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UKRAINE SETTLEMENT OPTIONS:

Select Humanitarian Issues

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UKRAINE SETTLEMENT OPTIONS PAPER

SELECT HUMANITARIAN ISSUES

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The views expressed in this paper are the author's alone and do not necessarily reflect the views of the United Nations.

INTRODUCTION

The war in Ukraine has generated a vast range of humanitarian issues: millions of civilians are displaced, millions need food, healthcare and other forms of humanitarian assistance, thousands have been killed and hundreds reported missing. Combatants on both sides have been killed, imprisoned, and missing. Meanwhile, mines and explosive remnants of war pose long-term dangers to civilian lives and livelihoods.

In view of a possible peace settlement, this paper describes these humanitarian issues and the specific rules of international humanitarian law (IHL) designed to address them, even after the end of hostilities. As the International Committee of the Red Cross (ICRC) recently [noted](#), “victims of around 30 armed conflicts that were declassified [i.e. no longer considered conflicts], in some cases long ago, are still protected by international humanitarian law (in particular the rules on the missing, detention and weapons contamination in relation to the conflict).” The paper also provides examples of ceasefire, peace and other agreements that have captured these common end-of-hostilities IHL obligations and established procedures to implement them. [Other papers](#) in this series cover additional themes of humanitarian concern, including the return of refugees and internally displaced persons, the needs of children, measures to address sexual violence, environmental protection, the release of prisoners of war and civilian internees, and the investigation and prosecution of war crimes.

The IHL rules described below all apply independently of commitments in a peace settlement (Russia and Ukraine are both [parties](#) to the 1949 Geneva Conventions and 1977 Additional Protocols). The [Geneva Conventions](#) explicitly [state](#) (also [here](#) and [here](#)) that no agreement shall adversely affect the situation of protected persons or restrict rights which they confer on them. Still, there are benefits to reflecting IHL in a peace settlement: to remind parties of their IHL obligations and ensure respect for them, to elicit the involvement of outside parties to ensure compliance, and to provide modalities for their application or a basis for negotiating them. IHL must be reflected accurately and not be undermined or set aside in favour of political solutions.

Indeed, some past agreements express a general commitment to ensure respect for IHL. For instance, in the [1999 Lomé Peace Agreement](#) for Sierra Leone, both the preamble and the section dedicated to humanitarian, human rights and socio-economic issues assert the importance of respect for international humanitarian law. In the 2003 [Accra Peace Agreement](#) for Liberia, the parties expressed their commitment to “promoting full respect for international humanitarian law and human rights” and undertook “to respect ... the principles and rules of International Humanitarian law in post-conflict Liberia.” Of course, a peace settlement can also adopt more favourable measures than what IHL provides.

I. THE DEAD AND MISSING

Between mid-April 2014 and the end of December 2021, the UN [estimates](#) 3,106 civilian deaths connected to the Ukrainian conflict. Since the Russian invasion in February 2022, the human toll of the conflict has climbed significantly. As of 28 August, the UN [records](#) 5,663 civilians killed, though actual figures are believed to be higher. Russian and Ukrainian combatants have also been killed. An independent Russian news organization [reports](#) that 5,801 members of the Russian military were killed between 24 February and 24 August 2022, while some [estimate](#) that the number of Russian army and non-army personnel killed is at least three times higher (see also [here](#) and [here](#)). About 9,000 Ukrainian soldiers are [estimated](#) to have been killed since the invasion.

In addition, hundreds of civilians in Ukraine are reportedly missing, with the United Nations [documenting](#) 327 cases of enforced disappearances and arbitrary detention of civilians in non-government controlled territory, and 39 arbitrary arrests and 28 cases of possible enforced disappearance in government-controlled territory (as of 24 August 2022). Here, too, numbers are [likely higher](#). As of July 2022, up to 7,200 Ukrainian service personnel – including members of the armed forces, National Guard, border guards and security service – were [reported](#) missing. Russian soldiers have also been [reported](#) missing, however the numbers are unclear. In August 2022, the ICRC [reported](#) that it had “received more than 27,000 calls and emails from people looking for news of their loved ones who have been affected by the international armed conflict in Ukraine” since the end of February 2022. The ICRC added, “[t]he consequences of a missing family member can be devastating, and families have a right to know what happened to their loved ones.”

Exchanges of information on the dead, agreements on the return of remains, and searches for missing persons will often take place at the end of hostilities. As described below, IHL contains obligations relating to combatants and civilians who are dead or missing. These obligations typically extend beyond the end of an armed conflict and are thus relevant to capture in a peace settlement.

