



Ukrainian Maritime Policy: Stranded in a Transit

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ABSTRACT

Some aspects of the formation and realization of the modern maritime policy of Ukraine have been defined in the article. Its legal basis has been considered, its changes and updates have been monitored. The possibility and the ability to develop the documents of long-term planning in the maritime industry have been noted. At the same time, the belatedness and the lack of actual mechanisms for ensuring the execution of their norms lead to a stagnation of systemic reforms and a comprehensive update of public administration of the sphere. The attention is focused on the importance of a systematic approach to the transformation of legislative and law enforcement practices in the sphere of maritime and port activities in Ukraine, ensuring stability and continuity in their administration. The positive and negative practices in the exercise of powers by some subjects of realization of the maritime and port policy of Ukraine have been described. The pernicious practice of distance and situational intervention of a state in solving problems of the maritime and port industries as a strategic component of its political,

social, and economic stability has been emphasized. Author suggests that introduction of modern methodology, such as maritime spatial planning may have positive impact on the effectiveness of Ukrainian maritime policy. When considering the development of the coastal regions as one of the directions of the maritime policy of Ukraine, it has been noted the advantages of creating and functioning the free economic zones in them. The characteristic of the experience of creation and work, as well as the specifics of such forms of trade facilitation (the preferential legal and financially-economic regimes, the presence of a particular specialization of entrepreneurial and investment activities, etc.), shows the economic expediency of granting such status to the port cities and the coastal regions. It has been noted that the free economic zones today are an active means of state policy, capable equally of reanimating depressed territory and giving an additional impetus to the regional points of growth.

***The keywords:** maritime policy, maritime doctrine, public administration, maritime and economic sector, maritime activity, maritime spatial planning, long-term planning, free economic zones, coastal territories, Ukraine.*

Introduction

The formation and the realization of a balanced and effective maritime policy is the task of most modern states, regardless of direct going out to maritime highways. For traditional maritime powers, this is the basis for the evolution of their statehood the stable socio-economic development. Maritime policy, as a component of economic policy, enabled state authorities to identify development goals and establish the tools needed to carry them out (Bochenski et al., 2021, p. 16). The phenomenon of maritime policy is one of the concepts of understanding and state's political activities in the modern context (Pavlenko, 2010, p. 59). It correlates with the general state policy. The social, economic, military, and other interests of a state influence the realization of the former. The term "maritime policy" can be interpreted as "any decision" that can influence the future development of the maritime activity. The author also discusses a variety of "maritime politics", to which he refers to the port and shipping policies. Most "maritime politics" have a serious impact on the maritime industry and society. In

addition, the maritime activity itself can be an expression of the effectiveness of the state (maritime) policy, and not just the successful conduct of maritime business in a specific sphere of the sea using, for example, in shipping. Maritime activity directly affects the efficiency of foreign trade; maritime policy affects both the national and global economy (Baird, 2005, p. 384-386). The elements of the maritime policy are political and legal relations, legal norms, political and legal ideology (systematic ideas, views), subjects, and their activities on realizing national interests in the maritime spaces and coasts (Grevcov & Skaridova, 2019, p. 48, 51-52). In addition, maritime policy is essential for achieving UN Sustainable Development Goals (SDGs) (MacNeil et al., 2021).

Today, the maritime policy of most countries is defined in the program documents – maritime doctrines and strategies. They consolidate the mainstreams of the development of their maritime industry: merchant shipping, the port facilities, the marine scientific research, the training of professional personnel, the naval forces, and ensuring the realization of rights in spaces of the World Ocean, the environmental protection. This is broadly in keeping with UNCTAD's possible objectives of the maritime policy: promoting economic integration and market competitiveness in the sphere of maritime transport; the creation of employment in the maritime sphere; reducing damage to the maritime environment and other damages caused by the effects of maritime transport (Transport Newsletter, p. 14). The orientation of activity and interests of states in maritime spaces are very diverse. Furthermore, the second year of COVID-19 pandemic caused the need to implement extraordinary pro-active and adaptive measures to ensure functionality of existing maritime supply chains (Mańkowska et al., 2021). In Ukraine, the problem of developing a maritime policy and the sectoral legislation has been on agenda since 1991, and the conditions of Crimea occupation and Russian aggression has highlighted its most vulnerable components.

