

Strategies and Plans for De-occupying Crimea: Maritime Policy's Legal Aspects

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ABSTRACT

This article researches the issues involved in the current and evolving situation in Crimea that affect the maritime economy, ecology, security and safety, including the international maritime legal issues arising from the organisational and legal mechanisms drafted, adopted and realised by Ukrainian authorities regarding the de-occupation and reintegration of the Autonomous Republic of Crimea and city of Sevastopol (hereinafter "Crimea") over the last decade. The authors determine the vectors and mechanisms of relevant regulation, including the military, safety, economic and humanitarian frameworks for the Black Sea and Sea of Azov. They identify their correspondence with relevant international legal standards and proceedings, including the demands of the UN Convention of the Law of the Sea and pending arbitrary cases, along with other pieces of Ukrainian legislation and relevant judicial practices. The authors prove, with examples derived from the Association for the Reintegration of Crimea and the Ukrainian Independent Maritime Trade Union, that civil society activities regarding those issues concentrate on aspects of informing international bodies on the current situation; they also identify the challenges, connected to Russia's maritime aggression, of creating systematic proposals to the governing bodies, and of participating in academic activities and judicial procedures.

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Introduction

Resolution 76/70, adopted by the UN General Assembly on 9 December 2021 and entitled "Problem of the militarisation of the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, as well as parts of the Black Sea and the Sea of Azov," noted the fact that security concerns related to the unprovoked build-up of forces in and around Ukraine and the holding of Russian military exercises in the Black Sea and Sea of Azov regions, accompanied by closures and restrictions of the lawful exercise of navigational rights and freedoms, further destabilised the economy and social services in the coastal regions of Ukraine in particular. Similar concerns were raised in the UN General Assembly's previous resolutions 73/194 of 17 December 2018, 74/17 of 9 December 2019 and 75/29 of 7 December 2020.

International legal reactions to Russia's brutal violations were quite limited: Resolution 76/70 recalls the order of the International Tribunal for the Law of the Sea of 25 May 2019 on provisional measures in the Case concerning the detention of three Ukrainian naval vessels (Ukraine v Russian) and Procedural Order No. 1 of the Arbitral Tribunal Constituted under Annex VII to the 1982 UN Convention on the Law of the Sea between Ukraine and Russia in respect of a Dispute concerning the Detention of Ukrainian Naval Vessels and Servicemen of 22 November 2019. However, this dispute was still pending when Russian aggression against Ukraine escalated to open war in February 2022

and triggered Russia's total occupation of the Sea of Azov and general naval warfare in the Black Sea (Kormych & Malyarenko, 2023; Blank, 2024).

As Russia used the occupied Crimean Peninsula, the Autonomous Republic of Crimea and the city of Sevastopol (hereinafter "Crimea") as a springboard for maritime aggression against Ukraine (Kollakowski, 2023; Vorotnyuk, 2024), the reaction of Ukrainian authorities on a national level must be analysed. This includes assessing the framework of organisational and legal mechanisms drafted, adopted and realised by Ukrainian authorities on the issues of de-occupying and reintegrating Crimea in the decade before 2022 (Aydin, 2024; Sviezhentsev & Kisly, 2023).

Methodology

Methodologically, this article will explore the legal aspects of the Ukrainian strategies and plans devoted to de-occupying and reintegrating Crimea and their realisation, including their effects on the maritime economy, ecology, security and safety, and also including the international maritime legal issues that arise therefrom. The article researches and reveals the relevant legal implications of such strategies and plans and the mechanisms of their implementation.

The article goes on to compare the options available to the national Ukrainian authorities to modify relevant legislation, to intensify the mechanisms of their implementation and to enact control over their realisation. It will argue that those strategies and plans have common features that are not in full compliance with program management standards, and that some of their revisions failed to demonstrate their full potential to answer the relevant challenges of Russia's maritime aggression.

It foresees a duty to analyse the relevant impact of those strategies and plans for de-occupying and reintegrating Crimea (in their maritime aspect) on the current norms of humanitarian, criminal, maritime, ecological and human rights law as they apply to the reality faced by Ukraine in the Black Sea and the Sea of Azov.

This article must therefore describe the relevant evolution of those strategies and plans and make proposals and prognoses for their subsequent amendments, using comparative, formal legal, statistical and historical methods. The article also considers civil society's activities on those issues, including an evaluation of the relevant program documents and cooperation with relevant international structures.

1. Development of Ukraine's Official Crimea-Related Plans and Maritime Issues

In the first few years following the illegal occupation of Crimea, the reaction of Ukrainian authorities in the area, in terms of planning relevant counteractions, was relatively limited.

On May 18, 2015, the Committee of the Verkhovna Rada of Ukraine (hereinafter "the VRU") on State Construction, Regional Policy and Local Self-Government held hearings regarding issues affecting the temporarily occupied territory of Crimea. Its Recommendation, approved by the Committee on June 3, 2015, did not mention the maritime aspects of the occupation, but demanded that Parliament develop a strategy for Crimea's reintegration.

On September 22, 2016, the VRU adopted the Recommendations (hereinafter "the 2016 Recommendations") of the hearings on the strategy for reintegrating the temporarily occupied territory of Crimea into Ukraine in Resolution No. 1602-VIII.

The 2016 Recommendations stated that after the occupation of Crimea and "the illegal nationalisation of the National Joint Stock Company 'Chornomornaftogaz' in March 2014," the Ministry of Justice of Ukraine filed a lawsuit against Russia in the European Court of Human Rights regarding the recognition of the illegal occupation of the Crimean peninsula,

and compensation for damages caused by it, including as a result of the loss of “NJSC Chornomornaftogaz.”

This case was submitted to the European Court of Human Rights (hereinafter “ECHR”) and later amended. Of course, the issues surrounding “NJSC Chornomornaftogaz” were not its main focus, but rather the fundamental human rights issues.

Later, the ECHR, sitting on 16 December, 2020, as a Grand Chamber, declared admissible, without prejudging the merits, the applicant Government’s complaints regarding the period under consideration concerning the alleged existence of an administrative practice of expropriation of property from civilians and private enterprises without compensation, in violation of Article 1 of Protocol No. 1 to the Convention, 1950. However, it also found that the issue of state property may demand other interstate forms of defence.

The 2016 Recommendations also stated that “the Ministry of Foreign Affairs of Ukraine, together with the Ministry of Justice of Ukraine, on behalf of the state of Ukraine, is preparing a lawsuit against Russia for violation of international law against Ukraine within the framework of the UN Convention on the Law of the Sea,” and that “this lawsuit will concern exclusively the assets of Ukrainian enterprises located on the shelf of the Black Sea and in the waters of the Sea of Azov, including licensed areas and mineral deposits”.

Consequently, on 16 September, 2016, Ukraine served Russia with a Notification and Statement of Claim under Annex VII to the 1982 UN Convention on the Law of the Sea (hereinafter “UNCLOS”) referring to a dispute concerning coastal state rights in the Black Sea, Sea of Azov and Kerch Strait; the Permanent Court of Arbitration is to act as the Registry in this arbitration. The Ministry of Justice of Ukraine did not participate in this case (number 2017-06); instead, the Ministry of Foreign Affairs of Ukraine was responsible for preparing the suit.

On 22 December, 2016, the arbitral tribunal was constituted to consider the claim made by Ukraine against Russia under the UNCLOS, 1982; on 21 February, 2020, this arbitral tribunal accepted the preliminary objections of Russia and upheld Russia’s objection that the arbitral tribunal had no jurisdiction over Ukraine’s claims, “to the extent that a ruling of the tribunal on the merits of Ukraine’s claims necessarily requires it to decide, directly or implicitly, on the sovereignty of either Party over Crimea”.

