

The International Claims Commission for Ukraine: what its institution means for individual victims and what they may expect

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In the aftermath of Russia's unlawful aggression of Ukraine, efforts have intensified within the international community to articulate legal and institutional responses capable of addressing the conflict's vast human and material consequences. Among these initiatives, the International Claims Commission for Ukraine, established by a Convention on 16 December 2025¹, stands out for its ambition. The Commission marks the second stage of a three-phase process designed by Council of Europe member States to respond to the damage caused by Russian aggression. The first stage, already operational, is the Register of Damage Caused by the Aggression against Ukraine², tasked with collecting claims. The second stage is the Claims Commission itself, called to evaluate those claims. A third, as yet unrealised, component prospects the creation of a compensation fund to ensure the payment of reparations, although its configuration remains, at present, largely indeterminate.

The Commission belongs to the well-established category of *mass claims processes*, i.e., *ad hoc* processes devised to manage large volumes of compensation claims arising from a single internationally meaningful event, most often armed conflict³. Historically, mass claims mechanisms have been closely associated with peace processes. Their genealogy can be traced back to the mixed arbitral tribunals established in the aftermath of the First World War⁴, whilst more contemporary exemplars include the Iran-United States Claims Tribunal and the Eritrea-Ethiopia Claims Commission. Notwithstanding the heterogeneity of the precedents in their mandates, the Ukraine Claims Commission represents a notable point of departure from established practice.

The most salient departure lies in the Commission's operation in the absence of any formal acknowledgment of responsibility by the aggressor State. The Convention proceeds from the premise that, under international law, the Russian Federation bears responsibility for all loss and damage resulting from its internationally wrongful acts against Ukraine, irrespective of whether such responsibility has been recognised by

¹ Council of Europe, *Convention establishing an International Claims Commission for Ukraine*, CoETS No. 229, The Hague, 16 December 2025 (hereinafter: *CoE Convention establishing an International Claims Commission for Ukraine*).

² Council of Europe, *Resolution confirming the establishment of the Enlarged Partial Agreement on the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine*, Adopted by the Committee of Ministers on 9 July 2025 at the 1534th meeting of the Ministers' Deputies, CM/Res(2025)3, 9 July 2025.

³ H. M. Holtzmann, *Mass Claims*, Max Planck Encyclopedias of International Law, July 2008.

⁴ See M. M. Mbengue, *Historical Overview of International Claims Commissions*, in C. Giorgetti, P. W. Pearsall and H. Ruiz-Fabri (eds.), *Research Handbook On International Claims Commissions*, Elgar, 2023.

Russia itself⁵. This approach situates the Commission on an unavoidably political plane and, concomitantly, circumscribes its function as an instrument contributing to dispute settlement. In contrast to earlier mass claims processes, the lack of acknowledgment of responsibility by the aggressor State appears to frame the Commission for Ukraine less as a vehicle for the promotion of peace and more as a forum for the enforcement of reparative obligations, irrespective of any conciliatory trajectory. The underlying rationale appears to be explicitly victim-centred, and confirmation of such standing may be found in the Commission's contemplation of compensation to individual victims for harms that are not necessarily understood as violations of subjective rights, but rather as damage flowing from the commission of the crime of aggression *per se*.

The Convention grounds its approach in a series of authoritative sources. UN General Assembly Resolution ES-11/5 of 14 November 2022⁶, explicitly mentioned in the Convention, had reiterated the need to establish, in cooperation with Ukraine, an international mechanism to ensure reparations for damage, loss, or injury resulting from Russia's internationally wrongful acts. At the level of positive law, the reparations framework formally draws upon the Draft Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA), as elaborated by the International Law Commission⁷, in conjunction with the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation (Van Boven Principles)⁸. Yet the establishment of the Commission under the auspices of the Council of Europe, without Russian participation and absent any acknowledgment of responsibility, sits uneasily with the reparations model envisaged under Article 31 ARSIWA. That provision presupposes a direct legal relationship between the responsible State and the injured subject, providing specifically that the responsible State «is under an obligation to make full reparation for the injury caused» by its wrongful act⁹. Differently, the Van Boven Principles seem far more aligned with the logic followed by the Ukraine Claims Commission, specifically articulating an autonomous right of victims to a remedy and reparation.

