

Human Dimension Implementation Meeting 2019
Working Session 9: Humanitarian issues and other commitments,
including: Combating trafficking in human beings
Refugees and displaced persons, Persons at risk of displacement,
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Ukrainian Seafarers and Fishermen as Labour Migrants and Victims of Injudicious State Policy and of Russian Aggression against Ukraine

Dear Chairman, representatives of the Participating States, civil activists and experts!

I want to emphasize the urgency of risks and challenges, connected with human dimension issues for Ukrainian migrant workers of maritime sector, including the seafarers employed on cargo vessels and maritime fishery. More than 100 thousands of Ukrainian citizens are working as crew members of such vessels, flying under flags of convenience all around the globe; so our country is in first five nations – donors of the labour force on this global market. But Ukrainian seafarers, as a special kind of labour migrants were never enough defended by legislative and organisational policy of own government.

Ukraine, the only country with a big quantity of seafarers, still not ratified Maritime Labour Convention 2006, due to relevant corruption influence from the illegal human traffic business and its lobby, also as due to activities of the Russian agents in the Ukrainian maritime governing bodies. We discussed and highlighted, including the reports for the international events and bodies, the problem of the inadmissibly low level of the labour and social rights, guaranteed by the Ukraine to own seafarers since 2010, but nothing changed. This spring the long awaited draft law on ratification the MLC 2006, prepared by the Government, was wilfully rejected by the Administration of President Poroshenko in the latest dates of his power.

We hope that new Ukrainian government team will be a bit more attentive to this situation and will provide the minimal internationally recognised standards for the Ukrainian seafarers. Also we hope that Soviet standards of registration and regulation the cargo vessels, reflected in the Ukrainian Trade Shipping Code, 1995 will be immediately changed and Ukrainian flag will become suitable as for the shipowners so for crews.

Also we hope that negative policy of the State Fishery Agency, which caused the disappearance of the Ukrainian oceanic state fishery fleet, its gradual transfer during last ten years over full control of Russian business will be immediately stopped. The tragic incident with the Ukrainian fishing vessel “Ivan Golubets” that sunk in 20th of July, 2019 in Atlantic Ocean and caused death of some crew members, was a vivid example of corruptive and de-facto anti-Ukrainian governance of our national State Fishery Agency together with Russian Register of Shipping.

And of course the situation in Ukrainian maritime sector sharply aggravated since 2014 in conditions of Russian aggression against Ukraine, attempt of annexation the Crimea, occupation of the riparian part of Donetsk region near Mariupol, full armed control of Russian naval and special forces over the Kerch Strait and major part of Ukrainian waters in Black and Azov Seas. More than 20 thousands of Ukrainian seafarers and fishermen in Crimea and occupied part of Donbass become hostages of the aggressor policy, with limited possibilities for obtaining the legal documents and for legal transfer to and from the vessels, involved to the global maritime traffic and fishing.

Russian occupation totally destroyed the maritime economic of Crimea, including the Kerch, Feodosiya, Yalta, Sevastopol and Yevpatoria port activities, also as the maritime fishery in Novoazovsk. Militarisation of the Black and Azov sea, arbitrarily and illegal examinations of

cargo vessels going via Kerch Strait to Mariupol and Berdiansk by Russian military and punitive structures, illegal interfering by the Russian army and special services to the maritime traffic automatic informational systems, made already the strongest danger for life, health and property of the relevant cargo and fishing vessels` crew members. Russian illegal armed presence on the high-risk objects – gas-excavation platforms in the Northern part of the Black Sea, permanent trainings of Russian navy, including usage of the automatic maritime drones and floating mines also established the system threats for the shipping in the Black and Azov Seas.

Alas, the Ukrainian policy of collaboration with Russia in subject of Azov fishery, that was ongoing in framework of the controversial bilateral Agreement, 1993 during presidential policies of Yanukovich and Poroshenko, even after 2014, and declaring the Azov Sea as so called historic waters, allowed to Russian authorities to strengthen the politic and normative ground for such militarisation an relevant threats for vessels and their crews.

Attempts of the “appeasement” of Russia in Black and Azov Seas done by Ukraine caused the feeling of total impunity of Russian officers, committing acts of state piracy against Ukrainian fishing vessels. Four such vessels were captured by Russians during 2018 in Azov and Black Seas, such as ЯМК-0041 and others, their crews were illegally detained in Crimea or in Russia as hostages, with making politic demands to Ukrainian government. Later those crew members were released by Russian punitive structures without any compensation, neither from aggressor state nor from Ukrainian authorities.