In its ruling, the arbitral tribunal also found that Russia’s objection that it had no jurisdiction over Ukraine’s claims concerning activities in the Sea of Azov and in the Kerch Strait did not possess an exclusively preliminary character, and accordingly decided to reserve this matter for consideration and decision in the proceedings on the merits, rejecting the other objections of Russia to its jurisdiction (Permanent Court of Arbitration, 2016a; 2020). This case remains pending.

The 2016 Recommendations also indicated violations in areas of cultural values and ecology in Crimea, including such maritime-related areas as Kazantip Nature Reserve, Opuk Nature Reserve and “Charivna Gavan” National Nature Park. However, it did not establish clear mechanisms for appropriate counteraction on national or international levels and did not specify relevant maritime values and ecosystems.

Regarding naval and maritime security issues, the 2016 Recommendations pointed to the National Security Strategy of Ukraine, which highlighted Russia’s temporary occupation of the Crimea and “further actions to destabilise the situation in the Baltic-Black Sea-Caspian region.” The 2016 Recommendations stressed that “a powerful Russian military presence, including the basing of the Black Sea Fleet of the Russian Federation [and] the militarisation of the Crimean Peninsula to ensure Russia’s strategic advantage in the Black Sea region” makes Crimea’s reintegration difficult.

The 2016 Recommendations observed that “to date, neither the military-industrial complex and the Armed Forces of Ukraine in general, nor the Naval Forces of Ukraine and the intelligence agencies of Ukraine in particular, have been put in a state that would allow [them] not only to effectively deter, but also to curtail Russian aggression with the complete elimination of incoming threats from the temporarily occupied territory of the Crimean peninsula, ensuring the safety of existing maritime trade routes in the Black and Azov seas [and] the availability of Ukraine’s use of the resources of the Black and Azov seas, including on the sea shelf of Ukraine”.

The 2016 Recommendations were not implemented in Ukrainian legislation. The next program document regarding the de-occupation of Crimea was the Plan of Measures Aimed at the Implementation of Some Principles of State Internal Policy Regarding the Temporarily Occupied Territory of the Crimea (hereinafter “the Plan of Measures”), adopted by prescript of the Cabinet of Ministers of Ukraine (hereinafter “CMU”) No. 218-p, dated March 28, 2018.

The Plan of Measures was a short document that did not mention maritime issues. It was drafted by Ukraine’s Ministry of Temporarily Occupied Territories and Internally Displaced Persons, ensuring the relevance of its content. The humanitarian mechanisms of the Plan of Measures regarding the “rights of citizens of Ukraine from the temporarily occupied territory” in terms of banking, access to education, access to administrative services, and access to documents that confirm citizenship or that certify a person or their special status, were hypothetically useful for seafarers and cadets residing in Crimea and involved in the global maritime trade market.

The Plan of Measures also stressed the need to ensure “compliance by foreign individuals and legal entities with the legislation of Ukraine and the norms of international law regarding the temporarily occupied territory” and to oppose unauthorised archaeological excavations; these might have maritime applications (Omelchenko, 2023). However, this document was cancelled in 2021 and we did were unable to find any publicly accessible reports from the CMU or a relevant Ministry about its execution.

In contrast, the Plan of Urgent Measures to Counter Russian Aggression from the Temporarily Occupied Territory of Ukraine in Crimea, to Protect the Interests of the State, Citizens of Ukraine and Ukrainian Legal Entities in Crimea for 2018-2019, approved by Prescript No. 17 of the Permanent Representative of the President of Ukraine in the AR of Crimea on June 20, 2018 (hereinafter “the 2018 Plan”), contained tasks and activities relating to maritime issues.

Task 1.4 of the 2018 Plan established the duty of interdepartmental meetings and working groups to engage with the aforementioned case 2017-06, including by means of interdepartmental cooperation and collection of evidence. The dispute concerning coastal state rights before the arbitral tribunal mentioned in Task 1.6 of the 2018 Plan referred to the submission of claims to international arbitration as being within the scope of protection of investments made in Crimea before its occupation, and raised the prospect of seminars for interested legal entities.

One such framework case, “NJSC Naftogaz of Ukraine (Ukraine) et al. v The Russian Federation,” was raised in 2017 under the UNCITRAL Arbitration Rules 1976 pursuant to the Agreement between the Government of Russia and the CMU on the Encouragement and Mutual Protection of Investments, dated 27 November 1998; in this case, “NJSC Chornomornaftogaz” was one of applicants. In its Final Award signed on April 12, 2023, the arbitral tribunal established that Russia had to pay compensation to the claimants in the amount of USD 4,222,875,858.81 plus interest on this amount and USD 23,889,036.26 and EUR 882,435.90 in reimbursement of the costs of arbitration.

The 2018 Plan raised certain tasks connected with maritime issues. Task 6.3 regulated deployment activities at the base of the Marine Guard of the Board Guard Service of Ukraine in the port of Henichesk on the coast of the Sea of Azov; and Task 6.5 identified a duty to establish practical provision of special regimes in water areas close to the demarcation line with Crimea, including Sivash Bay and Kalamita Bay.

Task 7.2 of the 2018 Plan established measures to ensure the “impossibility of hydrocarbon extraction by enterprises controlled by the occupiers in water areas” adjacent to Crimea, while Task 7.6 regulated issues of countermeasures against illegal restrictions on fishing in sea areas adjacent to Crimea by the occupation authorities.

Task 8.2 described the steps needed for implementing the effective complex legal prosecution of structures involved in illegal sea transportation from/to Crimea, including bringing to justice the intermediaries present in Ukraine; in its partner states providing services to the ship owners such as provision of a convenient flag, insurance, vessel manning and classification inspections; the criminal and administrative prosecution of natural persons found to be involved in illegal maritime transportation; and the civil prosecution of ship owners.

Task 8.3 concentrated on aspects of countermeasures against illegal restrictions on freedom of navigation in maritime areas adjacent to Crimea by the occupation “authorities,” including accounting for damage caused by such restrictions on freedom of navigation in the Kerch Strait and the illegal collection of tolls for passage through the strait, and the avoidance of risks associated with the payment of relevant funds by vessels flying the flag of Ukraine and/or those that are in state ownership.

Regarding ecological aspects, Task 11.2 of the 2018 Plan must be mentioned as it describes the comprehensive monitoring of environmental risks associated with illegal extraction of hydrocarbons and sand on the Black Sea shelf by occupier-controlled structures. Task 11.1 describes the monitoring of environmental risks to adjacent water areas resulting from the activities of enterprises of Crimea’s chemical industry.

Among all the Ukrainian strategic and planning documents, only the 2018 Plan discusses fishery issues, as in that area, despite the illegal occupation of Crimea, the Agreement on Fisheries in the Sea of Azov was concluded between Russia’s state fisheries committee and Ukraine’s state committee on fisheries and the fishing industry on 14 September, 1993, and supposedly remained in force until the autumn of 2022.

In case 420/8381/20 in 2023, the Odesa administrative courts established that Ukraine’s State Agency of Fisheries engaged in illegal inactivity as it did not initiate termination of the 1993 Agreement when the illegal occupation of Crimea began (Fifth Appellate Administrative Court, 2023).

