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Ukraine



Crimean Tatar
Resource Center



REINTEGRATION OF CRIMEA

government action plans and development
of international assistance mechanisms

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Annotation: The publication contains general recommendations to the Government Action Plan for the Implementation of the Strategy for the Deoccupation and Reintegration of the Temporarily Occupied Territory of the Autonomous Republic of Crimea and the City of Sevastopol, an analysis of the development of Ukrainian legislation on the reintegration of Crimea in 2023, and proposals for the development of mechanisms for international financial assistance for the restoration of Ukraine.

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FOREWORD



The occupation of the Autonomous Republic of Crimea and the city of Sevastopol, certain districts in Donetsk and Luhansk regions in 2014, Russia grossly violated one of the basic principles of international law on the inviolability of borders and revised the architecture of the global security system.

The Crimean peninsula has become a military base for full-scale Russian armed aggression against Ukraine, a place of repression and systemic human rights violations, and has become a source of a threat to the stability of Europe.

To create conditions for the deoccupation and reintegration of the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol, to neutralize threats to national and international security, and to guarantee human rights and fundamental freedoms, on 11 March 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 to resolve the armed conflict unleashed by the Russian Federation, the restoration and reconstruction of peace. The Order of the Cabinet of Ministers of Ukraine of September 29, 2021 No. 1171 approved the Action Plan for the Implementation of the Strategy for the Deoccupation and Reintegration of the Temporarily Occupied Territory of the Autonomous Republic of Crimea and the City of Sevastopol.

However, on 24 February 2022, the Russian Federation launched a full-scale armed aggression against Ukraine, and on April 4, 2023, the Cabinet of Ministers of Ukraine approved a new version of the Action Plan for the Implementation of the Strategy for the Deoccupation and Reintegration of the Temporarily Occupied Territory of the Autonomous Republic of Crimea and the City of Sevastopol by Resolution No. 288.

From October 31 to November 5 2023, the Crimean Tatar Resource Centre, with the support of the Friedrich Naumann Foundation for Freedom in Ukraine, held the II Strategic Forum 'The Future of Crimea', which was attended by 21 experienced experts, including representatives of the academic environment of Ukraine, experts of the Crimea Platform Expert Network, public figures, journalists, doctors and candidates of legal, geographical, economic, political, sociological, historical and pedagogical sciences.

Participants of the II Strategic Forum 'The Future of Crimea' analyzed the Action Plan for the Implementation of the Strategy for the Deoccupation and Reintegration of the Temporarily Occupied Territory of the Autonomous Republic of Crimea and the City of Sevastopol in a new version and proposed general and detailed recommendations to this plan, as well as the development of Ukrainian legislation on the reintegration of Crimea in 2023 and developed a concept for developing mechanisms of international financial assistance for Ukraine's recovery.

In their work, the experts of the Second Strategic Forum 'The Future of Crimea' adhered to the following basic principles:

TRANSPARENCY, ACCOUNTABILITY, PRAGMATISM, FORECASTS

The authors recommend this analytical and research work to 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 NGO 'Crimean Tatar Resource Centre'

Head of the Department of external relations and human rights protection of Mejlis of the Crimean Tatar people

GENERAL RECOMMENDATIONS TO THE ACTION PLAN for the implementation of the strategy for the deoccupation and reintegration of the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol

1. The Plan needs to improve the number of measures by combining repetitive measures and excluding those that were implemented before the implementation of the Plan, do not provide any specific actions or are not directly related to the process of deoccupation and reintegration of the AR of Crimea and the city of Sevastopol.
2. It is necessary to reduce the text of the description of the Plan's measures, to avoid confusing and cumbersome wording and the use of incorrect, contradictory, or terms and concepts not defined by the current legislation.
3. The definitions and descriptions of the Plan's measures are mostly as general as possible, which is typical for documents at the level of doctrine or concept, therefore, additional specification of the Plan's measures is needed to enable the determination of the effectiveness of implementation in accordance with the proposed indicators.
4. It is advisable to review the overall structure of the Plan and the principle of its construction, since the sections of the Plan partially duplicate their own tasks and scope of regulation, and the Plan's activities are often not related to the section in which they are listed. The structure of the Plan should take into account previous thematic developments

- of reputable think tanks and expert groups, including I Strategic Forum 'The Future of Crimea'.
5. It is necessary to significantly clarify the executors of the Plan, who are currently often identified incorrectly, with the complete absence of military administrations among the executors and almost complete absence of Mejlis of the Crimean Tatar people among the executors of most of the activities; the Plan periodically mentions one structural unit of one university for unknown reasons, while systematically ignores the relevant ministry and the National Academy of Sciences of Ukraine.
 6. The timing of the Plan's activities needs to be reassessed, as most of them are terminated at the moment of deoccupation, while in fact systematic and continuous implementation is required and indicators of such implementation at specific time stages are set; in addition, similar Plan activities often have different deadlines.
 7. It is advisable to define quantitative indicators and efficiency indicators for the implementation of the Plan's measures, since the result of their implementation is often described as a process that blurs the content and efficiency of such activities.
 8. It is necessary to define the stages of activities implementation and, at the same time, provide the forms of implementation of the Plan in accordance with possible scenarios of the situation during and after deoccupation, depending on catastrophic, crisis or problematic scenarios for the population, environment, economy and infrastructure.
 9. It is necessary to expand the vector of the Plan's activities aimed at realizing the rights of indigenous peoples, as the Plan currently provides for relevant activities only in the language and cultural spheres.