A. DEAD COMBATANTS AND CIVILIANS

Obligations under International Humanitarian Law

Under the First Geneva Convention, at all times and particularly after an engagement, the parties must, without delay, take [all possible measures](#) to search for dead combatants and prevent their being despoiled. Under the [Fourth Geneva Convention](#) applicable to civilians, the parties are equally required, as far as military considerations allow, to facilitate the steps taken to search for civilians killed and protect them against pillage and ill-treatment.

The First Geneva Convention requires that the parties [record](#) identifying information, which must be transmitted to the information bureau for prisoners of war and then onward, via the Central Tracing Agency, to the power on which the deceased depended. Under the [Third Geneva Convention](#), death certificates or certified lists of persons who die as prisoners of war must be similarly forwarded as rapidly as possible. With respect to civilian internee deaths, the Fourth Geneva Convention further requires that [records](#) be kept and copies transmitted to the Central Agency without delay. In all instances the parties must ensure that [graves](#) are respected, properly maintained and marked so they can always be found, and ashes retained until their proper disposal.

The First Geneva Convention [adds](#) that, as soon as circumstances permit, and at latest at the end of hostilities, the parties' Official Graves Registration Services shall exchange, through each party's Information Bureau, lists showing the exact location and markings of graves and information identifying the buried. The [Third](#) and [Fourth](#) Geneva Conventions set out similar requirements relating to prisoners of war and civilians who died in internment respectively.

Additional Protocol I provides further obligations regarding deceased persons, the [implementation](#) of which must be "prompted mainly by the right of families to know the fate of their relatives." The parties must [endeavor to agree](#) on arrangements to search for, identify and recover the dead from battlefield areas, including, if appropriate, accompaniment by personnel of the adverse Party in areas it controls. Where other treaty provisions are not more favourable, the [remains](#) of persons who have died for reasons related to occupation or in detention resulting from occupation or hostilities, and of persons who were not nationals of the country in which they died as a result of hostilities, must be respected, and their gravesites must also be respected, maintained and marked. As soon as circumstances and relations between the adverse Parties allow, the States in whose territories graves and other remains are located – whether the persons have died as a result of hostilities, during occupation, or in detention – shall conclude agreements to facilitate access for relatives of the deceased, protect and maintain gravesites and facilitate the return of remains and personal effects. Typically, it is when a conflict ends that circumstances and relations between the parties allow such arrangements.

Past Practice in Peace and Other Agreements

The exchange of information on the deceased, the preservation of graves and the return of mortal remains have been addressed in ceasefire, peace and other agreements, at times interwoven with provisions on accounting for the missing. While many of these agreements have captured IHL obligations in a general manner, in some instances the parties have gone beyond, for example by committing to establishing and preserving memorials or setting up joint procedures to fulfill their IHL-based commitments.

Capturing IHL obligations

Well before current IHL treaty obligations were adopted, parties to the 1919 [Treaty of Versailles](#) agreed to maintain the graves of soldiers and to "afford, so far as the provisions of their laws and the requirements of public health allow, every facility for giving effect to requests that the bodies of their soldiers and sailors may be transferred to their own country." The parties also agreed to maintain the graves of prisoners of war and interned civilians who were nationals of belligerent States and died in captivity. The parties undertook to exchange a list of those who died with identifying information, as well as information on graves of those buried without identification.

In the 1973 [Agreement](#) ending the war and restoring peace in Viet-Nam, the parties agreed that they "shall help each other to get information about those military personnel and foreign civilians of the parties missing in action, to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repatriation of the remains, and to take any such other measures as may be required to get information about those still considered missing in action."

In a 1992 [Agreement](#), Finland and Russia agreed to cooperate on identifying and returning the remains of soldiers fallen in the Second World War. The parties agreed to exchange information on the whereabouts of Russian (Soviet) war cemeteries and graves in Finland, and of Finnish war cemeteries and graves in the Russian Federation. They also agreed to ensure the protection and indefinite right to preservation of war cemeteries and graves and memorials in each country, and to allow relatives to visit them. The parties further agreed that the transfer

of the remains of servicemen for reburial in their country may be carried out at the request of the interested party and with the consent of the party in whose territory the remains are buried.

In the 2020 [Statement](#) announcing the end of hostilities between Azerbaijan and Armenia in Nagorno-Karabakh, the parties agreed to exchange prisoners of war, hostages and other detained persons, and dead bodies.

