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# UKRAINE'S PEACE FORMULA: THE LEGAL BASIS

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*Prepared by the  
Public International Law & Policy Group  
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# Ukraine's Peace Formula: The Legal Basis

## Statement of Purpose

The purpose of *Ukraine's Peace Formula: The Legal Basis* is to enhance public understanding of the legal norms and principles that form the foundation of the ten-point Peace Formula announced by Ukrainian President Volodymyr Zelenskyy in October 2022 to create enduring peace and stability in Ukraine and the region. For each point in the Peace Formula, this primer reiterates the point, provides background analysis necessary to fully understand the issue, and sets forth the legal basis for the proposed course of action in the respective point.

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## **Introduction**

On October 11, 2022, eight months after Russia’s February 2022 full-scale invasion of Ukraine, Ukrainian President Volodymyr Zelinsky announced to the leaders of the G7 a “peace formula” to overcome the Russian threat.<sup>1</sup> This Peace Formula included ten points that Ukraine considers essential to restoring a just and long-lasting peace and stability within the region. Among these points are concerns such as nuclear security, territorial integrity, return of prisoners of war and other forcibly displaced Ukrainians (including children), and accountability for perpetrators of atrocity crimes.

Ukraine’s Peace Formula is not the only model that has been proposed.<sup>2</sup> However, Ukraine’s Peace Formula is the model most consistent with well-founded principles of international law. This primer aims to lay out the legal foundations underpinning Ukraine’s positions on each of the ten points in the Peace Formula.

For each point, the primer sets forth the language used in the Peace Formula itself. It then provides a short factual background on the issue under consideration in the point. The primer then lays out the international legal basis supporting Ukraine’s position on each point. The legal basis overlaps for some of these points—such as territorial integrity and withdrawal of Russian troops—but the primer reiterates the legal standards under each point so that the individual sections can be understood without reference to one another.

## **Point 1: Radiation and Nuclear Safety**

### ***Peace Formula: Radiation and Nuclear Safety***

“No one has the right to blackmail the world with a radioactive disaster. And Russia is not an exemption. But it tries to be, with the constant attempts to rattle its nuclear arsenal. This nuclear blackmail has to stop.

“Russia is also constantly endangering Ukrainian nuclear power plants, temporarily occupying the Zaporizhzhia NPP in particular. Russia must immediately withdraw all its militants from its territory. The station must be immediately transferred to the control of the IAEA and the Ukrainian personnel. The normal connection of the station to the power grid must be restored immediately so that nothing threatens the stability of the reactors.”

Point 1 provides for Russia to cease threatening Ukraine’s populace and environment with nuclear disaster, either in the form of nuclear warfare or a nuclear disaster stemming from occupation of, or attacks around, Ukraine’s nuclear power plants (in particular, the Zaporizhzhia Nuclear Power Plant).

### ***Background: Radiation and Nuclear Safety***

Since the beginning of its full-scale invasion in February 2022, Russia has repeatedly threatened the use of nuclear weapons against Ukraine.<sup>3</sup> In the early days of Russia’s invasion, Vladimir Putin announced that Russia’s nuclear forces were on “special combat readiness.”<sup>4</sup> Putin has since engaged in further nuclear signaling, stressing in a subsequent address that Russia “will defend its land with *all the forces* and resources it has.”<sup>5</sup> In emphasizing this point, he referenced the “precedent” set by the United States’ 1945 nuclear attacks on Hiroshima and Nagasaki.<sup>6</sup>

In March 2022, Russian forces attacked and took control of the Zaporizhzhia Nuclear Power Plant (ZNPP), and have since continued to attack the area around the plant with shelling, missile attacks, fires, and landmine explosions.<sup>7</sup> This is the first instance in which a hostile power has captured and operated another country’s active nuclear power plant.<sup>8</sup> Since seizing control of the nuclear power plant using tanks, Russia has militarized the plant by stationing Russian military forces around the plant and machine gun positions on the roof, and encircling the plant with land mines.<sup>9</sup>

The International Atomic Energy Agency (IAEA) has made numerous attempts to arrange for the proper management and safe control of the plant, but these efforts have been rejected by Russian authorities. In fact, Russia has detained and tortured hundreds of Zaporizhzhia workers, forcing many of the plant's nuclear technicians to flee to Ukrainian-held territory, and leaving the nuclear power plant inadequately staffed with technicians knowledgeable about its operating systems.<sup>10</sup> At present, the plant is reportedly grossly understaffed, operating at half of its prewar levels,<sup>11</sup> which creates operational difficulties and significantly heightens the risk of a nuclear accident.<sup>12</sup>

Russia has also destroyed the Nova Kakhovka Dam, which provides a source of cooling water to Zaporizhzhia, and has allegedly extensively mined the plant's perimeter and cooling pond,<sup>13</sup> further exacerbating the risk of an explosion that could damage the plant and harm personnel and civilians.

The IAEA's General Conference has adopted a resolution calling on Russia to immediately return Zaporizhzhia to Ukraine's full control and to withdraw all military and other unauthorized personnel from the area around the plant.<sup>14</sup> In April 2024, Russia announced plans to restart the reactors at the plant despite persistent understaffing and safety concerns caused by the ongoing war.<sup>15</sup>

### ***Legal Basis: Radiation and Nuclear Safety***

Russia's actions in Ukraine involving issues of nuclear safety clearly violate international law. Nuclear blackmail violates international norms relating to the threat or use of force. International norms, moreover, protect civilians and civilian objects, particularly dangerous sites such as nuclear power plants, against attacks of any sort (even if such sites are militarized).

#### *Nuclear Blackmail*

Russia's use of nuclear blackmail violates international norms relating to the prohibition against the threat or use of force.

The international norm prohibiting the threat or use of force is a fundamental rule and principle of international law, and is clearly set forth in the United Nations Charter.<sup>16</sup> This norm provides that no state may threaten or use force against another state. This norm includes threats to use nuclear weapons against a state's

populace or environment, and can also be understood to prohibit the use of nuclear blackmail.

Various international treaties address the use and proliferation of nuclear weapons, such as the Treaty on the Non-Proliferation of Nuclear Weapons, the Comprehensive Nuclear-Test-Ban Treaty, and the Treaty on the Prohibition of Nuclear Weapons. The Treaty on the Prohibition of Nuclear Weapons, in particular, prohibits parties from using or threatening to use nuclear weapons.<sup>17</sup> While neither Russia nor Ukraine are parties to this treaty, its existence reflects a general international norm prohibiting such threats.

International case law also supports this principle. In the International Court of Justice's advisory opinion on the legality of the threat or use of nuclear weapons, the Court determined that such threat or use of nuclear weapons would generally be contrary to international humanitarian law. The Court argued that it is illegal for a party to an armed conflict to specifically target civilians and use weapons that cause indiscriminate damage.<sup>18</sup>

#### *Attacks on Nuclear Power Plants*

Russia's attacks on the Zaporizhzhia Nuclear Power Plant violates the international norm relating to the protection of civilians and civilian objects, which is enshrined in various binding judicial decisions and international treaties, including the Geneva Conventions. The Geneva Conventions are a globally applicable set of laws and rules that regulate armed conflict and establish protection of civilians and those no longer participating in hostilities.<sup>19</sup> This norm prohibits attacks against civilians and civilian objects, the latter of which includes nuclear energy sites.

Moreover, under the Geneva Conventions, special protections exist for works or installations containing "dangerous forces," such as dams, dykes, and nuclear power plants. Under no circumstances may such sites be the target of military attack, even where such sites are military objectives.<sup>20</sup>

Point 1 of Ukraine's Peace Formula calls for the cessation of nuclear threats against Ukraine and an end to the occupation of and attacks against Ukraine's nuclear energy sites. This is consistent with international norms relating to the threat or use of force, civilian protections, and the special protections afforded to particularly dangerous civilian objects, such as nuclear energy sites.

## **Point 2: Food Security**

### ***Peace Formula: Food Security***

“Once again, people’s lives and well-being should not be a part of Russia’s blackmail or famine games. In a year of the Black Sea Grain Initiative, Ukraine was able to export 32.8 million tons of food to countries in Asia, Africa, and Europe. Now, with Russia’s withdrawal from the agreement, people will suffer the consequences.

“The grain initiative and Ukrainian agricultural export must be restored for the sake of millions around the world.”

Point 2 seeks to protect Ukraine’s ability to grow, harvest, store, and transport food, for its own population and for export to other countries, from Russian aggression. This will ensure that neither Ukrainians nor the populations of countries that rely on Ukrainian food exports will face severe food shortages or starvation.

### ***Background: Food Security***

Russia’s invasion has destroyed critical infrastructure and lands needed for agricultural production and export. Russia’s tactics have included the bombing of Ukrainian ports, the blocking of exports in violation of its Black Sea Grain Initiative with Ukraine, and the suspension of vital agricultural operations. Ukraine is a key agricultural producer and among the most important suppliers of fertilizers in the global economy, and Russia’s full-scale invasion has disrupted Ukraine’s ability to produce, harvest, store, and export food for its trade partners and for its own citizens.

Russian troops have systematically stolen Ukrainian grain and other agricultural products from Ukrainian farmers,<sup>21</sup> and have reportedly damaged or destroyed thousands of pieces of agricultural machinery and millions of tons of agricultural products.<sup>22</sup> These disruptions to Ukraine’s agricultural sector have created intense food insecurity for Ukrainian citizens. Only a few months into the full-scale invasion, the UN World Food Program USA estimated that 50% of families faced hunger in the worst-affected areas of eastern and southern Ukraine.<sup>23</sup> As early as May 2022, Ukraine’s Agriculture Minister was forced to “urgently” request a humanitarian aid package from the European Union that included seeds.<sup>24</sup>



Russia's invasion also leaves the global market and many low-income countries vulnerable to inflated food and fuel prices. Russia's invasion of Ukraine has dramatically impacted Ukraine's ability to export its agricultural products to key consumer countries, threatening the food security of those countries' citizens. As part of its military strategy in 2022, Russia blocked key Ukrainian Black and Azov Sea ports, impeding the transportation of 90% of Ukraine's agricultural exports.<sup>25</sup> On 22 July 2022, Ukraine and Russia signed the Black Sea Grain Initiative (the Grain Initiative).<sup>26</sup> Brokered by the UN and Turkey, the Grain Initiative created a procedure for safe exportation of grain and related agricultural products from the Ukrainian Black Sea ports. Nevertheless, Russia continued attacking Ukrainian ports<sup>27</sup> and on 17 July 2023 withdrew from the agreement.<sup>28</sup>

Various attempts to revive the Grain Initiative have proven unsuccessful,<sup>29</sup> as Russia maintains that Western nations would first have to relax sanctions on Russian exports before Russia would consider rejoining.<sup>30</sup> By early 2024, however, Ukraine's military victories against Russia's Black Sea fleet and its use of new shipping routes along the coastline had restored grain exports nearly to pre-war levels.<sup>31</sup>

From the onset of Russia's aggression against Ukraine, the international community has been keenly aware of its profound impacts on global food security. As early as April 2022, a UN Secretariat response group called for the international community to urgently support countries affected by the crisis.<sup>32</sup> And on 23 May 2022, the UN General Assembly adopted a resolution addressing the global food crisis, making specific reference to the war in Ukraine and urging the international community to coordinate support for countries affected by the food security crisis.<sup>33</sup>

### ***Legal Basis: Food Security***

Russia's attacks on Ukrainian infrastructure and land used for the production and export of agricultural products are in violation of international norms protecting civilian objects. Food, and food security-related infrastructure and property that are strictly civilian in nature are protected under international law from appropriation, pillaging,<sup>34</sup> and destruction by an occupying power.

The Geneva Conventions prohibit any attacks on civilian objects and civilians.<sup>35</sup> Agricultural products and infrastructure are generally considered civilian objects against which attacks are prohibited.<sup>36</sup> Ports used for shipping

agricultural products and merchant vessels likewise are protected under these legal standards.<sup>37</sup>

International law also mandates protection of the natural environment and prohibits the use of methods or means of warfare to damage the natural environment in ways that prejudice the health or survival of the population.<sup>38</sup> Agricultural products and agricultural infrastructure, such as farmlands, are civilian targets protected under these norms as constituting vital components of a state's economy and of global food security.

Additionally, legal norms protect the right to food security for all individuals.<sup>39</sup> The Universal Declaration of Human Rights provides for “the right to a standard of living adequate for the health and well-being of himself and of his family, including food,”<sup>40</sup> while the International Covenant on Economic, Social and Cultural Rights guarantees “the fundamental right of everyone to be free from hunger.”<sup>41</sup>

Point 2 of Ukraine's Peace Formula calls for the protection of Ukraine's food, and food security-related property, infrastructure, and shipping lanes. This is consistent with international legal prohibitions on the destruction and appropriation of food, and food-related infrastructure and property that is purely civilian in use and whose destruction is not permitted by military necessity. Point 2 is also consistent with international norms safeguarding individuals' rights to a healthy natural environment, a healthy standard of living, and freedom from hunger.