Defining the reach of the commission - The Convention assigns the Commission a predominantly administrative function. Its mandate is limited to the examination, assessment, and determination of the amount of compensation due, to be calculated on the basis of an "equitable and fair" evaluation¹⁰. It thus appears to be rather a technical mechanism responsible for putting into operation and defining the *quantum* of

⁵ CoE Convention establishing an International Claims Commission for Ukraine, art. 3(4).

⁶ UN General Assembly, *Furtherance of remedy and reparation for aggression against Ukraine*, Resolution ES-11/5 (14 November 2022), UN Doc A/RES/ES-11/5.

⁷ International Law Commission, *Draft Articles on Responsibility of States for Internationally Wrongful Acts*, in *Report of the International Law Commission on the Work of its Fifty-third Session*, UNGA, 56th Sess., Supp. No. 10 (November 2001), UN Doc. A/56/10 (hereinafter: ARSIWA).

⁸ UN General Assembly, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, Resolution A-60/509/Add.1 (16 December 2005), UN Doc A/RES/60/147.

⁹ ARSIWA, art. 31: «The responsible State is under an obligation to make full reparation for the injury caused by the internationally wrongful act».

¹⁰ CoE Convention establishing an International Claims Commission for Ukraine artt. 3(2) and (5).

compensation once responsibility is presumed. Its jurisdiction extends both to claims already submitted to the currently operational Register of Damage and to those that will be lodged directly with the Commission once the transfer of functions from the Register will be completed¹¹. The mandate is precisely circumscribed *ratione temporis* and *ratione loci*. Claims may concern only violations arising from events occurring after 24 February 2022 and taking place on the internationally recognised territory of Ukraine, including its exclusive economic zone and continental shelf, as well as on any aircraft or vessel under Ukraine's jurisdiction¹². This temporal limitation may appear restrictive, particularly in light of the longer trajectory of Russian conduct. It might have been argued that extending admissible claims to events predating the 2022 invasion could have enhanced the overall coherence and effectiveness of the mechanism for reparations, should adequate financial resources eventually materialise. Nevertheless, the decision to adopt a clear temporal cut-off is arguably defensible. In a context of deep uncertainty in terms of availability of sufficient funds to cover the full spectrum of harm caused, such temporal delimitation may perform a crucial function in safeguarding the sustainability and manageability of the mechanism.

This rather 'restrictive' approach is not mirrored across the other dimension of the Commission's jurisdiction. In particular, the *ratione materiae* of admissible claims is articulated in strikingly expansive terms. Article 3 permits claims for damage or loss caused by internationally wrongful acts committed by the Russian Federation in or against Ukraine, explicitly encompassing the aggression in violation of the UN Charter, as well as violations of international humanitarian law and international human rights law. Yet, importantly, under positive international law, the crime of aggression has not traditionally been conceived as a direct source of entitlements to reparation for natural persons. Reparations for aggression have historically been framed inter-State, with individuals appearing, at most, as indirect beneficiaries of State-level settlements. This latter traditional configuration stands in tension with the Convention's approach to standing, arguably the most innovative element of the Claims Commission for Ukraine.

*Rethinking the status of individuals as victims of the crime of aggression – Eligibility for reparations is extended to “all natural and legal persons concerned, as well as the State of Ukraine, including its regional and local authorities and State-owned or controlled entities”*¹³. Article 3 does not establish any nexus between the nature of the alleged violation and the identity of the claimant. As a result, at least in principle, all violations falling within the Convention's scope may be invoked by all eligible categories of claimants. Such a design choice, however, carries potentially far-reaching implications, insofar as it opens the possibility of construing the crime of aggression itself as giving rise to compensable harm directly suffered by individual victims.

¹¹ CoE Convention establishing an International Claims Commission for Ukraine, artt. 24 and 25.

¹² *Ibid.*, artt. 3(1) (a) and (b).

¹³ *Ibid.*, art. 3(1) (c).

The crime of aggression, however, has long been conceptualised as a leadership crime¹⁴. Traditionally, it has been understood as an offence attributable exclusively to those occupying the highest echelons of State power, by virtue of their responsibility for planning, preparing, initiating, or executing acts of aggression. This understanding finds expression in the definition set out in UN General Assembly Resolution 3314 (1974), widely regarded as the primary reference point for the crime of aggression, which confines criminal responsibility to “senior political and military leaders” capable of exercising control over State action¹⁵. Consistently, the victim of aggression, at least before the International Criminal Court, has long been identified exclusively as the aggrieved State, as the act of aggression infringes its “sovereignty, territorial integrity or political independence”.

