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PRACTICAL SIGNIFICANCE OF UKRAINE’S REGISTER OF DAMAGE IN INTERNATIONAL LAW

The large-scale act of armed aggression committed by the Russian Federation against Ukraine has led to grave humanitarian harm and far-reaching material devastation. Thousands of documented cases of torture, inhumane treatment, and sexual violence have been recorded, alongside the large-scale destruction of residential buildings and critical infrastructure throughout the country, as well as significant economic losses[1].

In this context, the establishment of the Register of Damage for Ukraine represents a major international initiative and constitutes the

first step toward a comprehensive mechanism aimed at ensuring justice and compensation for Ukraine and its citizens.

The Register of Damage (hereinafter — the “Register”) is intended to function as an official repository of claims and supporting evidence concerning damage, loss, or injury caused by the Russian Federation’s internationally wrongful acts in or against Ukraine[2]. It will collect submissions from individuals, private entities, and state or municipal institutions regarding the harm they have suffered as a result of Russia’s aggression, thereby creating a factual and evidentiary basis for future reparation claims grounded in international law[3].

On 14 November 2022, the United Nations General Assembly adopted Resolution A/RES/ES-11/5, “Furtherance of remedy and reparation for aggression against Ukraine,” which affirmed that the Russian Federation must be held accountable for its violations of international law in Ukraine, including through the payment of reparations[2]. The resolution also recognised the need to establish an international reparations mechanism and recommended the creation of an international register of damage as an initial step in this direction.

In response to the UN resolution, the Council of Europe established the Register of Damage as an Enlarged Partial Agreement in May 2023. This form of cooperation, available to both member and non-member states of the Council of Europe, is not a treaty and therefore typically does not require ratification[4].

The Register aims to compile all eligible claims concerning damage, loss, or injury resulting from Russian aggression and to document the evidence supporting each claim[2]. It will verify the admissibility of claims based on three criteria: (1) the damage must have occurred within the territory of Ukraine;

(2) the damage must have taken place on or after 24 February 2022; and (3) the damage must be directly attributable to Russian aggression.

To operationalise this process, the Register will develop detailed rules and procedures, including a comprehensive list of damage categories, standardized claim forms, evidentiary requirements for each category, and additional necessary guidelines [3].

Currently, 43 states and the European Union are parties to the Register—38 as Participants and six as Associate Members. The

Register aims to ensure broad international representation; the United States, Japan, and Canada are already among its members. Any state that voted in favour of UN General Assembly Resolution A/RES/ES-11/5 may join the Register as a Participant or Associate Member by notifying the Secretary General of the Council of Europe via letter or Note Verbale. Other states may also be admitted, subject to the approval of the Conference of Participants [4].

The initial compensation applications submitted to the Register represent only a fraction of the anticipated total. The Council of Europe expects between 300,000 and 600,000 claims, with RD4U (Register of Damage for Ukraine) planning to expand the categories of admissible claims, including those relating to the destruction of critical infrastructure. Although the Register itself will not distribute compensation, it constitutes a foundational element in the creation of a future international reparations mechanism, which has yet to be fully established [5].

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