### **Point 3: Energy Security**

#### ***Peace Formula: Energy Security***

“Attacks on critical civilian infrastructure are unacceptable. As Russia is trying to turn the cold into a weapon against civilians, Ukrainian power plants, power lines, and other energy infrastructure have to be properly protected.

“The fundamental steps – like price restrictions on Russian energy resources – should be introduced to ensure that energy resources are no longer used as weapons.”

Point 3 provides for Russia to cease its attacks on Ukraine’s energy infrastructure, and by extension on Ukraine’s civilian population. It notes that Ukraine and the international community can pressure Russia to cease these attacks by restricting their use of, and reliance on, Russian energy resources.

#### ***Background: Energy Security***

Since the beginning of the full-scale invasion in February 2022, Russia has systematically targeted Ukraine’s critical energy infrastructure across 20 of Ukraine’s 24 regions.<sup>42</sup> Cumulatively, these attacks have resulted in damage to more than 50% of Ukraine’s power infrastructure<sup>43</sup> and to every one of Ukraine’s thermal and hydroelectric power plants,<sup>44</sup> causing widespread disruption to Ukraine’s energy system and exacerbating a humanitarian crisis by at various times leaving millions of Ukrainians without heat or electricity.

Russia has also threatened Ukraine’s energy security through targeted cyberattacks on its energy grid that date back to the beginning of Russia’s illegal annexation of Crimea in 2014.<sup>45</sup> These cyberattacks sometimes threaten not only Ukraine’s power for up to days at a time, but also the operation of the radiation monitoring system at Chernobyl Nuclear Power Plant.<sup>46</sup>

International actors have widely condemned Russia’s weaponization of energy. The UN Human Rights Council’s Independent International Commission of Inquiry on Ukraine has highlighted that these “disproportionate ... and systematic” attacks on Ukraine’s energy infrastructure are intended to “disrupt the energy system of the entire country, with predictable effects on the heating system,” leaving millions of Ukrainians without access to electricity, heating,

water, sanitation, food, healthcare, or education.<sup>47</sup> Furthermore, a pre-trial chamber of the International Criminal Court has issued arrest warrants for Commander Sergei Ivanovich Kobylash and Commander Viktor Nikolayevich Sokolov<sup>48</sup> for engaging in a campaign of missile strikes against Ukrainian electric infrastructure between October 2022 and March 2023.<sup>49</sup>

### ***Legal Basis: Energy Security***

Russia's attacks against civilian energy infrastructure and, by extension, Ukrainian civilians, violate international law and international norms relating to the principle of proportionality (i.e., weighing anticipated military advantage against excessive risk to civilians) and the protection of civilians and civilian objects from attacks.

Under international law, attacks are only permitted against military objects or when absolutely necessary for the military operation.<sup>50</sup> In certain instances, energy infrastructure is considered to be a valid military target.<sup>51</sup> However, according to the international law rule of proportionality, such attacks must not result in excessive civilian damage and suffering.<sup>52</sup> Attacks on works and installations containing dangerous forces, such as energy power plants, are highly likely to result in excessive harm to civilians, contrary to the principle of proportionality.

Severe destruction of energy infrastructure, as Russia has carried out in Ukraine, causes widespread suffering, impairs the safe administration of hospitals and access to healthcare, and deprives millions of households of heat and power, resulting in life threatening conditions for civilians. At least some of Russia's attacks against energy infrastructure have also caused excessive loss of life and injury to civilians. The extent of Russia's attacks on energy infrastructure demonstrably violate the international law rule of proportionality.<sup>53</sup>

Point 3 of Ukraine's Peace Formula calls for the cessation of military attacks against Ukraine's civilian energy infrastructure and its civilian population. This is consistent with international norms prohibiting the disproportionate targeting of civilian infrastructure as well as attacks against works and installations containing dangerous forces such as energy grids and power plants.

## **Point 4: Return of Deported Children, Civilian Hostages, and Prisoners of War**

### ***Peace Formula: Return of Deported Children, Civilian Hostages and Prisoners of War***

“Today, thousands of Ukrainian people, both military and civilians, are in Russian captivity. Many have been forcefully deported, including at least 20,000 children. Many are subjected to brutal torture and abuse right now.

“Ukraine proposes the release of prisoners – ‘all for all’, and the release of all children and adults who were illegally deported to Russia.”

Point 4 calls for Russia to exchange all Ukrainian prisoners of war for all Russian prisoners of war, and for the release of all illegally detained and deported Ukrainian civilians, including children. Point 4 further reiterates that Russia’s treatment of both civilians and prisoners of war amounts to illegal torture and abuse in many cases.

### ***Background: Return of Deported Children, Civilian Hostages, and Prisoners of War***

Russia’s invasions of Ukraine in 2014 and February 2022 have involved mass illegal deportations of children and the capture and alleged mistreatment of thousands of prisoners of war and civilians.

In the course of Russia’s aggression against Ukraine, thousands, and possibly even hundreds of thousands, of Ukrainian children have been deported to Russia and Belarus, with children in Ukrainian orphanages and other government institutions being most at risk of deportation.<sup>54</sup> Overall, evidence exists that Russian troops have engaged in forcible displacement of over a million people<sup>55</sup> from Ukraine into Russia.<sup>56</sup> Deported children, in particular, have been separated from their families or legal guardians, forcibly assigned Russian nationality,<sup>57</sup> and subjected to re-education.<sup>58</sup> Such re-education reportedly involves the “promotion of cultural, historical, societal, and patriotic messages or ideas that serve the political interests of Russia.”<sup>59</sup>

Moreover, several thousand Ukrainian service personnel are believed to remain in Russia as prisoners of war, despite numerous prisoner exchanges conducted between the two countries.<sup>60</sup> Ukrainian families of prisoners of war

have been deprived of basic information regarding their location and well-being, and there are extensive accounts of mistreatment, forced labor, unacceptable detention conditions, and torture.<sup>61</sup>

In March 2023, the International Criminal Court issued arrest warrants for Russian President Vladimir Putin and Russian Presidential Commissioner for Children’s Rights Maria Alekseyevna Lvova-Belova for the unlawful deportation of Ukrainian children.<sup>62</sup> Criminal liability for these acts is further discussed in Point 7 (Justice).

### ***Legal Basis: Return of Deported Children, Civilian Hostages, and Prisoners of War***

Russia’s deportation of civilians, including children, and mistreatment of prisoners of war is contrary to international norms protecting civilians and prisoners of war in times of armed conflict. International legal norms, and specifically, the Geneva Conventions, prohibit an occupying power from forcibly transferring populations from one territory to another and changing the “personal status” of children (including nationality).<sup>63</sup>

#### *Protection of Civilians, Including Children*

International law provides various protections for civilians, such as the right to free movement and residence.<sup>64</sup> This means Ukrainian civilians cannot be forcibly moved to another location. For those that have been unlawfully deported, a corollary obligation thus requires Russia to repatriate those that have been unlawfully deported.

Ukrainian civilians are also protected against abuse and torture under various human rights treaties to which Russia is a signatory, including the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment,<sup>65</sup> and the International Covenant on Civil and Political Rights.<sup>66</sup>

Children, in particular, receive heightened protections under international law. The UN Convention on the Rights of the Child, for instance, requires state parties to “take measures to combat the illicit transfer and non-return of children abroad.”<sup>67</sup> Such transfer of children from one group to another (i.e., from Ukraine to Russia) could even amount to genocide prohibited under the Genocide Convention, if Russia is proved to be doing these acts with the intent to destroy the Ukrainian nationality.<sup>68</sup> The Geneva Conventions provide further protections for

children during the course of an armed conflict by expressly prohibiting an occupying power from changing a child's "personal status,"<sup>69</sup> or in other words, individual attributes, which include a child's nationality, ethnic origin, and religion.<sup>70</sup>

### *Protection of Prisoners of War*

The Geneva Conventions and international norms provide several protections to prisoners of war. Prisoners of war are entitled to humane treatment, health, and hygiene as well as protection from acts of violence and intimidation.<sup>71</sup> Likewise, families of prisoners of war must be notified of their capture and location and the prisoners of war have the right to outside communication.<sup>72</sup> International norms provide that Russia should allow international organizations such as the International Committee for the Red Cross to access and monitor the well-being of all prisoners of war.<sup>73</sup> Similar obligations are also enshrined in Russian domestic law, which provides for prisoners of war to be treated humanely under the Russian Combat (2005) and Ministry of Defense (2001) manuals.<sup>74</sup>

International norms establish that all parties to an armed conflict must release and repatriate all prisoners of war at the end of active hostilities.<sup>75</sup> As such, Ukraine's position of "all for all" exchanges is not only favorable but even obligated under international law for both Russia and Ukraine.

Point 4 of Ukraine's Peace Formula calls for an "all for all" prisoner exchange, the release of all children and adults who were illegally deported to Russia, and an end to the illegal torture and abuse that both military and civilian prisoners continue to suffer. Ukraine's call for the release of those illegally detained and deported is consistent with the international legal prohibition on the forcible transfer and displacement of civilians. Furthermore, numerous prisoner exchanges have taken place between Ukraine and Russia since the beginning of Russia's war, and international support exists for facilitating further exchanges. Lastly, the torture and abuse suffered by military detainees is illegal under international humanitarian law and Russia's own domestic law.

## **Point 5: Implementation of the UN Charter and Restoration of Ukraine's Territorial Integrity and the World Order**

### ***Peace Formula: Territorial Integrity***

“All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state” Article 2 of the UN Charter states. By invading Ukraine, Russia has violated various international agreements, laws, and principles.

“Those can not apply partially if we want to build a future, where sovereignty and international borders are respected. That order, brutally attacked by Russia, must be restored. And so does Ukraine's territorial integrity – it is not up for negotiations.”

Point 5 makes clear that the restoration of Ukraine's territorial integrity within its internationally recognized borders is a non-negotiable top priority.

### ***Background: Territorial Integrity***

In early 2014, Russia invaded and proceeded to occupy Crimea, and shortly thereafter, parts of the Donetsk and Luhansk oblasts. A few years later, following its February 2022 invasion, Russian troops, separatists, and Russian-backed paramilitary groups occupied, and later annexed, the remaining parts of the Donetsk and Luhansk oblasts as well as the Kherson and Zaporizhzhia regions. In response, the UN General Assembly and most of the international community deemed these actions unlawful and illegitimate under international law.<sup>76</sup> Russia, however, continues to assert its claims to the occupied territories based on historically incorrect statements and the results of illegitimate annexation-related referenda.<sup>77</sup> Such arguments have been met with minimal support within the international community.

In the weeks following the 2022 invasion, Russia and Ukraine met in Turkey to negotiate a potential peace treaty.<sup>78</sup> This proposal included a temporary return to pre-2022 borders and the postponement of the resolution of issues related to Crimea for a period of 15 years.

The parties worked to organize meetings between the Presidents of Russia and Ukraine to sign a treaty based on the Communiqué, evidencing a willingness by Ukraine to postpone the resolution of the status of Crimea to a later date.



However, the discovery of Russian war crimes in Bucha, Irpin, and elsewhere in Ukraine, along with Russia's annexation of the Donetsk, Luhansk, Kherson, and Zaporizhzhia oblasts through illegal and illegitimate referenda, caused the negotiations to collapse.<sup>79</sup> Ukraine's military successes thus far paired with the severity of Russia's war crimes have made the option of postponing the resolution of Crimea-related issues unacceptable.

### ***Legal Basis: Territorial Integrity***

Territorial integrity is a core pillar of the international legal order, which is enshrined in the UN Charter. As a member of the United Nations, Russia is bound by both Article 2(1) of the UN Charter, which provides that "the Organization is based on the principle of the sovereign equality of all its Members," and Article 2(4) of the UN Charter, which provides that "all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations." Russia's unlawful invasion of, and resulting war in, Ukraine violate these foundational principles of sovereignty and territorial integrity. These acts also breach supporting UN resolutions,<sup>80</sup> international treaties, and bilateral agreements between Ukraine and Russia, which establish a clear and continuous record of international recognition of Ukraine's territorial integrity and 1991 borders.<sup>81</sup> Additionally, international norms protect Ukraine's sovereignty and prohibit attacks and the exploitation of resources in the Sea of Azov, the Kerch Strait, and the Black Sea.<sup>82</sup>

Territorial integrity, as defined by the Commission on Security and Cooperation in Europe, consists of respect for a state's territorial boundaries and sovereignty, and the idea that nation-states should neither impose a border change through the use of force nor attempt to promote secessionist movements or border changes in other nation-states.<sup>83</sup> This principle was further articulated in the ICJ's *Corfu Channel*<sup>84</sup> and *Nicaragua v. United States* decisions.<sup>85</sup> Moreover, the UN Security Council and the UN General Assembly also have affirmed this principle in several resolutions,<sup>86</sup> such as the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States (the Friendly Relations Declaration).<sup>87</sup> UN General Assembly Resolution 3314 (XXIX) further asserts that one of the fundamental purposes of the United Nations is to maintain international peace and security and to take collective measures to suppress acts of aggression, defining aggression to mean the use of armed force against, among other things, the territorial integrity of another state.<sup>88</sup>

Finally, Russia may claim that Russian-speaking citizens in the occupied territories (Crimea, Donetsk, Luhansk, Kherson, and Zaporizhzhia) are being oppressed by the Ukrainian government and have moved to secede from Ukraine and be annexed by Russia. International legal principles of internal self-determination hold that a minority group may not secede from a state on the grounds of oppression until all other avenues of redress under Ukrainian law to stop the oppression (or to enhance the minority group's internal self-determination within the state) have been exhausted.<sup>89</sup>

No evidence of systemic oppression of Russian-speaking Ukrainians has come to light, and the citizens of the occupied territories have not yet exhausted the nonviolent, transparent, and democratic processes available to them, nor have they substantially engaged with the Ukrainian government to develop a peaceful and legitimate process for addressing their grievances. In addition, international monitors have widely concluded that the "referenda" on the matter of annexation by Russia that were held in the occupied territories throughout 2022 were illegitimate and reflected numerous irregularities including voter intimidation, lack of adequate verification of the identity of voters, absence of international observers, and outright falsification of the results.<sup>90</sup>

Point 5 of Ukraine's Peace Formula calls for the restoration of Ukraine's territorial integrity and is strongly supported by various international legal norms, conventions, and precedent relating to respect for territorial boundaries and state sovereignty.