THE DEVELOPMENT OF UKRAINIAN LEGISLATION REGARDING THE REINTEGRATION OF CRIMEA IN 2023

PARLIAMENTARY ACTS OF 2023 REGARDING THE OCCUPIED TERRITORIES

As stated in the conclusions of the previous forum "The Future of Crimea", since the beginning of the Russian aggression, the Ukrainian lawmaker has consistently responded to its development, occupation and attempted annexation of the AR of Crimea and the city of Sevastopol, to the escalation of the conflict in the East of Ukraine by approving a number of specialized laws, their gradual improvement, approval of parliamentary statements and appeals.

In particular, since April 2014, the Ukrainian parliament has approved 20 basic laws of Ukraine, which have since been amended and supplemented more than 90 times; in addition, more than 20 key laws were approved that transformed other sectoral, in particular, procedural acts of legislation to bring them into line with the situation of countering Russian aggression; a number of laws on ratification and denunciation of international agreements and approval of decrees of the President of Ukraine were approved.

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 of individuals and communities on the territory of the Anti-Terrorist Operation and the Joint Forces Operation.



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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 TOTs of the Eastern Ukraine did not lead to any positive changes, both in terms of deoccupation and reintegration, and were subsequently canceled.

Since 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.

In 2023, it is possible to notice an increase in the number of laws denouncing Ukraine's international treaties, which are incompatible with the situation of Russian aggression, in particular with the ongoing occupation of Crimea.

Among other things, the following was denounced:

- Agreement between Ukraine and the Russian Federation on cooperation in the use of the Sea of Azov and the Kerch Strait (Law of Ukraine dated February 24, 2023 No. 2948-IX);
- Agreement on the establishment of the Black Sea Group of Military-Naval Cooperation (Law of Ukraine dated February 24, 2023 No. 2949-IX);
- Agreement between the Cabinet of Ministers of Ukraine and the Government of the Russian Federation on the procedure for crossing the Ukrainian-Russian state border by residents of the border regions of Ukraine and the Russian Federation (Law of Ukraine dated April 10, 2023 No. 3027-IX);
- Protocol on the approval of the Regulation on the procedure for organizing and conducting joint anti-terrorist measures in the territories of CIS member states (Law of Ukraine dated April 10, 2023 No. 3032-IX);
- Agreement on cooperation in the field of labor migration and social protection of migrant workers and the Protocol to it (Law of Ukraine dated June 29, 2023 No. 3192-IX on the suspension of the agreement regarding the Russian Federation and Belarus);
- Agreement between the Cabinet of Ministers of Ukraine and the Government of the Russian Federation on cooperation during joint control of persons, vehicles and goods at the Ukrainian-Russian state border (Law of Ukraine dated July 13, 2023 No. 3247-IX);
- Agreement between the Cabinet of Ministers of Ukraine and the Government of the Russian Federation on the

promotion and mutual protection of investments (Law of Ukraine dated August 10, 2023 No. 3329-IX);

- Agreement between the Cabinet of Ministers of Ukraine and the Government of the Russian Federation on cooperation in the field of plant quarantine (Law of Ukraine dated August 10, 2023 No. 3330-IX)
- Agreement on cooperation of CIS Member States in Combating trafficking in people, human organs and tissues and Agreement on cooperation of CIS member states in combating vehicle theft and ensuring their return (Law of Ukraine dated August 23, 2023 No. 3349-IX) ;
- Agreement between the government of Ukraine and the government of the Russian Federation on international road traffic and the protocol on its application (Law of Ukraine dated August 23, 2023 No. 3350-IX);
- Agreement between the Cabinet of Ministers of Ukraine and the government of the Russian Federation on re-admission (Law of Ukraine dated August 24, 2023 No. 3359-IX);
- Agreement on cooperation of CIS member states in the creation, use and development of an interstate network of information and marketing centers for the promotion of goods and services on national markets (Law of Ukraine dated August 24, 2023 No. 3360-IX);
- Agreement between the Cabinet of Ministers of Ukraine and the government of the Russian Federation on cooperation in the field of prevention of the spread of the disease caused by the human immunodeficiency virus (HIV infection) (Law of Ukraine dated August 24, 2023 No. 3361-IX).

In 2023, a number of basic laws contained prescriptions directly related to countering Russian aggression, in particular the Law of Ukraine of March 21, 2023 No. 3005-IX "On condemnation and prohibition of propaganda of Russian imperial policy in Ukraine and decolonization of toponymy" which, among other things, provided definition of russification and formed the principles of decolonization of names on the TOTs.

The Law of Ukraine "On law-making activity" of August 24, 2023 No. 3354-IX more clearly defined the place of the Constitution of the AR of Crimea as the law of Ukraine and resolutions of Verkhovna Rada of the ARC, resolutions of the ARC Council of Ministers, orders of the ARC ministries as normative legal acts in the hierarchy of normative acts of Ukraine authorities of ARC, and mentioned the acts of the Sevastopol City State Administration.

Among the laws that transformed other sectoral, in particular, procedural acts of legislation in 2023, the Law of Ukraine of August 23, 2023 No. 3334-IX, which changed the entry into force of the new administrative-territorial division in the ARC and Sevastopol and decommunized names of Crimea should be singled out.

It is also worth mentioning the Law of Ukraine dated April 11, 2023 No. 3054-IX, which amended the issues of registration of documents certifying identity and confirming citizenship of Ukraine, documents certifying identity and confirming its special status, as well as entering information about registered or declared place of residence in the territory of Ukraine temporarily occupied by the Russian Federation and in the territories where hostilities are (were) taking place.

It should also be noted the Law of Ukraine dated March 21, 2023 No. 2997-IX, which improved the norms of the codes regarding the

improvement of the fight against terrorism, in particular the specially criminalized crossing of the state border of Ukraine for terrorist purposes, and the Law of Ukraine dated August 23, 2023 No. 3341-IX, which improved the calculation of pre-trial investigation periods under martial law.