The Convention’s apparent openness to individual claims grounded generally in aggression-related violations stands out as potentially transformative, raising the broader question of *how*, both legally and practically, individuals may be afforded the *status* of “victim” of the crime of aggression, given the firmly established contours of the offence. Undoubtedly, individuals suffer the most severe and tangible consequences of aggression. Yet, while they may factually and substantially suffer harm deriving from the consequences of aggression, from a strictly technical lens they do not hold any legal interest in the prohibition of aggression as such; at most, such consequences might be subsumed within violations of international humanitarian law or international human rights law. The generally accepted definition of the crime of ‘aggression’, with its prohibition, does not protect individual entitlements, nor does it confer subjective rights upon persons that may be indirectly affected by its breach. However, it is the case that practice suggests that the very existence of harm does not necessarily depend on the infringement of a protected legal interest¹⁶. Contemporary international law has accepted that claims to reparation may arise from harm that is factual. Moreover, this remains true even with reference to the Rome Statute¹⁷ of the International Criminal Court and its Rules of Procedure and Evidence¹⁸, which do not condition the recognition of victim status on proof that the unlawful conduct affected a specific legal interest held by the injured person. The rules of procedure, indeed, merely identify as ‘victims’ «natural persons who have suffered harm as a result of the commission of any crime within the jurisdiction of the Court» including «organizations or institutions that have sustained direct harm to any of their property which is dedicated to religion, education, art or science or charitable purposes, and to their historic monuments, hospitals and other places and objects for humanitarian purposes»¹⁹.

¹⁴ Y. Dinstein, *Aggression*, Max Planck Encyclopedias of International Law, September 2015.

¹⁵ UN General Assembly, *Definition of Aggression*, Resolution 3314 (XXIX) (14 December 1974), UN Doc A/RES/3314(XXIX).

¹⁶ E. Pobjie, *Victims of the Crime of Aggression*, in C Kreß, S. Barriga (eds.), *The Crime of Aggression: A Commentary*, Cambridge University Press (2016), 826.

¹⁷ *Rome Statute of the International Criminal Court*, Rome, 17 July 1998, 2187 U.N.T.S. 3.

¹⁸ *Rules of Procedure and Evidence of the International Criminal Court*, 9 September 2002, ICC-ASP/1/3.

¹⁹ *Ibidem*, rule 85.

The Convention establishing the Commission appears to reflect a conception of harm that is precisely factual. What seems to be relevant is the material harm actually suffered by individuals was a consequence of the act of aggression against the State of Ukraine, regardless of whether any explicitly recognised legal interest of individuals has been violated, and regardless of whether such material harm may or may not be considered a violation of international humanitarian or human rights law. It may be stated that, differently from the International Criminal Court, earlier reparation mechanisms already acknowledged that individuals may suffer harm as a result of acts of aggression, although without explicitly characterising the relevant State conduct as “acts of aggression.” Referring generally to breaches of international humanitarian law and international human rights law, bodies such as the United Nations Claims Commission and the Eritrea-Ethiopia Claims Commission were nevertheless tasked with determining compensation owed to individual victims as a consequence of an illegal invasion and occupation²⁰, and with resolving «all claims for loss, damage or injury [...] by nationals (including both natural and juridical persons) of one party against the Government of the other party»²¹. Crucially, however, neither individuals nor legal persons enjoyed direct standing before these bodies. Claims had to be brought through the claimant’s State of nationality or, in certain circumstances, through an international organization; an arrangement that arguably resonates with the manner in which international law, more precisely the law of diplomatic protection, has traditionally recognised harm suffered by individuals arising from acts of aggression, by resort to the *fiction* of ascribing such harm to the victim’s State of nationality²². Moreover, damages resulting from aggression *as such* were explicitly excluded from reparations before other mass claims processes, especially in the absence of a precise acknowledgement of responsibility by the aggressor. A relevant example is the Eritrea–Ethiopia Claims Commission, as the Algiers Agreement explicitly barred claims strictly relating to the use of force and confining reparations to harm arising from specific and explicitly enumerated violations of international humanitarian law or other applicable international obligations²³.

In contrast, the breadth of the approach of the Claims Commission for Ukraine emerges with clarity from the rules governing the Register of Damage²⁴. For instance, an individual may claim compensation for ‘involuntary displacement’ even where relocation was not strictly compelled, provided that it occurred «in order to avoid the adverse consequences of the Russian Federation’s internationally wrongful acts in or against Ukraine»²⁵. Even more telling, from the perspective of its connection to aggression, is the

²⁰ UN Security Council, Resolution 687 (3 April 1991), UN Doc S/RES/687.