## **Point 6: Withdrawal of Russian Troops and Cessation of Hostilities**

### ***Peace Formula: Russian Withdrawal***

“To cease the hostilities, Russia must withdraw all its troops and armed formations from the territory of Ukraine, plain and simple. Ukraine’s full control over its state border, recognized internationally, needs to be restored.

“Without this, no long-lasting peace can be achieved. Each day Russian soldiers remain on Ukrainian land, Ukrainians have to fight and die to protect their homes and to shield the world from the long-lasting consequences of this aggression.”

Point 6 seeks an end to the war by requiring that Russia withdraw its troops from within Ukraine’s internationally recognized borders and cease all hostilities on Ukrainian territory.

### ***Background: Russian Withdrawal***

In March 2014, Russia invaded and took control of Crimea, citing the need to protect Russian citizens and speakers of the Russian language in the area as justification for doing so.<sup>91</sup> Two months later, pro-Russian separatists held disputed referenda in the Donetsk and Luhansk oblasts of Ukraine, which were followed by Russian occupation of those regions.<sup>92</sup> After some cross-border shelling following Russia’s annexation of Crimea, the conflict transitioned to an active stalemate, with further incidents of shelling regularly occurring at the frontlines of the eastern border regions.<sup>93</sup>

In the days before Russia’s February 2022 invasion of Ukraine, satellite images showed a significant increase of Russian forces at the Ukrainian border.<sup>94</sup> Shortly thereafter, on 24 February 2022, President Putin announced the launch of Russia’s full-scale invasion of Ukraine.<sup>95</sup> Russia’s invasion also included its capture of a number of Ukrainian seaports, which precipitated the closures of the ports of Mariupol, Berdiansk, and Skadovsk in the Sea of Azov as well as the Black Sea port of Kherson.<sup>96</sup>

Following the 2022 invasion, Russian troops, separatists, and Russian-supported paramilitary groups occupied the remaining parts of the Donetsk and Luhansk regions as well as the Kherson and Zaporizhzhia oblasts, which were later

claimed to be annexed by Russia. The UN General Assembly and most of the international community have deemed these actions unlawful and illegitimate.<sup>97</sup>

### ***Legal Basis: Russian Withdrawal***

Acts of aggression against the territorial integrity or political independence of any other state are expressly prohibited by the UN Charter.<sup>98</sup> This international norm has also been codified into several multilateral and bilateral agreements involving Ukraine and Russia, including the 1975 Helsinki Final Act of the Conference on Security and Cooperation in Europe,<sup>99</sup> the 1994 Budapest Memorandum of Security Assurances of Ukraine, the 1997 Treaty on Friendship, Cooperation and Partnership between Ukraine and the Russian Federation,<sup>100</sup> and the 2003 Treaty on the Ukrainian-Russian State Border, among others. These agreements reaffirm the international norm prohibiting use of force and establish a clear and continuous record of Russia's recognition of Ukrainian territorial integrity. The occupation of a sovereign state's territory is manifestly illegal, and thus deriving from these norms is a requirement that all occupying forces must withdraw from the occupied territory.

Russia's use of force in Ukraine in violation of these fundamental norms has no legal justification. While international law permits the use of force relating to legitimate acts of self defense,<sup>101</sup> no such justification exists in the context of Russia's war in Ukraine, neither in regards to Ukraine's proposed accession to NATO<sup>102</sup> nor any claims to collective self-defense on behalf of the Donetsk and Luhansk regions.<sup>103</sup>

Ukraine has also repeatedly asserted its territorial integrity over the territories occupied since Russia's 2014 invasion before the UN General Assembly, the UN Security Council, and the International Court of Justice.<sup>104</sup> Therefore, there is no basis to argue that Ukraine's claims to these territories are time-barred under theories of waiver,<sup>105</sup> acquiescence,<sup>106</sup> or extinctive prescription.<sup>107</sup>

Point 6 calls for Russia's withdrawal of troops from all Ukrainian territory and the cessation of hostilities. These calls are firmly backed by international legal norms and conventions relating to territorial integrity and prohibition of the use of force.

## **Point 7: Justice**

### ***Peace Formula: Justice***

“No crime should be left unpunished—and as of August 2023, Ukraine had registered more than 100,000 war crimes committed by the Russian military in this war. Hardly a day has passed in the years of Russian aggression without civilians being killed or injured by their shelling. With every liberated part of the country, the world witnessed mass graves, torture chambers, and many more horrors of Russian occupation.

“That is why the Special Tribunal regarding the crime of Russia’s aggression against Ukraine has to be established. There is also a need for an international mechanism to make Russia compensate for all the damages caused by this war.”

Point 7 seeks to hold individuals who have committed atrocity crimes in Ukraine accountable for their unlawful actions. It also calls for the establishment of an international criminal tribunal for the prosecution of the crime of aggression as well as reparations for Russia’s unlawful acts in Ukraine.

### ***Background: Justice***

Thousands of civilians have been injured and killed as a result of the war in Ukraine,<sup>108</sup> and Russian troops have been implicated in the commission of hundreds of thousands of atrocity crimes since Russia’s 2022 invasion.<sup>109</sup> The crimes Russia has allegedly committed during its invasion and occupation of Ukraine include the deliberate targeting of civilian populations;<sup>110</sup> the perpetration of mass fatalities;<sup>111</sup> civilian torture;<sup>112</sup> sexual violence;<sup>113</sup> intentional destruction of property destruction;<sup>114</sup> and the forced relocation of Ukrainian children.<sup>115</sup>

Russia’s attacks on Ukrainian civilians and civilian objects have been deliberate and extensive. Its violent and unlawful attacks include the massacre in Bucha<sup>116</sup> and the targeting of cities and towns by missiles and drones.<sup>117</sup> Furthermore, investigations in the Kherson and Zaporizhzhia regions have uncovered numerous acts of violence against Ukrainian citizens, such as severe beatings, stranglings, suffocations, slashings, and willful killings.<sup>118</sup>

The International Criminal Court (ICC) is currently investigating, and has issued arrest warrants for, top Russian officials for various atrocity crimes, including the deportation of children, and for causing excessive harm to civilians and civilian objects.<sup>119</sup> Ukraine has also launched a comprehensive initiative to hold Russia accountable for the full range of its atrocity crimes. This initiative, reinforced by Point 7 of the Peace Formula, seeks to leverage domestic prosecutions, embraces the jurisdiction of the ICC, and champions international efforts to form a tribunal specifically tasked with addressing the crime of aggression.

On 14 November 2022, the UN General Assembly passed a resolution recognizing Russia's duty to provide reparation to Ukraine. In so doing, the General Assembly declared that Russia "must bear the legal consequences of all of its internationally wrongful acts, including making reparation for the injury, including any damage, caused by such acts."<sup>120</sup>

### ***Legal Basis: Justice***

Various international norms and legal instruments denounce the commission of atrocity crimes and also call for the prosecution of those crimes, including the crime of aggression.<sup>121</sup> Furthermore, international law dictates that Ukraine is entitled to reparation for Russia's wrongful acts.

#### *Aggression*

The UN Charter prohibits acts of aggression by member states against both the territorial integrity and political independence of any other state. Furthermore, UN General Assembly Resolution 3314 (XXIX) lists specific conduct that may constitute acts of aggression, regardless of a declaration of war. Such conduct includes an "invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion, or attack, or any annexation by the use of force of the territory of another State or part thereof."<sup>122</sup> The norm against aggression is further discussed under Point 9 (Prevention of Escalation).

Academics and legal professionals have issued several proposals for the establishment of a crime of aggression tribunal for Ukraine. Among these is the declaration "Special Tribunal for the punishment of the crime of aggression against Ukraine" calling for a tribunal to be established by supporting states<sup>123</sup> and suggestions to establish a Special Tribunal for Ukraine on the Crime of Aggression

through the UN General Assembly.<sup>124</sup> PILPG has also prepared a “Draft law for a Ukrainian High War Crimes Court”, which proposes prosecuting the crime of aggression through a hybrid tribunal.<sup>125</sup> The United States Department of State has expressed its support for the prosecution of the crime of aggression in Ukraine through a hybrid tribunal.<sup>126</sup>

### *Atrocity Crimes*

Core international instruments, such as the Geneva Conventions and its Additional Protocols, obligate Ukraine and Russia to protect victims of armed conflicts and prosecute atrocity crimes, which include war crimes and crimes against humanity.<sup>127</sup> Specifically, the Geneva Conventions explicitly provide that its parties are under an obligation to search for, prosecute, and punish perpetrators of war crimes committed during international armed conflicts.<sup>128</sup>

As a signatory to the International Covenant on Civil and Political Rights (ICCPR) and the European Convention of Human Rights (ECHR), Ukraine commits to safeguarding a broad array of human rights and to ensuring that any violations are addressed and prosecuted.

Various atrocity crimes are enumerated and defined under the Rome Statute of the ICC, which aims to hold individuals accountable for the commission of such acts.<sup>129</sup> Although Ukraine is not a state party to the Rome Statute, it has issued two declarations accepting ICC jurisdiction over crimes committed on its territory pursuant to Art. 12(3) of the Statute.<sup>130</sup> Since then, the ICC has issued a total of four arrest warrants for alleged violations.

In March 2023, Pre-Trial Chamber II issued two arrest warrants for President Vladimir Putin and Commissioner for Children’s Rights Maria Lvova-Belova, which assert that grounds exist to believe that both are responsible for the war crime of unlawfully deporting children and unlawfully transferring children from occupied areas of Ukraine to the Russian Federation in violation of Arts. 8(2)(a)(vii) and 8(2)(b)(viii) of the Rome Statute, respectively.<sup>131</sup> In March 2024, Pre-Trial Chamber II issued two more arrest warrants for Commanders Sergei Kobylash and Viktor Sokolov in connection with missile strikes carried out by forces under their command on Ukrainian electric infrastructure.<sup>132</sup> In issuing the warrants, the Court found that there are reasonable grounds to believe that each bears responsibility for the war crime of directing attacks at civilian objects (Art. 8(2)(b)(ii)), the war crime of causing excessive incidental harm to civilians or

damage to civilian objects (Art. 8(2)(b)(iv)), and the crime against humanity of inhumane acts (Art. 7(1)(k)).<sup>133</sup>

### *Reparation*

The reparation prong of Point 7, which calls for Russia to compensate Ukraine for the damages it has caused during the course of the war, is supported by international legal standards and precedent. Reparation refers to the process of remedying the damage or harm caused by an unlawful act.<sup>134</sup> The principle of reparation was first set forth in *Chorzów Factory (Germany v. Poland)*, where the Permanent Court of International Justice determined that “it is a principle of international law, and even a general conception of law, that any breach of an engagement involves an obligation to make reparation.”<sup>135</sup> The *Chorzów Factory* decision went on to hold that the obligation to make full reparation involves “wiping out all the consequences of the illegal act at issue and reestablishing the situation which would, in all probability, have existed if that act had not been committed.”<sup>136</sup>

A similar requirement is reflected in various international legal instruments. Under the International Law Commission’s Articles on the Responsibility of States for Internationally Wrongful Acts, “the responsible state is under an obligation to make full reparation for the injury caused by the internationally wrongful act.”<sup>137</sup> The Geneva Conventions reflect a similar obligation, where a party to a conflict is “liable to pay compensation” for any violation of the Conventions or its Additional Protocols.<sup>138</sup>

Point 7’s calls for justice for Russia’s aggression and atrocity crimes, and for Russian reparation comport with international legal obligations that are binding upon Russia.