At the same time, separate acts approved in 2023 on countering aggression do not cover Crimean issues, in particular, this is the Law of Ukraine dated February 23, 2023 No. 2923-IX on compensation for damage and destruction of certain categories of immovable property as a result of hostilities, acts of terrorism, acts of sabotage caused by armed aggression of the Russian Federation against Ukraine, and the State Register of property damaged and destroyed as a result of hostilities, acts of terrorism, acts of sabotage caused by armed aggression of the Russian Federation against Ukraine.

In 2023, a significant amount of parliamentary decisions regarding TOTs took the form of resolutions. In particular, this is a rather systematic Statement of the Verkhovna Rada of Ukraine on the priority directions of the state policy of Ukraine in the field of de-occupation, reintegration and restoration of the ARC and the city of Sevastopol, approved by Resolution No. 3333-IX dated August 23, 2023; in this regard, it is noteworthy that the parliamentary website contains a note that the translation of the text of this Statement into English was provided by the Mission of the President of Ukraine in the Autonomous Republic of Crimea as the national office of the Crimea Platform.

In the corresponding resolution, the speaker is instructed to send a statement to the UN, the European Parliament, the parliamentary assemblies of international organizations, national governments and parliaments of the states participating in the summits of the International Crimea Platform and recommends that the Cabinet

of Ministers of Ukraine (CMU) take into account the provisions of the Statement when formulating and implementing state policy in the field of deoccupation and reintegration and the restoration of the ARC and the city of Sevastopol, in particular, during the preparation of relevant projects of regulatory and legal acts.

The Statement emphasizes the priority of guarantees of human security, deoccupation as a complex of military, diplomatic, economic, informational, humanitarian and other measures and as a key condition for ending the war.

Among the novelties of the Statement, it is worth pointing out that citizens of Ukraine who participated in the activities of the occupation administrations or cooperated with the occupation structures, but did not commit serious, especially serious crimes and criminal offenses against peace, human security and international law, may be released from criminal liability, on the condition of voluntary notification of committed acts, as well as active assistance in the disclosure of criminal offenses committed by occupation administrations and structures.

Also, the Statement states for the first time that citizens of the Russian Federation and other persons who illegally moved to the territory of the AR of Crimea and the city of Sevastopol during the period of temporary occupation will be expelled from the territory of Ukraine by making individual decisions in accordance with the law.

In addition, the Statement indicates that the International Crimea Platform should become a platform not only for promoting the deoccupation of Crimea and restoring the territorial integrity of Ukraine, but also for guaranteeing security in the Azov-Black Sea region as a whole. It is worth reminding that the tradition of system-

atically reflecting challenges related to TOTs in the resolutions of the parliament has become traditional for the legislation of Ukraine for 2014-2022. In particular, such resolutions, which number more than 85, including 30 on the approval of individual statements of the Verkhovna Rada, established a number of legal facts and regulated individual legal relations.

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 on the TOT, honoring 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, the criminal encroachments of the aggressor on Ukrainian sovereignty, illegal "elections" on the TOT, as well as support for the activities of the Crimea Platform.



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In 2022, parliamentary statements were approved regarding the condemnation of Russian genocide committed in Ukraine, the attempted annexation of the TOI, recognition of the Russian regime as a terrorist, the illegitimacy of Russia's presence in the UN, Russian naval aggression, etc.

The corresponding practice was continued in 2023, and in this regard it is worth pointing out such acts of the Verkhovna Rada, where the occupation of Crimea was mentioned, such as:

- Appeal to the OSCE Parliamentary Assembly and the parliaments of its member states regarding the inadmissibility of the participation of members of the parliament of the Russian Federation in the work of the Assembly's statutory bodies (Resolution of February 6, 2023 No. 2901-IX);
- Appeal to the parliaments and governments of the countries of the world and international organizations on the occasion of the anniversary of the full-scale invasion of the Russian Federation into Ukraine (resolution of February 24, 2023 No. 2942-IX);
- Appeal to the UN Committee on Human Rights, the UN Committee on the Rights of the Child, the UN International Court of Justice, the UN High Commissioner for Refugees on Russia's violation of international treaties (conventions) that have signs of genocide of the Ukrainian people, in terms of forced deportation to the aggressor state or within the temporarily occupied territories of Ukraine, children of Ukrainian citizens and children who lived on the territory of Ukraine, with the demand to return such children to their parents or legal representatives (Resolution of February 24, 2023 No. 2947-IX);

- An appeal to the parliaments and governments of foreign countries, international organizations and their interparliamentary assemblies regarding the condemnation of the crimes of forced deportation of Ukrainian children committed by the Russian Federation and the Republic of Belarus (Resolution of May 3, 2023 No. 3099-IX);
- Appeal of the Verkhovna Rada of Ukraine to UNESCO, the parliaments and governments of member states of this international organization on the necessity of depriving the Russian Federation of its membership in UNESCO (Resolution of July 28, 2023 No. 3282-IX);
- Appeal to international organizations, parliamentary assemblies, governments and parliaments of foreign countries in connection with the holding of illegal elections by the Russian Federation in the temporarily occupied territories of the Donetsk, Luhansk, Zaporizhzhia and Kherson regions of Ukraine, ARC and the city of Sevastopol (resolution dated September 21, 2023 No. 3387-IX).

Separately, it should be noted the Appeal of the Verkhovna Rada of Ukraine to the national parliaments of member states - of the First Parliamentary Summit of the International Crimea Platform in the context of nine years of temporary occupation and the attempt of illegal annexation of the ARC and the city of Sevastopol by the Russian Federation with the aim of consolidating actions aimed at further resistance to the temporary occupation of Crimea of the peninsula and overcoming its consequences after the end of the occupation (Decision of February 24, 2023 No. 2946-IX).

