EXPLANATORY MEMORANDUM TO

THE INTERNATIONAL CLAIMS COMMISSION FOR UKRAINE (IMMUNITIES AND PRIVILEGES) ORDER 2026

2026 No. [XXXX]

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Foreign, Commonwealth and Development Office and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Chris Elmore MP, Parliamentary Under-Secretary of State (Multilateral, Human Rights, Latin America, Caribbean) at the Foreign Commonwealth and Development Office confirms that this Explanatory Memorandum meets the required standard.

2.2 Sarah Broughton, Deputy Chief of Protocol (SCS1) in the Office of Protocol, at the Foreign Commonwealth and Development Office confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Tom Franey at the Foreign Commonwealth and Development Office can be contacted by email at the following address with any queries regarding the instrument: Protocol.DMIOUIntOrgs@fcdo.gov.uk.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The Order confers on the International Claims Commission for Ukraine ("the Commission") the legal capacities of a body corporate. It gives effect in UK law to the privileges and immunities (P&Is) required by the Convention establishing an International Claims Commission for Ukraine, done at The Hague on 16 December 2025 ("the Convention"). It grants immunity and other protections to the Commission, its property, assets, archives and premises. It also confers specified P&I on the Commission's officials and experts, and on representatives of Members in the organs of the Commission. The Order provides that immunity does not apply to road traffic offences or specified third-party civil claims arising from motor vehicle accidents.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument is the United Kingdom.

4.3 The territorial application of this instrument is the United Kingdom. In Scotland, articles 5 to 15 do not apply in so far as they would, if included in an Act of the Scottish Parliament, be within the legislative competence of that Parliament.

5. Policy Context

What is being done and why?

5.1 The Convention requires the UK to confer specified privileges and immunities on the Commission and on persons connected with its work, to enable them to carry out their

functions independently and effectively. The Order gives effect to those requirements in domestic law on the basis of functional need. The Commission is not expected to establish an office or employ staff in the United Kingdom, and any presence in the United Kingdom of persons connected with its work is expected to be limited. The Order also provides that immunity does not apply to road traffic offences or to specified third-party civil claims arising from motor vehicle accidents.

5.2 The UK remains committed to securing a just and lasting peace for Ukraine, and accountability must form part of any durable settlement. We are working with partners to ensure those responsible for Russia's aggression and the damage it has caused are held to account. The Claims Commission is a critical step towards making that principle a reality. The Commission will provide an internationally recognised mechanism to assess claims for damage caused by Russia's aggression and determine compensation awards.

What was the previous policy, how is this different?

5.3 There was no previous UK legislation concerning the Commission, which is an established international organisation. The Order follows the United Kingdom's established policy of conferring only those privileges and immunities required to enable an international organisation and persons connected with it to perform their official functions.

6. Legislative and Legal Context

How has the law changed?

6.1 This Order confers on the Commission the legal capacities of a body corporate and grants the privileges, immunities, reliefs and exemptions required by the Convention to the Commission and specified categories of persons connected with it. It also makes provision for waiver and for exceptions relating to road traffic offences and motor vehicle claims.

Why was this approach taken to change the law?

6.2 An Order in Council under section 1 of the International Organisations Act 1968 is required to confer legal capacity on the Commission and to give domestic legal effect to the privileges and immunities provided for by the Convention, enabling the United Kingdom to comply with its obligations when the Convention enters into force for the United Kingdom.

7. Consultation

Summary of consultation outcome and methodology

7.1 No public consultation was undertaken. The Order gives effect in domestic law to provisions of an international agreement with which the United Kingdom will be required to comply when the Convention enters into force for the United Kingdom.

7.2 The Foreign, Commonwealth and Development Office has consulted relevant Government Departments and the Devolved Administrations during the development of the Convention and the implementing legislation. The Scottish Government is taking forward complementary provision in relation to matters within devolved competence.

8. Applicable Guidance

8.1 No guidance will be published.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because there is no, or no significant, impact on the public sector, business, charities or voluntary bodies.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies. There are no plans for the Commission to establish an office or employ staff in the UK. Any presence is expected to be limited to staff visiting for official purposes.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector. There are no plans for the Commission to establish an office or employ staff in the UK. Any presence is expected to be limited to staff visiting for official purposes.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The instrument is not time limited and there is no requirement to monitor its implementation formally. Officials at the Foreign, Commonwealth and Development Office will monitor implementation of the Convention on an ongoing and informal basis.

10.2 The instrument does not include a statutory review clause.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 Chris Elmore MP, The Parliamentary Under-Secretary of State (Multilateral, Human Rights, Latin America, Caribbean) has made the following statement regarding Human Rights: "In my view the provisions of The International Claims Commission for Ukraine (Immunities and Privileges) Order 2026 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").