Procedures to fulfil commitments

Still in the midst of armed conflict, Yugoslavia, Croatia, Serbia, and the ICRC concluded a [Memorandum of Understanding](#) in 1991 that established a Joint Commission to trace missing persons. In December of the same year, the parties set out its rules of procedure and a [plan of operation](#) to ascertain the whereabouts or fate of the missing. Each party to the conflict was to provide to an adverse party all available information regarding the identification of deceased persons and the gravesites of deceased persons belonging to the adverse party. At the request of the party on which the deceased depended, parties were to organize the handover of mortal remains and/or allow identification of the deceased by the adverse party.

B. THE MISSING

Obligations under International Humanitarian and Human Rights Law

The above-mentioned requirements to record and transmit information on fallen combatants, prisoners of war and civilians are complemented by additional obligations to account for missing persons, equally premised on the family's right to know the fate of their relatives. Under the Fourth Geneva Convention, each party to the conflict must [facilitate enquiries](#) by family members dispersed because of the war, with the aim of re-establishing family contact. Facilitation could be via the information bureau for protected civilians, notification by postal authorities, broadcasts, or other [means](#). Additional Protocol I [adds](#) that, “[a]s soon as circumstances permit, and at the latest from the end of active hostilities, each Party to the conflict shall search for the persons who have been reported missing by an adverse Party,” which must transmit all relevant information to facilitate the search.

The International [Convention](#) for the Protection of all Persons from Enforced Disappearance reinforces these IHL obligations. It also recognizes that any person suffering harm as a direct result of enforced disappearance has the right to know the truth regarding the circumstances of that disappearance, the progress and results of an investigation, and the fate of the disappeared person. Each State party must take all appropriate measures to search for, locate and release disappeared persons and, in case of death, to locate, respect and return their remains. While Ukraine is a [party](#) to this Convention, Russia is not.

Past Practice in Peace and Other Agreements

A number of agreements concluded at the end of conflict have captured efforts to account for the missing, in general alignment with IHL. At times these have also established processes, such as a working group or special unit, to fulfil commitments to find missing persons.

Capturing IHL obligations

The 1956 [Joint Declaration](#) by the USSR and Japan foresaw that “[w]ith regard to those Japanese whose fate is unknown, the USSR, at the request of Japan, will continue its efforts to discover what has happened to them.”

In the 1995 [General Framework Agreement](#) for Peace in Bosnia and Herzegovina (Dayton Accords), Annex 7 on refugees and displaced persons contains a provision on accounting for the missing: “The parties shall provide information through the tracing mechanisms of the

ICRC on all persons unaccounted for. The Parties shall also cooperate fully with the ICRC in its efforts to determine the identities, whereabouts and fate of the unaccounted for.”

Procedures to fulfil commitments

In the 1996 [Protocol](#) between the Russian Federation and the Chechen Republic of Ichkeria, the parties established a joint working group composed of six persons from each side to locate missing persons and free forcibly detained persons.

In a [joint communiqué](#) dated October 2015, the Colombian Government and the FARC-EP articulated two commitments with a view to alleviating the suffering of families of missing persons. The first “set in motion some initial and immediate humanitarian measures for the search, location, identification and respectable delivery of the remains of persons deemed as missing” even before signing the [Final Agreement](#) to end the conflict. These were framed as trust-building measures. The parties requested ICRC support in designing and implementing these measures and agreed to provide it with available information and facilitate their execution. The second commitment was to create a special unit to search for missing persons after signature of the Final Agreement. Among other functions, the unit would collect all necessary information to establish who is deemed missing, strengthen processes to identify remains, and coordinate and engage in the search, identification, location and respectable delivery of remains, with the participation of relatives.

In the above-mentioned 1991 [plan of operation](#) in the Balkans , each party was responsible for compiling a list of its own persons reported missing and a file containing as many details as possible. On this basis, an adverse party was to take all possible measures to obtain information on the person reported missing and record the measures taken and results obtained. At the end of an enquiry, these details and related documents would be transmitted to the ICRC, which would forward them to the party on which the missing person depended. That party would then inform the family when a case was resolved.