This document is characterized by a mention of the courage and heroism of the citizens of Ukraine living in the temporarily occupied Crimea in defense of the territorial integrity of Ukraine, in particular those who expressed and continue to express their

anti-war protest and their solidarity with the mainland of Ukraine in connection with the terrible human losses, destruction, material damage caused by the army of the aggressor country.

The Appeal contains a call to implement at the parliamentary level the decisions of the Constituent Summit and the First Parliamentary Summit of the International Crimea Platform, by consolidating joint efforts to implement and strengthen the policy of non-recognition of the attempted illegal annexation of the ARC and the city of Sevastopol and the constant strengthening of the effectiveness of the current restrictive measures against the Russian Federation.

The appeal also calls on foreign parliaments to support at the parliamentary level the Peace Formula proposed by the President of Ukraine, to adopt statements on supporting Ukraine's efforts to de-occupy temporarily occupied territories, including the ARC and the city of Sevastopol, to adopt decisions on the creation of parliamentary groups to support the International Crimea Platform in national parliaments, take parliamentary measures to prevent the further destruction of the cultural heritage of the temporarily occupied Crimea, including the culture of the indigenous people the Crimean Tatars.

In addition, the Appeal suggests that parliaments appeal to national governments regarding financial support for reintegration measures aimed at solving a multi-component group of problems (economic, humanitarian, social, environmental) caused by the temporary occupation by the Russian Federation of part of the territory of Ukraine, including the ARC and the city of Sevastopol, after its deoccupation and offers foreign parliaments together with national governments to consider the issue of starting joint projects on the restoration of temporarily occupied Crimea after its deoccupation, security, human rights, cultural heritage, threats to the environment, protection of the rights of indigenous peoples.

At the same time, a significant part of the acts approved by the Ukrainian parliament in 2023 regarding Russian aggression do not directly mention Crimea; in particular, these are resolutions of the Verkhovna Rada of Ukraine dated February 6, 2023 No. 2899-IX, No. 2903-IX and No. 2904-IX, dated March 20, 2023 No. 2961-IX, dated May 2, 2023 No. 3076-IX, No. 3078-IX and No. 3087-IX, dated May 29, 2023. No. 3118-IX, dated June 10, 2023. No. 3142-IX, dated June 28, 2023. No. 3163-IX, dated July 28, 2023. No. 3283 -IX, etc.

In addition, by 2022, at least four temporary investigative commissions related to issues of Russian aggression were established by parliamentary resolutions and 4 more such commissions were created in 2022.

In 2023, more such commissions were formed, for example, the Temporary investigative commission on investigating possible facts of violations of Ukrainian legislation regarding the export and import of goods, the country of origin or destination of which is the Russian Federation (Resolution of September 21, 2023 No. 3394-IX).

The Resolution of the Ukrainian Parliament dated September 21, 2023 No. 3395-IX approved the Report of the Temporary investigative commission on investigating possible violations of Ukrainian legislation in the field of receiving, distribution, transportation, storage, and targeted use of humanitarian and other aid, as well as ineffective use of state funds property that can be used for temporary accommodation of internally displaced persons and provision of other needs of the state formed last year. At the same time, a significant part of this document was devoted not to the directly indicated issues concerning Crimean displaced persons, but to the aspects of "property of all-Union public associations (organizations) of the former Union of the SSR" and the corresponding activity of Ukrainian trade union federations.

Also, the Parliamentary Resolution of March 20, 2023 No. 2965-IX approved the Report on the work performed by the Temporary special commission on international humanitarian and international criminal law in the context of the armed aggression of the Russian Federation against Ukraine, formed in 2022, but the Crimean dimension of the relevant challenges is directly not mentioned there.

Let us add that people's deputies associated with the Crimean Tatar indigenous people or with the protection of the rights of indigenous peoples were not included in the composition of the Temporary special commission of the Verkhovna Rada of Ukraine on the issues of preparation of the project of the main principles of state policy of Ukraine regarding interaction with the national movements of small and indigenous peoples of the Russian Federation, formed by the resolution of August 24, 2023 No. 3355-IX. In addition, the resolution of the Verkhovna Rada of Ukraine dated May 3, 2023 No. 3092-IX on the withdrawal of the Verkhovna Rada of Ukraine from the Agreement on the Inter-Parliamentary Assembly of CIS member states should be mentioned.



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PRESIDENTIAL AND GOVERNMENT ACTS OF 2023 REGARDING THE OCCUPIED TERRITORIES

Regarding the law-making activity of the President of Ukraine in relation to the occupied territories, it can be recalled that in 2014-2022 a significant number of acts were approved, primarily more than 30 fully or partially non-secret decrees, in particular, which approved the decisions of the National Security and Defense Council of Ukraine (NSDC); among them, the decree "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. 579/2022 should be singled out.

Also, by 2023, at least 55 decrees of the President of Ukraine approved the decisions of the National Security Service of Ukraine 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 Ukraine, of which in 2022, 17 such decrees were approved.

In this regard, it is worth recalling separately the decree of the President of Ukraine dated February 1, 2021 No. 41/2021, which approved the decision of the National Security and Defense Ministry 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 the attempted annexation of Crimea by the Russian Federation.

