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Ukraine



Crimean Tatar
Resource Center

THE FUTURE of CRIMEA

legal provision and
recommendations to strategies



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«The Future of Crimea: legal provision and recommendations to strategies» /

Bariiev Eskender, Babin Borys, Bariieva Zarema, Boychenko Svetlana, Guchakova Tetyana, Khlobystov Ievgen, Klymenko Andrii, Korotkikh Liudmyla, Kuzmina Svitlana, Liashenko Volodymyr, Lopushynskyi Ivan, Poznyak Oleksandr, Savchuk Tetiana, Seiytosmanov Ayder, Stelmashov Artem, Useinova Zarema, Voloshyna Larysa, Zakharenko Kostyantyn; Under the general editorship of: Bariiev Eskender, Babin Borys; Crimean Tatar Resource Center – Kyiv, 2023 – 56 p.

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Annotation: The publication presents the results of the analysis of Ukrainian legislation regarding occupied Crimea, international and foreign normative legal acts concerning the occupied territories, which are freely available. Based on this analysis, the authors have developed recommendations for 10 directions on introducing changes to the strategy for the deoccupation and reintegration of Crimea.

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Foreword



The armed aggression of the Russian Federation against Ukraine in 2014 led to the temporary occupation of integral parts of Ukraine's territory – the Autonomous Republic of Crimea and the city of Sevastopol, as well as certain districts in Donetsk and Luhansk regions, setting the first precedent in Europe after World War II for an attempted annexation of a part of the territory of one state by another.

Russia has grossly violated one of the basic principles of international law regarding the inviolability of borders, and has revised the architecture of the global security system.

The Crimean peninsula has turned into a military base for Russia's full-scale armed aggression against Ukraine, becoming a source of threat to the stability of Europe.

In the temporarily occupied territory of Crimea, the Russian occupation administration systematically violates human rights and fundamental freedoms, commits crimes against humanity, war crimes, carries out politically motivated criminal prosecutions, conscripts civilians for military service of the occupying state, conducts illegal searches, deprives people of their liberty, uses torture, violates the right to a fair trial, systematically blocks Ukrainian information resources, violates the rights of indigenous peoples of Ukraine, in particular, the right to ethnic identity, cultural and linguistic diversity, religion, a targeted policy to change the demographic composition of the population, and actions aimed at unlawful acquisition, use and administration of property.

In order to create conditions for the deoccupation and reintegration of the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol, neutralize threats to national and international security, and guarantee human rights and fundamental freedoms, on March 11, 2021, Ukraine approved the Strategy for the Deoccupation and Reintegration of the Temporarily Occupied Territory of the Autonomous Republic of Crimea and the City of Sevastopol, which emphasizes the priority of political and diplomatic means of resolving the armed conflict unleashed by the Russian Federation, restoration and peacebuilding. However, on February 24, 2022, the Russian Federation launched a full-scale armed aggression against Ukraine, which determines the need to revise the Strategy and prioritize the means of restoring Ukraine's sovereignty.

This analytical and research work consists of two sections: Recommendations of the Strategic Forum «The Future of Crimea» on introducing changes to the

Strategy for the Deoccupation and Reintegration of the Temporarily Occupied Territory of the Autonomous Republic of Crimea and the City of Sevastopol and the assessment of legal and organizational support for the reintegration of Crimea.

Recommendations were developed by the participants of the Strategic Forum «The Future of Crimea», which took place on March 3-7, 2023. 20 experienced experts took part in the Forum, including 7 doctors of sciences in political, legal, geographical, pedagogical, economic, philosophical, public administration spheres as well as judges, executors of court decisions, lawyers, university teachers, representatives of the education system, ecologists who lived on the peninsula, scientists who know the specifics of its population, economy, political processes, have recognition among the population of Crimea and worked on its

development even before the occupation. The recommendations were developed on the basis of various strategic planning methods, including the «Future Search» method.

The assessment of legal and organizational support for the reintegration of Crimea is an analysis of the applied international standards, laws and regulations, management, administrative, judicial and law enforcement practices of the aspects of reintegration of the occupied Crimea.

The objective of the review is to provide an objective and unbiased analysis of the current state of reintegration of Crimea based on official open sources.

The challenges for the work are the situation of large-scale aggression, the variability of proposals for the reintegration of Crimea and their current processing by the Ukrainian authorities through various mechanisms and with different access regimes.

The authors recommend this analytical and research work for the central executive authorities of Ukraine, the National Security and Defense Council of Ukraine, specialized committees of the Verkhovna Rada of Ukraine, the diplomatic corps in Ukraine, academics and researchers.

*Sincerely yours,
Eskender Bariiev,*

*Head of the Board of the Crimean Tatar Resource Center,
Head of the Department of external relations and human rights protection*



RECOMMENDATIONS OF THE STRATEGIC FORUM «THE FUTURE OF CRIMEA» on introducing changes to the Strategy for the Deoccupation and Reintegration of Crimea

PROPOSALS FOR THE REINTEGRATION OF CRIMEA IN THE FOLLOWING DIRECTIONS:

1. Public administration
2. Criminal policy
3. Migration policy
4. Civil policy
5. Social and humanitarian policy
6. Information policy
7. Environmental policy
8. International policy
9. Justice policy
10. Anti-corruption policy

1. *Public administration*



- 1.1. Legislative and organizational support for the creation of two regional military administrations for Crimea prior to the beginning of deoccupation (for the Autonomous Republic of Crimea and for the city of Sevastopol).
- 1.2. Formation and further activities of the military administrations of the Autonomous Republic of Crimea, the city of Sevastopol, cities and districts of Crimea in consultation with the legalized representative bodies of indigenous peoples in accordance with the legislation on indigenous peoples.
- 1.3. Organization of special training courses for the personnel of military administrations about the indigenous peoples of Ukraine, international humanitarian law, transitional justice, about the practical situation of occupation and the specifics of the illegal organization of “governance” and “management” by the aggressor.
- 1.4. Expanding the staff and functional capacity of Mission of the President of Ukraine in the Autonomous Republic of Crimea, with the formation of a staff of its inspectors in the districts and cities of Crimea, the inclusion of the Representative in the composition of the CNSD of Ukraine, and his deputies – to the boards of the relevant law enforcement and special state bodies.
- 1.5. Preparation of amendments to the constitutional legislation regarding the transformation of the legal status of the Autonomous Republic of Crimea and the city of Sevastopol with the introduction of amendments to the Constitution of Ukraine after the end of martial law.
- 1.6. Review of the district division of the Autonomous Republic of Crimea and the city of Sevastopol, changed by the Ukrainian authorities during the occupation, with its adaptation to the interests of the state and the needs of the population.
- 1.7. Assistance by the military administrations within the year after the deoccupation in holding of elections of delegates to the Qurultay and local Mejlises of the Crimean Tatar people, holding of the Qurultay of the Crimean Tatar people in cooperation with the representatives of the local Mejlises of the Crimean Tatars determined by the Mejlis of the Crimean Tatar people until their re-election.
- 1.8. Introduction of a model of consultation and cooperation of military administrations with the public through the appointment of advisers, the formation of advisory councils and voluntary formations of assistance to military administrations.

2. Criminal policy



- 2.1. Formation and implementation of criminal policy taking into account principles of humanity, the presumption of innocence, the physical limitation of undisputed proof of guilt under the conditions of occupation, the protection of the real interests of man and the state, compliance with international standards, the limited resources of law enforcement agencies, prosecutor's offices, courts and punishment enforcement agencies.
- 2.2. Approval of the law on amnesty for persons who were convicted "on behalf of Ukraine" by the courts of the Autonomous Republic of Crimea and the city of Sevastopol, until the date of entry into force of the Law «On ensuring the rights and freedoms of citizens and the legal regime in the temporarily occupied territory of Ukraine» April 27, 2014 and were subsequently detained in places of detention under the control of the aggressor state.
- 2.3. Amendments to the legislation on exemption from criminal liability of persons who received the status of defendants, suspects, accused by law enforcement agencies, prosecutors, courts located in the AR of Crimea and Sevastopol, in respect of acts for which they received procedural status before April 26, 2014.
- 2.4. Amendments to the legislation on exemption from criminal liability persons who committed crimes in the Autonomous Republic of Crimea and Sevastopol both during the occupation and in the period preceding the occupation, except for persons who have committed particularly grave war crimes, international crimes, crimes against the basics of national security, life and health, sexual freedom and inviolability, and were not brought to criminal liability to criminal responsibility until the day of the deoccupation.
- 2.5. Amendments to the legislation on the actual consideration during the sentencing of persons who have committed particularly grave war crimes, international crimes, crimes against the basics of national security, life and health, sexual freedom and inviolability, and were not brought to criminal responsibility until the day of the beginning of deoccupation, the staying of these persons in places of detention under the occupation, and their actual compensation to the victims.
- 2.6. Amendments to the legislation to differentiate responsibility for collaboration activities in the territories occupied until 2022 and establishing the minimum age of criminal liability for collaboration at the age of 18.

3. Migration policy



- 3.1. Introduction of a special temporary unified register of all individuals who will be found on the territory of the deoccupied Crimea before the start of deoccupation, determination of the structure responsible for maintaining such a register, the procedure for its filling and issuing a person a temporary document on entry into the register. The register is a tool of accounting and stabilization measures to protect the interests of citizens of Ukraine and the state and does not grant registered persons rights in migration and civil spheres.
- 3.2. Establishment of the status of a temporary document on the entry into the register of individuals who will be found on the territory of the deoccupied Crimea and the procedure for using this document.
- 3.3. Establishment of the procedure for voluntary departure from Ukraine of persons found on the territory of Crimea who do not have the right to reside in Ukraine.
- 3.4. Establishment of a special procedure for the expulsion from Ukraine of persons found on the territory of Crimea who do not have the right to reside in Ukraine, with gradation of the terms of such expulsion depending on humanitarian and economic circumstances and taking into account the special status of children and international standards of the rights of indigenous peoples.
- 3.5. Establishment of a special procedure for dealing with persons found on the territory of Crimea who do not have the right to reside in Ukraine, but have special guarantees under international humanitarian law.
- 3.6. Establishment of a temporary special procedure for establishing and registering legal facts of birth and death and recording actual marital relations in the deoccupied territory.
- 3.7. Establishment of a procedure for confirming the right to reside in Ukraine for foreigners and stateless persons who had it at the beginning of the occupation of Crimea.

4. Civil policy



- 4.1. Introduction of a moratorium from the beginning of deoccupation on any transactions on land and all other real estate located in the Autonomous Republic of Crimea and the city of Sevastopol, except for activities related to the use and maintenance of property, for a period of at least three years, and in the case of land, for at least one year after the formation of local self-governments.
- 4.2. Inventory of actual land users and real estate in the Autonomous Republic of Crimea and the city of Sevastopol in the form of individuals who have declared their responsibility for the property, with a mandatory application or registration, in particular in the electronic cabinet, within three months after deoccupation and only if such a person is included into a special unified register of physical persons (p. 3.1.), which will be found on the territory of the deoccupied Crimea, with the harmonization of the relevant registers.
- 4.3. Determination of the procedure for registering all immovable property and land in the ownership of the state, in respect of which the statement of physical persons about their responsibility will not be submitted, as well as land and property that are known not to be in private ownership, taking into account the legislation on indigenous peoples.
- 4.4. Introduction of special temporary procedures for changing the status of individual objects of land and real estate in Crimea due to humanitarian needs, needs in the field of national security and critical infrastructure through the decision of a special interdepartmental commission under the authorized central body of executive power.
- 4.5. Introduction of a special temporary administrative procedure for confiscation of property located in Crimea from persons who do not have the right to own it, with a judicial appeal procedure.
- 4.6. Introduction of a special procedure for the transfer of certain expropriated lands and property from persons who do not have the right to own them to ownership or ownership by representative bodies of indigenous peoples.
- 4.7. Introduction of tax and other amnesty for the occupation period and introduction of a special tax and fiscal regime for the transitional period with a zero tax rate on any commercial activity, in order to avoid the fixation of temporary humanitarian forms of management.
- 4.8. Introduction of a special regime of licensing and control of commercial activities in Crimea during the transitional period.

5. *Social and humanitarian policy*



- 5.1. Implementation of preventive training of the personnel reserve for management personnel, methodologists and instructors, development and adaptation of compliance programs for officials appointed to Crimea.
- 5.2. Introduction of separate certificate language courses, as well as temporary standards of secondary education with its gradual integration into the Ukrainian educational space, early preparation of personnel reserve for administrative positions of educational institutions in Crimea, creation of a database of persons who received illegal education in Crimea.
- 5.3. Introduction of qualification confirmation mechanisms for persons who received illegal basic secondary and secondary professional education in Crimea under the conditions of occupation.
- 5.4. Interaction with partner states regarding the organization of mass education and retraining of Crimeans at European universities with an annual enrollment of several thousand applicants.
- 5.5. Transformation of the Crimea-Ukraine educational program for people from Crimea who will receive higher education in Ukrainian educational institutions.
- 5.6. Introduction of a basic institution of higher education for the training of personnel from among representatives of the indigenous people with the broad involvement of the Crimean Tatar diaspora and partner states.
- 5.7. Introduction of a special temporary humanitarian regime of pension and social security of the population of Crimea, entered in a special unified register of natural persons who will be found on the territory of the deoccupied Crimea.
- 5.8. Early preparation for the need to provide large-scale humanitarian aid to the vulnerable part of the Crimean population right from the beginning of the de-occupation, coordination by the authorities of the relevant priority needs and directions.