## **Point 8: Immediate Protection of the Environment**

### ***Peace Formula: Protecting the Environment***

“The huge damage to the environment and wildlife was caused by Russian invasion: burned forests, mined fields, polluted waters, killed animals. Just the environmental damage caused by the Russians’ blowing up of the Kakhovka hydroelectric power plant dam has been approximately \$1.5 billion USD—but it is hard to put numbers to the damages that changed the ecosystem for decades to come. And that is a challenge for the whole world.”

Point 8 calls for Russia to cease its aggression in Ukraine due to the incalculable harms to the ecosystem caused by Russia’s attacks on Ukraine’s industrial facilities and infrastructure (such as the Nova Kakhovka Dam), use of landmines, and operations against Ukrainian vessels in the Black Sea.

### ***Background: Protecting the Environment***

Russia’s damage to Ukraine’s environment has both immediate short-term effects and long-term implications separate from the violence itself. The most pressing environmental risks include damage to civilian infrastructure resulting in chemical damage and flooding, damage caused by military waste and unexploded landmines, water pollution resulting from attacks on civilian and military ships, harm to agricultural land and infrastructure impacting food security and supply, and the undermining of biodiversity.

The Russian invasion has concentrated on the industrial area of Eastern Ukraine, threatening Ukraine’s civilian infrastructure, such as fossil-fuel infrastructure (e.g., coal mines, oil refineries, gas pipelines) and nuclear power plants.<sup>139</sup> Russia’s attack on the Nova Kakhovka Dam in June 2023 provides a particularly dramatic example of the environmental damage created by the war, with resultant flooding destroying over 37,000 households and their freshwater infrastructure, as well as the surrounding natural ecosystem.<sup>140</sup> Attacks on industrial facilities, as well as the routine disposal of material and other military waste, further cause hazardous chemical releases, fires, and long-term pollution that can last up to 70 years.<sup>141</sup> The bombing and shipwrecks of both military and civilian vessels pollute the waters around Ukraine through the slow and persistent release of oil and fuel,<sup>142</sup> on top of the acoustic-pollution disturbances marine wildlife faces from the use of military sonar in the Black Sea.<sup>143</sup> Meanwhile,

unexploded landmines will pose a threat to Ukrainian civilians for decades.<sup>144</sup> The consequences of such environmental harms extend beyond local borders, affecting transboundary air and waters and thereby impacting a much broader swath of people than the immediate wartime activities.

Ukraine has documented extensive environmental damage attributed to the Russian invasion, with an estimated clean-up cost of over \$50 billion USD, with billions more estimated in damages in the decades to come.<sup>145</sup> As information on environmental damage in the inaccessible occupied regions of Ukraine is limited, the actual costs of environmental remediation may be far higher.

### ***Legal Basis: Protecting the Environment***

International environmental law is a relatively untested legal framework currently undergoing rapid development. No single international treaty or protocol yet exists that encompasses all aspects of environmental protection, conservation, remediation, and restitution. Legal support, however, for protection of the environment can be drawn from other, well-developed international legal frameworks.

Various international legal instruments and norms set guidelines against environmental destruction in armed conflicts, aiming to balance military necessity with environmental protection. These instruments stipulate that states may not intentionally cause widespread, long-term, and severe damage to the natural environment.<sup>146</sup> Special protection is also granted to infrastructure containing dangerous forces, such as dams, dykes, and nuclear power plants, which may not be targeted unless their destruction would pose no risk to civilians, even if they are viable military targets.<sup>147</sup> States are likewise prohibited from using any environmental modification techniques in times of conflict that have “widespread, long-lasting or severe effects” on any other state.<sup>148</sup>

#### *The Use of Landmines*

Numerous treaties, such as the Mine Ban Treaty and Amended Protocol II of the UN Convention on Conventional Weapons, also regulate the use of landmines and their impact on the environment.<sup>149</sup> These obligate states to clear, remove, or destroy landmines they have placed on other states’ territory, or at least to provide technical and material assistance for such efforts; states parties must also provide appropriate warnings and monitoring of landmines, and may not use landmines against civilian populations or objects.<sup>150</sup> While Russia is not a state party to these

treaties, it engages in joint military operations with allies like Belarus, which is a signatory to the Mine Ban Treaty. Importantly, states who are party to these treaties must also ensure that their joint military operations with non-party states do not violate these treaties' prohibitions on assisting, encouraging, or inducing a non-party to engage in activities prohibited by the treaty. Therefore, even though not directly bound by these treaties, Russia's clear violations of these norms create liability under such treaties for allies like Belarus.

### *Natural Heritage and Natural Resources*

International norms also provide protections for natural heritage. The UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage stipulates that state parties are forbidden from undertaking any actions that might damage, directly or indirectly, the cultural and natural heritage of any other state parties to the convention.<sup>151</sup> States are also under the obligation to protect wetlands, and the international community has already condemned Russia's damage to Ukrainian wetlands and called on such abuses to stop.<sup>152</sup>

States' rights to permanent sovereignty over their natural resources are further protected by international norms, and states are prohibited from deliberately targeting or damaging another state's natural resources during conflict, pursuant to the UN Charter, UN General Assembly Resolution 1803 (XVII), and the Declaration of the UN Conference on the Human Environment.

### *The Right to a Healthy Environment*

The right to a healthy environment is protected as an element of the right to life in a number of international human rights treaties, including the International Covenant on Civil and Political Rights, and the UN Convention on the Rights of the Child. Some of these obligate states to protect their citizens' rights by mitigating environmental degradation;<sup>153</sup> others protect children's right to life and health,<sup>154</sup> while mandating remediation of contamination caused by weaponry during warfare.<sup>155</sup>

### *Compensation*

In addition to the general frameworks for state responsibility and the right to reparation discussed under Point 7 (Justice), international case law, such as the ICJ's Advisory Opinion on Nuclear Weapons and its decision in *Costa Rica v. Nicaragua*, outlines the framework for state responsibility specifically for

environmental harm, suggesting that states that cause environmental damage during conflict may be liable for compensation.<sup>156</sup>

### *Ecocide*

Finally, while not yet widely recognized in international law, some countries, including Ukraine and Russia, have identified “ecocide,” or the deliberate destruction of the environment, as a crime in their criminal codes, paving the way for potential future prosecution of environmental destruction.

Point 8 of Ukraine’s Peace Formula calls for protection of Ukraine’s environment from harm caused by Russia’s invasion. This is consistent with international legal prohibitions on widespread, long-lasting, and severe attacks on parts of the environment that are not military objectives; laws regulating states’ use and remediation of landmines; protection of the environment as natural heritage; preservation of states’ sovereign rights to their natural resources; and protection of individuals’ human right to a safe and healthy environment.

## **Point 9: Prevention of Escalation**

### ***Peace Formula: Prevention of Escalation***

“Ukraine is not a member of any of the alliances, and the Budapest Memorandum has not been able to ensure the country’s safety in practice. Therefore, when the current Russian invasion is repelled, it is essential to prevent any chance of its repetition or further escalation.”

“This can only be achieved with proper and effective security guarantees for Ukraine, as well as renewed post-war security architecture in the Euro-Atlantic space that will include Ukraine.”

Point 9 seeks durable security guarantees from the global community, such as NATO membership, that will deter future Russian aggression.

### ***Background: Prevention of Escalation***

Since the dissolution of the Soviet Union, Ukraine has worked to secure various security arrangements and commitments from Russia and the international community, consisting of both obligations involving the use of armed force to assist another state, and the provision of financial resources and other forms of aid.<sup>157</sup> However, Russia’s invasions in 2014 and 2022 breached its commitments under its agreements with Ukraine as well as several international agreements prohibiting the use of force and the use of aggression.

Ukraine’s primary goal in fortifying its security arrangements has been admission into the North Atlantic Treaty Organization (NATO).<sup>158</sup> Over the last two decades, Ukraine has established a deepening partnership with NATO. Following Russia’s illegal annexation of Crimea in March 2014 and Russia’s full-scale invasion of Ukraine in February 2022, Ukraine’s efforts to join NATO have intensified. In 2023, NATO agreed to waive the prerequisite of a Membership Action Plan for Ukraine, removing one of the procedural steps for Ukrainian membership.<sup>159</sup>

In light of Russia’s repeated aggression and breach of its international obligations and security commitments, there is a need for the development of a new, strengthened security infrastructure for Ukraine, which includes clear and enduring non-aggression commitments from Russia and Ukraine’s accession to the NATO security infrastructure.

## ***Legal Basis: Prevention of Escalation***

International norms establish a clear prohibition of the use of force in international relations and prohibits the crime of aggression. Aggression is defined as consisting of three elements: *first*, that the act be perpetuated by a state; *second*, that the act involves the use of armed force; and *third*, that the act rises to a sufficient level of gravity such that the Security Council considers it an act of aggression.<sup>160</sup> A non-exhaustive list of examples of actions which could qualify as an act of aggression include the following:

- Invasion or attack, or any resulting occupation or annexation of another state or part thereof;
- Bombardment or the use of any weapons against the territory of another state;
- Blockade of another state;
- Attack on any military forces of another state; and
- The sending of armed bands or mercenaries by one state to carry out acts of armed force against another state.<sup>161</sup>

Further, the UN Charter provides that “all Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered,”<sup>162</sup> thereby underlining the requirement that states should commit to non-aggression in its international relations.

### *Right to Self-Defense and Collective Self-Defense*

Complementing international law’s prohibition on acts of aggression, as described under Point 7, is a state’s “inherent right” to self-defense, which is considered the only legitimate reason for a state to use force.<sup>163</sup>

The UN Charter’s affirmation of collective self-defense provides that states have the legal right to rely on alliances to exercise its self-defense.<sup>164</sup> As such, Ukraine’s goal of obtaining membership in NATO, which Russia has historically opposed, is supported by Ukraine’s right to collective self-defense.

### *NATO Accession Requirements*

The North Atlantic Treaty requires that, for a state to join NATO, it must (1) be approved unanimously by all NATO member states, (2) be in a position to further the principles of the North Atlantic Treaty, and (3) contribute to the security of the North Atlantic area.<sup>165</sup>

A state's ability to "further the principles of the North Atlantic Treaty" relates to its support for democracy, rule of law, and the resolution of its disputes by peaceful means.<sup>166</sup> A state's ability to "contribute to the security of the North Atlantic Area" concerns its commitment to sharing roles, risks, responsibilities, costs, and benefits of the alliance's security objectives.<sup>167</sup>

These requirements do not impede Ukraine's right to join NATO and exercise collective self-defense as a deterrent against future Russian aggression. As such, Point 9's call for security guarantees from its international partners is within its international legal rights. Likewise, Russia is under the obligation under international law<sup>168</sup> to commit to durable non-aggression commitments towards Ukraine.

## **Point 10: Confirmation of the End of the War**

### ***Peace Formula***

“The implementation of all named antiwar measures can not, and should not take long. After the hostilities cease, and security and justice are restored, the parties should sign an official document confirming the end of the war.”

Point 10 calls for the implementation and enforcement of any formal, legally binding instrument adopted at the end of Russia’s war in Ukraine.

### **Confirmation of the End of the War**

Since the declaration of Ukraine’s independence in 1991, Ukraine has engaged in several negotiations and peace processes with Russia, and has signed numerous treaties, most notably: the Budapest Memorandum (1994), the Treaty on Friendship, Cooperation and Partnership between Ukraine and Russia (1997), the Ukraine-Russia Border Agreement (2003), and the Minsk Agreements (2014 and 2015). Ukraine has made significant concessions in order to reach agreements with Russia. Despite this, Russia has violated all of its commitments as enshrined in these agreements. For this reason, any peace instrument would have to be clear and unambiguous, comprehensive, and include guarantees by signatory states, as well as mechanisms for its interpretation, implementation, monitoring, and the resolution of disputes.

With the support of the international community, Ukraine would be able to establish binding principles and measures for the resolution of the war. Ukraine could rely on the precedent established by the Allied powers after World War II and, with the support of the international community, create mechanisms for enforcing the Peace Formula, including by seizing and repurposing Russian public and private assets and creating a special tribunal to punish the perpetrators of international crimes.

This Point of the Peace Formula does not lend itself to comprehensive legal analysis, however, the Peace Formula and any adopted legal instrument for the establishment of peace in Ukraine will in itself serve as legal basis for this Point.