In 2023, the relevant rule-making practice continued; it should be noted the decrees of the President of Ukraine dated January 7 No. 4/2023, dated January 12 No. 14/2023, dated January 15 No. 23/2023, dated January 23 No. 26/2023, dated January 24

No. 43/2023, dated January 28 No. 50/2023, dated February 5, No. 57/2023, dated February 12, No. 75/2023, dated February 19, No. 82/2023, dated February 22, No. 89/2023, dated February 26, No. 114/2023, No. 115/2023 and No. 116/2023, dated March 10 No. 145/2023, dated March 17 No. 157/2023 and No. 158/2023, dated March 18 No. 163/2023, dated April 15 No. 227/2023 and No. 228/2023, dated April 22 No. 235/2023 and No. 236/2023, dated May 12 No. 275/2023, No. 276/2023 and No. 277/2023, No. 278/2023, No. 279/2023 and No. 280/2023, dated May 27 No. 307/2023 and No. 308/2023, dated June 11, No. 321/2023, dated July 1, No. 364/2023, and dated July 5, No. 371/2023.

At the same time, as of the end of October 2023, no changes to the the Strategy for the Deoccupation and Reintegration of the Temporarily Occupied Territory of the Autonomous Republic of Crimea and the City of Sevastopol, approved by the decree of the President of Ukraine dated March 24, 2021 No. 117/2021, have been approved.

The above-mentioned Consultative Council on deoccupation and reintegration of the temporarily occupied territory of the ARC and the city of Sevastopol was supposed to work out the corresponding changes, but this has obviously not happened yet, because there is no information about the meetings of the Consultative Council. At the same time, the composition of the Advisory Council on de-occupation and reintegration of the temporarily occupied territory of the ARC and the city of Sevastopol was approved by the Decree of the President of Ukraine dated May 18, 2023 No. 283/2023.

Since 2014, the Cabinet of Ministers of Ukraine (CMU) has published a significant number of resolutions and orders approved due to the occupation of the territories of Ukraine. In particular, these are resolutions on the formation and reform of relevant executive bodies, the formation of three interdepartmental working groups, a coun-

cil, two commissions and three coordination headquarters and a national commission, eight action plans, measures and additional measures, six strategies and two regulations. Undoubtedly, the key document approved by the CMU in 2023 should be considered the government order of April 4, 2023 No. 288-p regarding the new edition of the plan of measures for the implementation of the Strategy for the Deoccupation and Reintegration of the Temporarily Occupied Territory of the ARC and the City of Sevastopol, which deserves a separate analysis.

The improved plan for the reintegration and deoccupation of the peninsula, according to the government order of April 4, 2023 No. 288-p, concerns the protection of the rights of Ukrainian citizens and legal entities violated by the aggressor, social and humanitarian policy, international cooperation, economic policy, defense and component security, etc.

However, the new edition of the 2023 plan provides for a classical mechanism of control over its implementation, namely, an order to ministries, other bodies of executive power with the participation of other state bodies, institutions and organizations involved in the implementation of the plan's activities, to ensure its implementation at the expense and within the limits of expenses, provided for in the state and local budgets, as well as at the expense of other sources not prohibited by law. The updated version of the plan contains 127 activities, and the previous one has a much larger number, namely 158, and accordingly, experts ask the question of grounds for at least stopping their implementation.

The experts of the Association of Reintegration of Crimea partially analyzed the new version of the plan, and noted with regard to activities of an international nature that the Cabinet of Ministers of Ukraine focused attention on measures that should be im-

plemented even during the period of the temporary occupation of the peninsula, and at the same time, during this period, they should have a permanent, and not phased nature. Lynnyk T.'s analysis of the new version of the plan shows that in general this approach has 69 activities of the plan, i.e. more than half of the steps provided by it.

The specific deadline for implementation, regardless of the situation of occupation or deoccupation of Crimea, contains 40 activities of the plan, of which 2 activities must be implemented in the II quarter of 2023, 8 more activities in the III quarter of 2023, 22 more activities by the end of 2023 and by 8 more activities at the end of 2024. The analysis of these activities shows that they are designed primarily for the situation of occupation, and not for the reintegration of already deoccupied Crimea. For example, as indicated by Lynnyk T., the activities of the plan, which the government must implement by the end of 2024, are of the following nature:

- development and submission to the CMU of a draft law establishing the procedure for determining the status of persons released from places of deprivation of liberty in the Republic of Belarus and the territory of the Russian Federation, and the grounds for their stay in places of deprivation of liberty (clause 14);
- legal settlement of the issue of implementing provisions of international humanitarian law into national criminal legislation in the context of overcoming the consequences of an international armed conflict, in particular the ratification of the Rome Statute of the International Criminal Court, the introduction of relevant changes to the Criminal and Criminal Procedure Code of Ukraine (paragraph 36);

- regulatory and legal settlement of the issue of serving sentences by persons who were convicted by the courts of Ukraine and actually served their sentences in the occupation "penal institutions" or were convicted for crimes committed before February 20, 2014, by the occupation "courts" under the legislation of the Russian Federation already after the actual beginning of the temporary occupation (paragraph 37);
- development of a draft law on the definition of a body that will be entrusted with the duties of guardianship and guardianship bodies in representing the interests of orphans and children deprived of parental care, and those who are in difficult life circumstances and have remained at the TOTs (paragraph 54);
- study of problematic issues related to the establishment of guardianship/care, adoption of children from TOTs, and determination of ways of their settlement (paragraph 55);
- initiation of programs to support youth from TOTs in the work of the Ukrainian Cultural Fund, the Fund of the President of Ukraine for the Support of Education, Science and Sports, the Ukrainian Youth Fund (paragraph 61);
- creation of a national space surveillance system and provision of receiving data from foreign space systems (paragraph 75);
- creation of feedback systems on official websites, web portals of executive authorities, the powers of which are the formation and implementation of state policy regarding the deoccupation and reintegration of TOTs, the development and implementation of state social and humanitarian policy, state policy in the field of education, health care (paragraph 92) [3].