II. LANDMINES AND EXPLOSIVE REMNANTS OF WAR

Even before the February 2022 invasion, landmines and explosive remnants of war posed significant [risks](#) to lives, livelihoods and critical infrastructure in the Donetsk and Luhansk regions. In August 2022, 14.5 million people in Ukraine were reportedly at risk of being injured or killed by explosive ordnance – including landmines, unexploded bombs and boobytraps – and more than a quarter of Ukrainian territory was reportedly [contaminated](#) with explosives. As the conflict endures, weapon contamination can be expected to increase, generating foreseeable dangers for civilians and impediments to livelihoods, refugee and IDP returns, access to essential services and humanitarian assistance.

Obligations under International Humanitarian Law

It is often at the end of hostilities that significant clearance operations begin and information on the location of explosive ordnance and other details are exchanged between the parties. [Amended Protocol II](#) and [Protocol V](#) to the 1980 Convention on Certain Conventional Weapons (CCW) are most relevant, as they require conflict parties to take steps after the end of hostilities to minimize the dangers posed by explosive ordnance. These obligations are therefore also suited for a peace settlement. (Both Russia and Ukraine are [parties](#) to Amended Protocol II and Protocol V.)

Amended Protocol II requires that all information concerning minefields, mined areas, mines, boobytraps and other devices [be recorded](#) and retained by conflict parties. A Technical Annex describes the type of information to record: the location of minefields, mined areas and areas of boobytraps and other devices, as well as their type, number, emplacing method, date and time of laying, and other details. Without delay after cessation of hostilities, the parties must take all necessary and appropriate measures, including the use of this information, to protect civilians from minefields, mined areas, mines, booby-traps and other devices in areas under their control. At the same time, a party that no longer has control over areas where it placed these weapons must make this information available to the other conflict parties. The parties are encouraged to seek mutual agreement to release this information at the earliest possible time.

Protocol V foresees similar measures relating to unexploded and abandoned explosive ordnance (explosive remnants of war or ERW). These include artillery and mortar shells, hand grenades, cluster submunitions, rockets, missiles and other explosive devices, but not mines, booby-traps or other devices covered by Amended Protocol II. During a conflict, a State party must, to the maximum extent possible and as far as practicable, record and retain information on explosive ordnance it has used or abandoned. Without delay after the end of active hostilities and as far as practicable, a State party that has used or abandoned explosive ordnance that may have become ERW must make this information available to the party in control of affected areas. The Technical Annex to Protocol V sets out the type of information to be recorded, retained and shared, including the type, nature, number and location, as well as the method of identifying and safely disposing of ERW.

Amended Protocol II further [requires](#) that, without delay after cessation of active hostilities, a State party clear, remove, destroy or maintain all minefields, mined areas, mines, booby-traps and other devices under their control. Where a party has laid these in areas it no longer controls, it must provide the technical and material assistance necessary to fulfil these obligations. The parties are also required to try to agree on provision of such assistance, including through joint operations. (The Anti-personnel [Mine Ban Convention](#), to which Ukraine is a party but Russia is not, also requires the destruction of all anti-personnel mines in areas under a State party's jurisdiction or control. The new use of antipersonnel mines by a non-party in the territory of a party is an unusual circumstance under this Convention.) Protocol V similarly [requires](#) a party to mark, clear, remove or destroy ERW under its control as soon as feasible after fighting stops. Where a party has left ERW in areas it does not control, it must provide technical, financial, material or human resources assistance to facilitate their marking, clearance, removal or destruction.

Past Practice in Peace and Other Agreements

Commitments on information-sharing and clearance have been reflected in ceasefire and peace agreements, though somewhat succinctly. In some instances, parties have also established processes to fulfil their IHL-based commitments to share information and clear explosive ordnance.

Capturing IHL obligations

In the 1992 [N'SELE Ceasefire Agreement](#) between the Government of Rwanda and Rwandese Patriotic Front (which formed part of the 1993 Arusha Accords), the ceasefire included a “ban on any mine-laying operations or the hindering of operations to remove the mines.”

For instance, the 2000 [Agreement on Ceasefire and Cessation of Hostilities](#) between the Government of Sierra Leone and the Revolutionary United Front (RUF) stated that “the laying of mines or incendiary devices after the entry into force of this Agreement, the refusal to

disclose the existence of such mines or explosives and their location, and the deliberate refusal to cooperate by turning over the maps indicating such locations” constituted a violation of the agreement.