6. Information policy



- 6.1. Early preparation of personnel, technical and journalistic reserves to ensure the operation of regional television and radio broadcasting in Crimea, taking into account the linguistic and cultural needs of the population.
- 6.2. Early preparation of informative and campaigning materials for the population of Crimea in the first period of deoccupation, taking into account their linguistic and cultural needs, including issues of the status of persons, property, responsibility for collaboration and international crimes, European integration, rights of indigenous peoples, and prospects for the development of the region.
- 6.3. Early preparation to provide the population of Crimea with access to the Internet and the possibility of exercising the right to apply to the authorities of Ukraine.



Strategic forum «The Future of Crimea», March 3-7, 2023



Strategic forum «The Future of Crimea», March 3-7, 2023

7. Environmental policy



- 7.1. Early training of personnel and mechanisms for detecting environmental risks, in particular man-made, accounting for violations and damage to natural complexes of Crimea.
- 7.2. Early training of personnel and mechanisms in the field of water supply of the peninsula and determination of the state of water distribution and drainage problems.
- 7.3. The introduction of a moratorium on the granting of permits for nature use for a transitional period, a special temporary procedure for nature use to ensure humanitarian and security needs in the areas of water extraction, energy extraction, extraction of natural materials and sea fishing.
- 7.4. Introduction of a special temporary regime for the protection and use of the natural reserve fund of Crimea.

8. International policy



- 8.1. Work with partner states and the International Committee of the Red Cross to ensure an effective large-scale presence of the ICRC in Crimea during the transitional period and involve the ICRC in the issue of accounting and treatment of persons, in particular those who have guarantees under international humanitarian law.
- 8.2. Work with partner states and the International Criminal Court to ensure the work of ICC prosecutors and international investigative teams in Crimea to help identify and document the international crimes of the occupiers.
- 8.3. Work with the UN, OSCE, and the Council of Europe regarding the implementation of monitoring missions and offices of these organizations in Crimea for the transitional period.
- 8.4. Premature suspension (derogation) by Ukraine of certain international obligations in the deoccupied Crimea for a transitional period regarding human rights, ecology and transport safety.
- 8.5. Strengthening the institutional capacity of the International Crimea Platform in the conditions of deoccupation, in particular the international institutionalization of the working and expert bodies of the Platform, their partial stay in Crimea.
- 8.6. Strengthening Ukraine's positions in international dispute resolution bodies, including the International Court of Justice and UN structures, the European Court of Human Rights and other bodies of the Council of Europe, as well as in international organizations with the prospects of countering highly probable provocations and complaints of the aggressor and related regimes and persons, strengthening of appropriate cooperation with authoritative international non-governmental human rights, humanitarian, environmental structures.
- 8.7. Ensuring the operation of the Fund for the Reintegration of Crimea at the highest interstate, contractual level as the main mechanism for the accumulation of aid for reintegration, with special mechanisms for control and reporting on the use of aid.

10. Anti-corruption policy



- 10.1. Preparation of institutional capacity for the prompt provision of all forms of administrative services and records to the population of Crimea in the transitional period in digital form.
- 10.2. Preparation of institutional capacity for periodic checks, in particular polygraphic, and relevant testing of all persons involved in activities for the reintegration of Crimea.
- 10.3. Introduction of transparent accounting of purchases and budget expenditures in the deoccupied Crimea under special temporary procedures.
- 10.4. Preparation of the institutional capacity of anti-corruption bodies of Ukraine for urgent mass work in Crimea immediately after the beginning of its deoccupation.



Strategic forum «The Future of Crimea», March 3-7, 2023

ASSESSMENT OF LEGAL AND ORGANIZATIONAL SUPPORT FOR THE REINTEGRATION OF CRIMEA

This review is an assessment of applicable international standards, laws and by-laws, management, administrative, judicial and law enforcement practices of aspects of the reintegration of occupied Crimea.

The task of the review is an objective and impartial analysis of the current state of ensuring the reintegration of Crimea from official open sources.

The challenges for the work are the situation of large-scale aggression, the variability of proposals for the reintegration of Crimea and their current processing by the authorities of Ukraine in different mechanisms and with different access regimes.

REVIEW PLAN:

1. Development of legislation on deoccupation and reintegration.
2. International standards for deoccupation and reintegration
3. Legal doctrine and foreign experience of deoccupation and reintegration.
4. Interpretation of deoccupation and reintegration in the legislation of Ukraine

1. Development of legislation on deoccupation and reintegration



Since the beginning of Russian aggression, the lawmaker has consistently responded to the development of Russian aggression, the occupation and attempted annexation of ARC and the city of Sevastopol, the escalation of the conflict in the East of Ukraine by approving a number of specialized laws, their gradual improvement, and approving parliamentary statements and appeals.

In particular, since April 2014, the following Laws of Ukraine were approved by Ukrainians:

- «On ensuring the rights and freedoms of citizens and the legal regime in the temporarily occupied territory of Ukraine» dated April 15, 2014 No. 1207-VII, with the following amendments introduced by 26 laws of Ukraine ;
- «On ensuring the rights and freedoms of citizens and the legal regime in the temporarily occupied territory of Ukraine» dated April 15, 2014 No. 1207-VII, with the following amendments introduced by 26 laws of Ukraine¹;
- «On restoration of the rights of persons deported on ethnic grounds» dated April 17, 2014 No. 1223-VII, with the following amendments introduced by 2 laws of Ukraine²;
- «On amendments to the Law of Ukraine “On combating terrorism” on preventive detention in the ATO area of persons involved in terrorist activities exceeding 72 hours» dated August 12, 2014 No. 1630-VII³;
- «On amendments to the Criminal Procedure Code of Ukraine regarding the special regime of pre-trial investigation under martial law, state of emergency or in the region of anti-terrorist operation» dated August 12, 2014 No. 1631-VII⁴;
- «On the administration of justice and criminal proceedings in connection with the anti-terrorist operation» dated August 12, 2014 No. 1632-VII, with the following amendments introduced by 3 laws of Ukraine⁵;
- «On amendments to the Law of Ukraine “On Militia” regarding the conditions for the use of force, special means and firearms in the area of anti-terrorist operation» dated August 12, 2014 No. 1633-VII (repealed by the Law of Ukraine dated July 2, 2015 No. 580 -VIII)⁶;

1 <https://zakon.rada.gov.ua/laws/show/1207-18#Text>

2 <https://zakon.rada.gov.ua/laws/show/1223-18#Text>

3 <https://zakon.rada.gov.ua/laws/show/1630-18#Text>

4 <https://zakon.rada.gov.ua/laws/show/1631-18#Text>

5 <https://zakon.rada.gov.ua/laws/show/1632-18#Text>

6 <https://zakon.rada.gov.ua/laws/show/1633-18#Text>

- «On the creation of the free economic zone “Crimea” and on the specifics of carrying out economic activities in the temporarily occupied territory of Ukraine» dated August 12, 2014 No. 1636-VII, with subsequent amendments introduced by 9 laws of Ukraine (repealed by the Law of Ukraine dated July 1, 2021 No. 1618-IX)⁷;
- «On temporary measures for the period of the anti-terrorist operation» dated September 2, 2014 No. 1669-VII, with the following amendments introduced by 14 laws of Ukraine⁸;
- «On the special procedure of local self-government in certain districts of Donetsk and Luhansk regions» dated September 16, 2014 No. 1680-VII (did not enter into force, except for Article 1, which was amended by 6 laws of Ukraine, completely expired on December 31, 2022)⁹;
- «On ensuring the rights and freedoms of internally displaced persons» dated October 20, 2014 No. 1706-VII, with the following amendments introduced by 19 laws of Ukraine¹⁰;
- «On amendments to certain legislative acts of Ukraine regarding the inevitability of punishment of persons who hide in the temporarily occupied territory of Ukraine or in the area of the anti-terrorist operation»: dated January 15, 2015 No. 119-VIII, as amended by Law No. 1355-VIII 2016¹¹;
- «On military-civilian administrations» dated February 3, 2015 No. 141-VIII, with the following amendments introduced by 9 Laws of Ukraine¹²
- «On the peculiarities of the state policy to ensure the state sovereignty of Ukraine in the temporarily occupied territories in the Donetsk and Luhansk regions» dated January 18, 2018 No. 2268-VIII¹³, with the following amendments introduced by 2 Laws of Ukraine, repealed by the Law of Ukraine dated April 21, 2022 No. 2217-IX;
- «On approval of the Decree of the President of Ukraine “On the introduction of martial law in Ukraine”» dated November 26, 2018 No. 2630-VIII¹⁴.
- «On mine action in Ukraine» dated December 6, 2018 No. 2642-VIII with the following amendments introduced by 2 Laws of Ukraine¹⁵;

7 <https://zakon.rada.gov.ua/laws/show/1636-18#Text>

8 <https://zakon.rada.gov.ua/laws/show/1669-18#Text>

9 <https://zakon.rada.gov.ua/laws/show/1680-18#Text>

10 <https://zakon.rada.gov.ua/laws/show/1706-18#Text>

11 <https://zakon.rada.gov.ua/laws/show/119-19#Text>

12 <https://zakon.rada.gov.ua/laws/show/141-19#Text>

13 <https://zakon.rada.gov.ua/laws/show/2268-19#Text>

14 <https://zakon.rada.gov.ua/laws/show/2630-19#Text>

15 <https://zakon.rada.gov.ua/laws/show/2642-19#Text>

- «On the national security of Ukraine» dated June 21, 2018, No. 2469-VIII with the following amendments introduced by 7 Laws of Ukraine¹⁶;
- «On the legal status of persons who have gone missing under special circumstances» dated July 12, 2018 No. 2505-VIII with subsequent amendments made by 2 Laws of Ukraine¹⁷;
- «On the implementation of the Agreement between Ukraine and the Kingdom of the Netherlands on international legal cooperation regarding crimes related to the downing of Malaysia Airlines Flight MH17 on July 17, 2014» dated July 12, 2018 No. 2507-VIII¹⁸;
- «On amendments to certain Laws of Ukraine regarding the resumption of the activities of the State joint-stock company Chornomornaftogaz» dated November 22, 2018 No. 2618-VIII¹⁹;
- «On termination of the treaty on friendship, cooperation and partnership between Ukraine and the Russian Federation» dated December 6, 2018 No. 2643-VIII²⁰;
- «On prevention and counteraction to legalization (laundering) of proceeds from crime, financing of terrorism and the financing of the proliferation of weapons of mass destruction» dated December 6, 2019 No. 361-IX with subsequent amendments made by 15 Laws of Ukraine²¹;
- «On amendments to some Laws of Ukraine regarding the peculiarities of the appointment of managers of state and communal cultural institutions in the temporarily occupied territories» dated January 14, 2020 No. 447-IX²²;
- «On amendments to the Law of Ukraine “On higher education” regarding the features of admission to higher education institutions of persons from the temporarily occupied territories of the Autonomous Republic of Crimea and the city of Sevastopol, Donetsk and Luhansk regions» dated July 3, 2020 No. 744-IX²³;
- «On the indigenous peoples of Ukraine» dated July 1, 2021 No. 1616-IX²⁴;
- «On amendments to the Tax Code of Ukraine and some other legislative acts of Ukraine regarding the administration of taxes and fees in the temporarily occu-

16 <https://zakon.rada.gov.ua/laws/show/2469-19#Text>

17 <https://zakon.rada.gov.ua/laws/show/2505-19#Text>

18 <https://zakon.rada.gov.ua/laws/show/2507-19#Text>

19 <https://zakon.rada.gov.ua/laws/show/2618-19#Text>

20 <https://zakon.rada.gov.ua/laws/show/2643-19#Text>

21 <https://zakon.rada.gov.ua/laws/show/361-20#Text>

22 <https://zakon.rada.gov.ua/laws/show/447-20#Text>

23 <https://zakon.rada.gov.ua/laws/show/744-20#Text>

24 <https://zakon.rada.gov.ua/laws/show/1616-20#Text>

- piated territory of the Autonomous Republic of Crimea and the city of Sevastopol» dated July 1, 2021 No. 1617-IX²⁵;
- «On the foundations of national resistance» dated July 16, 2021 No. 1702-IX with the following amendments introduced by 3 Laws of Ukraine²⁶;
 - «On the introduction of amendments to some Laws of Ukraine regarding the introduction of information about the registered place of residence of persons in the temporarily occupied territories in the Donetsk and Luhansk regions, the Autonomous Republic of Crimea and the city of Sevastopol, as well as the registration of documents certifying identity and confirming the citizenship of Ukraine, or documents, certifying a person and confirming his special status» dated November 30, 2021 No. 1916-IX²⁷;
 - «On social and legal protection of persons who have been deprived of their personal freedom as a result of armed aggression against Ukraine, and members of their families» dated January 26, 2022 No. 2010-IX²⁸;
 - Laws on approval of the decrees of the President of Ukraine on general mobilization in 2022-2023 No. 2105-IX, No. 2264-IX, No. 2739-IX, No. 2916-IX²⁹;
 - Laws on approval of the decrees of the President of Ukraine on the imposition of martial law in Ukraine in 2022-2023 No. 2102-IX, No. 2212-IX, No. 2263-IX, No. 2738-IX, No. 2915-IX³⁰;
 - «On amendments to certain legislative acts of Ukraine regarding ensuring liability of persons who carried out collaborative activities» dated March 3, 2022 No. 2107-IX³¹;
 - «On amendments to certain legislative acts of Ukraine regarding establishing criminal liability for collaborative activities» dated March 3, 2022 No. 2108-IX³²;
 - «On ensuring the participation of civilians in the defense of Ukraine» dated March 3, 2022 No. 2114-IX³³;

