires that President Putin and President Zelensky, as well as any other parties to terms of a negotiation, have goals or demands that overlap enough that a give-and-take negotiation is possible. At the moment, Putin's demands are at odds with Ukraine's survival as an independent state, and this is an existential conflict for Ukraine. The invasion has not gone as Putin expected, and many of the outcomes that he said he did not want, such as increased NATO and European Union presence in Eastern Europe, now seem inevitable. Putin may take this moment to take a much harder line, and increase the intensity of his war effort, making negotiation even harder. Another possible outcome is that Putin will be removed from power through an internal coup and replaced by a leadership more willing to put forth credible terms for negotiation, although most analysts consider this unlikely, since Putin's current grip on power appears very firm. Finally, China has indicated that it would like to see a negotiated solution. However, it is not yet clear whether Putin will be receptive to Chinese pressure, or how willing China is to push. If and as the war drags on, a hurting stalemate may also eventually emerge, increasing the pressure to find a way forward through negotiations.

Can sanctions work to change President Vladimir Putin's political calculus?

The introduction of sanctions on Russia has been swift and has already been devastating to the Russian economy, causing, among other impacts, a steep drop in the value of the ruble. As a tool of statecraft, sanctions have a mixed record of success, and are most likely to be successful in the short term. However, the fact that Putin has faced sanctions since his invasion of Crimea in 2014, and very likely knew that more would come following his invasion of Ukraine, means that he has had time to prepare to weather the storm. Many sanctions have targeted the billionaire oligarchs in Putin's inner circle, and may change their political calculus, leading them to withdraw their support or to intervene to oust Putin from power. Foreign companies have also cut their commercial connections to Russia, and these voluntary withdrawals will amplify the effects of sanctions. Over time, as Russia is able to further adapt to the sanctions regime, they will have diminishing effects.

However, sanctions will inevitably harm Russians far beyond the circle of oligarchs. Russian citizens will suffer. The rapid economic disconnections produced by the sanctions regime will also have profound effects on countries who depend on Russian exports, notably Germany, which obtains fully half of its natural gas supply from Russia. Russia and Ukraine are among the world's largest exporters of wheat. Sanctions have already driven up the price of wheat, and this effect is compounded by the effect of the war itself on global food markets. As the war continues, the spring planting season is threatened, which endangers the harvest and could further constrain global supply. The effects of these disruptions will be felt as increased food insecurity by some of the world's most vulnerable populations.

What does Russia's invasion of the Ukraine mean for the future of the United Nations?

Russia's Security Council veto of any action declaring its invasion of the Ukraine illegal means that the options of the United Nations are severely constrained. The global security architecture entrenched the power dynamics of the post-World War II world, and need reform, but the current structure favours the permanent members of the Security Council who do not want to change it.

With deteriorating relations among the permanent members of the Security Council, we can expect continued vetoes on issues of global security that stretch beyond Ukraine. One possible outcome is that states who wish to take action in global politics may do so through coalitions of the willing without Security Council authorization. US-led interventions in Kosovo (1999) and Iraq (2003) followed this model.

The General Assembly did use the Uniting for Peace resolution, which is designed to allow the General Assembly, in situations where a permanent member of the Security Council has vetoed collective action to maintain global peace and security, to call an emergency session. This had the effect of forcing UN members to declare their allegiances by either supporting, rejecting, or abstaining from a resolution asking Russia to halt its invasion, even if the resolution has no binding effect.

Could President Vladimir Putin be tried for war crimes by the International Criminal Court (ICC)?

The ICC prosecutor, Karim Khan, has already launched a preliminary investigation into possible war crimes and/or crimes against humanity in the wake of the Russian invasion. While neither Russia nor Ukraine are members of the ICC, Ukraine announced, subsequent to Russia's 2014 annexation of Crimea, that it would allow the ICC jurisdiction over crimes committed on its territory. It is on this basis, supported by a referral by 39 ICC member states, that the ICC

prosecutor has now acted. In principle, the ICC also has jurisdiction over the crime of aggression, but ICC rules prohibit leaders of non-member states from being prosecuted for this offense, unless there is a direct referral by the UN Security Council (a non-starter in this case, given the Russian veto). If the prosecutor's preliminary investigation leads to an eventual indictment of Putin, he would be the second sitting head of state to be subject to such an indictment. In 2009, following a Security Council referral, Sudanese President Omar al-Bashir was indicted by the ICC, and a warrant was issued for his arrest. Despite being overthrown in 2019, al-Bashir remains at large, although the current Sudanese government has for some time indicated that it may be willing to hand him over to stand trial in The Hague (ICC rules prohibit trials *in absentia*). The al-Bashir case provides a clear reminder that the ICC has no enforcement powers of its own, and is dependent on the cooperation of states to bring indicted individuals to justice. Even if Putin is indicted, as long as he remains in power, and avoids travel to ICC member states (where he could be subject to arrest and transfer to the ICC), he is unlikely to face international justice for possible war crimes committed in Ukraine.

What is different about how Ukrainian refugees are being resettled in Canada?

Canada, along with most European countries, has mobilized in unprecedented ways to resettle Ukrainians. Circumventing the international refugee protection regime, Canada is following European governments to create new policy tools to provide temporary protection using emergency travel authorizations and visa systems rather than resettling Ukrainians through international refugee protection procedures.

The pace and volume of refugees from Ukraine fleeing into Europe has been substantially larger than during previous conflicts. Approximately two weeks into the war, more than two million refugees have left Ukraine, as opposed to about half that number over several months arriving in Europe from Syria a few years ago.

Like the EU, Canada has chosen to resettle Ukrainians using temporary protection policy tools instead of international refugee protection measures, which the government used to resettle just over 44 000 Syrians since 2015, and which it will use to resettle 40 000 Afghans. Canada has agreed to welcome an unlimited number of Ukrainian refugees, providing them with temporary protection for up to two years, and creating faster travel through an emergency travel authorization and a streamlined visa system.

Many have noted these policy tools for Ukrainians look different from those used to help Syrians and Afghans, and those fleeing other conflicts. Others have noted that some racialized international students and asylum seekers fleeing Ukraine have been stopped at the border. It is reasonable to ask to what degree racism plays a role in these differential policy responses. We can acknowledge that racism and the differential treatment of Ukrainians exists while also

looking to the importance of this policy response as a model for what refugee protection could look like in the future, in cases where the goal is to provide an administratively quick and efficient pathway for safe harbour. We can reflect on the longer-term implications of resettling through temporary protection as opposed to international protection measures. Canada is renowned for its immigration settlement infrastructure, and it is unclear what the temporary protection measures will mean for the capacity of Ukrainians to access that route to permanent residency in Canada if they are unable to return to Ukraine. Certainly, there is a possibility that the response to this war will shift what the international protection system might look like for all.