



Adapting the Experience of Bosnia and Herzegovina, Croatia, and Kuwait to the Expert Calculation of Reparations for Ukraine

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ABSTRACT: This study analyzes international approaches to determining, assessing, and recovering reparations using the examples of Bosnia and Herzegovina, Croatia, and Kuwait, and possibilities for adapting this experience to expert calculation of reparations for Ukraine's war damages. The aim is to compare evidence collection mechanisms and assessment of material and non-material damages and to substantiate adaptation possibilities for Ukraine's claim system. Comparative legal and statistical methods were applied. The results demonstrate the effectiveness of the centralized United Nations mechanism in Kuwait and the potential of its elements for improving the Ukrainian system through standardized evidence, digital coordination, and reduced processing times.

KEYWORDS: international compensation mechanisms, damage assessment, evidentiary standards, post-conflict recovery, digital claims registry, expert assessment, comparative legal analysis, damage compensation methodology

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Introduction

Russia's armed aggression against Ukraine underscores the need to develop a unified system for assessing and compensating the damages inflicted, encompassing both material and non-material

losses. In this context, the analysis of international experience in determining and implementing reparations takes on particular significance, including the practices of Bosnia and Herzegovina, Croatia, and Kuwait, which reflect different institutional and methodological approaches to organizing evidence collection, expert assessment, and compensation procedures, and which have already been the subject of research within the framework of international law on post-conflict recovery and the practice of the United Nations Compensation Commission.

The research problem lies in the absence of a unified methodology for calculating damages in Ukraine under conditions of the simultaneous operation of international initiatives and national mechanisms for documenting harm, which complicates the standardization of approaches to assessing reparation claims (Council of Europe, n.d.; World Bank Group, 2025).

Prior studies indicate that the individualized judicial models characteristic of Bosnia and Herzegovina and Croatia ensure detailed determination of material and non-material harm on the basis of expert conclusions, yet have limited scalability in mass post-conflict situations (International Criminal Tribunal for the Former Yugoslavia, n.d.).

By contrast, the Kuwaiti model of the United Nations Compensation Commission demonstrates the effectiveness of centralized processing of mass claims through unified damage categories and standardized evidentiary procedures, which made it possible to process millions of claims within a single institutional system (United Nations Compensation Commission, 2022; United Nations Compensation Commission, 2023).

Thus, there is both a scholarly and practical need for a comparative synthesis of these approaches in order to determine their potential for shaping a modern Ukrainian model of expert calculation of reparations, which accounts for the relevance and scholarly interest of this study.

Research Aim and Research Questions

The aim of the study is to analyze international experience in the determination, assessment, and recovery of reparations using the examples of Bosnia and Herzegovina, Croatia, and Kuwait, and to substantiate the possibilities for its adaptation in order to improve the methodology for expert calculation of reparations for damages inflicted on Ukraine as a result of Russia's armed aggression.

Research objectives:

1. Analysis of the legal and methodological approaches to damage assessment and the determination of reparations applied in Bosnia and Herzegovina, Croatia, and Kuwait following armed conflicts and internationally wrongful acts.
2. Comparative analysis of the mechanisms for evidence collection, expert assessment of material and non-material damages, and compensation procedures in the countries under consideration, as well as current practice in documenting damages in Ukraine.
3. Substantiation of recommendations for adapting the most effective elements of international experience to form a comprehensive system for the expert calculation and verification of Ukraine's reparation claims.

Research Methodology

The methodological basis of the study comprises comparative legal, systemic, and structural-functional approaches, as well as the methods of analysis, synthesis, generalization, content analysis, and descriptive statistics. The source base consists of decisions and reports of the United Nations Compensation Commission (1991 to 2022), documents of the Register of Damage for Ukraine (2024 to 2025), materials of the Council of Europe concerning the international compensation mechanism for Ukraine (2023 to 2025), reports of the World Bank, the United Nations, the European Commission, and the Government of Ukraine RDNA3 (2024) and RDNA4 (2025), as well as scholarly publications from 2020 to 2025. The temporal scope of the study covers the period from the establishment of the United Nations Compensation Commission in 1991 to 2025. Kuwait, Bosnia and Herzegovina, and Croatia were selected for comparative analysis based on the criteria of having established compensation mechanisms, documented practice in assessing material and non-material damages, and the relevance of their experience to Ukraine. Kuwait represents a centralized international model of reparations, Bosnia represents a judicial-individualized model, and Croatia represents a mixed model of compensation, allowing for a comparison of the principal approaches to damage compensation. Other post-conflict jurisdictions were not included due to the lower comparability of their mechanisms with Ukraine's current needs. Descriptive statistics are used to summarize official data on compensation mechanisms but do not allow for establishing causal relationships between legal instruments and the effectiveness of their application, which constitutes the main limitation of the study.

Research Results

In Kuwait, the United Nations Compensation Commission processed 2.69 million claims with a total claimed amount of 352.5 billion US dollars, of which compensation was awarded for 1.5 million claims totaling 52.4 billion US dollars. Thus, approximately 56 percent of the submitted claims were satisfied, while the volume of awarded compensation amounted to approximately 15 percent of the total claimed amount (United Nations Compensation Commission, 2022; United Nations Compensation Commission, 2023).