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- <sup>16</sup> United Nations Charter, Art. 2(4), Jun. 26, 1945, available at: <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>
- <sup>17</sup> See Treaty on the Prohibition of Nuclear Weapons, Sept. 20, 2017, available at: [https://treaties.un.org/doc/Treaties/2017/07/20170707%2003-42%20PM/Ch\\_XXVI\\_9.pdf](https://treaties.un.org/doc/Treaties/2017/07/20170707%2003-42%20PM/Ch_XXVI_9.pdf).
- <sup>18</sup> *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion*, ICJ (Jul. 8, 1996), available at <https://www.icj-cij.org/sites/default/files/case-related/95/095-19960708-ADV-01-00-EN.pdf>.
- <sup>19</sup> See Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), art. 52(2), Jun. 8, 1977, 1125 UNTS 3, (1978), available at: <https://treaties.un.org/doc/Publication/UNTS/Volume%201125/volume-1125-I-17512-English.pdf>; Amended Protocol II to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, Oct. 13, 1995, Article 3(7), available at [https://front.un-arm.org/wp-content/uploads/2020/12/ProtocolIVauthentictextch\\_XXVI\\_2\\_ap-1.pdf](https://front.un-arm.org/wp-content/uploads/2020/12/ProtocolIVauthentictextch_XXVI_2_ap-1.pdf); Protocol III to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, Oct. 13, 1995, Article 2(1), available at [https://front.un-arm.org/wp-content/uploads/2020/12/AmendedArticleIauthentictextch\\_XXVI\\_2\\_cp.pdf](https://front.un-arm.org/wp-content/uploads/2020/12/AmendedArticleIauthentictextch_XXVI_2_cp.pdf); *Ukraine v Russia* (ECHR Case No. 11055/22), March 1, 2022, para. 7.
- <sup>20</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), art. 56, Jun. 8, 1977, 1125 UNTS 3, (1978), available at: <https://treaties.un.org/doc/Publication/UNTS/Volume%201125/volume-1125-I-17512-English.pdf>
- <sup>21</sup> Kateryna Tyschchenko, *Ministry of Foreign Affairs warns other countries that grain from Russia could have been stolen in Ukraine*, *Ukrainska Pravda* (May 11, 2022), available at <https://www.pravda.com.ua/eng/news/2022/05/11/7345616/>; *How Russia secretly takes grain from occupied Ukraine*, FT, available at <https://www.ft.com/content/89b06fc0-91ad-456f-aa58-71673f43067b>; Aine Quinn and Agnieszka de Sousa, *Russia Reaped \$1 Billion of Wheat in Occupied Ukraine, NASA Says*, Bloomberg (Dec. 3, 2022), available at <https://www.bloomberg.com/news/articles/2022-12-03/russia-reaped-1-billion-of-wheat-in-occupied-ukraine-nasa-says>.
- <sup>22</sup> Caitlin Welsh, *Russia, Ukraine, and Global Food Security: A One-Year Assessment*, Center for Strategic & International Studies (Feb. 24, 2023), available at <https://www.csis.org/analysis/russia-ukraine-and-global-food-security-one-year-assessment>
- <sup>23</sup> *One Year of War in Ukraine: How Russia's Invasion Fueled the Global Hunger Crisis*, UN World Food Program USA (Feb. 27, 2023), available at <https://www.wfpusa.org/articles/one-year-of-war-in-ukraine-how-russias-invasion-fueled-the-global-hunger-crisis/>. The Global Network Against Food Crises similarly noted heightened food insecurity during 2022 in these areas of Ukraine. See FSIN and Global Network Against Food Crises, GRFC 2023 (2023), available at <https://www.fsinplatform.org/sites/default/files/resources/files/GRFC2023-hi-res.pdf>.
- <sup>24</sup> Eddy Wax, *The Starvation of a Nation: Putin Uses Hunger as a Weapon in Ukraine*, Politico (Apr. 1, 2022), available at <https://www.politico.eu/article/the-starvation-of-a-nation-how-putin-is-using-hunger-as-a-weapon-in-ukraine/>.
- <sup>25</sup> *Infographic - How the Russian invasion of Ukraine has further aggravated the global food crisis*, European Council, available at <https://www.consilium.europa.eu/en/infographics/how-the-russian-invasion-of-ukraine-has-further-aggravated-the-global-food-crisis/>
- <sup>26</sup> Black Sea Grain Initiative Joint Coordination Centre, United Nations, available at <https://www.un.org/en/black-sea-grain-initiative>
- <sup>27</sup> Russia attacks Odesa port, Washington Post, available at <https://www.washingtonpost.com/world/2022/07/23/russian-strike-odessa-port-ukraine-grain/>
- <sup>28</sup> Matthew Mpoke Bigg, Ivan Nechepurenko, and Neil MacFarquhar, *Russia pulls out of the Black Sea grain deal*, NY Times (July 17, 2023), available at <https://www.nytimes.com/2023/07/17/world/europe/ukraine-russia-grain-deal.html>
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<sup>31</sup> Noah Berman, Mariel Ferragamo, and Sabine Baumgartner, *How Ukraine Overcame Russia's Grain Blockade*, Council on Foreign Relations (Feb. 27, 2024), available at <https://www.cfr.org/article/how-ukraine-overcame-russias-grain-blockade>.

<sup>32</sup> *Global Impact of war in Ukraine on food, energy and finance systems*, Brief No. 1, United Nations (April 13, 2022), available at [https://unctad.org/system/files/official-document/un-gcrg-ukraine-brief-no-1\\_en.pdf](https://unctad.org/system/files/official-document/un-gcrg-ukraine-brief-no-1_en.pdf)

<sup>33</sup> *General Assembly Adopts Resolution Addressing Global Food Crisis*, United Nations Meetings Coverage and Press Releases (May 23, 2022), available at <https://press.un.org/en/2022/ga12421.doc.htm>

<sup>34</sup> Geneva Convention IV on Civilians, Article 33, available at <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-33?activeTab=undefined>; Additional Protocol II to the Geneva Conventions, Article 4, available at <https://ihl-databases.icrc.org/en/ihl-treaties/apii-1977/article-4?activeTab=undefined>;

<sup>35</sup> See Additional Protocol I to the Geneva Conventions, Article 48, available at <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-48>; Additional Protocol I to the Geneva Conventions, Article 51, available at <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-51?activeTab=undefined>; Additional Protocol I to the Geneva Conventions, Article 52, available at <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-52?activeTab=undefined>.

<sup>36</sup> Geneva Convention IV on Civilians, Article 53, available at <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-53>; Hague Convention IV, Article 23, available at <https://ihl-databases.icrc.org/en/ihl-treaties/hague-conv-iv-1907/regulations-art-23>.

<sup>37</sup> San Remo Manual on Armed Conflicts at Sea, Article 59, available at <https://ihl-databases.icrc.org/en/ihl-treaties/san-remo-manual-1994/article-59-66?activeTab=undefined>

<sup>38</sup> Additional Protocol I to the Geneva Conventions, Article 55, available at <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-55?activeTab=undefined>

<sup>39</sup> See, e.g., Article 25 of the Universal Declaration of Human Rights and Article 11 of the International Covenant on Economic, Social, and Cultural Rights.

<sup>40</sup> Universal Declaration of Human Rights (1948), available at <https://www.un.org/en/about-us/universal-declaration-of-human-rights#:~:text=Article%2025&text=All%20children%2C%20whether%20born%20in,enjoy%20the%20same%20social%20protection>.

<sup>41</sup> International Covenant on Economic, Social and Cultural Rights (1996), available at <https://www.ohchr.org/sites/default/files/cescr.pdf>

<sup>42</sup> Office of the High Commissioner, United Nations Human Rights, *War crimes, indiscriminate attacks on infrastructure, systematic and widespread torture show disregard for civilians, says UN Commission of Inquiry on Ukraine*, OHCHR, p. 7 (March 16, 2023), available at <https://www.ohchr.org/en/press-releases/2023/03/war-crimes-indiscriminate-attacks-infrastructure-systematic-and-widespread>; Office of the High Commissioner, United Nations Human Rights, *Report of the Independent International Commission of Inquiry on Ukraine*, para 41, delivered to the Human Rights Council, UN Doc A/HRC/52/62 (March 15, 2023), available at <https://www.ohchr.org/en/press-releases/2023/03/war-crimes-indiscriminate-attacks-infrastructure-systematic-and-widespread>.

<sup>43</sup> *\$200 Million Grant Supported by the World Bank Will Help Repair Energy Infrastructure in Ukraine*, The World Bank (April 12, 2023), available at <https://www.worldbank.org/en/news/press-release/2023/04/12/200-million-grant-supported-by-the-world-bank-will-help-repair-energy-infrastructure-in-ukraine>

<sup>44</sup> *Ukrainian energy sector evaluation and damage assessment - X*, Cooperation for Restoring the Ukrainian Energy Infrastructure project, Task Force (May 24, 2023), available at [https://www.energycharter.org/fileadmin/DocumentsMedia/Occasional/2023\\_05\\_24\\_UA\\_sectoral\\_evaluation\\_and\\_damage\\_assessment\\_Version\\_X\\_final.pdf](https://www.energycharter.org/fileadmin/DocumentsMedia/Occasional/2023_05_24_UA_sectoral_evaluation_and_damage_assessment_Version_X_final.pdf)

<sup>45</sup> See Jakub Przetacznik and Simona Tarpova, *Russia's war on Ukraine: Timeline of cyber-attacks*, page 2, delivered to the European Parliament, PE 733.549 (June 2022), available at [https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/733549/EPRS\\_BRI\(2022\)733549\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/733549/EPRS_BRI(2022)733549_EN.pdf).

<sup>46</sup> Pavel Polityuk, *Ukraine investigates suspected cyber attack on Kiev power grid*, REUTERS (Dec. 20, 2016), available at <https://www.reuters.com/article/us-ukraine-crisis-cyber-attacks-idUSKBN1491ZF>; Christian Borys, *The*

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day a mysterious cyber-attack crippled Ukraine, BBC NEWS (July 4, 2017), available at <https://www.bbc.com/future/article/20170704-the-day-a-mysterious-cyber-attack-crippled-ukraine>.

<sup>47</sup> Office of the High Commissioner, United Nations Human Rights, *Report of the Independent International Commission of Inquiry on Ukraine*, para 41, delivered to the Human Rights Council, UN Doc A/HRC/52/62 (March 15, 2023), available at <https://www.ohchr.org/en/press-releases/2023/03/war-crimes-indiscriminate-attacks-infrastructure-systematic-and-widespread>. See also Joshua Yaffa, *The Impact of Russian Missile Strikes on Ukraine's Power Grid*, THE NEW YORKER (Feb. 20, 2023), available at <https://www.newyorker.com/culture/photo-booth/the-impact-of-russian-missile-strikes-on-ukraines-power-grid>.

<sup>48</sup> Press Release, Situation in Ukraine: ICC Judges Issue Arrest Warrants Against Sergei Ivanovich Kobylash and Viktor Nikolayevich Sokolov, International Criminal Court (Mar. 5, 2024), available at <https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-sergei-ivanovich-kobylash-and>.

<sup>49</sup> The arrest warrant holds that grounds exist to believe that both men are criminally liable for committing the following crimes, in violation of the Rome Statute: the war crime of directing attacks at civilian objects (Art. 8(2)(b)(ii)), the war crime of causing excessive incidental harm to civilians or damage to civilian objects (Art. 8(2)(b)(iv)), and the crime against humanity of inhumane acts (Art. 7(1)(k)).

<sup>50</sup> See Geneva Convention IV on Civilians, Article 53, available at <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-53>; Hague Convention IV, Article 23(g), available at <https://ihl-databases.icrc.org/en/ihl-treaties/hague-conv-iv-1907/regulations-art-23>

<sup>51</sup> Michael N. Schmitt, *Ukraine Symposium - Attacking Power Infrastructure under International Humanitarian Law*, Lieber Institute West Point (Oct. 20, 2022), available at <https://lieber.westpoint.edu/attacking-power-infrastructure-under-international-humanitarian-law/>

<sup>52</sup> Customary International Humanitarian Law Rule 14, Proportionality in Attack, available at <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule14>

<sup>53</sup> *Manual on International Law Applicable to Air & Missile Warfare*, (2009) produced by the Program on Humanitarian Policy and Conflict Research at Harvard University, Commentary to Rule 1(w), para 4.

<sup>54</sup> Ukrainian Ministry of Reintegration and the National Information Bureau, Children of War, available at <https://childrenofwar.gov.ua/en>; Micaela Del Monte and Nefeli Barlaour, *Russia's war on Ukraine: Forcibly displaced Ukrainian children*, European Parliament Briefing (Apr. 2023), available at [https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/747093/EPRS\\_BRI\(2023\)747093\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/747093/EPRS_BRI(2023)747093_EN.pdf). A. Raymond and Caitlin N. Howarth et al., *Russia's Systematic Program for the Re-Education & Adoption of Ukraine's Children*, Yale School of Public Health, Humanitarian Research Lab, (February 14, 2023), available at [data \(conflictobservatory.org\)](https://conflictobservatory.org); Oleksandra Matviichuk, Natalie Arno and Jasmine D. Cameron, *Russia's Forcible Transfers of Ukrainian Civilians: How Civil Society Aids Accountability and Justice*, (March 3, 2023), available at <https://www.justsecurity.org/85324/russias-forcible-transfers-of-ukrainian-civilians-how-civil-society-aids-accountability-and-justice/>

<sup>55</sup> Anthony Deutsch and Stephanie van den Berg, *Exclusive: Ukraine probes deportation of children to Russia as possible genocide*, Reuters, (June 3, 2022), available at <https://www.reuters.com/world/europe/exclusive-ukraine-investigates-deportation-children-russia-possible-genocide-2022-06-03/>; Human Rights Watch, “*We Had No Choice*” “*Filtration*” and the Crime of Forcibly Transferring Ukrainian Civilians to Russia, (Sept. 1, 2022), available at <https://www.hrw.org/report/2022/09/01/we-had-no-choice/filtration-and-crime-forcibly-transferring-ukrainian-civilians>.

