



THIRD-STATE COUNTERMEASURES IN THE RUSSIAN FEDERATION'S WAR OF AGGRESSION: EVOLUTIONS IN PLACE TO ENSURE REPARATION IN THE INTEREST OF UKRAINE

This paper deals with the matter of third-party (counter)measures in the context of war reparations, with specific reference to the Russian Federation's ongoing war of aggression against Ukraine. The research underlines different positions of States in relation to whether international law provides the authority of third States to confiscate Russian sovereign assets in their respective jurisdictions in order to help enforcing the obligation of the Russian Federation to compensate Ukraine. The main research question asks whether confiscation measures to compel war reparations are internationally wrongful acts or lawful countermeasures. The findings highlight that the regulatory framework on «countermeasures of general interest» is still today subject to, on one hand, an approach of «progressive development» of customary law; and, on the other hand, to lack of precise definition of the content of «lawful measures» which might be adopted in general in response to any violation of *erga omnes* obligations as well as of the «further consequences» of a serious breach of a peremptory norm of international law, such as the prohibition of aggression. This paper argues that confiscation countermeasures to compel war reparations do not seem to be precluded within a perspective of progressive development of international law, at least, within certain limits and conditions. The analysis also addresses the latest developments promoted by the EU and by the G7 Summit, 13-15 June 2024. New loans in favor of Ukraine have been launched, that will be serviced and repaid by future flows of extraordinary revenues stemming from the immobilization of Russian sovereign assets held in the EU and other relevant jurisdictions. This paper discusses this choice, alternative to the adoption of classical confiscation measures, arguing that it might reveal the feasibility of a new pragmatic approach aimed to frame a category of proportionate and reversible set of countermeasures for the grave breach of the peremptory norm on the prohibition of aggression.