**PROPOSALS**

**THE MARITIME EXPERT PLATFORM ASSOCIATION**

**ON URGENT ACTIONS TO DE-OCCUPY CRIMEA**

**AND COUNTER THE OCCUPATION OF THE SEA OF AZOV AND THE BLACK SEA**

**THE RED LINES – WHAT AND HOW SHOULD AND SHOULD NOT BE DONE BY THE GOVERNMENT ABOUT THE STATED ISSUES**

It is unacceptable to continue to use a departmental and non-systemic approach to the de-occupation of Crimea and to countering the creeping annexation of Ukraine's sovereign waters in the Sea of Azov and the Black Sea.

These issues are complex in themselves and accordingly require targeted and coordinated actions of state bodies of the security and defence sector and all relevant departments of the executive, legislative, and judicial branches.

For joint planning and coordination of these actions, it is necessary to immediately formally determine the Unified National Centre for the Coordination of Strategic Actions (not operational or tactical, but strategic!) on the De-occupation of Ukrainian Territories.

Further attempts to act using the assets, forms, and methods of one or two ministries having different decision-making centres and areas of responsibility, not coordinating their actions with other bodies, and ignoring the professional expert community will only exacerbate contradictions and problems.

**It is unacceptable to continue to act without a clearly defined strategic goal and without taking appropriate state actions on the probable military-civilian scenarios of the enemy.**

The strategic goal should be the return of all the occupied territories by taking complex civilian-military, asymmetric, and flexible actions. That is, actions to de-occupy Crimea and Donbas should be carried out according to an integrated plan.

The tasks of the comprehensive state actions on Crimea should be:

(1) strengthening the national and regional proactive response to Russia's ongoing occupation of the Crimean peninsula, in particular to new negative facts, trends, and processes that have emerged on the territory of Crimea during the occupation and tend to intensify. The purpose of these measures on the part of Kyiv should be to gradually force the aggressor to refrain from such actions;

(2) the prevention of Russia's de facto occupation and annexation of the Sea of Azov and the Black Sea – countering the geographical and actual/sectoral expansion of the zone of effective control of Russia in the Sea of Azov and the Black Sea, which is taking place with the use of military, political, legal, and geostrategic capabilities created by the Russian Federation in Crimea, temporarily occupied territories of the Donetsk and Luhansk regions, and on its own territory;

(3) the military-political prevention of possible military operations of the Russian Federation from occupied Crimea in the direction of Nova Kakhovka, the Kherson region, by land, sea, and air against the land territory of Ukraine on the coast of the Sea of ​​Azov, the Odesa, Mykolaiv, and Kherson regions, including islands, peninsulas, and the Danube Delta, the seizure of the North Crimean Canal.

**It is unacceptable to continue to act on an ad hoc basis and in response, i.e. tactically and not strategically.**

Ad hoc response means fighting a losing battle. Historical experience shows that in order to defeat a stronger enemy, it is necessary to act strategically, ahead of events, and preventively, without being afraid of flexibility and manoeuvre for achieving strategic goals.

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The current package of preventive measures on the part of Ukraine should include:

**1) The Updated Crimean Sanctions Package.**

**2) The Policy of Non-Recognition of the Annexation of the Crimean peninsula** –the rules that develop and specify the UNGA Resolution of 27 March 2014\* calling for non-recognition of Russia's attempts to illegally alter the status of the Autonomous Republic of Crimea and the city of Sevastopol and for refraining from any actions, inaction, or steps that might be interpreted as recognising such an altered status.

*(\*) Resolution adopted by the General Assembly on 27 March 2014 – 68/262. Territorial integrity of Ukraine,* [*https://www.un.org/en/ga/search/view\_doc.asp?symbol=A/RES/68/262*](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/262)

3) **The Package of Actions to Deter the Russian Aggression in the Black Sea** – preventive measures in the military-diplomatic field.

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**THE UPDATED CRIMEAN SANCTIONS PACKAGE**

Sanctions have proved to be an effective tool for deterring the aggressor. Therefore, Ukraine's sanctions policy should adhere to the principles of *preventing the easing of existing sanctions*, such as reducing the sanctions lists, relaxing the control over the actual state of sanctions imposed by Ukraine and civilised countries; and *the imposition of new sanctions*.

The evidence of the intensification of negative trends and processes in Crimea in the military, humanitarian, environmental spheres and of the harm and risks from these processes to Ukraine and at the regional and global levels should form the basis for preventing the easing of sanctions and for the imposition of new ones.

The expansion of and updates to sanctions lists should take place in the areas of influence on the powerful economic structures of the Russian Federation in the fuel and energy sector, maritime, pipeline, and railway transport, communications, and financial sectors.

Under any circumstances, it is necessary to synchronise the sanctions of Ukraine, the EU, Great Britain, and the United States against legal entities in relation to Crimea.