<sup>56</sup> “*All you can do is cry*”: Donbas evacuees face uncertain future in Russia, The Guardian (Feb. 20, 2022), available at <https://www.theguardian.com/world/2022/feb/20/donbas-ukraine-evacuees-face-uncertain-future-in-russia>; *Hundreds of Ukrainians forcibly deported to Russia, say Mariupol women*, The Guardian (April 4, 2022), available at <https://www.theguardian.com/world/2022/apr/04/hundreds-of-ukrainians-forcibly-deported-to-russia-say-mariupol-women>; *Ukraine crisis: claims Mariupol women and children forcibly sent to Russia*, The Guardian (March 20, 2022), available at <https://www.theguardian.com/world/2022/mar/20/ukraine-crisis-claims-mariupol-women-and-children-forcibly-sent-to-russia>.

<sup>57</sup> Ukraine Conflict Observatory, *Russia's Systematic Program for the Re-Education and Adoption of Ukraine's Children*, (Feb. 14, 2023), available at <https://hub.conflictobservatory.org/portal/apps/sites/#/home/pages/children-camps-1>.

<sup>58</sup> U.S. Mission to the OSCE, Ambassador Michael Carpenter, *Russia's Ongoing Aggression Against Ukraine*, (Apr. 28, 2022), available at: <https://osce.usmission.gov/the-russian-federations-ongoing-aggression-against-ukraine-7/>

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<sup>59</sup> Yale School of Public Health (Humanitarian Research Lab), *Russia's Systematic Program for the Re-Education & Adoption of Ukraine's Children*, (Feb. 14, 2023), available at <https://hub.conflictobservatory.org/portal/sharing/rest/content/items/97f919ccfe524d31a241b53ca44076b8/data>.

<sup>60</sup> See, e.g., Natalia Datskevych, *Ukraine returns 95 prisoners of war from Russia Captivity* (June 11, 2023), available at <https://kyivindependent.com/ukraine-returns-back-another-95-prisoners-of-war-from-russia/>; *Russia and Ukraine announce prisoner exchange*, Reuters (July 6, 2023), available at <https://www.reuters.com/world/europe/russia-ukraine-announce-prisoner-exchange-2023-07-06/>; *Ukraine Says 22 Soldiers Return in Latest Prisoner Swap with Russia*, Reuters (Aug. 7, 2023), available at <https://www.reuters.com/world/europe/ukraine-says-22-soldiers-return-latest-prisoner-swap-with-russia-2023-08-07/>; Pjotr Sauer, *Ukraine and Russia Announce Largest Prisoner Swap Since Start of War*, Guardian (Jan. 3, 2024), available at <https://www.theguardian.com/world/2024/jan/03/ukraine-russia-prisoners-of-war-pows-swap-exchange-deal-uae>.

<sup>61</sup> For example: UN Office of the High Commissioner for Human Rights, Report on the Human Rights Situation in Ukraine, p.2 (Oct. 4, 2023), available at <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiukraine/23-10-04-OHCHR-36th-periodic-report-ukraine-en.pdf>

<sup>62</sup> The arrest warrants hold that grounds exist to believe that both are responsible for the war crime of unlawful deportation of children and that of unlawful transfer of children from occupied areas of Ukraine to the Russian Federation in violation of Arts. 8(2)(a)(vii) and 8(2)(b)(viii) of the Rome Statute. See Press Release, Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova, International Criminal Court (Mar. 17, 2023), available at <https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and>.

<sup>63</sup> Fourth Geneva Convention on the Protection of Civilian Persons in time of War, (Aug. 12, 1949), available at [https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33\\_GC-IV-EN.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33_GC-IV-EN.pdf); See also International Humanitarian Law Databases (IHL Databases), Customary IHL Rules, available at <https://ihl-databases.icrc.org/en/customary-ihl/v1>.

<sup>64</sup> UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at <https://www.refworld.org/docid/3ae6b3aa0.html>.

<sup>65</sup> Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment (1984), available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>.

<sup>66</sup> International Covenant on Civil and Political Rights (1966), available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

<sup>67</sup> UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at <https://www.refworld.org/docid/3ae6b38f0.html>

<sup>68</sup> Convention on the Prevention and Punishment of the Crime of Genocide, Article II(e) (Dec. 9, 1948), available at [https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1\\_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf)

<sup>69</sup> Geneva Convention IV on Civilians, Article 50, available at <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-50>

<sup>70</sup> R. K. Dixit, Special Protection Of Children During Armed Conflicts Under The Geneva Conventions Regime, available at <http://www.worldlii.org/int/journals/ISILYBIHRL/2001/2.html#:~:text=Article%2050%20of%20IV%20Gen,family%20and%20religion%20of%20children>

<sup>71</sup> Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention), Aug. 12, 1949, 75 U.N.T.S. 135 (1950), available at [https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.32\\_GC-III-EN.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.32_GC-III-EN.pdf).

<sup>72</sup> Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention), Arts. 70-71, Aug. 12, 1949, 75 U.N.T.S. 135 (1950), available at [https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.32\\_GC-III-EN.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.32_GC-III-EN.pdf).

<sup>73</sup> Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention), Aug. 12, 1949, 75 U.N.T.S. 135 (1950), available at [https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.32\\_GC-III-EN.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.32_GC-III-EN.pdf).

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<sup>74</sup> ICRC, *Practice relating to Rule 118: Provision of Basic Necessities to Persons Deprived of Their Liberty: Military Manuals: Russian Federation*, (last accessed July 19, 2023), available at <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule118?country=ru> (citing Russia's Combat Manual (2005) and Ministry of Defense Manual (2001)).

<sup>75</sup> Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention), Aug. 12, 1949, 75 U.N.T.S. 135 (1950), available at [https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.32\\_GC-III-EN.pdf](https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.32_GC-III-EN.pdf).

<sup>76</sup> See, e.g., G.A. Res 68/262 (Mar. 27, 2014), available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N13/455/17/PDF/N1345517.pdf?OpenElement>; G.A. Res. ES-11/4 (Oct. 13, 2022), available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/630/66/PDF/N2263066.pdf?OpenElement>; White House, *Statement by President Biden on the Anniversary of Russia's Illegal Invasion of Ukraine* (Feb. 26, 2021), available at <https://www.whitehouse.gov/briefing-room/state-ments-releases/2021/02/26/statement-by-president-biden-on-the-anniversary-of-russias-illegal-invasion-of-ukraine/>; Press Release, Council of the European Union, *Ukraine: Declaration by the High Representative on Behalf of the European Union on the Illegal Annexation of Crimea and Sevastopol* (Feb. 25, 2022), available at <https://www.consilium.europa.eu/en/press/press-releases/2022/02/25/ukraine-declaration-by-the-high-representative-on-behalf-of-the-eu-on-the-illegal-annexation-of-crimea-and-sevastopol/>.

<sup>77</sup> See University of Rochester Newscenter, *Fact-checking Putin's claims that Ukraine and Russia are 'one people'* (Mar. 3, 2022), available at <https://www.rochester.edu/newscenter/ukraine-history-fact-checking-putin-513812/>; Council of Europe, *Russia's so-called referendums in Ukraine 'null and void', says PACE* (Oct. 14, 2022), available at <https://www.coe.int/en/web/portal/-/russia-s-so-called-referendums-in-ukraine-null-and-void-says-pace>.

<sup>78</sup> Volodymyr Zelensky, *Ukraine has always been a leader in peacemaking efforts; if Russia wants to end this war, let it prove it with actions - speech by the President of Ukraine at the G20 Summit* (Nov. 15, 2022), available at <https://www.president.gov.ua/en/news/ukrayina-zavzhdi-bula-liderom-mirotvorchih-zusil-yaksho-rosi-79141>.

<sup>79</sup> See Sabine Fischer, *Peace Talks Between Russia and Ukraine: Mission Impossible*, STIFTUNG WISSENSCHAFT UND POLITIK (Aug. 11, 2022), available at <https://www.swp-berlin.org/en/publication/peace-talks-between-russia-and-ukraine-mission-impossible>.

<sup>80</sup> The U.N. Security Council and the U.N. General Assembly have supported the principle of territory integrity in multiple resolutions, including Resolution No. 138 (Eichmann), in which the Security Council observed that the “violation of the sovereignty of a Member State is incompatible with the Charter of the United Nations,” and Resolution No. 300, in which the U.N. reaffirmed this principle of territorial integrity and sovereignty violations in the context of violations of the air space of Zambia by South Africa. Regarding the reaffirmation of the territorial integrity of Ukraine specifically, In 2014, the U.N. General Assembly Resolution A/RES/68/262 reaffirmed the territorial integrity of Ukraine and denounced the 2014 invasion by Russia into Crimea and declared the subsequent referendum as illegitimate (adopted by 100 votes to 11 with 58 abstentions). U.N. General Assembly Resolution ES-11/4 condemned the 2022 referendums and Russia's annexation of the occupied parts of Donetsk, Kherson, Luhansk, and Zaporizhzhia oblasts ( adopted by 143 votes to 5 with 45 abstentions).

<sup>81</sup> Agreements which support Ukraine's territorial integrity and Russia's recognition of that territorial integrity include: The 1975 Helsinki Final Act of the Conference on Security and Cooperation in Europe; The 1991 Belovezh Accords and Alma-Ata Protocol; The 1994 Budapest Memorandum of Security Assurances of Ukraine; The 1997 Treaty on Friendship, Cooperation and Partnership between Ukraine and Russia; The 1997 Black Sea Fleet Agreements; Agreement between Russia and Ukraine on the Sea of Azov and the Kerch Straits; United Nations Convention on the Law of the Sea. These agreements were in effect at the time of Russia's incursion into Crimea as well as other oblasts, and their breach by Russia are valid examples of Russia acknowledging and disregarding Ukraine's territorial integrity.

<sup>82</sup> United Nations Convention on the Law of the Sea (1982), available at [https://www.un.org/depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf)

<sup>83</sup> *Territorial Integrity*, COMMISSION ON SECURITY AND COOPERATION IN EUROPE (last accessed Nov. 16, 2023), available at <https://www.csce.gov/issue/territorial-integrity/>.

<sup>84</sup> Corfu Channel Case (*United Kingdom v. Albania*), ICJ, (Dec. 15, 1949), available at <https://www.icj-cij.org/sites/default/files/case-related/1/001-19490409-JUD-01-00-EN.pdf>.

<sup>85</sup> *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, ICJ, (June 27, 1986), available at <https://www.refworld.org/cases,ICJ,4023a44d2.html>.