Only the 2018 Plan stressed, in Task 4.6, the regime’s duty of legal settlement regarding (a) property created or formed by the occupying power, and (b) structures controlled by the occupying power in Crimea, which of course affects the peninsula’s current maritime infrastructure. Later, the issues involved in realising the 2018 Plan were the subject of case 420/3863/20 in Odesa’s Fifth Appellate Administrative Court. In the Judgment adopted on May 12, 2021, the court recognised that the 2018 Plan contained demands that it was obligatory for relevant state bodies to execute.

2. Modern Context for the Maritime Issues in Ukraine’s Crimea-Related Strategy

After Ukraine’s 2019 presidential and parliamentary elections, new state authorities had different visions of the reaction to the illegal attempted annexation of Crimea. The consensus position was crystallised in the Strategy for the De-occupation and Reintegration of the Temporarily Occupied Territory of Crimea, adopted by a decision of the Council of National

Security and Defence of Ukraine and approved by the Decree of the President of Ukraine dated March 24, 2021, No. 117/2021 (hereinafter “the 2021 Strategy”).

The 2021 Strategy declared in Point 13 that it was necessary to transform the Black Sea region into peace and security zone; in Point 16, it affirmed its position on preventing the Crimea-related sanctions from weakening; in Point 42 it identified ways of confirming the losses resulting from illegal activities in the Azov and Black Sea water areas; in Point 43 it announced counteractions to Russia’s geological intelligence-gathering on the continental shelf of Ukraine adjacent to Crimea; in Point 62, it described measures to continue monitoring the marine environment and natural resources of relevant territorial waters and Ukraine’s maritime economic zone; and in Point 65 it discussed relevant interstate projects and programmes, and inspection activities, including those related to the conservation of the environment of the Black and Azov Seas, and the destruction of chemical and other weapons in the Black Sea.

Point 87 of the 2021 Strategy stated that Ukraine uses the possibilities of international cooperation and international judicial instruments in order to minimise the negative impact of Russia’s militarisation of Crimea on freedom of navigation in the waters of the Black and Azov Seas. The 2021 Strategy also discusses an “active lawsuit against the aggressor” (Point 44), “preservation of cultural heritage” (Points 54 and 60), and other common aspects relevant *inter alia* to maritime relations.

The 2021 Strategy was reflected in the Plan of Measures for the Realisation of the Strategy for the De-occupation and Reintegration of Crimea, adopted by the CMU’s prescript dated September 29, 2021, No. 1171 (hereinafter “the 2021 Plan”). A new version of this Plan was adopted by CMU’s prescript dated April 4, 2023, No. 288 (hereinafter “the 2023 Plan”). The 2023 Plan is the *de jure* amended 2021 Plan, but it is *de facto* a new version of the document, in the situation in which the 2021 Strategy was not amended until at least January, 2024, even after Russia’s wider aggression and open naval conflict against Ukraine began.

Both the 2023 and 2021 Plans share a common structure. Issuers of maritime relations are reflected in their chapters “Legal Protection of Ukrainian Citizens and Legal Entities,” “Economic Policy,” “Environmental Policy,” “International Cooperation” and “Defensive and Security Policy”. Some tasks undertaken by both the 2023 and 2021 Plans relating to maritime issues are quite similar; for example, Task 103 of the 2021 Plan and Task 77 of the 2023 Plan foresee Ukraine’s initiation of interstate projects and programmes with other states in the Black Sea region, which would include a joint inspection of the pollution of the Black Sea as a result of the aggressor’s military activities and its large construction and infrastructure projects in Crimea.

Task 133 of the 2021 Plan and Task 102 of the 2023 Plan foresee launching and holding an Annual Forum on the Security of the Azov-Black Sea and Mediterranean Regions as the main event of the Crimea Platform (the international consultation and coordination format initiated by Ukraine in 2021). It should focus on the security aspects, including discussing protection of freedom of navigation. Indeed, the First Black Sea Security Conference, an event organised by the International Crimea Platform, was held in Bucharest on April 13, 2023 (Danube Commission, 2023).

Moreover, Task 147 of the 2021 Plan and Task 115 of the 2023 Plan establish a duty to develop and execute strategic documents in the field of maritime safety, but (for uncertain reasons) only after the de-occupation of Crimea.

Both Task 140 of the 2021 Plan and Task 109 of the 2023 Plan establish certain mini-programmes on maritime issues that include:

- maximal usage of UN and OSCE negotiation sites to inform the international community about the threats associated with the militarisation of Crimea and adjacent marine territories;

- ensuring regular international monitoring of freedom of navigation and information exchange;
- usage of international organisations to observe and record the facts of Russia's illegal activity, which poses a threat to the security of navigation in maritime areas adjacent to Crimea;
- working with partners to expand NATO military presence in the Black Sea and the development of interactions between NATO – Ukraine – Georgia;
- the initiation of annual resolutions of the UN General Assembly regarding the "Problem of the militarisation of the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, as well as parts of the Black Sea and the Sea of Azov".

Speaking frankly, some of the provisions included in these tasks appear extremely optimistic, especially regarding cooperation with Georgia; additionally, the mechanisms of the UN General Assembly and its committees have specific requirements regarding annual procedures and resolutions. Moreover, the 77th annual session of UN General Assembly did not adopt the new annual resolution, as had happened from 2018 until 2021 with resolutions 73/194, 74/17, 75/29 and 76/70, and there is no information about the status of the same resolution at the 78th annual session of UN General Assembly (General Assembly, n.d.). Meanwhile, annual UN General Assembly resolutions on the "Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine" were adopted at both the 77th and 78th annual sessions of the UN General Assembly.

Both Task 20 of the 2021 Plan and Task 16 of the 2023 Plan reiterate the importance of implementing case support in the abovementioned arbitration tribunals for case number 2017-06 and another case concerning the detention of three Ukrainian naval vessels. Task 55 of the 2021 Plan and Task 42 of the 2023 Plan refer to the interstate cases before the ECHR. Counteracting the illegal geological prospecting and mineral extraction on the part of Ukraine's continental shelf adjacent to Crimea were mentioned in Tasks 52, 53 and 54 of the 2021 Plan and Task 41 of the 2023 Plan, which discussed strengthening responsibility and methods for determining the amount of compensation required for damages.

Both versions of the Plan describe geo-information systems for monitoring and forecasting environmental problems, as well as the national space surveillance system and the receipt of data from foreign space systems (Task 99 of the 2021 Plan and Tasks 74 and 75 of the 2023 Plan). Sanctions enforcement, synchronisation and monitoring of their compliance and effectiveness are established in Tasks 28, 29 and 50 of the 2021 Plan and in tasks 39 and 40 of the 2023 Plan. Both versions discuss restoration of sea passenger transport after Crimea's de-occupation.

The versions of the Plans differ on some maritime related issues. For example, the 2023 Plan established in Task 119 the need to open temporarily closed checkpoints (primarily maritime ones) across the state border within six months of the de-occupation of Crimea, while Task 120 establishes the same period for deploying Ukraine's Marine Guard units in Crimea.

The 2021 Plan, meanwhile, established some tasks, such as 34 and 96, that might be useful for Ukrainian seafarers residing in Crimea, including addressing issues of digital services and electronic trust services in the entry checkpoints for Crimean residents.

The VRU's Statement on the Priority Areas of State Policy of Ukraine in the Field of De-occupation, Reintegration and Restoration of Crimea, adopted by the VRU's resolution dated August 23, 2023, No. 3333-IX (hereinafter "the 2023 Statement") may be viewed as a strategic document addressing some maritime issues.

The 2023 Statement stresses that Russia's Black Sea Fleet cannot retain a presence in Crimea in light of the need to ensure national, regional and global security; and that after restoring

control over the Crimean Peninsula, the Armed Forces of Ukraine and other units of security and defence forces will deploy and operate in Crimea, recognising the need to ensure security for Ukraine and the entire Azov–Black Sea region.