25 <https://zakon.rada.gov.ua/laws/show/1617-20#Text>

26 <https://zakon.rada.gov.ua/laws/show/1702-20#Text>

27 <https://zakon.rada.gov.ua/laws/show/1916-20#Text>

28 <https://zakon.rada.gov.ua/laws/show/2010-20#Text>

29 <https://zakon.rada.gov.ua/laws/show/2916-20#Text>

30 <https://zakon.rada.gov.ua/laws/show/2915-20#Text>

31 <https://zakon.rada.gov.ua/laws/show/2107-20#Text>

32 <https://zakon.rada.gov.ua/laws/show/2108-20#Text>

33 <https://zakon.rada.gov.ua/laws/show/2114-20#Text>

- «On the basic principles of forcible seizure in Ukraine of objects of property rights of the Russian Federation and its residents» dated March 3, 2022 No. 2116-IX with the following amendments introduced by 3 Laws of Ukraine³⁴;
- «On amendments to certain legislative acts of Ukraine regarding regulation of issues related to prisoners of war in a special period» dated March 24, 2022 No. 2158-IX³⁵;
- «On amendments to some Laws of Ukraine regarding regulation of the legal regime in the temporarily occupied territory of Ukraine» dated April 21, 2022 No. 2217-IX³⁶;
- «On amendments to the Criminal Procedure Code of Ukraine and other legislative acts of Ukraine regarding cooperation with the International Criminal Court» dated May 3, 2022 No. 2236-IX³⁷;
- «On the approval of the Decree of the President of Ukraine “On the decision of the National Security and Defense Council of Ukraine dated May 11, 2022 “On the forcible seizure in Ukraine of objects of property rights of the Russian Federation and its residents”» dated May 12, 2022 No. 2249-IX³⁸;
- «On amendments to certain legislative acts of Ukraine regarding increasing the effectiveness of sanctions related to the assets of individuals» dated May 12, 2022 No. 2257-IX³⁹;
- «On the prohibition of propaganda of the Russian Nazi totalitarian regime, armed aggression of the Russian Federation as a terrorist state against Ukraine, symbols of the military invasion of the Russian Nazi totalitarian regime in Ukraine» dated May 22, 2022 No. 2265-IX⁴⁰;
- «On amendments to some Laws of Ukraine regarding the support of the national musical product and the restriction of public use of the musical product of the aggressor state» dated June 19, 2022 No. 2310-IX⁴¹;
- «On amendments to some legislative acts of Ukraine regarding the basics of the State Regional Policy and the Policy of the Restoration of Regions and Territories» dated July 9, 2022 No. 2389-IX⁴²;

34 <https://zakon.rada.gov.ua/laws/show/2116-20#Text>

35 <https://zakon.rada.gov.ua/laws/show/2158-20#Text>

36 <https://zakon.rada.gov.ua/laws/show/2217-20#Text>

37 <https://zakon.rada.gov.ua/laws/show/2236-20>

38 <https://zakon.rada.gov.ua/laws/show/2249-20#Text>

39 <https://zakon.rada.gov.ua/laws/show/2257-20#Text>

40 <https://zakon.rada.gov.ua/laws/show/2265-20#Text>

41 <https://zakon.rada.gov.ua/laws/show/2310-20#Text>

42 <https://zakon.rada.gov.ua/laws/show/2389-20#Text>

- «On amendments to certain Laws of Ukraine regarding provision of additional protection guarantees for media workers working in areas of military (combat) actions and/or in the temporarily occupied territories of Ukraine» dated July 8, 2022 No. 2382-IX⁴³;
- «On amendments to some Laws of Ukraine regarding the optimization of some issues of forced expropriation and or seizure of property under the legal order of martial law or state of emergency» dated September 6, 2022 No. 2561-IX⁴⁴;
- «On basic principles of state policy in the sphere of approval of the Ukrainian national and civil identity» dated December 13, 2022 No. 2834-IX⁴⁵;
- «On national minorities (communities) of Ukraine» dated December 13, 2022 No. 2827-IX, which has not yet entered into force⁴⁶.

The specified acts, approved by February 2022, established the scope of the state's responsibilities in relation to the temporarily occupied territories (TOTs), residents of the TOTs and internally displaced persons (IDPs), deported persons and indigenous peoples, the principles of regimes for visiting the TOTs and economic activities in the TOTs, restrictions on rights individuals and communities on the territory of the Anti-Terrorist Operation and the Joint Forces Operation (JFO).

These documents are of a system-forming nature and became the legal foundation of Ukraine's policy regarding Russian aggression, TOTs and IDPs, and introduced new interdisciplinary institutions (military-civilian administrations, entry-exit checkpoints, etc.) into national law. Certain institutions, namely the "free economic zone" regime in the TOTs in Crimea and the "specificities of local self-government" in the Eastern Ukrainian TOTs did not lead to any positive changes, both in terms of deoccupation and reintegration, and were subsequently canceled.

After the beginning of the large-scale aggression, the laws also provided for the regulation of activities related to TOTs, IDPs, the activities of state bodies and other institutions under martial law conditions, established the principles of combating collaboration and the principles of confiscation of property of the aggressor state.

Also, since 2014, a significant number of resolutions of the Verkhovna Rada of Ukraine (VRU) have been approved⁴⁷ on issues of interstate conflict and its consequences. In particular, these resolutions approved a number of parliamentary appeals and statements on key aspects of the interstate conflict, established a number of legal facts, and regulated separate legal relations regarding the combat zone and TOTs.

The relevant appeals of the Verkhovna Rada, approved before large-scale Russian aggression, were addressed to foreign countries, their parliaments, international organizations and inter-parliamentary assemblies. They related to the oppression of human rights by the occupiers

43 <https://zakon.rada.gov.ua/laws/show/2382-20#Text>

44 <https://zakon.rada.gov.ua/laws/show/2561-20#Text>

45 <https://zakon.rada.gov.ua/laws/show/2834-20#Text>

46 <https://zakon.rada.gov.ua/laws/show/2827-20#Text>

47 <https://zakon.rada.gov.ua/laws/main/tt1002>

in the TOTs and in the aggressor state, commemoration of the victims of the genocide of the Crimean Tatar people and their protection from the oppression of the occupiers, individual facts of the escalation of the conflict, criminal encroachments of the aggressor on Ukrainian sovereignty, illegal “elections” in the TOTs, as well as support for the activities of the Crimea Platform.

The appeals were approved by resolutions of 2014 No. 831-VII, No. 858-VII, No. 1332-VII, No. 30-VIII, No. 45-VIII, 2015 No. 84-VIII, No. 106-VIII, No. 129-VIII, No. 205-VIII, No. 257-VIII, No. 349-VIII, No. 372-VIII, No. 412-VIII, No. 642-VIII, No. 717-VIII, No. 892-VIII, 2016 No. 1014-VIII, No. 1015 -VIII, No. 1068-VIII, No. 1348-VIII, No. 1502-VIII, No. 1652-VIII, 2017 No. 1837-VIII, No. 1907-VIII, 2018 No. 2310-VIII, No. 2312-VIII, No. 2436-VIII, No. 2451-VIII, No. 2632-VIII, 2019 No. 2713-VIII, No. 2734-VIII, 2020 No. 571-IX, No. 639-IX, 2021 No. 1229-IX, No. 1706 -IX, No. 1721-IX, 2022 No. 1993-IX, No. 2038-IX and No. 2039-IX, etc.

Also, in the period of 2014-2021, other parliamentary statements were approved regarding the opposition and condemnation of terrorism supported by the aggressor state, the non-recognition of illegal self-proclaimed entities in the TOTs, the condemnation of “elections” and “referendums” in the TOTs, and the protection of the rights of Crimean Tatars, military personnel and journalists , in particular, approved by resolutions of the Verkhovna Rada of 2014 No. 844-VII, No. 847-VII, No. 857-VII, No. 1215-VII, No. 1596-VII, No. 1597-VII, 2015 No. 337-VIII, 2016 No. 1527-VIII, No. 1653-VIII, 2018 No. 2371-VIII, 2019 No. 66-IX, 2020 No. 806-IX, No. 932-IX, 2021 No. 1356-IX, No. 1749-IX and No. 1773-IX, 2022 No. 2093-IX, etc.

Statement No. 1140-VII dated March 20, 2014, which determined the guarantees of the rights of the indigenous Crimean Tatar people, Statement No. 145-VIII dated February 4, 2015 on Ukraine’s recognition of the jurisdiction of the International Criminal Court in the context of Russian aggression, and Statement on the withdrawal of Ukraine from certain obligations in the field of human rights dated May 21, 2015 No. 462-VIII.

Also, in the period of 2014-2021, the VRU approved a number of other resolutions on the prevention of manifestations of separatism, support of the Armed Forces of Ukraine, termination of the powers of the Verkhovna Rada of the ARC, on the renaming and changes of the administrative system to TOTs, on commemorative dates related to TOTs, on the recognition of the territories as occupied, on the recognition of the genocide of the Crimean Tatar people, on the protection of the Crimean diocese of the Ukrainian Orthodox Church, on the memorandums of mutual understanding. In particular, these are resolutions of 2014 No. 756-VII, No. 846-VII, No. 891-VII, No. 1220-VII, No. 1238-VII, No. 1550-VII, No. 1280-VII, No. 32-VIII, 2015 No. 252-VIII, No. 254-VIII, No. 411-VIII, No. 792-VIII, No. 830-VIII, 2016 No. 1351-VIII, No. 1352-VIII, 2017 No. 2160-VIII, 2018 No. 2356 -VIII, 2021 No. 1490-IX, 2022 No. 2077-IX, etc.

In addition, with regard to aspects of Russian aggression, temporary investigative commissions related to issues of Russian aggression were formed by resolutions of the Verkhovna Rada of 2014 No. 1264-VII, No. 1511-VII, No. 1544-VII, No. 1676-VII. The corresponding practice was continued from 2022 and the corresponding investigative commissions were created by resolutions No. 2032-IX No. 2591-IX No. 2592-IX No. 2602-IX.

Also, by resolutions of the Verkhovna Rada of 2015 No. 853-VIII, 2016 No. 1034-VIII, No. 1074-VIII, No. 1470-VIII, 2020 No. 498-IX, parliamentary hearings on IDPs and TOTs were scheduled and relevant recommendations were approved.

With the beginning of large-scale Russian aggression, appeals to the VRU covered both the condemnation of this international crime and the activities of the International Crimea Platform,

protection of the civilian population, prisoners of war, opposition to forced deportation to the aggressor state, exclusion of the aggressor from UNESCO and international sports competitions, fixing environmental damage, caused as a result of armed aggression, the creation of a special international tribunal on the crime of aggression, countering the funding of terrorism by the aggressor, non-recognition of pseudo-referendums on the Ukrainian National Assembly. In particular, this is an appeal approved by resolutions of the Verkhovna Rada of 2022 No. 2104-IX, No. 2141-IX, No. 2189-IX, No. 2283-IX, No. 2306-IX, No. 2484-IX, No. 2496-IX, No. 2546-IX, No. 2594-IX and No. 2663-IX, 2023 No. 2942-IX, No. 2946-IX and No. 2947-IX.

Also, under the conditions of large-scale Russian aggression, parliamentary statements were approved regarding the condemnation of the Russian genocide in Ukraine, the attempt to annex the Russian Federation, recognition of the Russian regime as a terrorist, the illegitimacy of Russia's presence in the UN, about Russian naval aggression, etc. In particular, these are statements of 2022 No. 2188-IX, No. 2595-IX, No. 2630-IX, No. 2632-IX and No. 2787-IX, etc. Also, by resolutions of the Verkhovna Rada of 2022 No. 2351-IX and No. 2593-IX, the Temporary Special Commission was formed. on issues of international humanitarian and international criminal law in the conditions of armed aggression of the Russian Federation against Ukraine.

Regarding the law-making activity of the President of Ukraine, it is possible to point to a significant number of acts regarding the occupied territories, first of all, these are a number of non-secret fully or partially decrees, in particular, which approved the decisions of the National Security and Defense Council of Ukraine (NSDC):

- «On the decision of the National Security Council of Ukraine dated March 1, 2014 “On urgent measures to ensure the national security, sovereignty and territorial integrity of Ukraine”» dated March 2, 2014 No. 189/2014⁴⁸;
- «On the suspension of the Resolution of the Verkhovna Rada of the ARC dated March 6, 2014 No. 1702-6/14 “On the holding of the all-Crimean referendum”» dated March 7, 2014 No. 261/2014⁴⁹;
- «On the decision of the National Security Service of Ukraine dated March 23, 2014 “On the redeployment of military units (units), institutions and organizations of the Armed Forces of Ukraine, other military formations and law enforcement agencies of Ukraine from the temporarily occupied territory of the ARC and the city of Sevastopol to other regions of Ukraine”» dated March 24 2014 No. 339/2014⁵⁰;
- «On the decision of the National Security Council of Ukraine dated April 13, 2014 “On urgent measures to overcome the terrorist threat and preserve the territorial integrity of Ukraine”» dated April 14, 2014 No. 405/2014⁵¹;
- «On the decision of the National Security and Defense Ministry of Ukraine dated April 28, 2014 “On some measures to protect the property rights and interests

48 <https://zakon.rada.gov.ua/laws/show/189/2014#Text>

49 <https://zakon.rada.gov.ua/laws/show/261/2014#Text>

50 <https://zakon.rada.gov.ua/laws/show/n0002525-14#n2>

51 <https://zakon.rada.gov.ua/laws/show/405/2014#Text>

of the state of Ukraine in connection with the temporary occupation of the territory of Ukraine”» dated May 7, 2014 No. 458/2014⁵²;

