



Resolution 2539 (2024)¹

Support for the reconstruction of Ukraine

Parliamentary Assembly

1. The Parliamentary Assembly reiterates its deep concern at the extensive devastation and acute suffering inflicted upon Ukraine and its people by the Russian Federation with its illegal war of aggression that started in 2014 and escalated into a large-scale invasion in February 2022, resulting in severe human and material losses, grave violations of human rights and numerous war crimes.

2. The Council of Europe has led the way in expressing its solidarity with Ukraine and its people, condemning the Russian Federation's war of aggression against Ukraine and excluding the Russian Federation from the Organisation because of its serious violation of international law and statutory obligations. The Council of Europe has also shown leadership in setting up the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine, as a first step towards establishing a comprehensive system of accountability of the Russian Federation for its wrongful acts. Consistent with its steadfast resolve and its focus on democracy, human rights and the rule of law, the Council of Europe should play a significant role in supporting the reconstruction efforts in Ukraine by recommending the seizure of Russian State assets and their use in support of the reconstruction of Ukraine. This course of action would pursue a threefold objective: strengthening Ukraine, ensuring the accountability of the Russian Federation and deterring any other future aggression.

3. The Assembly believes that it is crucial for the international community, working in concert, to address this challenge and ensure that the victims of the aggression, Ukraine and its citizens, receive the reparations they are owed and that there is a path towards justice. As already called for by the Assembly in its Resolution 2516 (2023) "Ensuring a just peace in Ukraine and lasting security in Europe", this will involve establishing "a comprehensive compensation mechanism, including an international commission for the examination of claims for damages recorded in the Register of Damage, and a compensation fund to pay out on decisions on compensation for damage awarded by the commission, in particular by confiscating and otherwise using the Russian Federation's assets to pay for damage caused by the war in Ukraine".

4. The documented damage caused to Ukraine's infrastructure and economy by the Russian Federation's aggression had reached a value of US\$416 billion in June 2023. The plight of those who have had to flee Ukraine because of the war – an estimated 6.2 million people – is particularly concerning, as a humanitarian emergency in itself and also because it creates a ripple effect across borders, affecting neighbouring countries and straining resources on a larger scale. In addition, it has been estimated that approximately 17.6 million individuals in Ukraine needed humanitarian assistance in 2023, with 5.1 million people being internally displaced.

5. The Assembly acknowledges that the non-participation by the Russian Federation in international dispute settlements hinders the traditional legal channels for securing reparations. It affirms, however, the obligation of the aggressor State, the Russian Federation, to provide full compensation for the damage, loss and injury caused by its internationally wrongful acts, including the destruction of infrastructure, loss of life, economic hardships and other adverse effects, in accordance with the principles of international law. In this respect, the Assembly recalls the 2001 Articles of the United Nations on Responsibility of States for

1. *Assembly debate* on 16 April 2024 (10th sitting) (see [Doc. 15932](#), report of the Committee on Political Affairs and Democracy, rapporteur: Mr Lulzim Basha; and [Doc. 15941](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Davor Ivo Stier). *Text adopted by the Assembly* on 16 April 2024 (10th sitting).

See also [Recommendation 2271 \(2024\)](#).



Internationally Wrongful Acts, the 2005 United Nations 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 and the United Nations General Assembly Resolution A/RES/ES-11/5 of 14 November 2022 “Furtherance of remedy and reparation for aggression against Ukraine”, which recognises the need for the establishment of an international mechanism for reparation.

6. The Assembly notes that several countries holding Russian State assets have frozen a total of approximately US\$300 billion in Russian State assets. The frozen Russian State financial assets must be made available for the reconstruction of Ukraine. States holding these assets should co-operate and transfer them to an international compensation mechanism. Under international law, States possess the authority to enact countermeasures against a State that has seriously breached international law. Now is the time for Council of Europe member States to move from sanctions to countermeasures. The Assembly further notes that countermeasures are intended to induce the offending State to cease its unlawful behaviour or to comply with its obligations arising from that conduct, such as paying compensation for damage caused. The Assembly emphasises that the legitimacy of the recommended countermeasures remains unassailable within the framework of sovereign immunity.

7. The Assembly acknowledges the long-standing influence of certain Russian individuals, also referred to as oligarchs, in both domestic and international politics, shaped by their control over key industries and substantial assets abroad. This has enabled them to influence various stakeholders in European countries. Since the beginning of the Russian Federation’s aggression against Ukraine in 2014, a number of enterprises owned by these individuals have been co-operating with the Russian military-industrial complex. Given this fact, the European Union, G7 countries and Australia introduced the Russian Elites, Proxies, and Oligarchs (REPO) Task Force in March 2022. The Assembly believes that the member States need to work on a similar mechanism to be able to address this issue.

