



RD4U-Board(2024)05-final-EN

**REGISTER OF DAMAGE
CAUSED BY THE AGGRESSION OF THE RUSSIAN FEDERATION
AGAINST UKRAINE**

**Rules on Conflicts of Interest and Disclosure
for Members of the Board of the Register of Damage
Caused by the Aggression of the Russian Federation
Against Ukraine**

The Hague

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Rules on Conflicts of Interest and Disclosure for Members of the Board of the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine

Adopted by the Board of the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine on 21 March 2024.

Approved by the Conference of Participants of the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine on 26 March 2024.

I. General Principles

1. Every Member of the Board of the Register of Damage Caused by the Aggression of the Russian Federation Against Ukraine (respectively, “Board Member” and “Register”) shall be independent and impartial in the exercise of his or her functions at the time of accepting an appointment to the Board and shall remain so until the completion of his or her term of office.
2. Board Members shall take no instructions from any government, international organisation, or any other authority or entity of any kind external to the Register on how to perform their duties as Board Members.
3. Board Members shall not engage in any activity that could compromise the work of the Register or the establishment and functioning of any future international compensation mechanism.
4. Board Members shall not have any financial interest in any entity providing services, such as office leases, data management or professional services, to the Register.

II. Circumstances that may preclude the ability of a Board Member to be impartial or independent

5. It shall be considered as a conflict of interest, among others, if:
 - a) a Board Member acts as counsel for the Russian Federation, or entities related to it or controlled by it; or
 - b) a Board Member is appointed as counsel, arbitrator, mediator, expert or consultant in any proceedings involving the Russian Federation or Ukraine directly related to the aggression of the Russian Federation against Ukraine and related violations of international law; or
 - c) a Board Member is appointed to a decision-making position in government or in any organisation or entity that involves defining and/or implementing policies in fields of relevance for the functioning of the Register.

6. A Board Member shall decline to accept any new appointment or instruction or to continue with an existing appointment or instruction, whether as counsel, arbitrator, mediator, expert or consultant or in any other capacity if the Board Member has any doubt as to his or her ability to be impartial or independent in his or her work as a Board Member.
7. Board Members shall have no involvement in claims or evidence submitted to the Board for determination.

III. Circumstances that may preclude the ability of a Board Member to be impartial or independent in consideration of specific claims or groups of claims

8. Where circumstances exist or develop that may give rise to doubt as to the Board Member's ability to be impartial or independent in considering a particular claim or group of claims, the Board Member shall:
 - a) disclose such circumstances in accordance with these Rules; and
 - b) recuse himself or herself from consideration of such claim or group of claims, in which case the matter shall be considered resolved.
9. Such circumstances include, but are not limited to, the following:
 - a) the Board Member has a personal or professional relationship with the claimant(s) in question;
 - b) the Board Member or law firm or other organisation of the Board member has a potential personal or financial interest in the claim(s) in question; or
 - c) the law firm or other organisation of the Board Member is or was involved in the preparation and/or submission of the claim(s) in question.
10. The same rules shall apply, *mutatis mutandis*, to any decision-making with respect to the rules and regulations of the Register by the Board relating to, or with implications for, a claim or group of claims.

IV. Rules for Disclosure and Resolution

11. Disclosure is required where facts or circumstances exist or develop that may, in the eyes of a reasonable third person, give rise to doubt as to a Board Member's impartiality or independence.
12. A Board Member shall disclose such facts or circumstances as soon as he or she learns of them.
13. Disclosure of any facts or circumstances by a Board Member shall not in itself evidence a conflict of interest and shall not prejudice his or her standing or functions as a Board Member.

14. A Board Member shall disclose any circumstances that exist or develop that may give rise to doubt as to the Board Member's impartiality or independence within the meaning of Sections I and II of these Rules to the Chair of the Conference of Participants of the Register ("Conference"), with copy to the other Board Members and the Executive Director, as soon as they are known, so that they can be effectively addressed.
15. A Board Member shall disclose any facts or circumstances that exist or develop that may give rise to doubt as to the Board Member's impartiality or independence in considering a particular claim or group of claims within the meaning of Section III of these Rules to the Chair of the Board as soon as they are known. The Chair of the Board (or Vice-Chair of the Board, as appropriate) may decide that such facts or circumstances shall be disclosed to the other Members of the Board, with a copy to the Executive Director.
16. A Board Member shall disclose all instances when he or she acts as counsel for Ukraine, or entities related to it or controlled by it.
17. If the Chair of the Board is required to make any disclosure, or if the Chair of the Board is unable to carry out his/her duties or if the post of Chair is vacant, such disclosure shall be made to the Vice-Chair of the Board.
18. The Board shall strive to address and resolve any potential conflicts of interest swiftly and effectively in order to ensure the integrity and credibility of the Board and its work. If the Board is required to decide on such matters, the decision shall be treated as a procedural matter in accordance with the Rules of Procedure of the Board.
19. If, in the view of the Chair of the Board (or Vice-Chair of the Board, as appropriate), a potential conflict of interest is not or cannot be swiftly and effectively resolved by the Board, the matter shall be referred to the Chair of the Conference so that it can be effectively addressed.

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