- «On the Day of Struggle for the Rights of the Crimean Tatar People» dated May 16, 2014 No. 472/2014⁵³;
- «On the Commissioner of the President of Ukraine for affairs of the Crimean Tatar people» dated August 20, 2014 No. 656/2014⁵⁴;
- «On the decision of the National Defense and Security Service of Russia dated January 25, 2015 “On emergency measures to counter the Russian threat and manifestations of terrorism supported by the Russian Federation”» dated February 14, 2015 No. 85/2015⁵⁵;
- «On the decision of the National Security and Defense Ministry of Ukraine dated March 12, 2015 “On additional measures for peaceful settlement, normalization of the situation and strengthening of security in certain areas of Donetsk and Luhansk regions”» dated March 18, 2015 No. 149/2015⁵⁶;
- «Issues of the Council of Representatives of the Crimean Tatar People» dated April 3, 2015 No. 194/2015⁵⁷;
- «On the decision of the National Security Service of Ukraine dated July 20, 2015 “On the state of implementation of measures to protect the property rights and interests of the state of Ukraine in connection with the temporary occupation of part of the territory of Ukraine”» dated August 26, 2015 No. 514/2015;
- «Questions of the Mission of the President of Ukraine in ARC» dated January 20, 2016 No. 16/2016⁵⁸;
- «On urgent measures to protect the rights, freedoms and legitimate interests of persons illegally detained, detained by the occupation administration of the Russian Federation, released from among such persons, support of the specified persons and their family members» dated July 25, 2018 No. 216/2018⁵⁹;
- «On the decision of the National Security and Defense Ministry of Ukraine dated October 12, 2018 “On urgent measures to protect national interests in the South

52 <https://zakon.rada.gov.ua/laws/show/458/2014#Text>

53 <https://zakon.rada.gov.ua/laws/show/472/2014#Text>

54 <https://zakon.rada.gov.ua/laws/show/656/2014#Text>

55 <https://zakon.rada.gov.ua/laws/show/85/2015#Text>

56 <https://zakon.rada.gov.ua/laws/show/n0006525-15#Text>

57 <https://zakon.rada.gov.ua/laws/show/194/2015#Text>

58 <https://zakon.rada.gov.ua/laws/show/16/2016#Text>

59 <https://zakon.rada.gov.ua/laws/show/216/2018#Text>

- and East of Ukraine, in the Black and Azov Seas and the Kerch Strait”» dated December 12, 2018 No. 320/2018⁶⁰ ;
- «On the boundaries and list of districts, cities, towns and villages, parts of their territories, temporarily occupied in Donetsk and Luhansk regions» dated February 7, 2019 No. 32/2019⁶¹;
 - «Questions of the Mission of the President of Ukraine in ARC» dated October 17, 2019 No. 758/2019⁶²;
 - «On the Day of Resistance to the Occupation of the ARC and the city of Sevastopol» dated February 26, 2020 No. 58/2020⁶³;
 - «On the decision of the National Security and Defense Ministry of Ukraine dated September 14, 2020 “On the National Security Strategy of Ukraine”» dated September 14, 2020 No. 392/2020⁶⁴;
 - «On Measures to Protect the Rights and Interests of Persons Disappeared Under Special Circumstances, Victims of Enforced Disappearances, and Their Family Members» dated November 11, 2020 No. 495/2020⁶⁵;
 - «On separate measures aimed at the deoccupation and reintegration of the temporarily occupied territory of the ARC and the city of Sevastopol» dated February 26, 2021 No. 78/2021, which established the Organizing Committee for the preparation and holding of the founding Summit of the Crimea Platform in Ukraine⁶⁶;
 - «On the decision of the National Security and Defense Ministry dated March 11, 2021 “On the Strategy of Deoccupation and Reintegration of the Temporarily Occupied Territory of the ARC and the city of Sevastopol”» dated March 24, 2021 No. 117/2021⁶⁷;
 - «On the decision of the National Security and Defense Ministry of Ukraine dated March 25, 2021 “On the Military Security Strategy of Ukraine”» dated March 25, 2021 No. 121/2021⁶⁸;

60 <https://zakon.rada.gov.ua/laws/show/320/2018#Text>

61 <https://zakon.rada.gov.ua/laws/show/32/2019#Text>

62 <https://zakon.rada.gov.ua/laws/show/758/2019#Text>

63 <https://zakon.rada.gov.ua/laws/show/58/2020#Text>

64 <https://zakon.rada.gov.ua/laws/show/392/2020#n12>

65 <https://zakon.rada.gov.ua/laws/show/495/2020#Text>

66 <https://zakon.rada.gov.ua/laws/show/78/2021#Text>

67 <https://zakon.rada.gov.ua/laws/show/117/2021#Text>

68 <https://zakon.rada.gov.ua/laws/show/121/2021#Text>

- «On priority areas of activity of the Mission of the President of Ukraine in the ARC» dated April 13, 2021 No. 160/2021, which approved the Strategy of the Mission of the President of Ukraine in the ARC⁶⁹;
- «On the decision of the National Security and Defense Ministry of Ukraine dated June 2, 2021 “On some issues of activation of the process of peaceful resolution of the situation in Donetsk and Luhansk regions”» dated June 2, 2021 No. 226/2021⁷⁰;
- «On the decision of the National Security and Defense Ministry of Ukraine dated July 30, 2021 “On the Strategy of Ukraine’s Foreign Policy”» dated August 26, 2021 No. 448/2021⁷¹;
- «On the decision of the National Security and Defense Ministry of the Russian Federation of May 11, 2022 “On the forcible seizure in Ukraine of objects of property rights of the Russian Federation and its residents”» dated May 11, 2022 No. 326/2022⁷²;
- «On the Working Group on the Development and Implementation of International Legal Mechanisms for compensation for damage caused to Ukraine as a result of the armed aggression of the Russian Federation» dated May 18, 2022 No. 346/2022⁷³;
- «On the Advisory Council on deoccupation and reintegration of the temporarily occupied territory of the ARC and the city of Sevastopol» dated August 15, 2022 No. 579/2022⁷⁴;
- «On the Working Group on the Establishment of a Special International Tribunal for the Crime of Russian Aggression against Ukraine» of 22 September 2022 No. 661/2022⁷⁵;
- «On the decision of the National Security Council of Ukraine dated September 30, 2022 “Regarding the actions of Ukraine in response to the Russian Federation’s attempt to annex the territory of our state, with the aim of guaranteeing the security of the Euro-Atlantic space, Ukraine and restoring its territorial integrity”» dated September 30, 2022 No. 679/2022⁷⁶;

69 <https://zakon.rada.gov.ua/laws/show/160/2021#Text>

70 <https://zakon.rada.gov.ua/laws/show/226/2021#Text>

71 <https://zakon.rada.gov.ua/laws/show/448/2021#Text>

72 <https://zakon.rada.gov.ua/laws/show/326/2022#Text>

73 <https://zakon.rada.gov.ua/laws/show/346/2022#Text>

74 <https://zakon.rada.gov.ua/laws/show/579/2022#Text>

75 <https://zakon.rada.gov.ua/laws/show/661/2022#Text>

76 <https://zakon.rada.gov.ua/laws/show/679/2022#Text>

- «On the Nullity of Acts Violating the Sovereignty and Territorial Integrity of Ukraine» dated October 4, 2022 No. 687/2022⁷⁷.

Also, a series of decrees of the President of Ukraine approved the decisions of the National Security and Defense Ministry regarding the application and introduction of changes to personal special economic and other restrictive measures (sanctions) related to Russian aggression and occupation of the territories of Ukraine⁷⁸. These are, in particular, decrees of 2015 No. 63/2017, No. 549/2015; 2017 No. 133/2017; 2018 No. 126/2018; 2019 No. 82/2019; 2020 No. 184/2020; 2021 No. 36/2021, No. 43/2021, No. 64/2021, No. 107/2021, No. 109/2021, No. 123/2021, No. 140/2021, No. 151/2021, No. 169/2021, No. 203 /2021, No. 264/2021, No. 265/2021, No. 266/2021, No. 304/2021, No. 375/2021, No. 376/2021, No. 378/2021, No. 379/2021, No. 457/2021, No. 458 /2021, No. 497/2021, No. 510/2021, No. 555/2021, No. 558/2021, No. 556/2021, No. 557/2021, No. 559/2021, No. 572/2021, No. 584/2021, No. 623 /2021, No. 624/2021, No. 625/2021; 2022 No. 22/2022, No. 19/2022, No. 20/2022, No. 21/2022, No. 51/2022, No. 52/2022, No. 57/2022, No. 363/2022, No. 364/2022, No. 400 /2022, No. 401/2022, No. 637/2022, No. 694/2022, No. 727/2022, No. 726/2022, No. 820/2022, No. 863/2022; 2023 No. 4/2023, No. 14/2023, No. 23/2023, No. 26/2023, No. 43/2023, No. 50/2023, No. 57/2023, No. 75/2023, No. 82/2023, No. 89 /2023, No. 116/2023, No. 114/2023, No. 115/2023.

Separately, it is worth citing the decree of the President of Ukraine dated February 1, 2021 No. 41/2021, which approved the decision of the National Security Service of Ukraine «On the application of sectoral special economic and other restrictive measures (sanctions) to the Republic of Nicaragua» due to the criminal “recognition” by the regime of this state of the Russian Federation’s attempt at annexation Crimea.

It is also worth citing a number of published resolutions and orders of the Cabinet of Ministers of Ukraine (CMU), approved due to the occupation of the territories of Ukraine. In particular, these are government regulations:

- «On the formation of an interdepartmental working group on compensation for losses caused by the temporary occupation of part of the territory of Ukraine» dated July 17, 2014 No. 343⁷⁹;
- «Some issues of the State Agency for the Reconstruction of Donbass» dated November 26, 2014 No. 655 with subsequent amendments, later canceled in 2016⁸⁰;
- «Questions of the Government se for the ARC and the city of Sevastopol» dated August 19, 2015 No. 595. with changes introduced by 2 resolutions of the CMU⁸¹;

77 <https://zakon.rada.gov.ua/laws/show/687/2022#Text>

78 <https://zakon.rada.gov.ua/laws/main/ua990bc53-05f2-41ee-8d76-42470d6b220c/>

79 <https://zakon.rada.gov.ua/laws/show/343-2014-%D0%BF#Text>

80 <https://zakon.rada.gov.ua/laws/show/655-2014-%D0%BF#Text>

81 <https://zakon.rada.gov.ua/laws/show/595-2015-%D0%BF#Text>

- «Some issues of the State Service of Ukraine on the ARC and the city of Sevastopol» dated September 24, 2015 No. 736, canceled in 2016⁸²;
- «Some issues of the Ministry of Reintegration of the Temporarily Occupied Territories» dated June 8, 2016 No. 376, which approved the Regulation on the aforesaid Ministry, with a number of new editions and changes introduced by 11 resolutions of the CMU for 2016-2022⁸³;
- «On the formation of the Council on Reconstruction and Peacebuilding in Ukraine» dated September 14, 2016 No. 672⁸⁴;
- «On the approval of the Procedure for the use of funds provided for in the state budget for the implementation of measures to protect and ensure the rights and freedoms of persons who are deprived (were deprived) of their personal freedom by illegal armed formations, the occupation administration and/or authorities of the Russian Federation for political reasons, as well as in connection with the public, political or professional activities of such persons, support for the specified persons and their family members, measures for the reintegration of the population of temporarily occupied territories, the payment of state scholarships named after Levko Lukyanenko» dated April 18, 2018, No. 328, from new editions and changes introduced by 14 resolutions of the CMU⁸⁵;
- «On the formation of the Interdepartmental Commission on Generalization of the State's Legal Position Regarding Repelling and Detering Armed Aggression by the Russian Federation and Preparing a Consolidated Claim of Ukraine to the Russian Federation Regarding the Implementation of Its International Legal Responsibility for Armed Aggression Against Ukraine» dated December 12, 2018, No. 1059⁸⁶;
- «On the approval of the Regulation on the establishment of entry control points to the temporarily occupied territories in the Donetsk and Luhansk regions, the temporarily occupied territory of the ARC and the city of Sevastopol and departure from them» dated December 28, 2020 No. 1368⁸⁷;
- «Some issues of implementation of the Law of Ukraine "On the Legal Status of Persons Disappeared Under Special Circumstances"» dated April 29, 2022 No. 511⁸⁸;

82 <https://zakon.rada.gov.ua/laws/show/736-2015-%D0%BF#Text>

83 <https://zakon.rada.gov.ua/laws/show/376-2016-%D0%BF#Text>

84 <https://zakon.rada.gov.ua/laws/show/672-2016-%D0%BF#Text>

85 <https://zakon.rada.gov.ua/laws/show/328-2018-%D0%BF#Text>

86 <https://zakon.rada.gov.ua/laws/show/1059-2018-%D0%BF#Text>

87 <https://zakon.rada.gov.ua/laws/show/1368-2020-%D0%BF#Text>

88 <https://zakon.rada.gov.ua/laws/show/511-2022-%D0%BF#Text>

- «On the approval of the Regulation on the information system of the list of territories where hostilities are (were) conducted or temporarily occupied by the Russian Federation» dated May 7, 2022 No. 562⁸⁹;
- «On the establishment of a commission to conduct an audit of damages caused to Ukraine as a result of the armed aggression of the Russian Federation» dated May 27, 2022 No. 640⁹⁰;
- «On the formation of the Coordination Headquarters for the protection of the rights of persons deported or forcibly displaced in connection with the armed aggression of the Russian Federation against Ukraine» dated June 17, 2022 No. 708⁹¹;
- «Some issues of protection of the rights of deported and internally displaced persons» dated June 28, 2022 No. 740⁹²;
- «On the formation of the Interdepartmental Working Group on the Implementation of the State Sanctions Policy» dated August 30, 2022 No. 967⁹³;
- «On the formation of the Coordination Headquarters for issues of deoccupied territories» dated September 10, 2022 No. 1021⁹⁴;
- «On the formation of the Coordination Headquarters for ensuring the departure of Ukrainian citizens from the territory of Ukraine temporarily occupied by the Russian Federation, in particular the ARC and the city of Sevastopol, through the territory of other countries to the territory of Ukraine, assistance in returning to Ukraine» dated October 18, 2022 No. 1187⁹⁵;
- «On the establishment of the National Commission on the Crimean Tatar Language» dated January 6, 2023 No. 19⁹⁶;
- «On the formation of the Interagency Working Group on Humanitarian Demining» dated February 14, 2023 No. 136⁹⁷.