²¹ *Agreement between the Government of the Federal Democratic Republic of Ethiopia and the Government of the State of Eritrea* (Ethiopia–Eritrea), Algiers, 12 December 2000, 2180 UNTS 7 (hereinafter: *Algiers Agreement*)

²² International Law Commission, Draft Articles on Diplomatic Protection with Commentaries, in Report of the International Law Commission on the Work of its Fifty-eighth Session, UNGA, 61st Sess., Supp. No. 10, UN Doc. A/61/10, 24 (1 May–11 August 2006), art. 1, para. 3.

²³ *Algiers Agreement*, art. 5.

²⁴ Council of Europe, *Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine, Rules Governing the Submission, Processing and Recording of Claims*, CM/Res(2023)3, 12 May 2023.

²⁵ Council of Europe, *Claim Form and Rules for Category A1.1 Involuntary Internal Displacement*, Register of Damage for Ukraine, CM/Res(2023)3, 12 May 2023; Council of Europe, *Claim Form and Rules*

possibility for individuals to seek compensation for lack of access to essential public services, such as healthcare or education, not only where such deprivation results from the destruction of infrastructure or physical distance, but also where it arises «for any other reason resulting from the Russian Federation’s aggression against Ukraine»²⁶. Perhaps most strikingly, members of the armed forces of the victim State who are injured during the aggression, or their relatives in the event of death, may also seek compensation for the harm suffered, albeit in conformity with international humanitarian law. In this respect, it is noteworthy that the claims rules explicitly include ‘member of the military’ among the possible sub-categories of individual victims entitled to bring claims for injury²⁷.

The aspiration to accord individuals at least a minimal degree of centrality, hitherto largely denied, is not completely novel. Instead, debates advocating a ‘humanisation’²⁸ of *jus ad bellum* have, in recent years, increasingly shaped academic discourse, although in different circumstances. Until quite recently, however, the prevailing view has been that there exists no ‘substantial relevant practice’²⁹ or *opinio juris* recognising individuals as victims of violations of *jus ad bellum*, at least before the ICC. This position continues to be defensible from a strictly doctrinal perspective, given the already mentioned absence of a legal interest of individuals or any duty specifically owed to them by either the aggressor State or the individual perpetrator in relation to the crime of aggression; despite the recognition individual rights in connection with the crime of aggression would, in principle, align with the broader trajectory of international law, which has progressively evolved towards a system that acknowledges the fundamental importance of individual protection³⁰. However, the approach of a mass claims process, unlike that of the ICC, may legitimately differ, as primarily aiming to a form of ‘transitional justice’. As such, indeed, the perspective of the Council of Europe Claims Commission for Ukraine may nonetheless contribute to the emergence of a new practice.

Recalibrating expectations: what lies ahead for individuals - Across the foundational instruments governing both the Register of Damage and the Claims Commission, compensation emerges as the sole expressly envisaged form of reparation. This remedial choice aligns with Article 36 of the International Law Commission’s 2001 Draft Articles on Responsibility of States for Internationally Wrongful Acts, which identifies compensation as the appropriate response to “any economically assessable

for Category A1.2 Involuntary Displacement Outside of Ukraine, Register of Damage for Ukraine, CM/Res(2023)3, 12 May 2023.

²⁶ Council of Europe, *Claim Form and Rules for Category A4.1: Loss of gainful employment or individual enterprise*, Register of Damage for Ukraine, CM/Res(2023)3, 12 May 2023.

²⁷ Council of Europe, *Claim Form and Rules for Category A2.3 Serious Personal Injury*, Register of Damage for Ukraine, CM/Res(2023)3, 12 May 2023.

²⁸ E. Lieblich, *The Humanization of Jus ad Bellum: Prospects and Perils*, in 32 *European Journal of International Law* (2021), 579–612.

²⁹ F. Rosenfeld, *Individual Civil Responsibility for the Crime of Aggression*, in 10 *Journal of International Criminal Justice* (2012), 250.