Methodology

Some problems of formation and realization of the maritime policy of Ukraine in conditions of temporary occupation, COVID-19 pandemic, and poor quality of maritime legislation have been analyzed in this article. Experience of the reformation of the practice of rulemaking and law enforcement has shown the lack of a unified approach to creating a set of legislative and organizational measures to update the national system of functioning of the maritime industry. The author accentuates the negative impact on the long-term prospects of the development of the maritime and port industries of the instability and the lack of continuity in their public administration at the national level, the low level of implementation of the world standards best practices of administration. It is proposed some ways of overcoming the crisis and creating the administrative-legal mechanism an adequate to present conditions for administration of the maritime and port industries in Ukraine.

1. Long-term strategic planning in the maritime and port industries of Ukraine

In Ukraine, as in many traditional maritime states, the bases of maritime and port politics have been defined in long-term planning documents. The confirmation of the Concept of the draft of Law on Maritime Policy of Ukraine (Order on approval of the Concept of the Draft Law of Ukraine “On the Maritime Policy of Ukraine”, 2009) had been the first step in this direction in 2009, which as a result was embodied in the first edition of the Maritime Doctrine of the State. Although it became new to the Ukrainian legislation, this document did not form a unified approach to reforming and updating the public administration system of the industry. Such administration, as before, was aimed at solving individual (“point”) problems. The new version of the document in 2018 has become more successful and is distinguished by better elaboration. And, if we do not consider the problems with the duration of its development and approval

(Sergey Kivalov achieved the confirmation of the new edition of the Maritime Doctrine of Ukraine, 2018), then the quality of the document has improved: the definition and the classification of the directions of the maritime policy of Ukraine, a clear indication of its priorities – all these are in the new Maritime Doctrine. Nevertheless, the realization of declared intentions, as before, is problematic. As before, there is no plan, clear deadlines, and responsible performers. Moreover, the country's leadership is still committed to standard, situational approaches to solving the industry's problems. In addition, the inefficiency of the Maritime Administration (A sea administrator. Who is trying to take the chair of the Maritime Administration behind the back of Kubrakov, 2021), created "in a hurry" and focusing the attention on certain super-crisis situations in which the absence of the will of the state would threaten a social "explosion" (In Odessa sailors protest against corruption, 2021; Voronkov, 2021; The case of the state register of seafarers: the SBU announced the first suspicions, 2021). At the same time, even these minimal steps rarely became the initiative of the state structures. More often, they were proposed and achieved thanks to the efforts of representatives of the marine economic sector (The dockers of Odessa and Chernomorsk expressed distrust the head of the USPA Vetskagans, 2019), trade union organizations (The position of the TWMTU in relation to the confirmation of seafarers, 2020; The Rada canceled the mandatory periodic re-certification of sailors, 2021) and individual politicians (Kozak, 2016). However, the fact that in Ukraine, public finance has a significant influence on economic stability (Shkolnyk et al., 2021, p. 381) makes the state's involvement critical for maritime policy implementation. Thus the state policy should be the steering factor of maritime sector development.

The wide range of flaws on Ukrainian maritime police includes such examples as the problems with the certification of sailors (Zemlyanska, 2021), the appointment of "second" captains of seaports (Muravsky, 2019), the extreme technical deterioration

of the seaports of Ukraine (The Ports need 5 billion annually for the modernization – the Ministry of Infrastructure, 2021) against the background of millions dollar salaries of their leaders (Skuratov, 2021) and corruption scandals (The managers of the port “Yuzhny” were exposed for abuse in 47,5 million uah, 2020; Parfenov, 2021), etc. At the same time, the news about Ukraine’s acquisition of outdated scientific-research vessels (Ukraine bought the British icebreaker the James Clark Ross, 2021; Belgium has transferred to Ukraine a ship for ecological monitoring of the Black and the Azov Seas, 2021) is truly a mockery of domestic shipbuilders and the entire industry as a whole. Often, authorities neglect the long-term prospects for the development of the maritime and port economy of the state, and they are appointed full time before the change of the following political “current”. However, like no other, the marine economic complex requires a consistent, long-term, successive administration, independent of the change of political forces. Additional complexity is brought by general issues of economy in transition, which ultimately affects the state of economic security (Tatsii et al., 2021).