Among the decrees of the Cabinet of Ministers of Ukraine concerning the issues of the Russian occupied territories of Ukraine, the following should be noted:

89 <https://zakon.rada.gov.ua/laws/show/562-2022-%D0%BF#Text>

90 <https://zakon.rada.gov.ua/laws/show/640-2022-%D0%BF#Text>

91 <https://zakon.rada.gov.ua/laws/show/708-2022-%D0%BF#Text>

92 <https://zakon.rada.gov.ua/laws/show/740-2022-%D0%BF#Text>

93 <https://zakon.rada.gov.ua/laws/show/967-2022-%D0%BF#Text>

94 <https://zakon.rada.gov.ua/laws/show/1021-2022-%D0%BF#Text>

95 <https://zakon.rada.gov.ua/laws/show/1187-2022-%D0%BF#Text>

96 <https://zakon.rada.gov.ua/laws/show/19-2023-%D0%BF#Text>

97 <https://zakon.rada.gov.ua/laws/show/136-2023-%D0%BF#Text>

- «On the approval of the plan of additional measures for the temporary accommodation of citizens of Ukraine who are resettled from the ARC and the city of Sevastopol to other regions of Ukraine» dated April 1, 2014 No. 298⁹⁸;
- «On the approval of the plan of measures in connection with the 71st anniversary of the deportation of the Crimean Tatar people» dated April 29, 2015 No. 747-r;
- «On the approval of the plan of measures to commemorate the Day of Remembrance of the Victims of the Genocide of the Crimean Tatar People» dated May 5, 2016 No. 348-r⁹⁹;
- «On the approval of the plan of measures aimed at the implementation of some principles of the state internal policy regarding certain districts of the Donetsk and Luhansk regions, where the state authorities temporarily do not exercise their powers» dated January 11, 2017, No. 8-r¹⁰⁰;
- «On the approval of the Strategy for the Integration of Internally Displaced Persons and the Implementation of Long-Term Decisions on Internal Displacement for the Period Until 2020» dated November 15, 2017 No. 909-r¹⁰¹;
- «On the preparation and celebration of the 100th anniversary of the first Kurultai of the Crimean Tatar people» dated November 22, 2017 No. 837-r¹⁰²;
- «On the approval of the plan of measures aimed at the implementation of some principles of the state internal policy regarding the temporarily occupied territory of the ARC and the city of Sevastopol» dated March 28, 2018 No. 218-r¹⁰³;
- «On the approval of the plan of events commemorating the Day of Remembrance of the Victims of the Genocide of the Crimean Tatar People in 2018» dated May 10, 2018 No. 340-r¹⁰⁴;
- «On the approval of the Information Reintegration Strategy of Donetsk and Luhansk Regions» dated July 26, 2018 No. 539-r¹⁰⁵;
- «On the approval of the action plan for the implementation of the Strategy for the Integration of Internally Displaced Persons and the Implementation of Long-Term Decisions on Internal Displacement for the Period Until 2020» dated November 21, 2018 No. 944-r¹⁰⁶;

98 <https://zakon.rada.gov.ua/laws/show/298-2014-%D1%80#Text>

99 <https://zakon.rada.gov.ua/laws/show/348-2016-%D1%80#Text>

100 <https://zakon.rada.gov.ua/laws/show/8-2017-%D1%80#Text>

101 <https://zakon.rada.gov.ua/laws/show/909-2017-%D1%80#Text>

102 <https://zakon.rada.gov.ua/laws/show/837-2017-%D1%80#Text>

103 <https://zakon.rada.gov.ua/laws/show/218-2018-%D1%80#Text>

104 <https://zakon.rada.gov.ua/laws/show/340-2018-%D1%80#Text>

105 <https://zakon.rada.gov.ua/laws/show/539-2018-%D1%80#Text>

106 <https://zakon.rada.gov.ua/laws/show/944-2018-%D1%80#Text>

- «On the approval of the Information Reintegration Strategy of ARC and the city of Sevastopol» dated December 27, 2018 No. 1100-r¹⁰⁷;
- «On the approval of the plan of measures for the implementation of the Strategy of deoccupation and reintegration of the temporarily occupied territory of the ARC and the city of Sevastopol» dated September 29, 2021 No. 1171-r¹⁰⁸;
- «On the approval of the Strategy for the Integration of Internally Displaced Persons and the Implementation of Medium-Term Decisions on Internal Displacement for the Period Until 2024» dated October 28, 2021 No. 1364-r¹⁰⁹;
- «On approval of the Crimean Tatar Language Development Strategy for 2022-2032» dated February 23, 2022 No. 224-r¹¹⁰;
- «On the approval of the action plan of the executive authorities for the restoration of deoccupied territories of territorial communities» dated December 30, 2022 No. 1219-r¹¹¹.

Therefore, the legislator, the head of state and the government as a whole ensured the reflection in the legislation of Ukraine of the situation of the interstate conflict and the problems and challenges related to the TOTs, the Anti-Terrorist Operation and the Joint Forces Operation, took measures to reflect the relevant international standards in the laws and other acts of the parliament, from practically possible protection interests of the state, communities, indigenous peoples and minorities and human rights in conditions of aggression. Since 2022, the legislator, the President of Ukraine and the CMU reflected the relevant processes within the framework of Russia's ongoing large-scale aggression.

For a long time, the key challenges remained the improper implementation of the above-mentioned laws of Ukraine by other authorities, in particular the executive and law enforcement agencies, as well as the limitations of the parliamentary control and interparliamentary cooperation measures taken regarding the implementation of the regulatory framework aimed at countering external aggression, protecting the rights of IDPs, deoccupation and reintegration of TOTs.

Constant changes in the powers of government bodies and established presidential control bodies over the occupied territories and displaced persons, as well as the inconsistency and often late approval of relevant regulatory acts, should also be considered significant challenges.

107 <https://zakon.rada.gov.ua/laws/show/1100-2018-%D1%80#Text>

108 <https://zakon.rada.gov.ua/laws/show/1171-2021-%D1%80#Text>

109 <https://zakon.rada.gov.ua/laws/show/1364-2021-%D1%80#Text>

110 <https://zakon.rada.gov.ua/laws/show/224-2022-%D1%80#Text>

111 <https://zakon.rada.gov.ua/laws/show/1219-2022-%D1%80#Text>

2. International standards for deoccupation and reintegration



The international standards applicable to the conflict in Ukraine and mandatory for implementation in the relevant legislation should be divided into those that regulate the issue of TOTs, aspects of the conduct of hostilities, as well as the status of IDPs and other categories of conflict victims. In relation to Crimea, international standards of the rights of indigenous peoples are also to be taken into account.

The international treaties regulating the regime of the TOTs of Ukraine, in particular in the Autonomous Republic of Crimea (ARC), the city of Sevastopol, and other regions, primarily belong to international humanitarian law.

First of all, it is the IV Geneva Convention on the Protection of the Civilian Population in Time of War of 1949¹¹², as well as the III Geneva Convention on the Treatment of Prisoners of War of 1949¹¹³, Additional Protocol to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts, dated June 8, 1977¹¹⁴ and the Hague Convention on the Laws and Customs of War on Land with its annex, the Regulations on the Laws and Customs of War on Land dated October 18, 1907.¹¹⁵

In particular, the Geneva Conventions define guarantees for the population of the TOTs regarding the provision of their humanitarian needs, the preservation of the regime of private property, the legal regime and the judicial system of the country's sovereignty, and the prohibition of the conscription of such a population into the armed forces of the occupying state. The IV Geneva Convention contains prescriptions to be applied both after the end of the active phase of the conflict and in the conditions of (attempted) annexation of the relevant territory.

The development of these agreements was reflected in the Commentary of the International Society of the Red Cross to Art. 5 III of the Geneva Convention of 1960, in the San Remo Instruction on International Law Applicable to Armed Conflicts at Sea of 1994¹¹⁶, as well as in the practice of the International Court of Justice of the United Nations, such as the Advisory Opinion of the International Court of Justice of the United Nations A/ES-10/273 dated July 9, 2004 No. 131 «Legal consequences of the construction of a wall in the occupied Palestinian territory»¹¹⁷.

The question of applying other norms of international law in the context of an interstate conflict, in particular the prescriptions of multilateral and bilateral treaties, should be determined taking into account the Vienna Convention on the Law of International Treaties of 1969¹¹⁸ and

112 https://zakon.rada.gov.ua/laws/show/995_154#Text

113 https://zakon.rada.gov.ua/laws/show/995_153#Text

114 https://zakon.rada.gov.ua/laws/show/995_199#Text

115 https://zakon.rada.gov.ua/laws/show/995_222#Text

116 https://zakononline.com.ua/documents/show/160807___160807

117 <https://daccess-ods.un.org/tmp/5991117.3582077.html>

118 <https://regulation.gov.ua/documents/id64246>

the Articles on the Consequences of Armed Conflicts for International Treaties previously approved in 2011 by the UN Commission on International Law (A/66/10)¹¹⁹.

Resolution 3314 (XXIX) of the UN General Assembly (UNGA) dated December 14, 1974 «Definition of aggression», UNGA resolutions 66/99 dated December 9, 2011 and 66/125 dated December 10, 2014¹²⁰ are also subject to consideration in this regard. etc. At the same time, the specified prescriptions are doctrinal in nature and should be applied to each specific contract with the participation of the Russian Federation and Ukraine, bilateral or collective, taking into account the specifics of the subject and mechanisms of the corresponding regulation.

Also, the application of the norms of the Rome Statute of the International Criminal Court to the situation of interstate conflict¹²¹, to which the aggressor state did not join, and Ukraine did not ratify, becomes a problematic issue, its validity limited in terms of time and subject was recognized by a parliamentary resolution for the circumstances of Russian aggression and occupation.

Certain features are the application of the requirements of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 with its protocols¹²², developed in the practice of the European Court of Human Rights (ECtHR), which introduces the category of effective control of a certain state over foreign territory, the duties of both states regarding human rights in this territory.

The ECtHR's position on this issue was formed in the decisions in the cases of «Loizidou v. Turkey» No. 15318/89 of 1996. «Ilashku and others v. Moldova and Russia» 48787/99 of 2004, «Katan and others v. Moldova and Russia» of 2012, «Cyprus v. Turkey» No. 25781/94 of 2014¹²³, «Sargsyan v. Azerbaijan» No. 40167/06 of 2015¹²⁴.

In these cases, the Grand Chamber of the ECtHR declares that the possibility of a state's guilt for violating human rights in a territory it does not control depends on what specific possible and reasonable measures this state has taken to deoccupy its own territory, as well as to promote the protection of a specific violated right individuals or groups of individuals.

Although the evaluation of the expediency and sufficiency of the specified actions of Ukraine regarding the protection of the rights of the victims of the conflict will be determined by the ECtHR in each specific case based on individual applications specifically against Ukraine, taking into account all relevant circumstances, the specified practice has already begun to take shape.

In particular, this happened due to the issuance of decisions on admissibility in the interstate cases «Ukraine v. Russia» (applications 20958/14, 43800/14, 42410/15, 8019/16, 70856/16 and 38334/18) in December 2020 and January 2023. respectively.

In the decision of December 16, 2020 regarding the occupied Crimea on the admissibility of

119 https://legal.un.org/ilc/documentation/english/reports/a_66_10.pdf

120 <https://daccess-ods.un.org/tmp/4373634.75561142.html>

121 https://zakon.rada.gov.ua/laws/show/995_588#Text

122 https://zakon.rada.gov.ua/laws/show/995_004#Text

123 <http://eurocourt.in.ua/Article.asp?AIdx=381>

124 <https://hudoc.echr.coe.int/fre?i=002-10620>

applications 20958/14 and 38334/18, the ECtHR determined both the existence of effective control by the Russian Federation on the occupied peninsula since February 2014, and the existence of an administrative practice of a significant number of violations of the rights of the Russian Federation person in Crimea¹²⁵.

Thus, in the decision of November 30, 2022 regarding the occupied East of Ukraine on the admissibility of the applications of Ukraine and the Netherlands 8019/16, 43800/14 and 28525/20, the ECtHR determined in the period from April 2014 to January 2022 that the Russian Federation had effective control over the occupied regions of Donetsk and Luhansk regions, as well as the presence of administrative practice from a significant number of Russian human rights violations¹²⁶.

In addition to these two proceedings in the ECtHR, the statement of Ukraine against Russia 11055/22, submitted in 2022 under the conditions of large-scale Russian aggression, combined by the Court with the statements regarding the East of Ukraine, has an excluded meaning¹²⁷.

According to individual statements regarding the events at the International Criminal Court against Russia, the ECtHR has not yet approved decisions on the merits, issuing only a number of decisions on the inadmissibility of individual cases, due to insufficient evidence or violation of the procedure by the applicants or their defenders (the decision in the cases of «Lisnyi and others v. Ukraine and Russia» 5355 /15 2016 and others).

At the same time, as indicated by the ECtHR in its report¹²⁸ on communications, there are currently a significant number of individual statements against the Russian Federation related to the occupation of Crimea (46393/15, 23777/17, 51616/20, 1495/16, 72739/17, 42287/20, 19155/21, 27728/21 and 29474/21 and many others). Therefore, the presence of relevant individual cases has not yet created relevant systemic standards or obligations for Council of Europe states.