³⁰ *Ibid.*

damage”³¹. As clarified in the Commentary, this formulation is deliberately intended to exclude compensation for so-called “moral” or non-material damage³². However, an exclusively material approach to reparation for violations of international humanitarian law, international human rights law, and aggression-related harms risks overlooking dimensions of harm that are central to victims’ lived experience. Most importantly, this restrictive remedial framework sits uneasily with the Convention’s otherwise expansive openness to *factual* harm. Non-pecuniary or moral damage, by their nature, in abstract, elude a proper process of calculation or precise quantification. Yet international practice has long recognised that certain forms of harm are so serious that some form of compensation, however imperfect, is warranted. In such cases, compensation does not function as a commensurate equivalent of the harm suffered, but rather as an acknowledgement that a grave wrong has occurred and as a symbolic reflection of its gravity. By confining reparations strictly to material loss, the Commission risks narrowing the restorative dimensions of justice precisely at the moment when it claims to adopt a victim-centred orientation. In practical terms, the Commission’s mandate is confined to translating admissible claims into monetary awards, an inherently fraught exercise, as many forms of harm are intrinsically incommensurable, and deep uncertainties surround the actual availability and disbursement of compensation. Then what, in such circumstances, can the Commission realistically offer to victims? The breadth of compensable harm recognised by the mechanism risks generating expectations that may remain at least partially unmet in the absence of sufficient financial resources or robust criteria for the selection and prioritisation of claims. In a context where delays or non-payment are foreseeable, unmet expectations may additionally further erode already fragile perceptions of the effectiveness of transitional justice processes, and generally of international law as a whole.

Ultimately, much depends on the availability of funds. From the legal basis adopted by the Convention and from general principles of international law, loss and damage resulting from aggression must, in principle, be borne by the aggressor State rather than by the international community at large. As an accountability-oriented mechanism, the Commission remains firmly anchored in Article 31 ARSIWA and the responsible State bears the obligation to make full reparation for the injury caused by its internationally wrongful act. On this basis, the mechanism cannot plausibly be financed exclusively by third States, as this would risk transforming a process designed to be grounded in responsibility into one of ‘solidarity’. The Convention adopts a carefully calibrated approach to the possible involvement of the Russian Federation. It may accede any time, provided that it accepts its responsibility, commits to comply with the Commission’s decisions, and the reimburses the costs incurred by participating States³³. As a matter of

³¹ ARSIWA, art. 36(2): «The compensation shall cover any financially assessable damage including loss of profits insofar as it is established».

³² International Law Commission, *Draft Articles on the Responsibility of States for Internationally Wrongful Acts with Commentaries*, in *Report of the International Law Commission on the Work of its Fifty-third Session*, UNGA, 56th Sess., Supp. No. 10, UN Doc. A/56/10 (November 2001), 98-99: «The qualification “financially assessable” is intended to exclude compensation for what is sometimes referred to as “moral damage” to a State, i.e. the affront or injury caused by a violation of rights not associated with actual damage to property or persons: this is the subject matter of satisfaction, dealt with in article 37».

³³ CoE Convention establishing an International Claims Commission for Ukraine, art. 28.

fact, excluding the responsible State altogether would be neither normatively persuasive nor practical. At the same time, as some have already noted, the effectiveness of the mechanism and victim relief cannot depend on the prospect of Russia's early cooperation, which remains, at least in the short term, unlikely³⁴. These provisions are thus best understood not as prerequisites for the functioning of the Commission, but as forward-looking clauses, preserving the possibility of engagement should the broader political context evolve.

At the moment, the debate centres on the approximately €300 billion in Russian State assets frozen across multiple jurisdictions, and on the possibility of using those assets to finance compensation. Viewed in isolation, reliance on frozen Russian assets appears coherent: these are assets of the responsible State, already immobilised by G7 countries. However, while asset freezing may be understood as a form of inter-State cooperation consistent with Article 41 ARSIWA, or rather as a form of third-party countermeasure³⁵, the further step of confiscation for the purpose of funding reparations remains deeply contested. Unlike freezing, confiscation would be irreversible and would not be directed at inducing the cessation of the wrongful act, as required under the classical doctrine of countermeasures³⁶.