Procedures to fulfil commitments

Under the earlier 1999 [Lomé Peace Agreement](#), the use of all types of mines, explosive devices and improvised booby traps constituted a ceasefire violation. That agreement established a Joint Monitoring Mission (JMC) composed of representatives of the government, the RUF and other actors to investigate and take action on ceasefire violations. Each party was required to “furnish to the JMC information regarding ... the positions and descriptions of all known unexploded bombs (UXBs), explosive ordnance devices (EODs), minefields, booby traps, wire entanglements, and all other physical or military hazards.” In turn, the JMC was required to “seek all necessary technical assistance in mine clearance and the disposal or destruction of similar devices and weapons under the operational control of the neutral peacekeeping force,” which was composed of the United Nations Observer Mission in Sierra Leone (UNOMSIL) and the Economic Community of West African States Monitoring Group (ECOMOG).

III. HUMANITARIAN ASSISTANCE

Both [before](#) and [since](#) the February 2022 invasion, fighting has destroyed and damaged food sources, medical facilities, and water, power and gas supply systems, significantly hampering civilians’ access to essentials for survival.

Since the invasion, food production has been severely [disrupted](#). Agricultural machinery and millions of tons of grains and oilseeds have been reportedly stolen. There is reduced supply of seeds, fertilizer, fuel and other agricultural inputs, while agricultural laborers have joined the fight or fled. There are reports of fields set on fire, farmland damaged from bombing and mines, and grain elevators and port terminals bombed. Machinery, irrigation systems, storage and transport infrastructure have been destroyed. An attack on Ukraine’s national gene bank in May 2022 reportedly destroyed tens of thousands of rare seed samples, potentially harming Ukrainian agriculture for decades.

Hostilities in Ukraine have also [devastated](#) water and electricity networks, leaving millions with no or limited access to safe water. Disrupted [access](#) to gas, fuel or electricity to heat homes is expected to displace many more in the 2022-23 winter months. Access to medical care has also been severely hampered. The [WHO](#) has recorded 512 attacks on health care between 24 February and 6 September 2022. These have affected patients and medical personnel as well as medical facilities, transports, supplies, and warehouses.

In early September 2022, the UN estimated that 17.7 million people were [in need](#) of humanitarian assistance, including 9.3 million [in need](#) of urgent food and livelihood assistance and some 14.5 million [in need](#) of health assistance. In addition to food, medicine and medical equipment, assistance has [included](#) emergency shelter, livestock and poultry, diesel for agricultural equipment and generators for health facilities. For the nearly [7 million](#) internally displaced, [needs](#) include cash, employment, and adequate housing.

Obligations under International Humanitarian and Human Rights Law

To minimize and alleviate suffering in conflict, IHL and international human rights law (IHRL) set out obligations to ensure that persons who are not or no longer fighting – whether civilians or detained, wounded or sick combatants – have access to medical care, food, and other

essentials to survive, including through humanitarian assistance. When these IHL obligations cease to apply after the end of armed conflict, IHRL serves as a basis for meeting essential needs. As illustrated below, ceasefire and peace agreements often include commitments that reflect obligations to facilitate humanitarian assistance to meet a population's needs for basics such as food, water, health care, and shelter.

The key role that humanitarian organizations play in providing food, medicine and other assistance is recognized in the 1949 Geneva Conventions and 1977 Additional Protocols, which explicitly entitle an impartial humanitarian organization to [offer](#) to undertake humanitarian activities for persons affected by armed conflict. Whenever such offers are made, [consent](#) is required from the State party in whose territory the humanitarian activities are carried out.

Humanitarian activities can include [assistance](#), which consists of “[all activities](#), services and the delivery of goods, carried out primarily in the fields of health, water, habitat ... and economic security ... [which] seek to ensure that persons caught up in an armed conflict are able to survive and live in dignity.” They can include the provision of food and medicine, repairs to water supply and treatment systems, construction of medical facilities, clearance of mines and unexploded ordnance, and microeconomic or capacity-building initiatives designed to bolster livelihoods.

Humanitarian relief can be considered a subset of assistance, consisting principally of [essentials](#) for survival. IHL requires that, once consent to offers of humanitarian relief is obtained, all conflict parties must [allow and facilitate](#) rapid and unimpeded passage of humanitarian relief consignments, equipment and personnel. This obligation to allow and facilitate is subject to the parties' right to prescribe measures of control, such as searching consignments to verify that they are exclusively humanitarian, prescribing routes for specific times so that relief convoys do not interfere with, and are not endangered by, military operations, and ensuring that medical supplies and equipment comply with health and safety standards. Only in exceptional cases can relief supplies be delayed or diverted from intended destinations, and only in case of [imperative military necessity](#) can the activities of relief personnel be limited, or their movements temporarily restricted.