The ECtHR also ruled on the events in the East of Ukraine, based on the statements of persons who filed statements against Ukraine, respectively, about the impossibility of receiving social benefits in Donetsk and the impossibility of issuing a court decision due to the abandonment of case materials in Luhansk. In these cases, «Khlebyk v. Ukraine» 2945/16 of 2017 and «Tsezar and others v. Ukraine» 73590/14 of 2018, the ECtHR did not establish Ukraine's violation of its contractual obligations, and the applicants did not challenge the actions of the aggressor state.

These decisions are important in assessing the reasonable limits of the necessary measures to protect human rights at TOTs, in particular in the field of receiving social benefits and justice.

Regarding the events in the temporarily occupied territories (TOTs), the case «Ukraine v. Russia» at the United Nations International Court of Justice (UNICJ) is also important, where the Russian Federation is accused of violating the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination of 1965 and the International Convention for the Suppression of the Financing of Terrorism of 2000. The decision on the merits of the UNICJ has not yet been rendered, but such binding prescriptions of the UNICJ in this case

125 <https://hudoc.echr.coe.int/eng?i=001-207622>

126 <https://hudoc.echr.coe.int/eng?i=001-222889>

127 <https://www.hsa.org.ua/blog/jespl-objednav-mizderzavnu-spravu-shhodo-viiskovix-operacii-rosiyi-v-ukrayini>

128 <https://hudoc.echr.coe.int/eng?i=001-221299>

as the Order of the UNICJ on preliminary measures of April 19, 2017 and the Decision of the UN ICJ on the admissibility of the case «Ukraine v. Russia» dated November 8, 2019 No. 166¹²⁹.

In these decisions, the ICJ investigated the nature of restrictions on the language rights of Ukrainians and Crimean Tatars, applied the category of racial discrimination to the realities of TOTs in Crimea, in particular in terms of assessing the illegality of the ban of Mejlis of the Crimean Tatar people. The UNICJ also analyzed the fundamental possibility of applying the category of financing of terrorism to ensuring the functioning of the aggressor state's occupation forces.

The case «Ukraine v. Russia» in the UN International Court of Justice, filed in 2022¹³⁰, where the Russian Federation is accused of violating the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide in terms of statements about the alleged “genocide” of the population of eastern Ukraine as a “pretext” for large-scale Russian aggression, is also important for issues of TOTs. Such binding orders of the ICJ in this case as the ICJ Preliminary Measures Order of March 16, 2022, which requires Russia to stop its aggression against Ukraine, are already relevant.¹³¹

Among other binding decisions of international treaty bodies, where the issue of TOTs is reflected, one should point to individual acts of UN committees, such as the Concluding Observations of the Human Rights Committee on the seventh and eighth periodic reports of Russia dated April 28, 2015, CCPR/C/RUS/CO/7¹³² and dated November 3, 2022, CCPR/C/RUS/CO/8¹³³, respectively. These acts recognize the possibility of the aggressor state's responsibility for human rights violations both in Crimea and in Eastern Ukraine.

Also, the case No. 2017-06 initiated in the arbitration on the application of the UN Convention on the Law of the Sea of 1982 «Dispute about the rights of coastal states in the Black Sea, the Sea of Azov and the Kerch Strait (Ukraine vs. Russia)» is relevant to the events on the TOTs in terms of the maritime spaces of the TOTs., in which there is no final decision yet, but on February 21, 2020, the arbitration approved the Resolution regarding the preliminary objections of the Russian Federation (regarding the admissibility of the case). In this case, the arbitration determined the situation of the dispute between Ukraine and the Russian Federation, investigated the specifics of the possible status and legal regime of the Azov Sea and the Kerch Strait under the control of the aggressor¹³⁴.

Another case No. 2019-28 regarding the 1982 Convention «Dispute on the Detention of Ukrainian Naval Vessels and Their Crews (Ukraine v. Russia)» is also being considered in a similar arbitration, where the decision on the merits has not yet been rendered. Previously, due to the relevant circumstances, the International Tribunal for the Law of the Sea in Case No. 26 regarding the detention of three Ukrainian naval vessels (Ukraine v. Russia) issued a decision binding on the parties to take security measures dated May 25, 2019, and the case was referred to the

129 <https://www.icj-cij.org/case/166>

130 <https://www.icj-cij.org/case/182>

131 <https://www.icj-cij.org/sites/default/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>

132 <https://digitallibrary.un.org/record/794962>

133 https://ccprcentre.org/files/documents/CCPR_C_RUS_CO_8_50614_E.pdf

134 <https://pca-cpa.org/en/cases/149/>

above-mentioned arbitration. In the aforementioned decision, the tribunal determined the illegality of the seizure and detention of ships of the Ukrainian Navy and their crews by the aggressor state, in particular on the TOTs¹³⁵.

Regarding the occupation of Crimea, the preliminary investigation by the Office of the Prosecutor of the International Criminal Court (OTP ICC) from April 2014 at the request of Ukraine, which as of the beginning of 2022 covered the events on the Maidan, in Crimea and in the East of Ukraine, was significant. The preliminary investigation of the OTP ICC had to precede the decision of the Prosecutor of the ICC on the initiation of proceedings in the case or on the refusal of such a violation, since 2014 the OTP ICC provided annual reports on the progress of such an investigation¹³⁶. Later, as part of the large-scale Russian aggression, the ICC started proceedings in the relevant case.

In particular, since 2016, the reports of the OTP ICC have indicated the existence of an inter-state conflict between Russia and Ukraine in Crimea and Eastern Ukraine (starting no later than June 14, 2014). By the beginning of 2019, the OTP ICC recognized the “presence of reasonable grounds to believe” that crimes under the Rome Statute had been committed, both in Crimea and in the Russian-occupied East of Ukraine.

OTP ICC assessed the possibility of effective investigation of these possible crimes by Ukrainian law enforcement officers, the severity of these acts “taking into account their scale, nature, method of commission and their impact on the victims and affected communities”, which affects the jurisdiction of the ICC, and accordingly, the prospects of initiating a case¹³⁷. In the future, the development of the case at the ICC depends on the scope and form of the charges filed by the OTP ICC against specific individuals.

All the above-mentioned decisions of international courts and arbitrations are binding for Ukraine, in particular in the dimension of law-making on the issues of TOTs and IDPs. At the same time, a number of advisory decisions of the assemblies of international organizations, such as the UN, OSCE, the Council of Europe and the European Union, were also approved on the issues of TOTs of Ukraine. These acts are subject to consideration in the framework of law-making and law-enforcement procedures, because they reflect international standards.

First of all, these are mandatory for all UN bodies, officials and organizations under its auspices of the resolutions of the UN General Assembly on the issues of TOTs in Crimea, such as «Territorial integrity of Ukraine» dated March 27, 2014 68/262¹³⁸, a series of annual resolutions «Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine» 71/205 of December 19, 2016, 72/190 of December 19, 2017, 73/263 of December 22, 2018, 74/168 of December 18, 2019., 75/192 dated December 16, 2020, 76/179 dated December 16, 2021, 77/229 dated December 15, 2022¹³⁹, as well as a series of annual resolutions «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» 73/194 dated December 17, 2018 and

135 <https://pcacases.com/web/sendAttach/5784>

136 <https://www.icc-cpi.int/ukraine>

137 <https://www.icc-cpi.int/itemsDocuments/2019-PE-Report-UKR.pdf>

138 <https://digitallibrary.un.org/record/767883?ln=ru>

139 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/764/92/PDF/N2276492.pdf>

74/17 dated December 9, 2019, 75/29 dated December 7, 2020. 76/70 dated December 9, 2021¹⁴⁰. These acts confirm the state of interstate conflict, territorial integrity of Ukraine and temporary occupation of its land and sea areas.

Under the conditions of large-scale Russian aggression, UN General Assembly resolutions «Aggression against Ukraine» ES-11/1 of March 2, 2022 and «Humanitarian consequences of aggression against Ukraine» ES-11/2 of March 24, 2022¹⁴¹ were also approved, which condemned the relevant criminal actions of the Russian Federation, UN resolution «Aggression against Ukraine» ES-11/5 of November 14, 2022 «Furtherance of remedy and reparation for aggression against Ukraine» and ES-11/6 dated February 23, 2023 «Principles of the Charter of the United Nations underlying a comprehensive, just and lasting peace in Ukraine».

Also, since 2022, the issue of Russian aggression against Ukraine and, accordingly, the occupation of the territory is reflected in the resolutions of the UN bodies, for example in the resolution of the UN Human Rights Council 49/1 of March 4, 2022 «The situation with human rights in Ukraine suffering from Russian aggression»¹⁴² and in the resolutions specialized institutions of the UN system. An example is the resolution of the International Maritime Organization C/ES.35¹⁴³ or the World Telecommunication Union 1408 dated April 7, 2022 «Assistance and support to Ukraine in rebuilding the telecommunications sector»¹⁴⁴, etc.

It should also be pointed out the annual resolutions of the OSCE Parliamentary Assembly (OSCE PA) on issues of TOTs in Ukraine, approved at its 23rd session in Baku in 2014 «Clear, gross and uncorrected violations of Helsinki principles by the Russian Federation», on the 24 session in Helsinki in 2015 «Continuation of clear, gross and uncorrected violations of OSCE commitments and international norms by the Russian Federation», at the 26th session in Tbilisi in 2016 «Ongoing violations of human rights and fundamental freedoms in the ARC and the city of Sevastopol», at the 27th session in Minsk, 2017 «Restoration of the sovereignty and territorial integrity of Ukraine», at the 28th session in Berlin, 2018. «Continuing human rights violations in the ARC and the city of Sevastopol (Ukraine)», at the 29th session in Luxembourg in 2019 «On Militarization by the Russian Federation of the temporarily occupied ARC and the city of Sevastopol, Ukraine, as well as parts of the Black and Azov Seas.»

These resolutions have a human rights dimension, while at the same time they reflect violations in the occupied territories of the principles of security and cooperation reflected in the practice of the OSCE. Under the conditions of the large-scale aggression of the Russian Federation, at the session of the OSCE PA in Birmingham on July 6, 2022, the resolutions «Russian Federation's war of aggression against Ukraine and its people and its threat to security across the OSCE region» and «The importance of the human dimension in the context of current security threats in the OSCE region» caused by Russian aggression against Ukraine» were approved¹⁴⁵.

140 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/404/00/PDF/N2140400.pdf>

141 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/301/67/PDF/N2230167.pdf>

142 <https://digitallibrary.un.org/record/3963815>

143 <https://www.imo.org/en/MediaCentre/PressBriefings/pages/ECSStatement.aspx>

144 <https://www.itu.int/md/S22-CL-C-0095/en>

145 <https://www.oscepa.org/en/documents>

It is also necessary to point out a number of resolutions of the Parliamentary Assembly of the Council of Europe (PACE) regarding the TOTs of Ukraine. First of all, these are resolutions dated April 21, 2016 2112 (2016) «The humanitarian concerns with regard to people captured during the war in Ukraine», dated October 12, 2016 2132 (2016) «Political consequences of the Russian aggression in Ukraine» and 2133 (2016) «Legal remedies for human rights violations on the Ukrainian territories outside the control of the Ukrainian authorities» and others. Under the conditions of Russia's large-scale aggression, the main PACE resolutions should include the resolution «Legal and human rights aspects of the Russian Federation's aggression against Ukraine» 2482 (2023)¹⁴⁶, approved on January 26, 2023, which will be of fundamental importance because it provides guidelines for the attitude of the Council of Europe countries to the deoccupation of the territories of Ukraine.

It should also be mentioned the resolutions of the European Parliament, such as «On the human rights situation in Crimea, in particular of the Crimean Tatars» dated February 3, 2016 2016/2556 (RSP), «European Parliament resolution of 12 May 2016 on the Crimean Tatars» 2016/2692 (RSP), «European Parliament resolution of 16 March 2017 on the Ukrainian prisoners in Russia and the situation in Crimea (2017/2596(RSP)), European Parliament resolution of 5 October 2017 on the cases of Crimean Tatar leaders Akhtem Chiygoz, Ilmi Umerov and the journalist Mykola Semena (2017/2869(RSP)). The resolutions of the PACE and the European Parliament are also important in the context of the protection of human rights at the UN, in particular freedom of speech, assembly and anti-discrimination, as well as the rights of political prisoners.

The EU Council Directives, which imposed sanctions against the Russian Federation, particularly related to aggression and occupation of the territories of Ukraine, are also of particular importance; it is approved in 2014 by resolutions 833/2014 and related to the Crimean sanctions 269/2014, the content of which is constantly supplemented and updated¹⁴⁷.

The issue of the application of international law regarding the zone of Russian aggression in the East of Ukraine until 2022 was more complicated, given the limited number of applicable acts, apart from the Geneva Conventions, and the existence of the so-called «Minsk agreements» (MA), which is directly related to these issues. First of all, in this dimension, resolution 2202/2015 of the UN Security Council of February 17, 2015 on the Complex of measures for the implementation of the Minsk agreements should be cited, which necessitates the analysis of the legal nature of these documents.

The first document that appeared within the MA on September 5, 2014 was entitled «Protocol on the results of consultations of the Trilateral Contact Group with respect to the joint steps aimed at the implementation of the Peace Plan of the President of Ukraine P. Poroshenko and the initiatives of the President of Russia V. Putin.»

It had the charter of a program document and did not create obligations for the parties. The only format fixed in international law that can be applied to the «Protocol» (2014) is its belonging to the "special arrangements" stipulated by international humanitarian law, which are concluded during armed conflict, mentioned in Article 3 of all four Geneva Conventions of 1949.

