

## The Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine (RD4U)

A new instrument for  
justice and  
rehabilitation

1 April 2025

### I. Background and Historical Context

The Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine (RD4U)<sup>1</sup> is a landmark legal initiative addressing an ongoing geopolitical and humanitarian crisis: the full-scale invasion of Ukraine by the Russian Federation on 24 February 2022. In its wake, the international community, notably via the UN General Assembly and the Council of Europe, sought pathways for accountability and future compensation.

The Register emerges as a unique instrument of anticipatory post-conflict justice, established before the end of hostilities and intended to capture real-time, authenticated evidence of

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damage, loss, and injury caused by internationally wrongful acts.

While reminiscent of prior mass claims initiatives (such as the Iran-United States Claims Tribunal or the UN Compensation Commission post-Gulf War), the RD4U operates under an urgent, digitally driven mandate set against the backdrop of a modern war and amid global sanctions frameworks.

### II. Structural Framework of the RD4U

The RD4U was established through Council of Europe Resolution CM/Res (2023)<sup>3</sup> under an Enlarged Partial Agreement, gathering Member States of the Council of Europe, the EU, Canada,

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<sup>1</sup> <https://www.rd4u.coe.int>

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Japan, and the US. The Register is housed in The Hague, supported by the Dutch government.

## a) Governance

A Board of seven members was elected in 2022, based on expertise in international law, damage assessment, and impartiality. The Board functions independently, with quarterly in-person meetings. The Register operates under a Statute, developing its own procedural rules ("Claims Rules") and evidentiary standards.

## b) Digital Infrastructure

Claim submission is entirely digital and utilizes Ukraine's "Diia" platform, simplifying access and integrating with existing Ukrainian databases. The platform is designed to securely collect, categorize, and store evidence and claims. A comprehensive digital register will serve as a cornerstone for a future compensation mechanism.

## c) Claim Eligibility Criteria

According to Article 18 of the Claims Rules a claim must meet four criteria:

- The claim is submitted by or on behalf of an eligible claimant;
- The claim is for damage, loss or injury that occurred on or after 24 February 2022;
- The claim is for damage, loss or injury that occurred in the Ukraine's internationally recognized territory (including territorial waters) and
- The claim is for damage, loss or injury attributable to internationally wrongful acts by

the Russian Federation in or against the Ukraine.

After considering a claim, the Board may decide on one of four possible outcomes:

- Record the claim in the Register of Damage for Ukraine;
- Return the claim to the Secretariat with instructions for further processing;
- Reject the claim without prejudice, which allows the Claimant to resubmit the claim with additional information or after changes are made; or
- Reject the claim with prejudice, which precludes resubmission of the same claim.

The Board's decision is final. Once issued, the Claimant is notified of the Board's decision through Diia.

## III. Procedure and Categories of Claims

The claims process involves:

- Filing through a streamlined digital portal and the Assessment of eligibility by the Board (without evaluating merits or ordering payments).
- Recording of accepted claims and their associated evidence.

As of early 2024, the system began accepting claims for residential property damage – projected to include over 300,000 potential submissions. Since then, 12 additional categories (e.g., infrastructure destruction, loss of family

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members) have been opened, and 16 more are in development.<sup>2</sup>

From an industrial and entrepreneurial perspective, Claims Category A3.5 "Loss of individual enterprise" should be emphasised. The Claim Form and Rules (RD4U-Board (2024)38-EN) set out the details of the information and evidence to be submitted.

## IV. Further Steps and Development

The RD4U functions as the foundational component of a broader international compensation architecture, designed to evolve in tandem with parallel diplomatic and legal efforts. A major milestone was reached with the first formal steps toward establishing the International Claims Commission for Ukraine, which will act upon the claims documented by the RD4U.

The RD4U serves as a preparatory step toward a future international compensation mechanism, which may include:

- A dedicated claims commission.
- A compensation fund backed potentially by sanctioned or frozen Russian assets.
- International cooperation under a separate treaty instrument.

Coordination efforts and procedural harmonization are ongoing, especially concerning evidence handling, standardization of claims categories, and IT system scaling.

## V. The Intergovernmental Negotiation Committee (INC) and Treaty Process

From 24 to 26 March 2025, the first meeting of the Intergovernmental Negotiation Committee (INC) took place in The Hague, jointly hosted by the Netherlands and Ukraine. This meeting marks a pivotal advancement in building a comprehensive international compensation mechanism, with the goal of ensuring fair and lawful reparation for injuries, losses, and damage arising from the Russian Federation's aggression.

Key highlights of the INC proceedings:

- Participation: Over 50 States from all continents and the European Union were represented, alongside the Council of Europe, reinforcing the initiative's global legitimacy and cross-regional support.
- Mandate of the Claims Commission: Once established by treaty, the Commission will be empowered to examine claims already submitted to the RD4U and to determine compensation amounts due to individual and institutional claimants.
- Treaty Drafting: The Committee accepted a draft treaty text—developed during four preparatory sessions as the formal basis for negotiations. Negotiations commenced immediately and will continue at the second INC meeting scheduled for May 2025.

The RD4U plays a dual role: not only as a repository of claims and evidence, but also as an active facilitator in the

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<sup>2</sup> Reed, SchiedsVZ 2025, 1, 10

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establishment of the Claims Commission, as envisaged in its founding statutes.

## **VI. Legal Challenges and Uncertainties for the current Register**

### **a) Distinguishing Eligibility from Merits**

A key legal challenge lies in ensuring that the RD4U Board limits its role to assessing eligibility – not the merits of claims. This demands discipline akin to the jurisdictional phase of arbitration proceedings, especially regarding questions of prima facie causation.

### **b) Consent and Sovereignty**

A core issue is whether the Russian Federation must consent to any future compensation mechanism. While public international law offers some precedent (e.g., Iran-US Claims Tribunal), the legal basis for imposing reparations without consent remains contested.

### **c) Source of Funds**

Another significant challenge is identifying sustainable funding. While a peace agreement may include a reparations framework, other options include:

- Utilizing frozen Russian central bank reserves (estimated at EUR 250+ billion globally).
- Leveraging profits (EUR 2.5-3.5 billion/year) generated from these assets.
- Issuing market-based loans secured by such proceeds (e.g., the proposed \$50 billion loan package).

Creative legal structuring – within the bounds of international law – will be indispensable.

## **VII. Outlook and Strategic Relevance**

The RD4U represents a sophisticated intersection of international law, digital governance, and mass claims architecture. For infrastructure, plant engineering and construction companies the RD4U is an important milestone. As the register evolves into the foundation of a broader compensation mechanism, applicants should carefully consider the application mechanisms and necessary evidence requirements.

## **VII. Concluding Remarks**

For practitioners in infrastructure, plant engineering, and international law, the RD4U reflects the growing importance of multidisciplinary legal responses to global crises. Existing examples such as the Iran-United States Claims Tribunal may be used as a blueprint. It offers both a challenge and an opportunity: to shape, advise, and support frameworks that aim not only to rebuild nations but also to restore justice.

Should you wish to explore how your institution / entity might use the RD4U mechanism to register and - in future - to enforce your claims please do not hesitate to reach out to us.

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