It is obvious that the measures specified in paragraphs 14, 36, 37, 54, 55 should preferably be implemented before the deoccupation of Crimea, and the measures specified in paragraphs 61, 75 and 92 do not make sense under the conditions of deoccupied Crimea in general.

At the same time, it is obvious that, at least in relation to 2024, the issue of continuing the occupation of the peninsula is no longer as predictable as it was in 2015 or 2018 for the short term.

The remaining activities of the plan must be carried out within a certain period after the deoccupation of Crimea, namely one activity within a month after the deoccupation of the Russian Federation, five activities within six months after the deoccupation, four more within a year after the deoccupation, one more within two years after the deoccupation, and another six "after the deoccupation of the TOTs" without specifying the deadline at all.

In this dimension, the plan approaches deoccupation as a certain moment, from which a month is measured as an example, but the format of establishing such a moment is not determined by the plan and other acts, despite the fact that deoccupation, no matter how it happens, will probably not be a one-moment, but stretched into several for days, weeks and even months.

The above mentioned forces Lynnyk T. to agree with the key points mentioned by the experts regarding the complexity of practical control over the implementation of plan activities, as well as regarding the rather conditional phasing of the document, which should actually be divided into three groups of activities according to the chronology of implementation:

- temporary activities, which primarily, according to their content, relate to the deoccupation of Crimea, with established deadlines for implementation until the end of 2024;
- open-ended activities designed for the period of occupation, which, accordingly, relate specifically to the steps aimed at deoccupation of Crimea;
- temporary and permanent activities to be implemented in the deoccupied Crimea as part of its reintegration.

A general analysis of the plan's activities shows that a total of 41 out of 127 have an international dimension either completely or to a large extent.

They are grouped in a separate section "International cooperation", which contains 14 activities, and are contained in other sections of the plan, namely "Peculiarities of the state policy to ensure the deoccupation of the territory of the ARC and the city of Sevastopol" and "Environmental policy" (one activity each out of 10 and 5 proposed, respectively), "Legal protection of citizens of Ukraine and legal entities of Ukraine whose rights and legitimate interests have been violated as a result of the armed aggression of the Russian Federation and the temporary occupation of the territory of Ukraine" (3 activities from 24 proposed), "Social and humanitarian policy" (3 activities out of 23 proposed), "Information policy" (5 activities out of 19 proposed), "Protection of human rights and freedoms" (6 activities out of 14 proposed) and "Economic policy" (7 activities out of 12 proposed).

Such statistics indicate the priority directions in which, according to the position of the Ukrainian authorities, international support is



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needed in terms of the deoccupation and reintegration of Crimea, in addition to the actual international cooperation, these are the economic, human rights and information spheres.

Also, of the indicated activities of the plan, which have an international dimension, the absolute majority, namely 34, envisage their implementation "until the moment of deoccupation of the temporarily occupied territory", that is, within the framework of deoccupation, and not the reintegration of Crimea. Another 4 activities are scheduled for implementation in 2023-2024, and 3 more are to be implemented after the deoccupation of the TOTs.

Thus, the Cabinet of Ministers of Ukraine focused attention on the activities that should be implemented during the period of the temporary occupation of the peninsula, and at the same time, during this period, they should be permanent, not staged.

At the same time, the order of the CMU dated April 18, 2023 No. 327-p, which approved the action plan for the implementation of the Strategy of Foreign Policy of Ukraine, is also extremely important; the corresponding section "Countering aggression of the Russian Federation by political and diplomatic means" contains almost 20 activities, primarily for the period of 2023-2024, they cover:

- monitoring of the situation in the temporarily occupied and affected by the armed aggression of the Russian Federation territories of Ukraine, in particular in the security, humanitarian, economic spheres, in the sphere of environmental protection, as well as in relation to the violation of international law, the commission of acts of nuclear terrorism;
- work within the framework of international organizations, convention bodies and interaction with partner states regarding the coverage of the course and consequences of the armed aggression of the Russian Federation against Ukraine;
- interaction and coordination with foreign partners on issues related to the strengthening and expansion of sanctions pressure on the Russian Federation and other states that support the armed aggression of the Russian Federation against Ukraine, as well as maintaining the imposed sanctions until the moment of deoccupation of all temporarily occupied territories of Ukraine;
- taking measures to limit Russia's participation in international organizations;
- the implementation of the policy of deoccupation and reintegration of the temporarily occupied territory of the

ARC and the city of Sevastopol, which as a result provides for the implementation of the plan of activities for the implementation of the Strategy for the deoccupation and reintegration of the temporarily occupied territory of the ARC and the city of Sevastopol in accordance with the specified order of April 4, 2023 No. 288-p;

- conducting regular consultations and coordinating actions within the framework of the International Crimea Platform;
- ensuring constant monitoring and informing the international community about the situation regarding the observance of human rights, the rights of indigenous peoples of Ukraine and the provisions of international humanitarian law in ARC and the city of Sevastopol;
- implementation of legal support in the International Court of Justice the lawsuit against the Russian Federation regarding accusations of genocide and regarding the application and interpretation of international conventions on the fight against the financing of terrorism and on the elimination of all forms of racial discrimination; supporting cases in arbitration tribunals established in accordance with the UN Convention on the Law of the Sea;
- supporting the consideration of interstate cases of Ukraine against the Russian Federation at the ECtHR;
- the involvement of international and national legal mechanisms for the recovery of compensation (including the arrest and confiscation of assets of the Russian Federation in favor of Ukraine) and the prosecution of the political and military leadership of the Russian Federation and other involved persons for the crimes committed during the armed aggression against Ukraine;

- implementation of activities to monitor the safety of navigation in the Black and Azov Seas and the Kerch Strait, as well as the collection and analysis of information on ship arrivals at the closed seaports of the ARC and the city of Sevastopol and on flights in the airspace of Ukraine over the territory of the ARC and the city of Sevastopol in violation of the rules for using the airspace of Ukraine.