The 2023 Statement also notes that the safety of international civilian shipping in the Azov–Black Sea region can be guaranteed only after the de-occupation of Crimea and with Ukraine's participation. It explains that addressing the negative environmental consequences of Russia's military aggression against Ukraine and its temporary occupation of Crimea, the Sea of Azov and the Black Sea is an integral part of the state policy of Ukraine regarding the de-occupation, reintegration and restoration of Crimea.

The 2023 Statement also averred that the International Crimea Platform should become a forum not just for promoting the de-occupation of Crimea and restoring the territorial integrity of Ukraine, but also for providing security guarantees in the Azov-Black Sea region as a whole. Analysis of the current situation regarding the realisation of the demands of the 2021 Strategy, the 2023 Plan and the 2023 Statement shows that because it is parliamentary in nature (Verkhovna Rada of Ukraine, 2024; Babin, Plotnikov & Prykhodko, 2023), its governmental framework is weak (Prykhodko, 2023b); those acts are not reflected in international documents, except in some experts' submissions (Babin & Tytskaya, 2023).

Researching this topic, experts of Association of Reintegration of Crimea (hereinafter "the ARC") stressed that in fact, these activities contained in the 2023 Plan offer concrete results, regardless of the extent of occupation or de-occupation, as of the relevant dates. Thus, experts add, the extent of implementation of these measures on the relevant dates, as obligations of the Government of Ukraine, can become subject not only to public control and evaluation, but also, accordingly, the object of legal response, including procedural ones (Babin et al., 2023). It is important to understand that this type of court proceeding can be viewed more broadly than just dispute resolution and may form part of a lawfare strategy (Miles, 2022).

The ARC's expert adds that currently, the key issue concerning the relevant activity remains the introduction of changes to the 2021 Strategy, the correction of the new version of the Strategy with the 2023 Plan, and the functioning of the Advisory Council on the de-occupation and reintegration of Crimea (Lynnyk, 2023). A. Prykhodko points out, with regard to issues of funding the activities foreseen in the 2021 Strategy and 2023 Plan, that the preparation of appropriate forms of international technical support for specific projects for financing activities for the reintegration of occupied Crimea should begin now, before the inevitable moment of the de-occupation of the peninsula (Prykhodko, 2023a).

3. Civil Activities and Maritime Issues in Ukraine's Crimea-Related Strategy

After 2023 there was no development of the above-described official documents, aside from some announcements of new de-occupation strategies; nor were any reports published regarding state bodies' activities in the relevant dimensions. Such a situation requires civil society, including experts and human rights activists, to demand and supervise the execution of the activities outlined in the relevant documents.

As the example of the Ukrainian Independent Maritime Trade Union (hereinafter "the UIMTU") demonstrates, such activities started before 2022, when UIMTU continued attempts to defend seafarers in Russia-occupied territories from trafficking and slavery (Babin, 2013; Babin, 2014), including by making statements to the UN and Organisation for Security and Co-operation in Europe (OSCE) (Babin & Pogrebniak, 2016; CTRC, 2020).

That trade union notified OSCE that separate problems had arisen for the Ukrainian seafarers residing in Ukrainian territories occupied by Russia, first of all in Crimea. Those problems were caused primarily by Russia's mass, flagrant and purposeful breach of its

obligations, fixed in international humanitarian law, as an occupier state. Those common problems were:

- the sequential elimination by Russia of the mechanisms of seafarers' certification, training and high school teaching in Crimea, recognised by the international community;
- removing from Crimea effective mechanisms to transfer seafarers' wages from foreign ship-owners and eliminating legal mechanisms to repatriate seafarers to their residence location;
- the misanthropic, racist and chauvinist anti-Ukrainian Russian state propaganda in Crimea and regions of Russia that complicate the possibility of placing seafarers in crews containing a mix of Ukrainian seafarers residing in Crimea and other Ukrainian regions with Russian seafarers, as there is a real risk of conflicts on board arising;
- the non-compliance by Russian ship-owners, that operate the vessels in waters around Crimea and in Crimean ports closed by Ukrainian government, hence aggravating the risks for crews and reduces the guarantee of seafarers' rights;
- the illegal militarisation by Russian army and navy authorities of the trade vessels that carry out the extraction of natural resources (including fish) in the parts of Ukraine's internal waters, territorial sea and exclusive maritime zone around Crimea that are controlled by Russia (Babin & Sidorenko, 2024; Kivalov, 2024).

UIMTU gave notice to OSCE in 2016 that it would be impossible to function in the occupied and illegally annexed Crimea. This was also true of other legal and internationally recognised Ukrainian maritime trade unions. Moreover, the Russian Federation of Maritime Transport Workers' Trade Unions, the Russian Seafarers' Union of Russia and monopole and pro-governmental structures had negative roles to play, as their direct tasks in Crimea were not to defend local seafarers but to achieve the political objectives of Russian authorities in the area by supporting the "legality and lawfulness" of "reuniting" Crimea with Russia (Babin, 2014).

UIMTU also drew OSCE's attention to the negative role played by the Russian Maritime Register of Shipping (RMRS) as the classification society directly controlled and operated by the Russian state authorities. It issued obviously untrue documents and certificates *en masse* regarding the "compliance" of Ukrainian trade vessels and maritime industry structures trapped illegally by Russia in Crimea. It did so with regard to the international conventions on shipping safety and vessel nationality, and counter to the crew members' rights (Babin, 2014; Babin & Sidorenko, 2024). After the onset of wider Russian aggression, UIMTU asked OSCE-participating states to initiate proceedings in the International Labour Organisation regarding the violation by Russia of the demands of the Maritime Labour Convention in the Black and Azov Seas since 24 February, 2022, in which it violated the rights of Ukrainian seafarers and those of third nations (Pogrebniak, 2022).

In Ukraine's jurisdiction, UIMTU initiated cases in administrative courts defending the rights of Ukrainian fishermen who had been abducted by the Russian "coast guard" from the Black Sea and Sea of Azov and illegally kept in Crimea as hostages. In those cases (420/7376/20 and the above-described 420/8381/20), UIMTU demanded recognition of the illegal inactivity and negligence of Ukraine's Ministry of Reintegration and the State Fishery Agency, respectively, including issues of misrecognition of abducted fishermen as victims and of illegal negotiations with Russian authorities. Those claims were partially satisfied and damage was not compensated; in those cases, UIMTU referred to the demands of the 2018 Plan.

In the case known as 420/3863/20, UIMTU demanded recognition of the illegal inactivity and negligence of Ukraine's Presidential Mission in AR Crimea, residing on Ukraine's controlled territory, regarding its non-execution of the 2018 Plan that foresaw the necessity of defending Crimean seafarers' rights. That case was built on the key issue

of imperative or allegedly dispositive nature of the demands and provisions of the 2018 Plan. The appellate administrative court confirmed that the demands of the 2018 Plan had an imperative nature; at the same time, the appeal court refused to recognise the procedural competence of UIMTU and the other applicant, the Foundation of Research and Support for the Indigenous Peoples of Crimea, to claim on inactivity and on negligence regarding the 2018 Plan.

The UIMTU representative stated in the cassation complaint on that judgment that the UIMTU is an all-Ukrainian professional trade union, a voluntary non-profit organisation that unites citizens of Ukraine who have common interests based on the nature of their professional (labour) activity or education as a sailor; in particular, sea fishermen. Since 2014, this organisation has been actively protecting both Crimean fishermen and sailors, as well as other Ukrainian fishermen and sailors who were captured in the waters of the Black and Azov Seas and their associated bays and straits, and who were detained in facilities in Crimea under Russia's control (Cassation Administrative Court, 2021).