In the port industry, long-term planning was introduced in the late 2000s (Order on approval of the Strategy for the Development of Seaports of Ukraine for the Period until 2015), and with the entry into force of the Law on Ukrainian Seaports, the formation of such documents became mandatory for 25 years, divided into short (5 years), medium (10 years), and long (25 years) development plans. The 2013 edition of the Strategy was updated at the end of 2020 and finally was supplemented with long-term plans for developing the Ukrainian ports. In addition, the new Strategy shows a change in the vectors of the port policy of Ukraine in connection with the temporary occupation of Crimea and the construction of the Kerch bridge.

Two documents present the military direction of Ukrainian maritime policy, the creation of which was reported in the media:

the Strategy of the Naval Forces of the Armed Forces of Ukraine 2035 and the Doctrine of the Naval Forces of the Armed Forces of Ukraine (The doctrine of the Naval Forces was developed in Ukraine, 2021). It is assumed an increase in the capabilities of the Navy step by step, including the generation of forces, their formation, and preparation for maritime and integrated operations, the provision of weapons, military equipment, and other logistical means, considering predictable threats, economic opportunities, and development priorities in the Strategy. The full text of the Doctrine is not freely available. It is only indicated that it was developed using the experience of the member countries and the NATO partner countries and is used in the development of doctrinal publications regarding the training and the use of defense forces (troops), particularly the Naval Forces of the Armed Forces of Ukraine.

It is necessary to remember that the formation of the maritime policy of a modern state is a very complex and controversial process. It results from the relationship, interaction, and mutual influence of a whole range of marine interests. Speaking about the conditions and characteristics of the maritime policy formation, one should emphasize that such policy cannot be formed solely by internal factors. However, it is also true that there are always particular forces of the home policy behind various maritime interests, which seek as much as a possible reflection of their interests in the state's foreign policy doctrine (Primakov, 1986, p. 253; Sagirjan, 1991, p. 96).

Besides, as a significant segment of the national policy, the maritime policy has all bases to be enshrined not only in declarative policy documents but also in relevant laws. In Ukraine, for example, this is the Law on the fundamentals of the domestic and foreign policy of 2010. However, it is mentioned the maritime direction only once in it: "among the main principles of domestic policy in the sphere of the national security and defense is the reform of the Armed Forces of Ukraine and other military formations in order to ensure their maximum effectiveness and ability to respond promptly

to potential threats to Ukraine, to provide special attention to the cover of the air and sea space of the state, the comprehensive ensuring of the Armed Forces of Ukraine” (the Art. 6). In addition, Article 7 stipulates “the development of transport infrastructure, increasing the efficiency of using the transit potential of the state, the integration of Ukraine’s transport networks into the international transport corridors”. Indicatively, said Law was not amended even after the occupation of the coastal sea waters and the creation of obstacles in realizing Ukraine’s rights in them. This is an additional demonstration of the non-strategic attitude of the country’s leadership to the maritime and port sectors.

2. Some aspects of the functioning of the institutional mechanism of realization of the maritime policy of Ukraine

The maritime doctrine of Ukraine defines the state maritime policy as a system of goals, measures, means, and coordinated actions of central and local executive authorities aimed at realizing national interests at sea. The concentration of attention in the definition of the term “maritime policy” on the main subjects of its realization underscores the role and the importance of the system of state institutions in protecting the national interests of the state in maritime spaces. Only the state, through a system of specially authorized bodies, carrying out public administration of maritime activity, has the necessary tools for protecting its marine interests, developing, and implementing a balanced marine policy that corresponds to the political-economic and social regimes. The subjects are a fundamental element of the national maritime policy. They are its source in an integrated form, carrier, driving and decisive forces, the main element of its mechanism (Grevcov & Skaridova, 2019, p. 50-51).

The system of state authorities involved in the realization of Ukraine’s maritime policy has shown relative stability over the past few years (in comparison with almost the whole period of

Ukraine's independence). However, there is still concern about the effectiveness of taking individual decisions by them and the responsiveness to changes in the current situation in the sphere of maritime and port activities in Ukraine.

In paragraph 2 of the Cabinet of Ministers Decision No. 1307 of October 7, 2009 (as amended by the Resolution No. 1023 of 28.10.2020) lists the authorities responsible for implementing the Doctrine. These are the Ministry of Infrastructure, the Ministry of Defense, the Ministry of Economic Development, Trade and Agriculture, and "other interested executive bodies". The "openness" of this list shows that this system is supplemented/can be supplemented by other government structures.