In Bosnia and Herzegovina and Croatia, a judicial-individualized model for determining reparations is applied, under which the amount of material and non-material harm is established by the court separately in each case based on an assessment of the totality of evidence. Such evidence includes court decisions, expert conclusions regarding the value of destroyed or damaged property, documents from state authorities, medical records, and the testimony of victims and witnesses. The individualized nature of judicial proceedings ensures that the specific circumstances of the harm caused and its consequences for each person are taken into account; however, it simultaneously complicates the standardization of damage assessment procedures and prolongs the process of obtaining compensation (TRIAL International, 2015).

In Ukraine, as of May 2025, 30,000 claims have been submitted to the Register of Damage, with 10 categories of claims opened, while the total number of compensation categories exceeds 40,

indicating the gradual expansion of the compensation mechanism (Register of Damage for Ukraine, n.d.; Ministry of Justice of Ukraine, n.d.).

The practice of post-conflict states demonstrates that the effectiveness of damage compensation mechanisms largely depends on the quality of evidence collection, the approaches applied to damage assessment, and the institutional support of these processes. A summary of the corresponding tools used in international practice is presented in Table 1.

Table 1

Mechanisms for Evidence Collection and Damage Assessment

Country	Main Sources of Evidence	Damage Assessment Method	Compensation Mechanism
Kuwait	Claims submitted by individuals, companies, and states	Expert analysis by damage category	United Nations Compensation Commission
Bosnia and Herzegovina	Court records, testimony, expert examinations	Individualized expert assessment	National and international courts
Croatia	Damage assessment reports, judicial evidence	Expert assessment of property damage	Judicial and state mechanisms
Ukraine	Digital claims, documents, photo and video evidence, state registers	Documentation through the Register of Damage and expert calculations	Register of Damage and future Compensation Commission

Source: compiled by the author based on United Nations Compensation Commission (2022, 2023), Council of Europe (n.d.), Register of Damage for Ukraine (n.d.), Ministry of Justice of Ukraine (n.d.), World Bank Group (2025).

As shown in Table 1, international experience demonstrates an evolution in approaches to documenting and assessing damages, from traditional procedures based on paper evidence and judicial expert examinations to digital systems for collecting and verifying information. While in Bosnia and Herzegovina and Croatia judicial procedures and individualized expert assessment of each case play the key role, and the Kuwaiti model was based on the centralized review of claims by a specially established international commission, the Ukrainian approach combines modern digital tools for documenting harm with the development of an international compensation mechanism. This transformation reflects a gradual shift from predominantly reactive compensation models toward the systematic accumulation of an evidentiary base, which enables comprehensive accounting of damages and creates the preconditions for their subsequent compensation under international law.

The comparison of the practical operation of international and national compensation models should be supplemented by an analysis of their quantitative results (Table 2), which makes it possible to assess the scale of the claims considered, the volume of compensation paid, and the effectiveness of the implementation of the relevant mechanisms across different countries.

Table 2

Quantitative Indicators of Compensation Mechanisms

Indicator	Kuwait	Ukraine
Number of claims submitted, units	2.69 million	30,000
Number of claim categories, units	6	over 40
Amount of claims submitted, billion US dollars	352.5	being formed
Amount of compensation awarded, billion US dollars	52.4	no payments made

Source: compiled by the author based on United Nations Compensation Commission (2022, 2023), Register of Damage for Ukraine (n.d.), Ministry of Justice of Ukraine (n.d.), and World Bank Group (2025).

As the data in Table 2 indicate, substantial differences exist between Kuwait's international experience and the current Ukrainian approach, both in the scale of implementation of compensation mechanisms and in the stage of their development. The Kuwaiti model is characterized by a completed cycle of claim review, within which millions of claims were processed and multibillion-dollar compensation payments were made according to clearly defined claim categories. By contrast, the Ukrainian system is at the stage of accumulating an evidentiary base and developing an international compensation mechanism, which explains the absence of actual payments at the present stage. At the same time, the considerably broader range of claim categories indicates an effort to ensure comprehensive coverage of the various types of harm caused by armed aggression, which may provide a foundation for a more detailed and equitable system of future reparations.

The practical adaptation of international experience involves the use of centralized coordination and standardized claim classification based on the Kuwaiti model, judicial-expert individualized assessment of complex cases based on the model of Bosnia and Herzegovina and Croatia, and the digital integration of registers and automated verification of evidence based on the current Ukrainian model. Combining these elements may increase the effectiveness of the future system for recovering reparations for damages inflicted on Ukraine.

Thus, the scholarly contribution of the study lies in systematizing international experience in the determination, assessment, and recovery of reparations using the examples of Bosnia and Herzegovina, Croatia, and Kuwait, conducting a comparative analysis of the mechanisms for evidence collection, expert assessment of material and non-material damages, and compensation procedures, and providing scholarly substantiation of the possibilities for adapting the most effective elements of these models to Ukrainian practice. The proposed comprehensive approach combines centralized coordination of compensation processes, standardized classification of damages, judicial-expert assessment of complex cases, and digital mechanisms for documenting evidence, which creates a methodological foundation for improving the system of expert calculation and verification of Ukraine's reparation claims for damages caused by Russia's armed aggression.

Conclusions

The comparative analysis demonstrated that the centralized international model of Kuwait is the most suitable for the mass processing of claims, as it ensures the standardization of procedures and a high throughput of claim processing. The judicial-expert model of Bosnia and Herzegovina and Croatia is appropriate for the individualized determination of complex material and non-material damages, while the Ukrainian digital registry system creates a foundation for the rapid accumulation and verification of evidence. Combining centralized coordination, digital documentation, and expert assessment may constitute the optimal model for developing an international mechanism for the recovery of reparations for damages inflicted on Ukraine as a result of Russia's armed aggression.

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