It is noteworthy that the action plan for the implementation of the Strategy of Foreign Policy of Ukraine also provide the monitoring of information on companies that plan to resort to the mechanisms of protection of their rights provided by the Agreement between the CMU and the Government of the Russian Federation on the Promotion and Mutual Protection of Investments of 1998, and the coordination of activities to protect those violated as a result of the temporary occupation of the territory of Ukraine the property rights of the state of Ukraine, which are used or planned by individual Ukrainian investors; at the same time, as indicated above, the agreement was denounced by the Law of Ukraine dated August 10, 2023 No. 3329-IX.

In this regard, it is worth pointing out the relevant resolutions of the CMU dated March 10, 2023 No. 213, March 3, 2023 No. 187, and February 10, 2023 No. 125, which amended previous government acts.

In addition, the action plan of April 18, 2023 also provides in clause 16 for determining the expediency of denunciation of the Treaty between Ukraine and the Russian Federation on cooperation in the use of the Sea of Azov and the Kerch Strait of 2003, despite the fact that this Treaty was denounced by the law of Ukraine dated February 24, 2023 No. 2948-IX, that is, two months before the approval of the plan.

Among the aspects of financing costs for calls related to the TOT, one should point to the resolution of the CMU of July 11, 2023 No. 709 "Some issues of support for internally displaced persons"; Resolution of the CMU of July 11, 2023 No. 741 "Some issues of providing state financial assistance to persons who have been deprived of their personal freedom as a result of the armed aggression of the Russian Federation against Ukraine, and their family members"; Resolutions of the CMU of May 26, 2023 No. 548, August 4, 2023 No. 819 and No. 823, and September 12, 2023 No. 975 have a certain significance in this regard.

An important document regarding the regulation of the legal regime in the temporarily occupied territory of Ukraine is Resolution No. 1000 of the Cabinet of Ministers dated September 15, 2023, which defined the line of contact between the temporarily occupied territory and other territory of Ukraine and established the administrative border between the temporarily occupied territory and other territory of Ukraine as a conditional line on the surface of the earth, which is the border between the territories temporarily occupied by the Russian Federation, which are included in the list, and another territory of Ukraine, on the adjacent territories of which hostilities are not taking place.

Resolution No. 1000 amended the Procedure for entering and leaving the temporarily occupied territory of Ukraine and the Procedure for establishing a special regime for entry and exit, restrictions on the freedom of movement of citizens, foreigners and stateless persons, as well as the movement of vehicles in Ukraine or in certain parts of its areas where martial law has been imposed. In addition, Resolution No. 1000 repealed Resolution No. 1035 of the CMU of December 16, 2015 "On Limiting the Supply of Certain Goods (Works, Services) from the Temporarily Occupied Territory to Another Territory of Ukraine and/or from Another Territory of

Ukraine to the Temporarily Occupied Territory."

Resolution No. 1092 of the CMU dated October 17, 2023 was directly devoted to the issue of reintegration, which approved the Procedure for creating a reserve of health care workers to work in the deoccupied territories of Ukraine; it is noteworthy that among the persons who have the right to determine the authorized person, this procedure mentions the Minister of Health of the ARC.

Aspects of the status of internally displaced persons were regulated by the Strategy of the State Policy on Internal Displacement for the period until 2025 and the operational plan of activities for its implementation in 2023-2025, approved by the Decree of the CMU of April 7, 2023 No. 312-r, as well as the resolutions of the CMU of March 24 No. 263 of 2023 "Some issues of providing housing for internally displaced persons who defended the independence, sovereignty and territorial integrity of Ukraine" and No. 930 of September 1, 2023 "Some issues of functioning of temporary residences of internally displaced persons"; in addition, the Resolution of the CMU dated April 18, 2023 No. 330 established the Coordination Headquarters for Ensuring the Implementation of the Rights and Freedoms of Internally Displaced Persons. Separately, it should be noted the resolution of the CMU dated April 18, 2023 No. 339 "Some issues of protection of persons, including children, deported or forcibly displaced in connection with the armed aggression of the Russian Federation against Ukraine."

Other significant basic government acts approved in 2023 in terms of the reintegration of Crimea include the Model Regulation on the Coordination Council on the Affirmation of Ukrainian National and Civil Identity under the Council of Ministers of the ARC, the local executive body, the local self-government body, approved by the

resolution of the CMU of April 18 No. 364 of 2023 and the Procedure for the development of regional development strategies and action plans for their implementation, as well as the monitoring of the implementation of these strategies and action plans, approved by the Resolution of the CMU of August 4, 2023 No. 816.

Such acts of the government of Ukraine in 2023 as the Resolution of the CMU of January 6, 2023 No. 19, which established the National Commission for the Crimean Tatar Language, and Resolution of the CMU of July 28, 2023 No. 657-p "Issue of Developing the Spelling of the Crimean Tatar Language" are devoted to the issues of the rights of indigenous peoples " and Resolution No. 874 of the CMU dated August 19, 2023, which amended the Procedure for establishing the legal status of the representative body of the indigenous people of Ukraine and depriving it of such status.