According to the UIMTU's cassation, the court of first instance unlawfully refused the complainant the right to participate in the case as a third party, and the court of appeal unlawfully closed the relevant proceedings, ignoring the arguments of the appeal regarding the defendant's failure to implement the 2018 Plan in 2019. The cassation argued that this lack of action negatively affected the rights and legitimate interests of the UIMTU in the implementation of its statutory obligations to protect the rights of Crimean fishermen and sailors, as well as other Ukrainian fishermen and sailors working in the Black and Azov seas. The cassation added that the appellate court also failed to take into account that the UIMTU had appealed to the court in the interests of the persons (hostages) whose rights were violated by the non-implementation of the 2018 Plan, including the victims in cases 420/7376/20 and 420/8381/20.

The UIMTU cassation complaint in case 420/3863/20 emphasised that the appellate court, having come to the conclusion that the non-implementation of the Plan did not affect the rights and legitimate interests of the hostages and the Maritime Trade Union, should not have closed the proceedings, but should instead have given a reasoned refusal to satisfy these demands together with an analysis of the demands of the main complaint, for which an UIMTU application to join had been submitted (Cassation Administrative Court, 2021).

In its cassation complaint, the UIMTU indicated that since 2014, due to the occupation of Crimea and related persecution of its leadership, the UIMTU was forced to re-register within the controlled territory of Ukraine, leaving its property and archive in Crimea. As the Cassation Administrative Court refused to satisfy those complaints, the UIMTU made applications for consideration by the European Court of Human Rights (Babin & Sidorenko, 2024).

The Association of Reintegration of Crimea (ARC) undertook systematic action on issues related to executing the relevant programme documents. ARC informed the UN and OSCE structures on the issues focused on by the Ukrainian governmental programmes, including the maritime sector challenges (Babin, 2023d; Babin, 2023e).

Those issues were described in ARC's submission to the Office of the United Nations High Commissioner for Human Rights (OHCHR) regarding Human Rights Council resolution 52/8 on promoting human rights and the Sustainable Development Goals through transparent, accountable and efficient public service delivery. This resolution was relevant to the prospects of restoring public governance in Crimea, including the maritime administrative bodies, after its de-occupation (Association of Reintegration of Crimea, 2024a; Babin, 2023c). These aspects were also highlighted when ARC informed the UN Special Rapporteur about the issues of compensation arising from the damage and losses resulting from Russia's attacks

against climate in Ukraine (Association of Reintegration of Crimea, 2024g) and within the framework of the 28th UN Climate Change Conference (COP28). This exchange occurred on December 3, 2023 in Dubai (Association of Reintegration of Crimea, 2023d).

At the OSCE level, ARC informed the States' delegations and the Organisation's officials about aspects of Ukrainian governmental programmes, including the maritime sector challenges, in discussions at the OSCE Supplementary Human Dimension Meetings "The Role of Civil Society in the Promotion and Protection of International Human Rights Law and International Humanitarian Law" (Association of Reintegration of Crimea, 2024d) and "Media Literacy and Democracy" held in Vienna (Association of Reintegration of Crimea, 2024f). ARC reiterated these points in direct discussions with officials of the OSCE Office for Democratic Institutions and Human Rights (Association of Reintegration of Crimea, 2024e).

ARC's experts also held meetings with deputies and other European Parliament officials in Brussels to discuss relevant issues involved in the de-occupation and reintegration of the Crimean peninsula (Association of Reintegration of Crimea, 2023e). ARC's representatives also discussed these aspects in the Second Black Sea Security Conference of the Crimea Platform, which was held in Sofia, Bulgaria, in April 2024 (Association of Reintegration of Crimea, 2024b).

Furthermore, ARC informed international specialist maritime affairs agencies about relevant Ukrainian governmental programmes in response to Russian maritime aggression. As part of these proceedings, in 2022–2024, ARC sent memoranda to the IMO, ILO, FAO, PSC, their Member States and other competent structures describing Russia's international crimes and violations (Association of Reintegration of Crimea, 2023a).

This submission, prepared under the framework of IMO Resolution C/ES.35, again highlighted the gross and systematic violations by Russia of the demands of international humanitarian and human rights law, as well as maritime security and safety, as guaranteed by the UNCLOS, SOLAS, MARPOL and STCW Conventions. It also drew attention to Russian naval aggression in Black and Azov Seas, and to ongoing attacks against trade shipping (Babin, 2023b).

Regarding the ongoing escalation of the aggressor's threats to global food safety and Black Sea maritime security, related to the Kremlin's termination of the grain agreements after July 2023, ARC sent on September 17 its next submission to the IMO, ILO, FAO, PSC, their Member States and other competent structures describing Russia's continuing international crimes and violations (Babin, 2022).

ARC's submission argued that Russia's membership in the FAO, IMO and ILO; in regional organisations such as Danube Commission, Commission on the Protection of the Black Sea Against Pollution and Organisation of the Black Sea Economic Cooperation; and the participation of any Russian citizens acting as public servants of those organisations, must be suspended (Babin, 2023a).

Later, ARC received a response to this submission not only from a number of maritime administrations, but also from the European Commission, confirming that the relevant issues would be investigated by the Commission's Energy Department (Association of Reintegration of Crimea, 2023a). After those submissions, on June 15, 2024, the Governing Body of the ILO adopted a decision that approved the Report of May 24 (GB.351/INS/7), accepting the changes that occurred after the adoption of the resolution concerning Russian aggression against Ukraine from the point of view of the ILO mandate.

The Administrative Council once again called on the Russian Federation to immediately and unconditionally halt its aggression and withdraw its troops from the territory of Ukraine. It instructed the ILO General Director to continue to monitor the consequences for labour (including monitoring human rights violations and the status of workers in the maritime

and nuclear power industries) in terms of the Russian aggression against Ukraine and to report them to the ILO Governing Body (Association of Reintegration of Crimea, 2024h).

In Ukraine, the issues contained in the Ukrainian governmental programmes of de-occupation and reintegration, including the maritime sector challenges, were researched at the Strategic Forum "Future of Crimea", organised by the Crimean Tatar Resource Centre with the support of the Friedrich Naumann Foundation and with active participation by ARC's experts (Association of Reintegration of Crimea, 2023b). After that Forum, at a press conference in "Ukrinform," experts presented recommendations on the Action Plan to implement the Strategy for de-occupying and reintegrating the temporarily occupied territory of the AR of Crimea and the city of Sevastopol (Association of Reintegration of Crimea, 2023c); later, the results of the Forum were presented to representatives of the diplomatic corps accredited in Kyiv (Association of Reintegration of Crimea, 2023g) and the proceedings were published (Babin & Bariiev, 2023).

ARC's representatives also discussed these maritime sector challenges at the international summit "Stand Tall for the Rule of International Law", held in Lviv by the Ukrainian and American Associations of International Law (Association of Reintegration of Crimea, 2023f); at the scientific and practical international conference "Special Tribunal. Reintegration of All Temporarily Occupied Territories. War Crimes. Compensation Mechanisms" held in Kyiv under the auspices of the Office of the President of Ukraine (Association of Reintegration of Crimea, 2023h); and at the third international scientific conference "Maritime Security of the Baltic-Black Sea region: Challenges and Threats", hosted by the Odessa State University of Internal Affairs with the participation of Ukraine's Military Academy, Institute of Naval Forces, National Defence University and Baltic International Academy (Association of Reintegration of Crimea, 2023i).