Now we welcome some practice steps of modern Ukrainian authorities targeted on simplifying the realisation and defence of the seafarers' rights, violated by the occupation of Crimea. First we support the appeal of the State Institution “Derzhhydrographia” done this summer to International Maritime Organisation with demand to recognise the maritime waters around Crimea, effectively controlled by Russia, as dangerous for maritime shipping. We propose all national maritime administration of OSCE participating States to reflect such regime of this waters in own governing practice and to ensure and contribute it in the relevant insurance policies of P&I clubs, in the technical prescripts of the recognised societies and in the collective vessel and fleet agreements.

Also we welcome the including the Russian Maritime Register of Shipping and Russian River Register by Ukraine to national sanction lists. As those enterprises issue fake technical documents in area of shipping safety, that are too far from reality not only due to commercial corruption, usual for Russian business, but also regarding and reflecting the Crimean and maritime aggressive policy of Russian government. We propose all national maritime administration of OSCE participating States to stop and refuse recognition of technic documents issued by the Russian Registers of Shipping and its branches, and be extremely careful with the branch offices of those Registers on own territory, regarding the real purposes of their modern activities.

Also we may point on a good example of opening by Ukrainian Maritime Administration this September a new large office of “Maritime River Service” in Kherson, ready for non-corrupted on-line issuing legal maritime documents for Ukrainian seafarers, including Crimean ones.

Dear Chairman, representatives of the Participating States, today we held side-event “Threats for Human Dimension Issues in Maritime Sector: Ukrainian Examples” directly related with my report, and I am cordially grateful for the attention done to this issue. During this event Mrs. Olena Stefurak (European Youth of Ukraine) reported on aspects of the Ukrainian hostages in Russia and maritime security. She highlighted the situation of the non-execution by Russia the Order of the International Tribunal for the Law of the Sea in Case № 26 proclaimed on 25th of

May, 2019 – as Russia still did not release till today the three Ukrainian naval vessels, captured by Russian Board Guard on 25th of November, 2018 in Black Sea out of territorial waters.

Mrs. Stefurak pointed that such situation confirmed totally the full absence of will to execute the UN Convention of the Law of the Sea by Russian authorities in Black and Azov Sea waters, that it established new serious risks in area of maritime safety and security for all states, business entities and crews, engaged to the shipping in this OSCE area.

More, during this side-event Mrs. Alla Kuprii (International Humanitarian University) presented the situation, related to the maritime search and rescue on Azov and Black Seas in modern conditions. She stressed that current attempts of the Russian Federation to claim its control over the maritime rescue sub-centres of Ukraine, in particular in Kerch and Sevastopol, violate both multilateral and bilateral treaties in force; that such Russian unauthorised unilateral actions in area of maritime search and rescue must become the subject of the strongest attentions of the OSCE structures, such as OSCE Special Monitoring Mission in Ukraine and others. Later, Mr. Oleg Lisnyi (Think Tank “Politics”) pointed the issues of the maritime blockade and pressure against Ukraine in Black and Azov Seas, organised by Russian Naval and Special forces.

Also on this event Mr. Eskender Bariiev (Crimean Tatar Resource Center) stressed the issue of ongoing violation the indigenous peoples` rights on mineral and biologic sources in waters around Crimea. He stressed on the related violation by Russia the UN Convention on Biologic Diversity, 1992 and UN Declaration on Rights of the Indigenous Peoples, 2007.

Mr. Bariiev pointed that the only possible way for full recognition, realisation and protection the rights of indigenous peoples of Crimea on maritime sources of Black and Azov Seas, adjacent to peninsula, on the grounds of the free, prior and informed consent, is the immediate adoption of the law of Ukraine on rights of the indigenous peoples with reflection all relevant international standards and best organisational and legal practice of OSCE participating states in indigenous issues.

Also Mr. Bariiev recommended to Ukrainian government to refuse in shortest terms from the colonial, legally and morally invalid, condemnable and unjust, bilateral treaties with Russia regarding statute and regime of the Azov Sea, protection and usage of its sources, to implement for the Azov Sea and Kerch Strait full force of the relevant international legal norms, such as the UN Convention of the Law of the Sea, 1982.

During the event Maryna Pereshyvailova and Halyna Odnoroh (Civil Movement of Mariupol) presented the reports devoted to the ecologic consequences of the Russian aggression in Azov Sea and realisation the mandate of the OSCE Special Monitoring Mission to Ukraine over the Azov Sea. Participants of the side-event strongly recommend for OSCE to pay more attention on risks and challenges in area of safety and human dimension in maritime sector, especially in Black and Azov Seas, to enforce the capacities and strengthen the will of the OSCE Special Monitoring Mission in Ukraine for reflecting the situation in Ukrainian maritime spaces, as it is the undeniable part of this Mission`s mandate.

Also during the side-event the Statement, done by key Ukrainian maritime trade, employers and expert unions, “On Further Exacerbation of Threats for Human Dimension in Ukrainian Maritime Sector” was presented. I propose the text of this statement (attached) for the attention of the Human Dimension Implementation Meeting 2019 participants.

Thank You for Your attention!