Also, by the acts of the CMU in 2023, a number of bilateral agreements with the aggressor were terminated, in particular:

- Agreement between the CMU and the Government of the Russian Federation on extending the period of operation of the 15П118М missile complex (CMU Resolution No. 17 of January 6, 2023);
- Agreement between the CMU and the Government of the Russian Federation on the mutual establishment of branches of the Trade and Economic Mission (Resolution of the CMU dated January 10, 2023 No. 21);
- Agreement between the Government of Ukraine and the Government of the Russian Federation on air communication and cooperation in the field of air transport and the Agreement between the Government of the

Russian Federation and the Government of Ukraine on the principles of cooperation in the field of production and supply of aviation equipment (Resolution of the CMU of January 31, 2023 No. 870);

- Agreement between the Government of Ukraine and the Government of the Russian Federation on cooperation in the field of research and use of outer space for peaceful purposes and the Protocol thereto (Resolution of the CMU dated February 4, 2023 No. 99);
- Agreement between the CMU and the Government of the Russian Federation on cooperation and interaction in the field of development of checkpoints across the Ukrainian-Russian state border (CMU resolution of February 28, 2023 No. 175);
- Agreement between the Government of Ukraine and the Government of the Russian Federation on cooperation in the field of industrial property protection (CMU Resolution No. 826 of August 8, 2023);
- Agreement on cooperation of the CIS member states in the fight against crime in transport (CMU Resolution of May 2, 2023 No. 423);



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- Agreement on the exchange of legal information (CMU resolution of June 6, 2023 No. 570);
- Agreement between the Government of Ukraine and the Government of the Russian Federation on labor activity and social protection of citizens of Ukraine and Russia who work outside the borders of their countries (Resolution of the CMU of June 24, 2023 No. 639);
- Agreement between the Government of Ukraine and the Government of the Russian Federation on the coordination of railway transport activities (CMU Resolution No. 847 of August 11, 2023);
- Executive protocol on the procedure for implementing the Agreement between the CMU and the Government of the Russian Federation on readmission (Resolution of the CMU dated August 23, 2023 No. 9000);
- Agreement on the cooperation of the CIS member states in the fight against crime in the part of the relations between the Government of Ukraine and the governments of the Russian Federation and the Republic of Belarus (Resolution of the CMU of October 6, 2023 No. 1060).



Presentation of the results of the II Strategic Forum "The Future of Crimea" on the reintegration of Crimea, December 14, 2023

CONCEPT OF DEVELOPING MECHANISMS OF INTERNATIONAL FINANCIAL ASSISTANCE FOR UKRAINE'S RECOVERY

COMMON PROBLEMS THAT NEED TO BE SOLVED

Financial support for Ukraine by third countries and international institutions is an important form of further restoration of Ukraine as part of a peaceful settlement, including the reintegration of the deoccupied territory of Ukraine.

The current capacities and opportunities of international institutions, including the UN, IMF, and EU mechanisms, do not reflect the amount and form of funding needed for such recovery.

Some third countries will not be able to provide such funding for Ukraine on their own, and at the same time, there are questions of Russia's financial responsibility in the form of confiscation, reparations, and partial exports.

Large-scale, non-repayable or credit-based financing for Ukraine is fraught with corruption and efficiency issues, and imposes requirements for transparency and effective oversight while maintaining Ukraine's sovereignty.

Such global funding for Ukraine should not be the basis for another kleptocracy and the destruction of local self-government democracy and civil rights, as happened in some European countries after large financial support from the EU.

The only possible framework for such global financing for Ukraine is a special international treaty and the international platform it would create.

But the tasks for such a treaty are unprecedented in modern human history, and the development of relevant documents should begin at least at the level of expert discussions.

GOAL

Creation of an effective mechanism for international financial support for Ukraine's recovery.

PURPOSE

Prepare an expert legal, financial, and organizational basis for a future international agreement and an appropriate international platform for financial support for Ukraine's recovery provided by third countries and international institutions, including a description of the algorithms for their cooperation and financing and the development of a draft collective agreement or other documents.

ANALYTICAL STAGE

TASKS

- to analyze international mechanisms of reparations and international financial responsibility and develop proposals for their implementation for Russia's future financial obligations and make appropriate proposals as a result;
- to study international mechanisms of financial support and assistance to countries in post-conflict situations, including the current practice of their implementation and the challenges that have emerged, and make relevant proposals in the final report;
- to analyze international mechanisms of financial support and assistance to Ukraine that have been implemented since 1991 and to identify appropriate forms of their realization and implementation at the national level and relevant challenges;
- to study the practices of international treaties on financial assistance provided by state and interstate institutions, generalization of the practice of relevant cases and proceedings in international courts and tribunals, and make relevant proposals as a result;
- to analyze resolutions and technical regulations of international bodies, including the UN, IMF, EU, related to financial assistance to states, and make a relevant review to analyze the resolutions and technical regulations of international bodies, including the UN, IMF, EU, and to make a relevant review in the final report;
- to prepare a summary of the relevant summary with a description of the relevant experience of problems and solutions, as well as relevant algorithms assistance, including drafts of an international agreement or other documents on future financial support for Ukraine's recovery, including the question of an appropriate international platform in the form of a special fund or program.

ADVOCACY STAGE

- to communicate with authorized officials, specialists and experts of the World Bank, the European Union and the Council of Europe, and the G7 countries on the developed algorithms for providing assistance, taking into account the G7 countries, taking into account the proposals received;
- to discuss the developed algorithms with representatives of the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine and central authorities;
- to hold a presentation of the developed algorithms for the scientific community, the public sector and local self-government, including the Crimea Platform Expert Net and Mejlis of the Crimean Tatar people;
- submit the finalized algorithms and draft documents to the authorized international financial organizations and authorities of the G7 countries and Ukraine;
- present the finalized algorithms and draft documents at the Berlin Forum on Ukraine's Recovery, at events of the European Parliament, G7 and PACE.

RESULT

The legal, financial, and organizational basis for an international treaty and an international financial support platform for Ukraine's recovery has been developed.

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FOR NOTES

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«REINTEGRATION OF CRIMEA: government action plans and development of international assistance mechanisms»

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