The State Border Service of Ukraine and its special unit, the Maritime Guard, are primary bodies entitled to protect the maritime border and sovereign rights in the contiguous and the exclusive (maritime) economic zones of Ukraine (the Law on the State Border Guard Service of Ukraine, 1991). The Maritime Guard is authorized to the protection of the state border at sea; the control over the navigation and stay of Ukrainian and foreign non-military ships and warships in the contiguous zone, the territorial sea and the internal waters of Ukraine, the entry and stay of foreign non-military ships and warships in the internal waters and the ports of Ukraine; the protection of sovereign rights of Ukraine in its contiguous zone and the exclusive (maritime) economic zone and control over the realization of rights and fulfillment of obligations in these zones by other states, the Ukrainian and foreign legal entities and individuals, the international organizations.

The effectiveness of the work of detachments of the Maritime Guard is evidenced by the reports of systematic detentions of illegal migrants, wanted persons, smuggling. For example, in May 2021, during the implementation of operational information, the border guards of the Kherson and Odesa detachments, in cooperation with the Regional administration of the Maritime Guard of the State Border

Service of Ukraine and investigators of the Security service of Ukraine (SSU), revealed 13 tons of smuggled cargo, arriving in Ukraine by a foreign ship through the port of Mykolaiv (The unshipping is still in progress of a record batch of smuggling, which was brought on a ship with cement to Nikolaev, 2021). The interaction of bodies in the discharge of such tasks is standard practice in Ukraine, where the Maritime Guard is not empowered by broader powers to respond quickly to violations. This was also one of the supposed causes of the accident of the tanker “Delfi” in 2019, that revealed a range of issues including flaws in the port state control, exploiting legislation gaps for a fuel smuggling and finally low effectiveness of rescue operations (Leask, 2021). According to Ukrainian State Border Service representatives, regarding the tanker, there was an objective need for a rescue operation, but that was outside the powers and competence of the Maritime Guard (Kolomicz, 2021). The need to give the Maritime Guard more powers has already been noted in scientific developments (Averochkina, 2018, p. 338-339), but this initiative has not yet been realized. In our opinion, the value of such proposals in the context of the urgent need to ensure the regime of the coastal waters established by Ukraine and the protection of the rights and the legitimate interests of our state in them cannot be overestimated.

The maritime administration is the central executive body, whose activity is directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Infrastructure, realizes the state policy in the spheres of sea and river transport, merchant shipping, navigation on the inland waterways, navigation and hydrographic support of shipping, as well as in the sphere of safety in maritime and river transport (except for the safety of shipping of vessels of the fleet fishing industry) (Resolution on the formation of the State Service of Maritime and River Transport of Ukraine, 2017). The work of this new body of administration of the work of sea, river transport, and the spheres directly related to them for Ukraine (Order on the

issues of the State Service of Maritime and River Transport, 2018), has been significantly criticized due to unpopular management decisions and stagnation of the reforms. The frequent change of leadership has also become a negative factor in the work of the country's leading maritime department. Among the decisions of the Maritime Administration are the already mentioned appointments of "second" captains of seaports and the crisis in the sphere of certification of sailors, poor progress with Ukraine's accession to the international maritime agreements. Thus, the drafts of laws of Ukraine on the ratification of the Maritime Labour Convention of 2006 and amendments to some legislative acts of Ukraine in connection with the ratification of this Convention appeared on the website of the Ministry of Infrastructure only in the middle of 2021. At the same time, the initiatives have been expressed to join Ukraine, as one of the leading supplier states of labor for world shipping, to this Convention since 2015 (The Deputy request for initiation in accordance with the law of ratification by Ukraine of the Convention of the International Labour Organization of 23.02.2006 on work in the maritime shipping, 2015). In the context of the COVID-19 pandemic, the modernization, and the implementation of the world standards of labor, certification, and protection of seafarers are in extremely strong demand. As Serhieiev and Romanishyna (2020) rightly note, sailors have gone unnoticed as the world relies on them to transport more than 80% of the total volume of goods, including vital food and medical supplies. At the same time, sailors have become hostages of this situation because due to the restrictions, tens of thousands of them cannot get home or, conversely, work on aboard a ship. At the same time, in Ukraine, the recognition of seafarers as "key workers" is delayed (The Ministry supports the trade union to recognize seafarers as "key workers" – Oleksandr Kubrakov, 2021), and the legislation on their documents requires significant processing and exclusion of the practice of initially inherent opportunities for corruption risks.