* **To impose international sectoral sanctions on Russia's shipbuilding industry** for the collaboration on the construction of military equipment at seized Ukrainian plants in occupied Crimea.
* **To impose international sanctions against those Russian shipowners, insurers, and classification societies** that were involved in activities of seagoing vessels visiting the seaports of the Crimean peninsula in violation of the sanctions.
* **To impose Ukrainian and international sanctions on Russian ports in the Sea of Azov and the Black Sea, namely Port Kavkaz, Rostov-on-Don, Temryuk, Azov, and Novorossiysk.**

Sanctions are proposed to be imposed for regular maritime transportation from these ports to the occupied Crimean peninsula.

These sanctions may include:

1) the prohibition of providing any services for merchant ships departing from the above-mentioned ports in the ports of Ukraine, the EU, the USA, the Commonwealth of Nations, and other countries (except for emergencies and catastrophes);

2) the prohibition of organising voyages to these ports from the ports of Ukraine, the EU, the USA, the Commonwealth of Nations, and other countries;

3) the prohibition of shipping sea cargoes that have been transshipped or are planned to be transshipped at the Port Kavkaz roadstead to/from the ports of Ukraine, the EU, the USA, the Commonwealth of Nations, and other countries.

* **To publicly warn about the imposition of Ukrainian and international sanctions against Russian and foreign/international tour operators, travel agencies, online travel resources, advertising, exhibition, and other companies and organisations providing services in/for the tourism industry in occupied Crimea, including Russian sea ​​liners making calls at the ports or sea area of the peninsula and companies and organisations producing and distributing related information and advertising materials.**
* **To synchronise and coordinate sanctions lists of Ukraine, the EU countries, the USA, the Commonwealth of Nations related to legal entities of the RF operating on the occupied Crimean peninsula;**
* **To strengthen Ukrainian and international sanctions against Russia for its continued refusal to release Ukrainian citizens illegally imprisoned in Crimea and deported to Russia, as well as for continuing the policy of repression and new arrests of civil society activists on the peninsula.**

**What not to do in the area of ​​sanctions policy:**

* to not reduce sanctions lists, remove persons from them, or tolerate the failure to impose sanctions on them in Ukraine and abroad, to not agree with or tolerate such actions of partners;
* to not tolerate calls for easing the sanctions policy in Ukraine or abroad from any sources and for any reason;
* to not ignore the negative factors, trends, or processes in Crimea, in the area of the Sea of Azov, and the Black Sea.

**THE POLICY OF NON-RECOGNITION OF THE ATTEMPT TO ANNEX THE CRIMEAN PENINSULA   
The Universalisation, Systematising, Proactivity of the Non-Recognition Policy**

Non-recognition of the attempt to annex the Crimean peninsula is an obligation rather than a right. This obligation is based not only on the "Crimean" UN Resolutions (and numerous other documents of the EU, NATO, and individual countries) but also on the fundamental international custom. The non-recognition is the obligation of the subjects of international law, which arises from the international custom expressed by the ancient Roman maxim *ex injuria jus non oritur* – a right does not arise from wrongdoing. At the level of conventions, the obligation of non-recognition is a logical extension of the principle of non-use of force and threat of force, enshrined in the UN Charter and interpreted in the Declaration on Principles of International Law of 1970, on the Definition of Aggression of 1974, and others.

Non-recognition is universal and covers all areas of interaction of third countries with the Russian Federation and Ukraine – from the control of the proliferation of nuclear weapons to children's sports completions.

This obligation is minimal and constant – that is, it cannot cease on its own and is a form of response, less than which even a politically friendly to the RF state cannot afford.

The policy of non-recognition of the annexation of Crimea should be implemented, among other things, through the adoption of decisions by international organisations and individual states that supported the UN General Assembly Resolution, which contain the following provisions:

* the prohibition of publication or any kind of presentation of geographical maps, including nautical charts, showing the Crimean peninsula as "part" of the Russian Federation;
* prohibiting the travel businesses, including those providing online booking, logistical, or insurance services, from cooperating with Crimea-based tourist facilities (such as hotels, museums) or travel agencies, directly or through partners, including listing such facilities/routes on their online platforms;
* prohibiting organisers of international scientific, educational, tourist, sports, cultural, or business events; exhibitions, festivals, advertising campaigns, or other events from granting permission to place, present, or publish information that would point to the Crimean peninsula's "belonging" to the Russian Federation; prohibiting them from involving people who reside in occupied Crimea as participants in such events on behalf of Russia or as part of Russian delegations;
* prohibiting politicians, civil servants, and other public figures from entering the Crimean peninsula from the territory of Russia;
* strong recommendations for citizens of the respective states not to enter the Crimean peninsula from the territory of Russia, with a warning about responsibility for such actions according to the Ukrainian legislation;
* the prohibition of the issuance of any entry visas to: 1) holders of any passport documents issued in Crimea by the Russian occupation authorities or under their control; 2) citizens of the RF who have their place of residence registration in Crimea;
* the prohibition of/sanctions for the use of foreign brands on the territory of the Crimean peninsula by Russian companies (such as brands of manufacturing companies, retailers, providers of services). Franchise agreements signed by companies from the countries that supported the above-mentioned UN Resolution with any Russian business entity should include a standard clause on the prohibition of operations in Crimea and heavy ﬁnes in case of a violation of this condition;
* the prohibition of the sale (resale) to the territory of the Crimean peninsula of any goods or services supplied under contracts to the territory of the Russian Federation. Such contracts with any Russian business entity should include a standard clause prohibiting the movement or resale of goods or services to Crimea and heavy ﬁnes in case of violations;
* the prohibition of providing port services for direct voyages between the ports of the respective countries and the ports of the Crimean peninsula. The authenticity of a ship's documents about the port of arrival/ departure must be verified.