8. The Assembly recognises the endeavours of the member States in imposing sanctions on Russian individuals and enterprises who collaborate with the Russian military-industrial complex, particularly those in heavy industries that facilitate the production of various types of lethal weaponry. The Assembly believes that the member States should devise mechanisms for monitoring potential violations of the sanctions regime, freezing such assets and subsequently transferring them to the international fund for the reconstruction of Ukraine, all while upholding the principles of international law and respecting private property rights.

9. The Assembly believes that creating, under the auspices of the Council of Europe, an international compensation fund as well as a compensation mechanism, as a separate international instrument mandated to examine and adjudicate claims and/or pay compensation for damage, loss or injury caused by the Russian Federation’s internationally wrongful acts in or against Ukraine, would provide a structured way to assess and compensate for the damage suffered by various stakeholders because of the Russian Federation’s illegal invasion of Ukraine. This compensation mechanism should cover a range of losses, including but not limited to infrastructure damage, environmental effects, economic losses incurred by companies and investors, and the costs associated with hosting and supporting those who have been displaced by the aggression, in Ukraine and outside of the country.

10. The Assembly acknowledges that Russian politicians, propagandists, oligarchs and other war collaborators have amassed significant wealth through their close ties to Vladimir Putin’s regime and try to influence the internal politics of European countries, which makes them accomplices in the Russian Federation’s aggression against Ukraine. To ensure the personal liability of a particular individual, measures such as freezing and confiscating assets and allocating them to the reconstruction of Ukraine should be applied. Bearing in mind that certain countries have already introduced new legislation or amended existing legislation, and in adherence to principles of private property and international law, member States are encouraged to develop legislation and legal mechanisms to confiscate these assets.

11. As the already established Register of Damage undertakes the laborious process of recording Ukrainian losses in preparation for an international claims process, countries that have frozen Russian assets should transfer those assets to an international compensation fund. An international commission for the examination of claims for the damage recorded in the register should be created to effectively address the claims process.

12. In light of these considerations, the Assembly:

12.1. calls on Council of Europe member States and eligible non-member States to join the Register of Damage if they have not yet done so;

12.2. calls for the establishment of an international compensation mechanism under the auspices of the Council of Europe to comprehensively address the damage incurred by natural and legal persons affected, including the State of Ukraine, due to the unlawful actions of the Russian Federation with its invasion of Ukraine;

12.3. urges Council of Europe member and non-member States holding Russian State assets to actively co-operate in the prompt transfer of these assets to the established international compensation mechanism, supports the efforts of the European Union and the United States and calls upon them and the G7 to act without delay in taking all necessary steps to ensure that all Russian Federation assets in their custody are made available for the recovery and reconstruction of Ukraine;

12.4. insists that the reconstruction of Ukraine is needed right away without waiting for the end of the aggression, and therefore calls for the creation of an international trust fund with a clear deadline for the implementation of this mechanism, into which all Russian State assets held by Council of Europe member and non-member States will be deposited, ensuring transparency, accountability and equity in the disbursement of funds that should be used for compensating Ukraine and natural and legal persons affected by the Russian aggression in Ukraine;

12.5. calls for the establishment of an impartial and effective international claims commission, operating under recognised judicial norms, to adjudicate claims presented by Ukraine, affected entities and natural and legal persons seeking reparation for damage caused by the Russian Federation's aggression;

12.6. stresses the utmost importance of adhering to established international legal standards and principles in the transfer and management of frozen Russian assets, ensuring fairness and proportionality, and safeguarding the rights of all affected parties as guaranteed by the European Convention on Human Rights (ETS No. 5) and/or other international human rights law instruments;

12.7. supports the recourse to countermeasures, as outlined within the framework of international law, to induce compliance by the Russian Federation with its international legal obligations and responsibilities;

12.8. invites States concerned about breaches of *erga omnes* obligations to actively participate in the compensation mechanism, thus contributing to efforts aimed at putting an end to breaches and ensuring just reparations for affected natural and legal persons, as well as the State of Ukraine;

12.9. encourages collaborative efforts among member States, international organisations and all relevant stakeholders to expedite the process of reconstruction and to ensure comprehensive compensation for the multifaceted damage caused by the war of aggression of the Russian Federation, including by considering other complementary or alternative proposals such as the confiscation of private assets following a criminal conviction for sanctions violations, introducing windfall taxes on the interest or profits derived from frozen Russian State assets or using these assets as collateral for loans to Ukraine;

12.10. calls on member States, international organisations and all relevant stakeholders to continue working on expanding the list of sanctioned individuals and companies who are directly or indirectly affiliated with the Russian defence industry, particularly in metallurgical and other types of heavy industry, and those who are contributing to the development of the Russian military-industrial complex;

12.11. calls for a unified and resolute front against aggression, emphasising the shared responsibility of the international community in upholding global norms, preventing violations of international law and promoting lasting peace and stability.