Practice reveals that States have, in the past, seized, pooled, and used foreign sovereign assets to establish effective compensation mechanisms. One example is the 1946 Paris Agreement on Reparations, concluded at the end of World War II by the Allied powers, which provided for the seizure of German public and private property situated within the territories of the parties to the Agreement³⁷. Another is the Compensation Fund established under the United Nations Compensation Commission, which received a share of the proceeds from the export of Iraqi petroleum and petroleum products, funds that were ultimately used to compensate victims of Iraq's invasion of Kuwait³⁸. It is, however, evident that the present situation differs in certain respects. The conflict remains ongoing, and Russia has not been militarily defeated. Moreover, a determination of its liability by the Security Council is precluded by its veto power. Yet this latter obstacle appears less decisive when one considers that the Claims Commission, as established by the Convention, proceeds explicitly on the basis that the Russian Federation bears responsibility for the aggression, independently of any formal determination by the

³⁴ I. Chennohorenko, *From Register to Remedy: Promises and Limits of the Draft Convention Establishing an International Claims Commission for Ukraine*, *Opinio Juris* (26 September 2025), available at [opiniojuris.org](https://www.opiniojuris.org).

³⁵ Countermeasures adopted by third parties, i.e., States different from the directly injured State, are not explicitly recognized under international law. See, A. Hofer, *Third-Party Countermeasures: Making Custom Out of Ambiguous Practice?*, in 74 *International and Comparative Law Quarterly* (2025), 287.

³⁶ See, M.T. Kamminga, *Confiscating Russia's Frozen Central Bank Assets: A Permissible Third-Party Countermeasure?*, in 70 *Netherlands International Law Review* (2023), 1.

³⁷ *Agreement on Reparation from Germany, on the Establishment of an Inter-Allied Reparation Agency and on the Restitution of Monetary Gold*, Paris, 14 Jan. 1946, UNTS No. 8105.

³⁸ UN Security Council, Resolution 705 (15 Aug. 1991), S/RES/705 (1991).

Security Council, and instead grounded in a resolution of the General Assembly³⁹. The central difficulty lies elsewhere.

Scholars, including an expert panel convened by the International Institute for Strategic Studies, have suggested that the repurposing of assets under the countermeasures doctrine would be lawful⁴⁰, others have concluded that such a course could be vulnerable to legal challenge⁴¹. Yet, European governments remain uncertain as to whether the application of countermeasures to Russian assets would ultimately be upheld by an arbitral tribunal or the International Court of Justice⁴². Were such measures to be deemed unlawful, the State implementing them could ultimately incur liability for the value of the assets diverted. Most European States domestic legislations do not permit the outright confiscation of foreign sovereign assets; it is precisely for this reason that the utilisation of any Russian asset is said to be a ‘domestic issue’⁴³. In general, any seizure of Russian State assets, indeed, would require specific domestic law allowing for this to happen. What is more, importantly, these domestic laws would necessarily be narrowly tailored to the present circumstances, underscoring the exceptional and targeted nature of the remedy, in order to mitigate the understandable pressing concern that other States might adopt similar measures against the seizing State⁴⁴. Evidently, once again, whether the expectations of Ukrainian victims of Russian aggression will be fulfilled depends less on international law than on the will of individual States to implement multilateral efforts at the national level.

Marzo 2026

³⁹ This posture can also be seen as indicative of the increasing significance of General Assembly resolutions in international law. See, R. Barber, *Revisiting the Legal Effect of General Assembly Resolutions: Can an Authorising Competence for the Assembly be Grounded in the Assembly’s ‘Established Practice’, ‘Subsequent Practice’ or Customary International Law?*, in 26 *Journal of Conflict and Security Law* (2021), 9.

⁴⁰ The International Institute for Strategic Studies, ‘*On Proposed Countermeasures Against Russia to Compensate Injured States for Losses Caused by Russia’s War of Aggression Against Ukraine*’, 20 May 2024

⁴¹ Dutch Advisory Committee on Public International Law, ‘*Confiscation of foreign State property*’, Advisory Report No. 48, 20 December 2024

⁴² However, Russia does not currently recognise the compulsory jurisdiction of the ICJ by virtue of a declaration under Article 36(2) of the ICJ Statute. For these reasons, some duly argue that it would be challenging, although not impossible, for it to bring a claim before the Court related to the assets. See, P. Kehl, *Seizing Russia’s Frozen Assets: Quis iudicabit?*, Blog of the European Journal of International Law, 24 January 2024.

⁴³ J. Anderson, *Claims Commissions 101 with Chiara Giorgetti, Asymmetrical Haircuts* (27 September 2024), available at asymmetricalhaircuts.com.

⁴⁴ P. Webb, *Legal Options for Confiscation of Russian State Assets to Support the Reconstruction of Ukraine*, European Parliamentary Research Service, February 2024, 27.