In turn, Ukraine and its civil society must state that a third country’s disrespect for the territorial integrity of our country removes the obligation of Ukraine to take a range of measures to protect the integrity of the respective state.

**What not to do in the area of ​​the non-recognition policy:**

* to not tolerate uncoordinated with Ukraine activities of international organisations or consular work of third countries, attempts by the Russian Federation to involve "Crimean" representatives in its own diplomatic and consular relations and cooperation with international organisations;
* to not tolerate any uncoordinated visits of any public persons of third countries to Crimea or any their anti-Ukrainian statements on Crimea;
* to not tolerate the passport and visa policy of third countries leading to the de facto recognition of the attempted annexation;
* to not tolerate the activities of any transnational corporations, financial-industrial groups, and powerful media holdings whose actions lead to the de facto recognition of the annexation of Crimea.

**3) THE PACKAGE OF ACTIONS TO DETER THE RUSSIAN AGGRESSION  
 IN THE BLACK SEA**

* **Ukraine has all the political and legal grounds to initiate the establishment of a maritime border with Russia in the Black Sea, the Sea of Azov, and the Kerch Strait and the delimitation of maritime areas with Russia on the basis of the UN Convention on the Law of the Sea.**
* We consider it necessary to prohibit the navigation and stay of all vessels/ships in the 12-mile zone of the territorial sea around the Crimean peninsula, since Ukraine, as a coastal state, is unable to fulfil its obligations under the key international documents in the field of maritime security, UNCLOS and SOLAS, within the occupied waters.

The possibility for a coastal state to suspend the navigation/stay of vessels is expressly permitted by UNCLOS.

In addition, the inadequate level of coordination of more than ten bodies and institutions involved in ensuring maritime/river security cannot be ignored. This is absolutely unacceptable during the Russian aggression.

* In order to solve the problem of coordinating maritime security, it is proposed to create a centre under the National Security and Defence Council or the Cabinet of Ministers for the coordination of activities performed by civil, law enforcement, and military bodies and institutions that deal with maritime/river security.
* **Ukraine should address NATO and the USA with a proposal to jointly create an A2/AD (anti-access and area denial) area** in the area between ​​Deveselu military base, Romania, and Odesa naval base, Ukraine, so that it protects the sea and air space in the area of the Black Sea coast of Ukraine, Bulgaria, and Romania and guarantees the security of the only route for commercial shipping to the Black Sea ports of Ukraine that is not controlled by Russia.
* **Ukraine should address NATO and the USA with a proposal to introduce naval and air patrols on the main route of merchant ships in the Black Sea from the Bosphorus in the general direction of Odesa, including the Black Sea area from the Dnieper-Bug estuary (Ochakiv) to the Danube Delta (Vilkovo) and the area of gas and gas condensate fields seized by Russia in Ukraine’s EEZ in 2014**; for this purpose, it is necessary to further increase the number of NATO member states’ Navy ships on duty in the Black Sea.
* **Ukraine should initiate the establishment of ​​a joint naval format in the Black Sea "NATO, including its Black Sea member states and partner countries (Ukraine and Georgia)"** for regular patrols in the Black Sea to ensure freedom of navigation.
* **In cooperation with NATO and the United States, agree to continue the practice of control flights of US surveillance unmanned aircraft systems RQ-4B Global Hawk over the Black Sea, including in its north-western sector.**
* **To initiate an international investigation into GPS spoofing in the Black Sea area by the Russian side with appropriate sanctions.**
* **To initiate appropriate decisions on and the monitoring of Russia’s violations of freedom of navigation in the Black Sea and the Sea of Azov by international organizations (IMO, ICAO, FAO, World Telecommunication Union, Council of Europe, the EU), courts (ITLOS, ECHR), and arbitration tribunals.** In particular, this may apply to the restriction of shipping, fishing, mass abuses of sea areas closures under the pretext of military exercises using the international system of maritime navigation warnings about the dangers NAVTEX, and so on.

**What not to do in the area of ​​deterring the Russian aggression at sea:**

* to not continue the policy of "internal waters" on the Sea of ​​Azov, the 2003 Treaty, and the 1993 Agreement on the regime of this sea and the Kerch Strait;
* to not tolerate capture and abduction of Ukrainian fishermen by Russians, the delays of merchant ships by Russians, the stay of Russian Coast Guard and warships in the waters near mainland Ukraine, the militarisation of platforms and structures seized on the Ukrainian shelf;

* to not tolerate the use of Crimea as a military and naval base for the Russian aggression in Syria, Libya, and so on or building up Russia’s military and naval forces in the region.

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*Signed by the members of the Maritime Expert Platform association:*

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