Such agreements can be formed in any form, primarily by the parties involved in the conflict. As an example of Art. 15 of the Geneva Convention speaks of "arrangements of armistice or

146 <https://pace.coe.int/en/files/31620/html>

147 https://finance.ec.europa.eu/eu-and-world/sanctions-restrictive-measures/sanctions-adopted-following-russias-military-aggression-against-ukraine_en

a suspension of fire or local arrangements”. International humanitarian law does not tell us anything about the binding nature of such documents and the procedure for their implementation, which can only be ensured by reciprocity. The content of humanitarian law implies situational, temporary, and a simplified procedure for the creation and termination of such agreements, and at the same time, the inadmissibility of abusing such agreements to achieve a military goal (i.e., treason).

The next MA document was the «Memorandum on Implementation of the Provisions» of the above-mentioned «Protocol» signed on September 19, 2014. This act, in the introductory part, directly indicated the content of the Minsk documents precisely as “agreements on the bilateral cessation of the use of weapons”, that is, it clearly characterized them precisely as agreements under international humanitarian law, and not as international treaties.

The difference between the «Memorandum» and the «Protocol» was the mentioning in the introductory part not only the participants of the Tripartite Group, but also the “representatives of individual districts of Donetsk and Luhansk regions” and its focus on the settlement of exclusively military issues.

The next document signed within the framework of the Tripartite Contact Group on February 12, 2015, entitled «Package of measures for the implementation of the Minsk agreements» , also had similar features of design and content, which precluded its legal binding for the signatories.

A form of political and legal reinforcement of the content of the Minsk Agreements (that is, the «Package of Measures» of 2015, referring to the «Protocol» of 2014. and the «Memorandum» as a means of expanding the «Protocol») within the framework of the MA was the Declaration of the President of the Russian Federation, the President of Ukraine, the President of France and the Chancellor of Germany “in support of the Package of Measures for the Implementation of the Minsk Agreements” of February 12, 2015. This act establishes that the leaders “approve” of the «Package of Measures» and at the same time did not directly talk about their approval of the «Protocol» or «Memorandum» of 2014.

In resolution 2202/2015, the UN Security Council endorsed the Package of Measures, called on all parties to ensure its full implementation and welcomed the Leaders’ Declaration. Resolution 2202/2015 was approved by the UN Security Council in accordance with its powers defined in Chapter VI of the UN Charter «Peaceful Settlement of Disputes» (Articles 36, 52, 53 and others), therefore it has the status of a recommendation, and not mandatory for implementation by the UN states prescription of the decision of the Security Council, which are approved according to a different procedure provided for by Art. 25 of the UN Charter.

Under these conditions, the documents of the MA and Resolution 2202 of the UN Security Council did not create international legal obligations for Ukraine. These acts did not become a legitimate and legal basis for the mandatory approval and change of the laws of Ukraine, for the adoption of new norms of the Constitution of Ukraine.

Another important component of the combat zone status was the derogation implemented by Ukraine in 2015 regarding the government-controlled part of the Donetsk and Luhansk regions under Art. 15 of the 1950 Convention and Art. 4 of the International Covenant on Civil Rights. In addition to these contractual norms, the regime of derogation in international law at the universal level is defined by the Syracuse Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights of 1985 E/CN.4/1985/4¹⁴⁸

148 <https://www.refworld.org/docid/4672bc122.html>

and General Comments No. 29 on Derogations from the Covenant during a state of emergency (art. 4) 2001 HRI/GEN/1/Rev.5/Add.1¹⁴⁹.

The obligations of states to comply with the regime and the derogation procedure are reflected in a number of decisions of the ECtHR, such as «Aksoy v. Turkey» 21987/93 1996¹⁵⁰, «Demir and others v. Turkey» 21380/93 1998¹⁵¹, etc. According to the practice of the ECtHR, the derogation procedure must be accompanied by the approval of special national legislation regarding the restriction of human rights in a special period and the preservation of fundamental human rights. The analysis of the relevant parliamentary statement and the mechanism of its implementation shows that Ukraine complies with the derogation procedure.

The status of IDPs is not determined by special international agreements in which Ukraine participates. At the same time, the provisions of universal and regional human rights agreements are applicable to the protection of the rights of IDPs. In particular, the provisions of the 1950 Convention in this dimension were revealed through the decisions of the ECtHR «Timishev v. Russia» , 55974/00 2005, «Tatishvili v. Russia» 1509/02 2007, «Budaeva and others v. Russia» , 15339/02 2008 etc¹⁵².

A number of resolutions of the UN General Assembly have been approved on the protection of the rights of IDPs, such as «Protection and assistance to internally displaced persons» 62/153 of 2007, 62/249 of 2008, 63/307 of 2009, 64/162 of 2009, etc. as well as the approved UN Guiding Principles on Internal Displacement E/CN.4/1998/53/Add.2 of 1998¹⁵³.

The specified standards guarantee IDPs the right to freely choose one of three options for restoring their own rights, limited by the situation of displacement - settlement in a new place in the form provided by the government, independent settlement in a new place or return to the place of previous residence. Also, these standards provide for the possibility of positive discrimination of IDPs in the social and educational spheres, prescribe to consider a person as endowed with the rights of an IDP from the moment of his displacement, and not after receiving a document confirming the status of an IDP.

At the level of the Council of Europe, this issue was raised in the recommendations of the Committee of Ministers Rec2006 (6) «Regarding internally displaced persons» of 2006 and in the PACE recommendations 1631 (2003) «Internal displacement in Europe» of 2003, 1877(2009)¹⁵⁴ «Europe`s forgotten people: protecting the human rights of long-term displaced persons» of 2009. Regarding the situation with IDPs in Ukraine, the PACE specifically approved resolution 2028 (2015) «The humanitarian situation of Ukrainian refugees and displaced persons» of 2015¹⁵⁵.

149 <https://digitallibrary.un.org/record/474083?ln=ru>

150 <https://hudoc.echr.coe.int/fre?i=002-9054>

151 <https://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=001-58230&filename=001-58230.pdf&TID=ihgdqbxnfi>

152 <https://hudoc.echr.coe.int/fre?i=001-85436>

153 <https://digitallibrary.un.org/record/251017?ln=ru>

154 <https://rm.coe.int/16806b5ab0>

155 <https://www.refworld.org.ru/country,,,RESOLUTION,UKR,,,56e966b24,0.html>

3. Legal doctrine and foreign experience of deoccupation and reintegration.



It should be noted that the problem of reintegration of territories was faced by a number of countries of the world, and the ways of solving it were variable in nature. In particular, it is worth pointing out the legislative support for the reintegration of East Germany into the Federal Republic of Germany (FRG), as a process that lasted from 1949 to the end of the 20th century, and the legislative practice of Croatia, starting in 1992.

The attitude of the Federal Republic of Germany to East Germany was formed in the Constitution of the Federal Republic of Germany of 1949, which was considered by its authors as a temporary act subject to revision after the unification of the country. Such unification was not connected with deoccupation, because the presence of foreign troops in Germany since 1945 met the requirements of international law. Therefore, the preamble to the 1949 Constitution indicated a “transitional period” in the lands of West Germany.

In Art. 23 of this act noted that the effect of the Basic Law “currently” extends to the territory of 12 states (including Greater Berlin) and “in other parts of Germany it will enter into force after their accession”. At the same time in Art. 146 of the Basic Law of 1949 provided that it “will cease to be in effect on the day when the Constitution approved by the free decision of the German people enters into force.”¹⁵⁶ Thus, the authors of the 1949 Constitution envisaged the possibility of constitutional changes within the framework of the reunification of West and East Germany in a single state.

Until 1970, Germany followed a policy of non-recognition of the state entities of East Germany. At the same time, in the following year, in 1972, the Agreement on the Basics of Relations between the Federal Republic of Germany and the «German Democratic Republic» («GDR») was signed, by which both German states mutually recognized their own subjectivity, but with a number of reservations. The Federal Republic of Germany consistently tried not to apply the norms of international law in interaction with the «GDR» and did not abandon the unification of Germany as a “political goal” of the Federal Republic of Germany, according to which “the German people will regain their unity through free self-determination”, as stated in the Letter of the Government of the Federal Republic of Germany, which was added to the signed agreement of 1972¹⁵⁷.

At the same time, the reunification of Germany in 1990 was formalized precisely as the reunification of East Germany with the Federal Republic of Germany on the basis of Art. 23 of the Constitution of the Federal Republic of Germany. After a long discussion, the authorities of the Federal Republic of Germany decided not to apply Art. 146 of the Constitution and not approve the new Basic Law after unification. Instead, the main legal mechanism for reunification was the Treaty on the Establishment of German Unity of August 31, 1990 between the Federal Republic of Germany and the «GDR».

The mechanism of reunification did not envisage the creation of a new state, but the inclusion

156 <https://www.btg-bestellservice.de/pdf/80201000.pdf>

157 https://www.1000dokumente.de/index.html?c=dokument_de&dokument=0023_gru&object=translation&l=ru

of the territory of the former «GDR» as part of the Federal Republic of Germany, but not as a single entity, but as separate five German states. For such a reunification, the federal (land) system, abolished since 1952, was first restored in the «GDR» by a separate constitutional act of the «GDR» dated July 22, 1990. separately in the 1990 treaty, it was specified that 23 districts of Berlin (under the control of the «GDR») are part of the German Federal Republic of Greater Berlin.

The Treaty of 1990 provided for the introduction of amendments to the Constitution of the Federal Republic of Germany of 1949, in particular the establishment of a transitional period of the legislation in East Germany, which lasted until December 31, 1992. At the same time, the legislation of the «GDR» after the entry into force of the Treaty of 1990 was determined in East Germany as the land right of the five recreated lands, which had to correspond to the federal legislation of the Federal Republic of Germany¹⁵⁸.

After reunification, the Federal Republic of Germany approved separate federal laws to ensure the interests of the residents of East Germany. First of all, these are the Federal Law on the Extension of Pension Legislation to the Annexed Territories of 1991, which established the period of final unification of pension systems until 1996, as well as the Federal Laws on Property and on Compensation and Damages of 1994¹⁵⁹.

In Croatia, the issue of reintegration of territories over which control was temporarily lost during the War of Independence of 1991-1995 is regulated primarily by Zones of Special Operations' Law of 1996. This act deals with issues of sustainable development of territories affected by the conflict and determined the procedure for providing support and compensation for communities and individuals, as well as state support for the processes of returning refugees and IDPs to the specified territories.

According to the version of this Law from 2002, zones of special state concern were divided into three categories¹⁶⁰. The first category included settlements with less than 5,000 inhabitants according to the 1991 census and which were under separatist control during the 1991-1995 war. The second category of zones included other settlements that were under the control of separatists during the war, and the third - depressed areas of the country that were not occupied during the conflict. It is interesting that the said law established a limitation according to which territories of which no more than 15% of the population of Croatia live together can belong to the zones of special state care, the list of which is periodically revised.

A number of countries of the world with the experience of occupied territories are developing legislation on the negotiation process, the status of territories and displaced persons. In particular, these are Serbia regarding Kosovo, Georgia regarding Abkhazia and the Tskhinvali region, Moldova regarding the Transnistrian region, Azerbaijan regarding the occupied territories of Nagorno-Karabakh and adjacent areas. At the same time, the effectiveness of such legislation is a debatable issue, and its development is often determined by the current political needs of the parties to interstate conflicts.

¹⁵⁸ https://www.cvce.eu/content/publication/1997/10/13/2c391661-db4e-42e5-84f7-bd86108c0b9c/publishable_en.pdf

¹⁵⁹ <https://www.bmwi.de/Redaktion/EN/Publikationen/annual-report-status-german-unity-2015.pdf>

¹⁶⁰ <https://www.zakon.hr/z/471/Zakon-o-podru%C4%8Djima-posebne-dr%C5%BEavne-skrbi>

For example, only the declarative law No. 173-XVI of July 22, 2005 «Basic provisions of special legal status of settlements of left bank of the Dniester (Transnistria)»¹⁶¹ is currently in force in Moldova, and the legislation on occupied persons and even on displaced persons, who international organizations counted more than one hundred thousand in this country, none at all.

Azerbaijan also does not have a separate law on the occupied territories, and only the Law of November 26, 1991 No. 279-XII «Abolishment of the Nagorno-Karabakh Autonomous Oblast of the Republic of Azerbaijan», approved at the beginning of the conflict, is in force. Regarding IDPs in Azerbaijan, the Laws of May 21, 1999 No. 668-IQ and No. 669-IQ¹⁶² «Status of refugees and forced migrants (persons resettled within the country)» and «On Social Protection of Internally Displaced Persons and Persons Equated to Them», which do not fully reflect the international standards of IDPs and cannot be taken as a model for making specific changes to domestic legislation in this area.

At the same time, Georgia approved the Law «On Occupied Territories»¹⁶³ dated October 23, 2008 No. 431-Il and the Law of Georgia «On Internally Displaced Persons from Occupied Territories of Georgia»¹⁶⁴ dated February 6, 2014 No. 1982-Il, which was replaced the previous law of 1996.

Law No. 431-Il of 2008 is similar in its direction to the domestic acts on TOTs, but has a relatively small volume, among the legal mechanisms of this act, the prescriptions of Art. 6 regarding restrictions on economic activity in the occupied territory, which provide for specific measures. Law No. 1982-Il of 2014 is smaller in scope of regulation than the domestic legislation on IDPs, however, it contains some noteworthy regulations, in particular regarding the need and procedures for accounting of IDPs outside of Georgia (Article 9) and regarding special property protection mechanisms of IDPs in the occupied territory (Article 15).

Thus, the legislative experience of other states on issues of conflict and post-conflict settlement is limited, the corresponding practice of post-Soviet countries is not suitable for use by Ukraine. At the same time, this experience shows the superiority of international legal mechanisms for resolving conflicts and post-conflict settlement over national ones.