Special attention was paid to the issues at the conference "Actual Issues of Providing Security Environment in Ukraine", held by the State Research Institute of the Ministry of Internal Affairs of Ukraine on April 19, 2024, where ARC's experts presented own view of the situation to representatives of the leadership of the Main Investigative Department of the National Police of Ukraine, of the Sikorsky Kyiv Polytechnic Institute and of the Ukrainian Institute for Advanced Training of Television, Radio and Press Workers, as well as to the academic staff of the SSU Anti-terrorist Centre, the Lviv State University of Internal Affairs, the SSU National Academy, the Ostroh Academy and the Lviv State University of Life Safety (Association of Reintegration of Crimea, 2024c).

Conclusions

Reviewing the current situation, prospects and challenges of the legal and organisational impact on maritime relations by Ukraine's Crimea-related official strategies and plans, it should be stated that these documents, while suggesting significant changes of Ukrainian maritime doctrine and practice, have seen very limited realisation. Equally, the authors of those Ukrainian strategies and plans for de-occupation of the peninsula have recognised that maritime aspects are an integral part of counteracting the attempted annexation of the Crimea, but the framework for such activities remains to be clearly determined.

The key challenge is outlining the necessary tasks in compliance with programme management principles and with relevant funding and control mechanisms. After 2023, there is no verified information about the level of execution or implementation of the relevant documents by state officials, and no new amendments to those acts have been adopted since the spring of 2023. Civil society's activities regarding those issues concentrated on informing international bodies about the current situation and about the challenges, connected with

Russia's maritime aggression, of creating their own systematic proposals to governing bodies, and of participating in academic activities and judicial procedures. Elaborating the relevant proposals at the doctrinal level must become the basis for further research.

REFERENCES

- Agreement on Fisheries in the Sea of Azov, concluded between the State Fisheries Committee of the Russian Federation and the State Committee on fisheries and the fishing industry of Ukraine*, 1993. <https://www.fao.org/faolex/results/details/ru/c/LEX-FAOC077564/>
- Arbital Tribunal Constituted Under Annex VII to the 1982 United Nations Convention on the Law of the Sea. (2019, November 22). *Procedural Order No. 1*. <https://pcacases.com/web/sendAttach/5784>
- Association of Reintegration of Crimea. (2023a, September 22). *European Commission and Russian Maritime Aggression*. <https://arcrimea.org/en/activity/2023/09/22/european-commission-and-russian-maritime-aggression/>
- Association of Reintegration of Crimea. (2023b, November 1). *"Future of Crimea" as Platform for Expert Work*. <https://arcrimea.org/en/activity/2023/11/01/future-of-crimea-as-platform-for-expert-work/>
- Association of Reintegration of Crimea. (2023c, November 23). *Recommendations Were Presented to Governmental Plan for Reintegration of Crimea*. <https://arcrimea.org/en/activity/2023/11/23/recommendations-were-presented-to-governmental-plan-for-reintegration-of-crimea/>
- Association of Reintegration of Crimea. (2023d, December 4). *Deoccupation of Crimea Was Discussed in Ukrainian Pavilion of UN Climate Conference*. <https://arcrimea.org/en/activity/2023/12/04/deoccupation-of-crimea-was-discussed-in-ukrainian-pavilion-of-un-climate-conference/>
- Association of Reintegration of Crimea. (2023e, December 7). *European Parliament and Deoccupation of Crimea*. <https://arcrimea.org/en/activity/2023/12/07/european-parliament-and-deoccupation-of-crimea/>
- Association of Reintegration of Crimea. (2023f, December 9). *Forum of International Law and De-Occupation of Crimea*. <https://arcrimea.org/en/activity/2023/12/09/forum-of-international-law-and-de-occupation-of-crimea/>
- Association of Reintegration of Crimea. (2023g, December 15). *Presentation of Results of Strategic Forum "Future of Crimea"*. <https://arcrimea.org/en/activity/2023/12/15/presentation-of-results-of-strategic-forum-future-of-crimea/>
- Association of Reintegration of Crimea. (2023h, December 15). *Occupation of Crimea Was Recalled at Expert Platforms*. <https://arcrimea.org/en/activity/2023/12/15/occupation-of-crimea-was-recalled-at-expert-platforms/>
- Association of Reintegration of Crimea. (2023i, December 20). *Experts Discussed Forms of Legal Response to Russian Maritime Aggression*. <https://arcrimea.org/en/activity/2023/12/20/experts-discussed-forms-of-legal-response-to-russian-maritime-aggression/>
- Association of Reintegration of Crimea. (2024a, March 29). *UN and Programming Public Services in De-Occupied Crimea*. <https://arcrimea.org/en/activity/2024/03/29/un-and-programming-public-services-in-de-occupied-crimea/>
- Association of Reintegration of Crimea. (2024b, April 14). *Crimea Platform's Expert Network and Black Sea Security Conference*. <https://arcrimea.org/en/activity/2024/04/14/crimea-platforms-expert-network-and-black-sea-security-conference/>
- Association of Reintegration of Crimea. (2024c April 20). *Security Environment and Reintegration of Crimea*. <https://arcrimea.org/en/activity/2024/04/20/security-environment-and-reintegration-of-crimea/>
- Association of Reintegration of Crimea. (2024d, April 22). *Crimean Issues Were Discussed at OSCE Supplementary Human Dimension Meeting*. <https://arcrimea.org/en/activity/2024/04/22/crimean-issues-were-discussed-at-osce-supplementary-human-dimension-meeting/>
- Association of Reintegration of Crimea. (2024e, May 14). *Association's Experts Held Thorough Working Meeting with OSCE Mission*. <https://arcrimea.org/en/activity/2024/05/14/associations-experts-held-thorough-working-meeting-with-osce-mission/>
- Association of Reintegration of Crimea. (2024f, May 27). *OSCE Meeting Discussed Aggressor's Provocations with Artificial Intelligence in Crimea*. <https://arcrimea.org/en/activity/2024/05/27/osce-meeting-discussed-aggressors-provocations-with-artificial-intelligence-in-crimea/>
- Association of Reintegration of Crimea. (2024g, May 31). *Russian Aggression and Challenges for Climate Justice: Loss and Damage Issues*. <https://arcrimea.org/en/activity/2024/05/31/russian-aggression-and-challenges-for-climate-justice-loss-and-damage-issues/>