In connection with humanitarian activities more broadly, Additional Protocol I [adds](#) that conflict parties and all States parties must, ‘as far as possible,’ make facilities available to humanitarian organizations, while the ICRC and national societies of the Red Cross and Red Crescent benefit from a stringent obligation to grant them facilities.

When the above-mentioned IHL provisions no longer apply because an armed conflict has ended, the human rights to an adequate standard of living and highest attainable standard of [health](#) under the [International Covenant on Economic, Social and Cultural Rights](#) serve as a basis for ensuring that essential needs are met. The right to an adequate standard of living entails the right to [food](#) and [housing](#) (including energy for cooking, heating and lighting), while both this and the right to health entail a right to safe [water](#). All States must take steps, to the maximum of their available resources, to ensure that populations (including those in another country) are not deprived of essential foodstuffs, water, essential primary health care, or basic shelter and housing. Available resources include international humanitarian assistance.

Past Practice in Peace and Other Agreements

In line with both IHL and IHRL, ceasefire and peace agreements have included commitments to allow and facilitate humanitarian assistance. The agreements illustrated below have also provided for practical measures to implement these commitments, such as opening corridors, facilitating needs assessments, identifying routes, assessing their security and disseminating related information, monitoring aid delivery, as well as administrative and security measures.

In the 1999 [Ceasefire Agreement](#) on the Democratic Republic of the Congo, the Parties agreed to “facilitate humanitarian assistance through the opening up of humanitarian corridors and creation of conditions conducive to the provision of urgent humanitarian assistance to displaced persons, refugees and other affected persons.”

In a June 1999 Statement ([see Annex 4](#)) by the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone on delivery of humanitarian assistance, the parties agreed that “all duly registered humanitarian agencies shall be guaranteed safe and unhindered access to all areas under the control of the respective parties in order that humanitarian assistance can be delivered safely and effectively, in accordance with international conventions, principles and norms govern humanitarian operations.” The parties further agreed, *inter alia*, to give access and facilitate independent assessment missions, identify routes in collaboration with the UN for the transport of humanitarian goods and personnel, allow registered humanitarian agencies to deliver assistance based on independently assessed needs, and guarantee the security of all goods transported, stocked, or distributed by registered humanitarian agencies. An Implementation Committee was established to assess route security and disseminate route-related information to humanitarians and to receive and review implementation-related complaints to ensure compliance with the agreement. The parties also agreed to set up administrative and security bodies to monitor and facilitate the delivery of humanitarian assistance in all approved points of delivery, and ensure the security of humanitarian personnel and goods, project areas, and beneficiaries. In July 1999, the same parties reaffirmed their commitment to the June Statement, making it an integral part of the [peace agreement](#).

Similar commitments are also found in the 2003 [Accra Peace Accord](#) on Liberia. The parties reaffirmed their commitment to provide security guarantees for safe and unhindered access by all humanitarian agencies to vulnerable groups throughout the country and guarantee the security and movement of humanitarian personnel, their properties, goods transported, stocked or distributed, as well as their projects and beneficiaries. The Transitional Government agreed to establish effective administrative and security infrastructure to monitor and support implementation of these guarantees and to request the international community to assist in providing humanitarian assistance for those in need.

CONCLUSION

Thousands of people have been reported killed and thousands reported missing. Contamination by landmines and ERW is putting millions at risk of injury or death across more than a quarter of Ukraine’s territory. With food sources, medical facilities, and the supply of water, electricity and gas severely disrupted, millions are in need of humanitarian assistance. These humanitarian issues and many others are regulated by international humanitarian and human rights law, even after conflict has ended.

Related provisions in past ceasefire, peace and other agreements provide helpful precedents for an eventual peace settlement in Ukraine. Many agreements have captured relevant obligations through various formulations, some succinct and others more detailed. Agreements have also committed to procedures and practical arrangements to fulfil these obligations, including to locate the missing, share information on explosive ordnance, or facilitate humanitarian assistance through corridors, route identification, security assessments, and other measures.

There are benefits to capturing these obligations in peace agreements: they can invite third parties to ensure respect for IHL and provide a premise for the parties to work out practical

implementation arrangements. Showing the political will and taking concrete steps to clarify the fate of the missing, and return the remains of the dead, can help dissipate grievances across communities. Efforts to share information on mines and ERW, and to clear them, can contribute to confidence building between the parties. The facilitation of humanitarian assistance can be a stabilizing factor and guard against development reversal. Ultimately, IHL compliance can be conducive to peace.