The issue of interstate conflict in Ukraine has become the subject of research by individual scientists, primarily international lawyers from countries of the civilized world. In particular, it is worth pointing out the English-language monographic works of Thomas D. Grant (Great Britain)¹⁶⁵ «Aggression against Ukraine: territory, responsibility and international law» 2015, Elizabeth Wood and William Pomeranz (USA)¹⁶⁶ «Roots of Russia's War in Ukraine» 2015, Paul Unglaub (Germany)¹⁶⁷ «The Crimea in

161 <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=313004&lang=2>

162 <https://legalacts.az/ru/document/2723>

163 <https://matsne.gov.ge/ru/document/download/19132/6/ru/pdf>

164 <https://matsne.gov.ge/ru/document/view/2244506>

165 Grant T. D. *Aggression against Ukraine: Territory, Responsibility, and International Law*. London: Palgrave Macmillan, 2015. – 313 p.

166 Wood E. *Roots of Russia's War in Ukraine / Elizabeth Wood, William Pomeranz, E. Wayne Merry*. N.Y.: Columbia University Press, 2015. – 144 p.

167 Unglaub P. *The Crimea in 2014: Current Issues in the Light of International Law*. Saarbrücken: AV Akademikerverlag, 2016. 64 p.

2014: Current Issues in the Light of International Law» 2016, Juan Francisco Escudero Espinosa (Spain)¹⁶⁸ «Self-Determination and Humanitarian Secession in International Law of a Globalized World: Kosovo v. Crimea» 2017, Sergey Sayapin (Uzbekistan) and Evhen Tsybulenko (Estonia)¹⁶⁹ «The Use of Force against Ukraine and International Law: Jus Ad Bellum, Jus In Bello, Jus Post Bellum» 2018, Karolina Wierczynska, Wladyslaw Czaplinski (Poland)¹⁷⁰ «The Case of Crimea's Annexation Under International Law» 2019, Ben Wood Johnson. (USA)¹⁷¹ «International Law: The Rise of Russia as a Global Threat» 2020.

The main subject of attention of these researchers was the determination of the degree of (il) legality of the actions of the Russian Federation regarding the occupation and attempted annexation of Crimea. The authors carefully analyze the arguments expressed by the aggressor state as part of attempts to legitimize its own actions in Crimea and consistently refute them. First of all, Western authors reasonably prove the absence of the subject of the right to self-determination in Crimea, the absence of grounds for humanitarian intervention on the peninsula, the applicability of the principles of territorial integrity of states and the inviolability of state borders to Crimea. At the same time, the focus of research is the events in Crimea and the relevant statements and actions of the parties of the interstate conflict, as well as treaty, customary, and doctrinal sources of international law applicable to the Crimean situation.

We should also mention the thorough English-language articles by foreign scientists on these issues, in particular, the publication of Christian Marxsen (Germany)¹⁷² «The Crimean Crisis. An International Law Perspective» 2014, Patrycja Grzebyk (Poland)¹⁷³ «Classification of the Conflict between Ukraine and Russia in International Law (Ius ad Bellum and Ius in Bello)», Peter Hilpold (Austria)¹⁷⁴ «Ukraine, Crimea and New International Law: Balancing between International Law with Arguments Drawn from History» 2015, Anton Bebler (Romania)¹⁷⁵ «Crimea and the

 168 Escudero Espinosa J. F. *Self-Determination and Humanitarian Secession in International Law of a Globalized World: Kosovo v. Crimea*. Berlin: Springer, 2017. 234 p.

169 Sayapin S. *The Use of Force against Ukraine and International Law: Jus Ad Bellum, Jus In Bello, Jus Post Bellum* / Sergey Sayapin, Evhen Tsybulenko. Hague: T.M.C. Asser Press, 2018. 481 p.

170 *The Case of Crimea's Annexation Under International Law* / Karolina Wierczynska, Wladyslaw Czaplinski, Slawomir Debski, Rafal Tarnogórski. Warsaw: W. N. Scholar, 2019. 356 p.

171 Johnson B. W. *International Law: The Rise of Russia as a Global Threat*. London: Tesko, 2020. 155 p.

172 Marxsen C. *The Crimea Crisis. An International Law Perspective* // *Heidelberg Journal of International Law*. 2014. Vol. 74. P. 367-391.

173 Grzebyk P. *Classification of the Conflict between Ukraine and Russia in International Law (Ius ad Bellum and Ius in Bello)* // *XXXIV POLISH Yearbook of International Law*. Warsaw, 2015. P. 39-60.

174 Hilpold P. *Ukraine, Crimea and New International Law: Balancing International Law with Arguments Drawn from History* // *Chinese Journal of International Law*. 2015. Vol. 14. Issue 2. P. 237-270.

175 Bebler A. *Crimea and the Russian-Ukrainian Conflict* // *Romanian Journal of European Affairs*. 2015. Vol. 15. № 1. P. 35-54.

Russian-Ukrainian conflict» 2015, Simone F. van den Driest (Netherlands)¹⁷⁶ «Crimea's Separation from Ukraine: An Analysis of the Right to Self-Determination and (Remedial) Secession in International Law» 2015, Benedikt Harzl (Austria)¹⁷⁷ «Ukraine's Derogation From the European Convention on Human Rights» 2017, Agnieszka Szpak (Poland)¹⁷⁸ «Legal Classification of the Armed Conflict in Ukraine in Light of International Humanitarian Law» 2017, Austin Charron (USA)¹⁷⁹ «Russian-Occupied Crimea and the State of Exception: Repression, Persecution, and Human Rights Violations» 2019.

It is worth pointing out that these works have as their own subject primarily the situation in Crimea, and not in the East of Ukraine, and describe primarily the events and processes of 2014 related to the very attempt to annex the peninsula, as an unprecedented situation from the point of view of international law. At the same time, further violations of international law by the Russian Federation in Crimea and in the East of Ukraine are mostly described, not evaluated, in the mentioned works.

This is explained primarily by the non-completion of the above-mentioned interstate processes in the UN International Court of Justice, the International Criminal Court, the ECtHR and arbitrations on the law of the sea. The finalization of these proceedings and the obtaining of meaningful ECtHR practice on individual claims of victims of the interstate conflict in Ukraine will definitely affect the development of the relevant global legal doctrine, will lead to thorough monographic research by Western authors.

Also, significant English-language publications by domestic scientists¹⁸⁰ have been published abroad on these issues. These works refute numerous Russian publications on the issues of Crimea and Eastern Ukraine, analyze the situation with individual and collective rights on the TOTs, possible mechanisms of legal protection of public interests in conditions of ongoing Russian aggression. However, these scientific works are addressed to English-speaking reader, they practically do not contain recommendations of Ukraine regarding the modernization of national legislation.

176 *Driest v. d. S. F. Crimea's Separation from Ukraine: An Analysis of the Right to Self-Determination and (Remedial) Secession in International Law // Netherlands International Law Review. 2015. Vol. 62. P. 329–363.*

177 *Harzl B. Ukraine's Derogation From the European Convention on Human Rights // Austrian Review of International and European Law. 2017. Vol. 22. P. 29–66.*

178 *Szpak A. Legal Classification of the Armed Conflict in Ukraine in Light of International Humanitarian Law / Agnieszka Szpak // Hungarian Journal of Legal Studies. 2017. Vol. 58. Issue 3. P. 261–280.*

179 *Charron A. Russian-Occupied Crimea and the State of Exception: Repression, Persecution, and Human Rights Violations / Halya Coynash, Austin Charron // Eurasian Geography and Economics. 2019. Vol. 60. Issue 1. Ukraine after Five Years of Conflict. P. 28–53.*

180 *Zadorozhnii O. Russian doctrine of international law after the annexation of Crimea. Kyiv. K.I.S., 2016. 172 p.; Merezhko O. Crimea's Annexation by Russia – Contradictions of the New Russian Doctrine of International Law // Heidelberg Journal of International Law. 2015. Vol. 75. P. 167–194; Legal Statute and Perspectives for Indigenous Peoples in Ukraine / Borys Babin, Olena Grinenko and Anna Prykhodko // Indigenous, Aboriginal, Fugitive and Ethnic Groups Around the Globe. L. : IntechOpen, 2019 –P. 161–177; Babin B. Health Care for Crimean Residents: Interstate Conflict Challenges and Possible Legal and Organisational Solutions // Wiadomości Lekarskie. 2019. № 12. Cz. II. P. 2441–2444.*

At the same time, since 2014, hundreds of professional publications¹⁸¹ have been devoted to aspects of the legal dimension of the interstate conflict in Ukraine, but as a rule, without translation into world languages and without publication in authoritative scientific publications or publishing houses of developed countries. In-depth studies on issues of deoccupation and reintegration of TOTs, among other things, were done by specialists of the Institute of Legislation of the Verkhovna Rada of Ukraine¹⁸².

Certain aspects of the application of norms of international humanitarian law and human rights law to the situation in Ukraine were also investigated in separate works by Anton Korynevych, Oleksandr Marusiak, and Tetyana Syroyid, but these works were primarily concerned with the events of 2014-2015¹⁸³.



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181 Донбас і Крим : ціна повернення : монографія / за ред. В.П. Горбуліна, О.С. Власюка, Е.М. Лібанової, О.М. Ляшенко. К.: НІСД, 2015. 474 с.; Політика інтеграції українського суспільства в контексті викликів та загроз подій на Донбасі (національна доповідь) / [Лібанова Е.М., Горбулін В.П., Пирожков С.І. та ін.]. К.: НАН України, 2015. 363 с. Марусяк О.В. Анексія Криму Російською Федерацією як злочин агресії проти України: міжнародно-правові аспекти. Чернівці: Місто, 2016. 220 с.; Військово-цивільні адміністрації в зоні проведення операції об'єднаних сил / С. О. Кузніченко, В. І. Шевченко. Одеса, 2019. 170 с. та ін.

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183 Сироїд Т.Л. Механізм ООН щодо захисту цивільного населення під час збройних конфліктів // Від теорії міжнародного права до практики захисту прав людини. Liber Amicorum до 60-річчя проф. В.В. Мицика. К. : Фенікс, 2016. С. 660-672; Кориневич, А. О. Застосування міжнародного гуманітарного права до збройного конфлікту на території України. О. : Фенікс, 2015. 78 с.



List of experts



**Bariiev
Eskender**

Head of the Board of the Crimean Tatar Resource Center, Member of Mejlis of the Crimean Tatar people



**Babin
Borys**

PhD in law, Professor, lawyer, member of Legal Expert Council of the Crimean Tatar Resource Center



**Bariieva
Zarema**

Manager of the Crimean Tatar Resource Center



**Boychenko
Svetlana**

Doctor of Geographical Sciences, Leading Researcher of the Subotin Institute of Geophysics of the National Academy of Sciences of Ukraine, Professor of the Department of Ecology of the National University Kyiv-Mohyla Academy, member of the Expert Council of the Crimean Tatar Resource Center for Environmental Protection and Sustainable Development of Crimea



**Guchakova
Tetyana**

Head of the Black Sea Institute for Strategic Studies



**Khlobystov
Ievgen**

PhD in Economics, Professor, Dean of the Faculty of Natural Sciences of the National University of Kyiv-Mohyla Academy, Academician of the Academy of Economic Science of Ukraine, member of the CTCRC Expert Council on Environmental Protection and Sustainable Development of Crimea, Coordinator of the «Ecology and Economy» Working Group of the International Crimea Platform Expert Network



**Klymenko
Andrii**

Editor-in-Chief of BlackSeaNews, Head of the Monitoring Group of the Black Sea Institute for Strategic Studies



**Korotkikh
Liudmyla**

Lawyer, manager of the Crimean Tatar Resource Center



**Kuzmina
Svitlana**

Doctor of Philosophy, Dean of the Faculty of Social Sciences and Humanities, Volodymyr Dahl East Ukrainian National University



**Liashenko
Volodymyr**

Lawyer of the Crimean Tatar Resource Center



**Lopushynskiy
Ivan**

Head of the Department of public administration and local self-government of Kherson National Technical University, PhD in Public Administration, Professor, Honored Education Worker of Ukraine



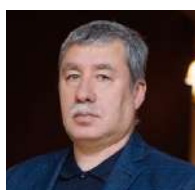
**Poznyak
Oleksandr**

Lawyer, attorney of the Crimean Tatar Resource Center



**Savchuk
Tetiana**

Communications Manager of the Crimean Tatar Resource Center



**Seiytosmanov
Ayder**

Member of NGO «Navkolo»



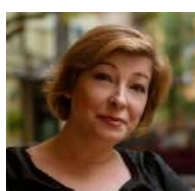
**Stelmashov
Artem**

Lecturer at the Faculty of International Relations of the National Aviation University



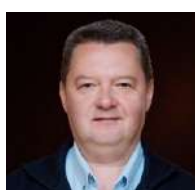
**Useinova
Zarema**

Education expert, NGO «Crimean initiative»



**Voloshyna
Larysa**

Journalist, Blogger



**Zakharenko
Kostyantyn**

Professor of the Department of Political Psychology and International Relations, PhD in political science, lawyer, attorney, member of the Legal Expert Council of the Crimean Tatar Resource Center

«The Future of Crimea: legal provision and recommendations to strategies» /

Bariiev Eskender, Babin Borys, Bariieva Zarema, Boychenko Svetlana, Guchakova Tetyana,
Khlobystov Ievgen, Klymenko Andrii, Korotkikh Liudmyla, Kuzmina Svitlana, Liashenko
Volodymyr, Lopushynskyi Ivan, Poznyak Oleksandr, Savchuk Tetiana, Seiytosmanov Ayder,
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☎ +380673437454, ✉ ctrc@ctrcenter.org

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