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- <sup>86</sup> General Assembly Resolution - 138 (4349) 4 (June 23, 1960), *available at* [https://digitallibrary.un.org/record/112107/files/S\\_RES\\_138%281960%29-ES.pdf?ln=en](https://digitallibrary.un.org/record/112107/files/S_RES_138%281960%29-ES.pdf?ln=en); UN Security Council, Security Council resolution 300 (1971) [Complaint by Zambia], 12 October 1971, S/RES/300 (1971), *available at*: <https://www.refworld.org/docid/3b00f28328.html> [accessed 27 September 2023]
- <sup>87</sup> General Assembly Resolution - 2625 (XXV) 124 (Oct. 24, 1970), *available at* [https://treaties.un.org/doc/source/docs/A\\_RES\\_2625-Eng.pdf](https://treaties.un.org/doc/source/docs/A_RES_2625-Eng.pdf)
- <sup>88</sup> General Assembly Resolution- 3314 (XXIX) 143 (Dec. 14, 1974), *available at* [https://digitallibrary.un.org/record/190983/files/A\\_RES\\_3314%28XXIX%29-EN.pdf?ln=en](https://digitallibrary.un.org/record/190983/files/A_RES_3314%28XXIX%29-EN.pdf?ln=en)
- <sup>89</sup> Thomas D. Grant, *Annexation of Crimea*, *The American Journal of International Law* 109, no. 1 (Jan. 2015): 68–95. *available at* <https://doi.org/10.5305/amerjintelaw.109.1.0068>.
- <sup>90</sup> Radio Free Europe/Radio Liberty, *Reports Of Voter Coercion As Russia Imposes Referendums On Parts Of Ukraine*, Sept. 23, 2022, *available at* <https://www.rferl.org/a/russia-ukraine-elections-sham/32047316.html>.
- <sup>91</sup> Council on Foreign Relations, *War in Ukraine* (Mar. 4, 2024), *available at* <https://www.cfr.org/global-conflict-tracker/conflict/conflict-ukraine>.
- <sup>92</sup> Shaun Walker, et al., *Ukraine: pro-Russian separatists set for victory in eastern region referendum*, *GUARDIAN* (May 12, 2014), *available at* <https://www.theguardian.com/world/2014/may/11/eastern-ukraine-referendum-donetsk-luhansk>.
- <sup>93</sup> Karen DeYoung, *U.S. releases images it says show Russia has fired artillery over border into Ukraine*, *WASHINGTON POST* (Jul. 27, 2014), *available at* [https://www.washingtonpost.com/world/national-security/us-releases-images-it-says-show-russia-has-fired-artillery-over-border-into-ukraine/2014/07/27/f9190158-159d-11e4-9e3b-7f2f110c6265\\_story.html](https://www.washingtonpost.com/world/national-security/us-releases-images-it-says-show-russia-has-fired-artillery-over-border-into-ukraine/2014/07/27/f9190158-159d-11e4-9e3b-7f2f110c6265_story.html).
- <sup>94</sup> Phil Stewart and Humeyra Pamuk, *Russian forces at 70% of level needed for full Ukraine invasion, U.S. officials say*, *REUTERS* (Feb. 5, 2022), *available at* <https://www.reuters.com/world/europe/russian-forces-70-level-needed-full-ukraine-invasion-us-officials-2022-02-05/>.
- <sup>95</sup> Matthew Chance et al., *Peace in Europe ‘shattered’ as Russia invades Ukraine*, *CNN* (Feb. 24, 2022), *available at* <https://www.cnn.com/2022/02/24/europe/ukraine-russia-invasion-thursday-intl/index.html>.
- <sup>96</sup> *Ukraine formally closes seaports captured by Russia*, *REUTERS* (May 2, 2022), *available at* <https://www.reuters.com/world/europe/ukraine-formally-closes-seaports-captured-by-russia-2022-05-02/>.
- <sup>97</sup> *See, e.g., G.A. Res 68/262* (Mar. 27, 2014), *available at* <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N13/455/17/PDF/N1345517.pdf?OpenElement>; *G.A. Res. ES-11/4* (Oct. 13, 2022), *available at* <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/630/66/PDF/N2263066.pdf?OpenElement>; White House, *Statement by President Biden on the Anniversary of Russia’s Illegal Invasion of Ukraine* (Feb. 26, 2021), *available at* <https://www.whitehouse.gov/briefing-room/state-ments-releases/2021/02/26/statement-by-president-biden-on-the-anniversary-of-russias-illegal-invasion-of-ukraine/>; Press Release, Council of the European Union, *Ukraine: Declaration by the High Representative on Behalf of the European Union on the Illegal Annexation of Crimea and Sevastopol* (Feb. 25, 2022), *available at* <https://www.consilium.europa.eu/en/press/press-releases/2022/02/25/ukraine-declaration-by-the-high-representative-on-behalf-of-the-eu-on-the-illegal-annexation-of-crimea-and-sevastopol/>.
- <sup>98</sup> UN Charter, Art. 2(4), *available at* <https://www.un.org/en/about-us/un-charter/full-text> (“All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.”).
- <sup>99</sup> Although Russia has not explicitly adopted the Helsinki Final Act, many in the international community consider it to be among the commitments inherited by Russia upon the dissolution of the USSR. *See: A Guide to the United States’ History of Recognition, Diplomatic, and Consular Relations, by Country, since 1776: Union of Soviet Socialist Republics (USSR)*, Office of the Historian (last visited Nov. 11, 2022), *available at* <https://history.state.gov/countries/soviet-union#:~:text=With%20the%20dissolution%20of%20the,successor%20state%20of%20the%20USSR.>
- <sup>100</sup> Memorandum on security assurances in connection with Ukraine’s accession to the Treaty on the Non-Proliferation of Nuclear Weapons, at article 2 (Dec. 5, 1994), *available at* <https://treaties.un.org/doc/Publication/UNTS/Volume%203007/v3007.pdf> (“[The Parties] shall respect each other’s territorial integrity and confirm the inviolability of their common borders.”).
- On 6 September 2018, the National Security and Defense Council (NSDC) of Ukraine decided not to extend the 1997 Treaty on Friendship, Cooperation, and Partnership between Ukraine and Russia due to Russia’s annexation of

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Crimea in 2014 and Russian support for separatist forces in the Donbas region. The treaty therefore expired on 1 April 2019. See *Ukraine-Russia Friendship Treaty expires*, Ukrainian Independent Information Agency (April 4, 2019), available at <https://www.unian.info/politics/10500060-ukraine-russia-friendship-treaty-expires.html>.

<sup>101</sup> UN Charter, Art. 51 (“Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations . . .”)

<sup>102</sup> Michael N. Schmidt, Russia’s “Special Military Operation” and the (Claimed) Right of Self-Defense, Lieber Institute West Point (Feb. 28, 2022), available at <https://lieber.westpoint.edu/russia-special-military-operation-claimed-right-self-defense>.

<sup>103</sup> René Värk, Russia’s Legal Arguments to Justify its Aggression Against Ukraine, International Center for Defense and Security, Nov. 2022, at 1.

<sup>104</sup> Press Release, International Court of Justice, Ukraine institutes proceedings against the Russian Federation and requests the Court to indicate provisional measures: No. 2017/2 (Jan. 17, 2017), available at <https://www.icj-cij.org/sites/default/files/case-related/166/19310.pdf>; Press Release, International Court of Justice, Ukraine institutes proceedings against the Russian Federation and requests the Court to indicate provisional measures: No. 2022/4 (Feb. 27, 2022), available at <https://reliefweb.int/report/ukraine/ukraine-institutes-proceedings-against-russian-federation-and-requests-court-indicate>.

<sup>105</sup> Waiver refers to the intentional relinquishment or abandonment of a known right or privilege. For example, a state might waive its right to protest against a violation of its sovereignty if it fails to object to such violations over an extended period.

<sup>106</sup> Acquiescence occurs when a party knowingly stands by without raising objections to another party’s actions or behavior. For example, if a state consistently fails to protest against another state’s encroachment upon its territorial integrity over a long period, it may be deemed to have acquiesced to the encroachment, thereby weakening its claim to the territory in question.

<sup>107</sup> Extinctive Prescription refers to the loss or extinction of a legal claim due to the passage of time without action being taken to assert or enforce that claim. For example, a state may fail to assert its claim over a disputed territory within a specified time frame, resulting in the loss of its legal right to the territory.

<sup>108</sup> *Number of civilian casualties in Ukraine during Russia’s invasion verified by OHCHR from February 24, 2022 to February 15, 2024*, STATISTA (Feb. 29, 2024), available at <https://www.statista.com/statistics/1293492/ukraine-war-casualties/#:~:text=OHCHR%20has%20estimated%20the%20number>.

<sup>109</sup> *War Crimes in Ukraine*, CONGRESSIONAL RESEARCH SERVICE. (Oct. 16, 2023) available at <https://crsreports.congress.gov/product/pdf/R/R47762#:~:text=As%20of%20September%2029%2C%202023,crimes%20committed%20by%20Russian%20forces>. [last updated Sept. 29, 2023]

<sup>110</sup> Maria Varaki, *What do the rules of war tell us about the deliberate targeting of civilians in Ukraine?*, KING’S COLL. LONDON (Mar. 9, 2022), available at <https://www.kcl.ac.uk/ukraine-what-the-rules-of-war-tell-us-about-the-deliberate-targeting-of-civilians>.

<sup>111</sup> Guy Faulconbridge, *Ukraine war, already with up to 354,000 casualties, likely to last past 2023 – U.S. documents*, REUTERS (Apr. 12, 2023), available at <https://www.reuters.com/world/europe/ukraine-war-already-with-up-354000-casualties-likely-drag-us-documents-2023-04-12/>.

<sup>112</sup> *Ukraine: Rape and torture by Russian forces continuing, rights experts report*, UN NEWS, (Sept. 25, 2023) available at <https://news.un.org/en/story/2023/09/1141417>.

<sup>113</sup> *Ukraine: Rape and torture by Russian forces continuing, rights experts report*, UN NEWS, (Sept. 25, 2023) available at <https://news.un.org/en/story/2023/09/1141417>.

<sup>114</sup> Andrew S. Bowen, *War Crimes in Ukraine* (Oct. 16, 2023), available at <https://crsreports.congress.gov/product/pdf/R/R47762>.

<sup>115</sup> Elly Bleier, *Fresh Details on Russia’s Forcible Transfer of Ukrainian Children*, HUM. RTS. WATCH (May 25, 2023), available at <https://www.hrw.org/news/2023/05/25/fresh-details-russias-forcible-transfer-ukrainian-children>.

<sup>116</sup> See, e.g., Malachy Browne, et al., *Satellite images show bodies lay in Bucha for weeks, despite Russian claims*, N.Y. TIMES (Apr. 4, 2022), available at <https://www.nytimes.com/2022/04/04/world/europe/bucha-ukraine-bodies.html>.

<sup>117</sup> See, e.g., Jony Warrick, et al., *Iran will help Russia build drones for Ukraine war, Western officials say*, WASH. POST (Nov. 19, 2022), available at <https://www.washingtonpost.com/national-security/2022/11/19/russia-iran-drones-secret-deal>.



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- <sup>118</sup> *Commission of Inquiry finds further evidence of war crimes in Ukraine*, UN NEWS, Oct. 20, 2023, available at <https://news.un.org/en/story/2023/10/1142617>.
- <sup>119</sup> Situation in Ukraine, International Criminal Court, available at <https://www.icc-cpi.int/situations/ukraine>
- <sup>120</sup> General Assembly Resolution ES-11/5, U.N. Doc. A/RES/ES-11/5, op. para. 2 (Nov. 14, 2022).
- <sup>121</sup> Rome Statute, art. 16; see also Solomon Ayele Dersso, Interrogating the status of amnesty provisions in situations of transition under the Banjul Charter: review of recent jurisprudence of the African Commission on Human and Peoples' Rights, 3 African Human Rights Yearbook 384, 374-88 (2019), available at <http://doi.org/10.29053/2523-1367/2019/v3n19>; Daniela-Anca Deteseanu & Svetlana Zasova, *Amnesty Measures and the Struggle against Impunity: A Possible Reconciliation?*, 2011 ANALELE Universitatii dIN Bucuresti: Seria DREPT 477 (2011).
- <sup>122</sup> General Assembly Resolution- 3314 (XXIX) 143 (Dec. 14, 1974), available at [https://digitallibrary.un.org/record/190983/files/A\\_RES\\_3314%28XXIX%29-EN.pdf?ln=en](https://digitallibrary.un.org/record/190983/files/A_RES_3314%28XXIX%29-EN.pdf?ln=en)
- <sup>123</sup> Gordon Brown, *Combined Statement Calling For The Creation Of A Special Tribunal For The Punishment Of The Crime Of Aggression Against Ukraine* (March 2022), available at <https://gordonandsarahbrown.com/wp-content/uploads/2022/03/Combined-Statement-and-Declaration.pdf>.
- <sup>124</sup> See e.g. Global Accountability Network, *Considerations for the Setting up of The Special Tribunal for Ukraine on the Crime of Aggression* (July 2022), available at [https://www.jurist.org/news/wp-content/uploads/sites/4/2022/07/The\\_Special\\_Tribunal\\_for\\_Ukraine\\_on\\_the\\_Crime\\_of\\_Aggression.pdf](https://www.jurist.org/news/wp-content/uploads/sites/4/2022/07/The_Special_Tribunal_for_Ukraine_on_the_Crime_of_Aggression.pdf); Oona A. Hathaway, *The Case for Creating an International Tribunal to Prosecute the Crime of Aggression Against Ukraine (Part I)*, Just Security (Sep. 20, 2022), available at <https://www.justsecurity.org/83117/the-case-for-creating-an-international-tribunal-to-prosecute-the-crime-of-aggression-against-ukraine/>
- <sup>125</sup> Public International Law & Policy Group, *Draft Law for a Ukrainian High War Crimes Court*, available at <https://static1.squarespace.com/static/5900b58e1b631bffa367167e/t/62d6c27bae10b6ca51cadb7/1658241661209/DRAFT+Ukraine+High+War+Crimes+Court.pdf>
- <sup>126</sup> Press Release, US Department of State, *Ambassador Van Schaack's Remarks on the U.S. Proposal to Prosecute Russian Crimes of Aggression* (March 27, 2023), available at <https://www.state.gov/ambassador-van-schaacks-remarks/>
- <sup>127</sup> Framework of Analysis for Atrocity Crimes, UN Office of the Special Advisers on Genocide Prevention and the Responsibility to Protect (Oct. 2014), available at <https://www.global2p.org/resources/framework-of-analysis-for-atrocity-crimes-a-tool-for-prevention/>
- <sup>128</sup> Geneva Convention I, art. 49; Geneva Convention II, art. 50; Geneva Convention III, art. 129; Geneva Convention IV, art. 146.
- <sup>129</sup> About the Court, International Criminal Court, available at <https://www.icc-cpi.int/about/the-court>.
- <sup>130</sup> Situation in Ukraine, International Criminal Court, available at <https://www.icc-cpi.int/situations/ukraine> ("The first declaration lodged by the Government of Ukraine accepted ICC jurisdiction with respect to alleged crimes committed on Ukrainian territory from 21 November 2013 to 22 February 2014. The second declaration extended this time period on an open-ended basis to encompass ongoing alleged crimes committed throughout the territory of Ukraine from 20 February 2014 onwards.").
- <sup>131</sup> Press Release, Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova, International Criminal Court (Mar. 17, 2023), available at <https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and>.
- <sup>132</sup> Press Release, Situation in Ukraine: ICC Judges Issue Arrest Warrants Against Sergei Ivanovich Kobylash and Viktor Nikolayevich Sokolov, International Criminal Court (Mar. 5, 2024), available at <https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-sergei-ivanovich-kobylash-and>.
- <sup>133</sup> Press Release, Situation in Ukraine: ICC Judges Issue Arrest Warrants Against Sergei Ivanovich Kobylash and Viktor Nikolayevich Sokolov, International Criminal Court (Mar. 5, 2024), available at <https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-sergei-ivanovich-kobylash-and>.
- <sup>134</sup> Dinah Shelton, "Reparations," *The Max Planck Encyclopedia of Public International Law* (Oxford University Press 2008), available at <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e392#:~:text=1%20Reparation%20means%20recompense%20given,given%20to%20the%20injured%20party>.
- <sup>135</sup> *Factory at Chorzów (Germany v. Poland)*, Judgment, 1928 P.C.I.J. (ser. A) No. 17, p. 29 (Sept. 13).
- <sup>136</sup> *Factory at Chorzów (Germany v. Poland)*, Judgment, 1928 P.C.I.J. (ser. A) No. 17, p. 47 (Sept. 13).