- Association of Reintegration of Crimea. (2024h, June 16). *Russian Aggression and the International Labor Organization*. <https://arcrimea.org/en/activity/2024/06/16/russian-aggression-and-the-international-labor-organization/>
- Aydin, F. T. (2024). Diaspora's War and Peace: Crimean Tatar Anti-Colonial Struggle against Russia During the Russian-Ukrainian War. *Nordic Journal of Migration Research*, 15(1), 6. <https://doi.org/10.33134/njmr.769>
- Babin, B. (2013, October 3). *Mass Violation of Labor and Social Rights of Seafarers as Significant Threat for OSCE Human Dimension Development*. OSCE. <https://www.osce.org/files/f/documents/f/6/106493.pdf>
- Babin, B. (2014, December 1-3). Violation of UN Guiding Principles on Business and Human Rights in Occupied Crimea – on example of the Seafarers' Rights. Ukrainian Independent Maritime Trade Union. *Third Annual United Nations Forum on Business and Human Rights*. UN OHCHR <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/ForumSession3/UIMTU.doc>
- Babin, B. (2022, December 21). *ARC's Notification on Maritime Safety, Global Food Crisis, Russia's Aggression and Terroristic Attacks against Ukraine: Current Challenges regarding IMO Resolution C/ES.35*. https://web.archive.org/web/20221224001046/https://www.parismou.org/system/files/527%20-%20ARC_Submission_IMO_ILO_FAO_21_12_2022.pdf
- Babin, B. (2023a, June 4). *ARC's Notification on Maritime Safety, Global Food Crisis, Russia's Maritime Aggression and Terroristic Attacks against Ukraine: Current Challenges regarding IMO Resolution C/ES.35*. https://web.archive.org/web/20230605173116/https://www.parismou.org/system/files/195%20-%20ARC_Submission_IMO_ILO_FAO_04_06_2023.pdf
- Babin, B. (2023b, June 11). *ARC's Notification on Maritime Safety, Global Food Crisis, Russia's Maritime Aggression and Terroristic Attacks against Ukraine: Challenges of Kakhovka HPP Destruction regarding IMO Resolution C/ES.35*. https://web.archive.org/web/20230619214026/https://www.parismou.org/system/files/202%20-%20ARC_Submission_IMO_ILO_FAO_11_06_2023.pdf
- Babin, B. (2023c, October 31). *ARC's submission on Russian Aggression against Ukraine and Public Services in De-Occupied Crimea*. UN OHCHR. <https://www.ohchr.org/sites/default/files/documents/issues/sdgs/cfi-public-service-delivery/subm-hrc-resolution-528-cso-association-reintegration-crimea.pdf>
- Babin, B. (2023d, November 1). *ARC's submission on Russian Aggression and Negative Impact of Non-Repatriation of Funds of Illicit Origin*. UN OHCHR. <https://www.ohchr.org/sites/default/files/documents/issues/corruption/cfis/non-repatriation/subm-hrc-resolution-5221-oth-arc.pdf>
- Babin, B. (2023e, December 29). *ARC's submission on Russian Aggression against Ukraine and Social Security*. UN OHCHR. <https://www.ohchr.org/sites/default/files/documents/issues/escr/cfis/hrc-res-52-11/subm-hrc-resolution-5211-cso-association-reintegration-crimea.pdf>
- Babin, B., & Bariiev, E. (Eds.). (2023). *Reintegration of Crimea: government plans and the formation of international support mechanisms*. https://ctrcenter.org/wp-content/uploads/2024/03/reintegration-of-crimea_ukr_inet_compressed.pdf
- Babin, B., Pleshko, E., Lynnyk, T., Chvaliuk, A., Plotnikov, O., & Filatov, V. (2023, April 20). *Government Plan for Reintegration of Crimea: International Dimension*. Association of Reintegration of Crimea. <https://arcrimea.org/en/analytics/2023/04/20/government-plan-for-reintegration-of-crimea-international-dimension/>
- Babin, B., Plotnikov, O., & Prykhodko, A. (2023). Damage to the Maritime Ecosystems from the Destruction of the Kakhovka Dam and International Mechanisms of its Assessment. *Lex Portus*, 9(5), 23–32. <https://doi.org/10.26886/2524-101X.9.5.2023.2>
- Babin, B., & Pogrebniak, I. (2016, September 20). *Mass Violation of Ukrainian Seafarers' Rights, International Human Rights. Covenants and OSCE standards for Human Dimension, Safety, Non-Discrimination and Labour Migration*. OSCE. <https://www.osce.org/files/f/documents/5/8/265616.pdf>
- Babin, B., & Sidorenko, J. (2024, March 31). *Russian Aggression against Ukraine, Trade Unions and Slavery Issues*. UN OHCHR. <https://www.ohchr.org/sites/default/files/documents/issues/slavery/sr/cfis/role-workers/subm-role-workers-organisations-cso-association-reintegration-crimea.pdf>
- Babin, B., & Tytskaya, Ya. (2023, November 13). *ARC's submission to UN Special Rapporteur in the Field of Cultural Rights on Russian Aggression in Ukraine and Violation of Rights to Science*. UN OHCHR <https://www.ohchr.org/sites/default/files/documents/issues/culturalrights/cfis/scientific-progress/submissions/subm-access-take-part-cso-association-reintegration-crimea.pdf>
- Blank, S. J. (2024). Ukraine and an Integrated Deterrence Strategy. *Orbis*, 68(3), 491–511. <https://doi.org/10.1016/j.orbis.2024.05.009>
- Cabinet of Ministers of Ukraine. (2018, March 28). *Order on Approval of the Plan of Measures Aimed at the Implementation of Some Principles of State Internal Policy Regarding the Temporarily Occupied Territory of the*

- Autonomous Republic of Crimea and the City of Sevastopol* (No. 218). <https://zakon.rada.gov.ua/laws/show/218-2018-p> (not in force).
- Cabinet of Ministers of Ukraine. (2021, September 29). *Order on the Approval of the Plan of Measures for the Realisation of the Strategy for Deoccupation and Reintegration of the Temporarily Occupied Territory of the Autonomous Republic of Crimea and the City of Sevastopol* (No. 1171). <https://zakon.rada.gov.ua/laws/show/1171-2021-p/ed20210929> (not in force).
- Cabinet of Ministers of Ukraine. (2023, April 4). *Order on Amendments to the Plan of Measures for the Realisation of the Strategy for Deoccupation and Reintegration of the Temporarily Occupied Territory of the Autonomous Republic of Crimea and the City of Sevastopol* (No. 288). <https://zakon.rada.gov.ua/laws/show/288-2023-p>
- Cassation Administrative Court. (2021, August 11). *Judgment in Case No. 420/3863/20*. <https://reyestr.court.gov.ua/Review/96931850>
- Committee of the Verkhovna Rada of Ukraine on State Construction, Regional Policy and Local Self-Government. (2015, June 3). *Recommendations on the Issues of the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol*. https://komsamovr.rada.gov.ua/documents/reestr_publinfo/rekom_k/79728.html
- CTRC. (2020, November 2). *All negative environmental factors are caused by the military-economic activity in Crimea – UIMTU*. <https://ctrcenter.org/en/activities/245-all-negative-environmental-factors-are-caused-by-the-military-economic-activity-in-crimea-uimtu>
- Danube Commission. (2023, April 13). *The International Crimea Platform: First Black Sea Security Conference – participation of the Director General of the Danube Commission*. <https://www.danubecommission.org/dc/en/2023/04/14/the-international-crimea-platform-first-black-sea-security-conference-participation-of-the-director-general-of-the-danube-commission-bucharest-13-april-2023/>
- ECHR. (2020, December 16). *Ukraine v Russia (re Crimea)* (dec.) [GC] Applications nos. 20958/14 and 38334/18. <https://hudoc.echr.coe.int/rus?i=001-207622>
- Fifth Appellate Administrative Court. (2020, October 21). *Judgment in Case No. 420/7376/20*. <https://reyestr.court.gov.ua/Review/100652684>
- Fifth Appellate Administrative Court. (2021, May 12). *Judgment in Case No. 420/3863/20*. <https://reyestr.court.gov.ua/Review/96931850>
- Fifth Appellate Administrative Court. (2023, December 13). *Judgment in Case No. 420/8381/20*. <https://reyestr.court.gov.ua/Review/115684974>
- General Assembly of the United Nations. (n.d). *Resolutions of the 77th Session*. <https://www.un.org/en/ga/77/resolutions.shtml>
- International Tribunal for the Law of the Sea. (2019). *Case concerning the detention of three Ukrainian naval vessels (Ukraine v Russian Federation), Provisional Measures*. <https://www.itlos.org/en/main/cases/list-of-cases/case-concerning-the-detention-of-three-ukrainian-naval-vessels-ukraine-v-russian-federation-provisional-measures/>
- Kivalov, S. (2024). Current Threats to Sustainable Shipping – from War Risks to Climate Changes. *Lex Portus*, 10(2), 15–24. <https://doi.org/10.62821/lp10202>
- Kollakowski, T. (2023). Interpreting Russian aims to control the Black Sea region through naval geostrategy (Part Two): 'Establishing full control over Southern Ukraine and the Donbas is one of the tasks of the Russian Army.' *The Journal of Slavic Military Studies*, 36(2), 119–138. <https://doi.org/10.1080/13518046.2023.2251306>
- Kormych, B., & Malyarenko, T. (2023). From gray zone to conventional warfare: the Russia-Ukraine conflict in the Black Sea. *Small Wars & Insurgencies*, 34(7), 1235–1270. <https://doi.org/10.1080/09592318.2022.2122278>
- Lynnyk, T. (2023, April 28). *Legal Programming of Crimea's Deoccupation and Reintegration: Measurement of Effectiveness*. Association of Reintegration of Crimea. <https://arcrimea.org/en/analytics/2023/04/28/legal-programming-of-crimeas-deoccupation-and-reintegration-measurement-of-effectiveness/>
- Miles, C. (2022). Lawfare in Crimea: treaty, territory, and investor – state dispute settlement, *Arbitration International*, 38(3), 135–150. <https://doi.org/10.1093/arbint/aiac009>
- Omelchenko, A. (2023). Underwater Cultural Heritage and Shipwreck Salvage and Removal: The Synergy of Legal Regimes. *Lex Portus*, 9(6), 7–14. <https://doi.org/10.26886/2524-101X.9.6.2023.1>
- Permanent Court of Arbitration. (2016a). *Dispute Concerning Coastal State Rights in the Black Sea, Sea of Azov, and Kerch Strait (Ukraine v the Russian Federation)* (Case No. 2017-06). <https://pca-cpa.org/en/cases/149/>