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<sup>137</sup> International Law Commission, Articles on the Responsibility of States for Internationally Wrongful Acts (“Articles on the Responsibility of States”), Art. 31, available at [https://legal.un.org/ilc/texts/instruments/english/draft\\_articles/9\\_6\\_2001.pdf](https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_6_2001.pdf)

<sup>138</sup> Additional Protocol I to the Geneva Conventions, Art. 91, available at <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-91>

<sup>139</sup> For example, the Zaporizhzhia nuclear power plant was sieged by Russian forces in early March 2022. Subsequently, on August 5, 2022, a power shutdown occurred due to the military activities in the area. On August 6, 2022, a rocket targeted a structure used to store spent fuel. On August 25, 2022, Zaporizhzhia was temporarily disconnected from the electricity grid after fires caused by shelling damaged the power plant's lines.

<sup>140</sup> Ukrainian Institute London, Panel Discussion: “Starvation as a Weapon of War” (Nov. 28, 2023); Ukrainian Nature Conservation Group, *An Expedition to the Kamianska Sich National Nature Park*, July 12, 2023, available at <https://uncg.org.ua/en/an-expedition-to-the-kamianska-sich-national-nature-park/>.

<sup>141</sup> VOA, *One of Europe's Biggest Steel Works Damaged in Ukraine's Mariupol* (March 7, 2021), available at <https://www.voanews.com/a/one-of-europe-s-biggest-steel-works-damaged-in-ukraine-s-mariupol-/6493030.html>; Débora R.S. Lima, Marcio L.S. Bezerra, Eduardo B. Neves and Fátima R. Moreira, *Impact of ammunition and military explosives on human health and the environment*, *Reviews on Environmental Health* (May 31, 2011), available at <https://www.degruyter.com/journal/key/reveh/html>.

<sup>142</sup> See, e.g., Robin Des Bois, *Ukraine/Russia. Exclusive: cargo ships and sailors hostages of the war* (Apr. 20, 2022), available at <https://robindexbois.org/en/ukraine-russie-exclusif-les-cargos-et-les-marins-otages-de-la-guerre/>; Conflict and Environment Observatory & Zoi Environment Network, *Ukraine Conflict Environmental Briefing: The Coastal and Marine Environment*, Feb. 2023, available at <https://ceobs.org/ukraine-conflict-environmental-briefing-the-coastal-and-marine-environment/#3>; Douglas Barrie and Nick Childs, *The Moskva incident and its wider implications*, International Institute for Strategic Studies (Apr. 29, 2022), available at <https://ceobs.org/ukraine-conflict-environmental-briefing-the-coastal-and-marine-environment/#3>; The Maritime Executive, *Ukraine says Russian missile hit abandoned tanker in Black Sea* (Jul. 7, 2022), available at <https://maritime-executive.com/article/ukraine-says-russian-missile-hit-abandon-moldovan-tanker-in-black-sea>.

<sup>143</sup> See Alix Kroeger, *How the War in Ukraine is Killing Marine Mammals*, BBC, Jan. 5, 2023, available at <https://www.bbc.com/future/article/20221222-how-the-war-in-ukraine-is-killing-marine-mammals>.

<sup>144</sup> Cahal Milmo, *Ukraine Faces Decades of Landmine Tragedies from Unexploded Russian Munitions*, I NEWS (Mar. 22, 2022), available at <https://inews.co.uk/news/ukraine-faces-deadly-legacy-of-landmines-and-unexploded-munitions-leading-uk-charity-warns-1532753>.

<sup>145</sup> Louise Guillot, Antonia Zimmerman, & Giovanna Coi, *The Environmental Scars of Russia's War in Ukraine*, POLITICO (Feb. 21, 2023), available at <https://www.politico.eu/article/environment-scars-russia-war-ukraine-climate-crisis/>.

<sup>146</sup> Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land, art. 23(g), Oct. 18, 1907, 75 U.N.T.S. 1973, 205 C.T.S. 277 (1907), available at <https://ihl-databases.icrc.org/assets/treaties/195-IHL-19-EN.pdf>; Fourth Geneva Convention on the Protection of Civilian Persons in time of War, (Aug. 12, 1949), available at [https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33\\_GC-IV-EN.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33_GC-IV-EN.pdf); Additional Protocol I to the Geneva Conventions, Art. 35(3), available at <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-35>; Additional Protocol I to the Geneva Conventions, Art. 55(1), available at <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-55>.

<sup>147</sup> Additional Protocol I to the Geneva Conventions, Art. 56(1), available at <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-56>.

<sup>148</sup> Convention on the Prohibition of Military or Other Hostile Use of Environmental Modification Techniques (ENMOD Convention), Art. 1, (Dec. 10, 1976), available at [https://treaties.un.org/doc/Treaties/1978/10/19781005%2000-39%20AM/Ch\\_XXVI\\_01p.pdf](https://treaties.un.org/doc/Treaties/1978/10/19781005%2000-39%20AM/Ch_XXVI_01p.pdf); The UN General Assembly's Principles on Protection of the Environment in Relation to Armed Conflict (PERAC Principles) also echo this ban on weapons that may be expected to cause widespread, long-term, and severe damage to the natural environment, as well as the use of the destruction of the natural environment as a weapon. See Rule 45. Causing Serious Damage to the Natural Environment, ICRC, available at <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule45>; Principles on Protection of the Environment in Relation to Armed Conflict (PERAC Principles), art. 13 (2022), available at [https://legal.un.org/ilc/texts/instruments/english/draft\\_articles/8\\_7\\_2022.pdf](https://legal.un.org/ilc/texts/instruments/english/draft_articles/8_7_2022.pdf).

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<sup>149</sup> See, e.g., Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Antipersonnel Mines and on their Destruction (Mine Ban Treaty) (Sept. 18, 1997), *available at* [https://legal.un.org/avl/pdf/ha/cpusptam/cpusptam\\_e.pdf](https://legal.un.org/avl/pdf/ha/cpusptam/cpusptam_e.pdf); UN Convention on Conventional Weapons, Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Amended Protocol II) (May 3, 1996), *available at* [https://treaties.un.org/doc/Treaties/1996/05/19960503%2001-38%20AM/Ch\\_XXVI\\_02\\_bp.pdf](https://treaties.un.org/doc/Treaties/1996/05/19960503%2001-38%20AM/Ch_XXVI_02_bp.pdf).

<sup>150</sup> UN Convention on Conventional Weapons, Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Amended Protocol II), arts. 3 and 10 (May 3, 1996), *available at* [https://treaties.un.org/doc/Treaties/1996/05/19960503%2001-38%20AM/Ch\\_XXVI\\_02\\_bp.pdf](https://treaties.un.org/doc/Treaties/1996/05/19960503%2001-38%20AM/Ch_XXVI_02_bp.pdf).

<sup>151</sup> “Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage referred to in Articles 1 and 2 situated on the territory of other States Parties to this Convention,” 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage, art. 6, sec. 3, Nov. 16, 1972, 1037 U.N.T.S. 151, 11 I.L.M. 1358 (1972), *available at* <https://whc.unesco.org/archive/convention-en.pdf>.

<sup>152</sup> See Resolution XIV.20, 14th Meeting of the Conference of the Contracting Parties to the Ramsar Convention on Wetlands (Nov. 5-13, 2022), *available at* [https://www.ramsar.org/sites/default/files/documents/library/xiv.20\\_ukraine\\_e.pdf](https://www.ramsar.org/sites/default/files/documents/library/xiv.20_ukraine_e.pdf).

<sup>153</sup> See International Covenant on Civil and Political Rights (ICCPR), Art. 6 (Dec. 16, 1966), *available at* <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>; European Convention on Human Rights (ECHR), Arts. 2 and 8 (Nov. 4, 1950), *available at* [https://www.echr.coe.int/documents/d/echr/convention\\_ENG](https://www.echr.coe.int/documents/d/echr/convention_ENG). Both Ukraine and Russia are signatories to the ICCPR. Ukraine also is a party to the ECHR and while Russia was excluded from the Council of Europe in 2022, the European Court of Human Rights can address Russian conduct provided that the alleged violations occurred prior to 16 September 2022.

<sup>154</sup> UN Convention on the Rights of the Child, Arts. 3, 6, 24 (Nov. 20, 1989), *available at* <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

<sup>155</sup> General Comment No. 26 (CRC/C/CG/26), UN Committee on the Rights of the Child (Aug. 22, 2023), *available at* <https://www.ohchr.org/en/documents/general-comments-and-recommendations/crccgc26-general-comment-no-26-2023-childrens-rights..>

<sup>156</sup> See, e.g., *Legality of the Threat or Use of Nuclear Weapons* [1996] ICJ 3 (July 8, 1996), *available at* <http://www.worldlii.org/int/cases/ICJ/1996/3.html>; *Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)* [2009] ICJ Reports 2011-2018 (Feb. 2, 2018), *available at* <https://www.icj-cij.org/sites/default/files/case-related/150/150-20180202-JUD-01-00-EN.pdf>.

<sup>157</sup> This definition is drawn from the United States’ National Commitments Resolution of 1969, which defines a “national commitment” as “the use of the Armed Forces of the United States on foreign territory, or a promise to assist a foreign country, government, or people by the use of the Armed Forces or financial resources of the United States, either immediately or upon the happening of certain events.” See Ellen C. Collier, *The National Commitments Resolution of 1969: Background and Issues* 2 (May 11, 1970), *available at* <https://digital.library.unt.edu/ark:/67531/metadc1038968/m1/4/>.

<sup>158</sup> NATO is a political and military alliance consisting of over 31 member states. Under the North Atlantic Treaty, all member states are obligated, among other things, to consider an armed attack against any other member state as an attack against them all, and they have agreed that each of them will assist the attacked state “by taking forthwith individually and in concert with the other parties, such action as it deems necessary, including the use of armed force.”

<sup>159</sup> Press Release, The North Atlantic Treaty Organization, Vilnius Summit Communiqué: Issued by NATO Heads of State and Government Participating in the Meeting of the North Atlantic Council in Vilnius (July 13, 2023), *available at* <https://nato.cmail19.com/t/r-e-ttdyhrky-bjiwyhidl-r/>.

<sup>160</sup> Aggression, *The Practical Guide to Humanitarian Law*, *available at* <https://guide-humanitarian-law.org/content/article/3/aggression/>.

<sup>161</sup> General Assembly Resolution 3314, art. 3, U.N. Doc. A/RES/3314(XXIX) (Dec. 14, 1974), *available at* <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/739/16/PDF/NR073916.pdf?OpenElement>.

<sup>162</sup> Charter of the United Nations, art. 2(3) (June 26, 1945), *available at* <https://www.un.org/en/about-us/un-charter/full-text>.

<sup>163</sup> Charter of the United Nations, art. 51 (June 26, 1945), *available at* <https://www.un.org/en/about-us/un-charter/full-text>.

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<sup>164</sup> Charter of the United Nations, art. 51 (June 26, 1945), *available at* <https://www.un.org/en/about-us/un-charter/full-text> (“Nothing in the present Charter shall impair the inherent right of individual or collective self-defense . . .”).

<sup>165</sup> North Atlantic Treaty art. 10 (1949), *available at* [https://www.nato.int/cps/en/natolive/official\\_texts\\_17120.htm](https://www.nato.int/cps/en/natolive/official_texts_17120.htm).

<sup>166</sup> Nick Minogue, *The North Atlantic Treaty at 70 - Article 10*, 34 *Emory Int'l L. Rev.* 165, 171 (2019).

<sup>167</sup> Nick Minogue, *The North Atlantic Treaty at 70 - Article 10*, 34 *Emory Int'l L. Rev.* 165, 172 (2019).