- Permanent Court of Arbitration. (2016b). *NJSC Naftogaz of Ukraine (Ukraine) et al. v The Russian Federation* (Case No. 2017-16). <https://pca-cpa.org/en/cases/151/>
- Permanent Court of Arbitration. (2020). *Award concerning the Preliminary Objections of the Russian Federation* (Case No. 2017-06). <https://pcacases.com/web/sendAttach/9272>
- Permanent Representative of the President of Ukraine in the Autonomous Republic of Crimea. (2018, June 20). *Order on the Approval of the Plan of Urgent Measures to Counter Russian Aggression from the Temporarily Occupied Territory of Ukraine in Crimea, to Protect the Interests of the State, Citizens of Ukraine and Ukrainian Legal Entities in Crimea for 2018-2019 and on Its Direction* (No. 17) <https://zakon.rada.gov.ua/laws/show/v0017755-18>
- Pogrebniak, I. (2022, October 3). UIMTU Statement. OSCE Warsaw Human Dimension Conference. https://meetings.odihr.pl/resources/download-file-dds/208/221003114706_0145.pdf
- President of Ukraine. (2021, March 24). *Decree on Decision of Council of National Security and Defense of Ukraine "On Strategy for Deoccupation and Reintegration of the Temporarily Occupied Territory of the Autonomous Republic of Crimea and the City of Sevastopol"* (No. 117/2021) <https://zakon.rada.gov.ua/laws/show/117/2021>
- Prykhodko, A. (2023a, May 28). *Financial Aspects of Reintegration: Crimean Strategies, Budget Programs and International Projects*. Association of Reintegration of Crimea. <https://arcrimea.org/en/analytics/2023/05/28/financial-aspects-of-reintegration-crimean-strategies-budget-programs-and-international-projects/>
- Prykhodko, A. (2023b, November 29). *Reintegration of Crimea in New Presidential and Government Acts of Ukraine*. Association of Reintegration of Crimea. <https://arcrimea.org/en/analytics/2023/11/29/reintegration-of-crimea-in-new-presidential-and-government-acts-of-ukraine/>
- SViezhentsev, M., & Kisly, M. (2023). De-occupation or (de)colonization? Challenges for Crimea's future. *Canadian Slavonic Papers*, 65(2), 232–244. <https://doi.org/10.1080/00085006.2023.2202554>
- UN. (2021, December 9). *Resolution on Problem of the militarization of the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, as well as parts of the Black Sea and the Sea of Azov* (No. 76/70). <https://digitallibrary.un.org/record/3952032>
- Verkhovna Rada of Ukraine. (2016, September 22). *Resolution on the Recommendations of the Parliamentary Hearings on the Topic: "Strategy of Reintegration into Ukraine of the Temporarily Occupied Territory of the Autonomous Republic of Crimea and the City of Sevastopol: Problematic Issues, Ways, Methods and Means"*. (No. 1602-VIII). <https://zakon.rada.gov.ua/laws/show/1602-19>
- Verkhovna Rada of Ukraine. (2023, August 23). *Resolution on the Statement of the Verkhovna Rada of Ukraine on the Priority Areas of State Policy of Ukraine in the Field of Deoccupation, Reintegration and Restoration of the Autonomous Republic of Crimea and the City of Sevastopol* (No. 3333-IX). <https://zakon.rada.gov.ua/laws/show/3333-20>
- Verkhovna Rada of Ukraine. (2024, January 1). *In 2023, the Verkhovna Rada adopted 9 legislative acts upon the proposal of the Committee on Human Rights, De-occupation and Reintegration of the Temporarily Occupied Territories of Ukraine, National Minorities and Interethnic Relations*. <https://www.rada.gov.ua/en/news/News/245328.html>
- Vorotnyuk, M. (2024). Black Sea as a Battlefield: Ukraine's Perspectives and Strategies in the Region. In K. Kakachia, S. Malerius, S. Meister (Eds.). *Security Dynamics in the Black Sea Region. Contributions to International Relations*. Springer. https://doi.org/10.1007/978-3-031-62957-0_10

Бабін Б., Приходько А., Чвалюк А. Стратегії та плани деокупації Криму: правові аспекти морської політики. – Стаття.

Стаття досліджує питання еволюції та поточної ситуації з впливом на морську економіку, екологію, охорону та безпеку, включаючи морські міжнародно-правові питання щодо організаційно-правових механізмів, які були розроблені, ухвалені та реалізовані українською владою з питань деокупації та реінтеграції Автономної Республіки Крим та міста Севастополь (далі – Крим) в останнє десятиліття. Автори визначають вектори та механізми відповідного регулювання, у т.ч. відповідні військові, безпекові, економічні та гуманітарні складові для Чорного та Азовського морів, їх відповідність міжнародно-правовим стандартам та процедурам, у т.ч. вимогам Конвенції ООН з морського права та розгляду арбітражних справ, з іншими актами законодавства України та відповідною судовою практикою. На прикладі Асоціації реінтеграції Криму та Української незалежної морської профспілки автори довели, що діяльність громадянського суспільства з цих питань зосереджена на аспектах інформування міжнародних органів про поточну ситуацію та про виклики, пов'язані з морською агресією Росії, на створенні власних систематичних пропозицій до ключових державних органів, участі в наукових заходах та судових процесах.

Ключові слова: Чорне море, Крим, правові стратегії, морська безпека, морська діяльність, російська агресія, Азовське море, морське середовище, екологічні ризики, культурна спадщина.