The Ukrainian Sea Ports Authority is an enterprise established under the Law on Ukrainian Seaports and is directly involved in developing the port infrastructure and ensuring the functioning of seaports. The objectives of its creation are defined in the art. 15 of the Law and unite tariff and property policy issues, ensuring the safety of navigation and environmental protection. The almost 10-year period of the enterprise is represented by attempts to improve the work of the industry (More than 1 million cubic meters since the beginning of the year – dredging in the seaports of Ukraine, 2020; The dredging was performed near two seaports and in the reservoirs of the Dnieper last year – USPA, 2021), and outright failures, when its initiatives directly contradicted the legislation of Ukraine (The dockers of Odessa are struggling to keep jobs, 2018; Chaban, 2018). It may be included to the merits of the enterprise the determination of the boundaries of the territories of all seaports. This is expected to facilitate the settlement of issues of the determination of the status of single property complexes, including technologically linked objects of port infrastructure, within seaports as maritime terminals; to solve the question of the determination whether a business entity has or does not have the status of a port operator (stevedore company).

The USPA has actively realized the new concession agreements for Ukraine as a possible way out of the situation with depreciated port equipment. At the same time, it is increasingly criticized in specialized literature (Petrenko, 2021). And, whether the transfer to concession (All ports of Ukraine want to transfer to the concession or the private property for 4 years, 2020) will be of strategic enterprises for the state – is a rather tricky question, and it will still have to evaluate the results of recently launched projects. However, it is already apparent: the state has being eliminated from solving the problems of the maritime port industry, shifting them off the shoulders of investors.

3. Development of coastal regions as a direction of the maritime policy of Ukraine

The development of the coastal regions is emphasized in the current Maritime Doctrine of Ukraine in a special section. Moreover, this is one of its main differences from the previous edition. Considering the role of the coastal territories, their development should be based on the effective integrated use of their beneficial location, social, cultural, and economic specificity, the rational combination of economic advantages with cultural, sanitary, tourist, and recreational opportunities. As a result of decentralization, it is supposed a significant increase in the role of local self-government bodies and state authorities in the process of organizing and coordinating the activities of marine economic complexes, ensuring the balanced development of the coastal regions using the cultural, economic, energy, transport and transit, recreational and ecological potential, determined by the seaside location of Ukraine.

The doctrine defines the main directions of the development of the coastal regions: the development of a maritime economic activity, the market for tourist and recreational services, cruise shipping, international and interregional cooperation. The attention is focused on the environmental component of such activity. At the same time, one of the most progressive directions for developing coastal territories is not mentioned – the creation of free economic zones. In the strategy of seaports development, this direction is mentioned and provided for “improvement of legislation in terms of deregulation and unification of creation and functioning of free customs zones, including service and industrial types”.

However, regarding objectives of legislative approximation derived from the EU – Ukraine Association Agreement (AA), current Ukrainian maritime policy lacks the utilization of modern methodologies, such as Maritime Spatial Planning (MSP). MSP was designed to replace the contemporary fragmented system of sectoral decision making to reduce the existing over regulations with

a coordinated and coherent spatial allocation system for marine users, and in addition was extended to the areas of marine environment protection and sustainable sea use management (Sakib et al., 2021).

The EU Directive establishing a framework for maritime spatial planning (Directive 2014/89/EU establishing a framework for maritime spatial planning) identifies MSP as a tool of Integrated Marine Policy, enabling public authorities and stakeholders to apply a coordinated, integrated, and transboundary approach. In these terms, MSP means a process by which the relevant Member State's authorities analyze and organize human activities in marine areas to achieve an ecological, economic, and social objective. The EU Member States are supposed to establish their maritime spatial plans up to March 2021. Furthermore, about 75 of 150 countries with marine waters have developed MSP initiatives at different development stages, starting from funding and institutional arrangements to adapting or revising MSP plans (Ehler, 2021).

In the Black Sea region, two EU members, Bulgaria, and Romania, have been involved in MSP projects since pre-accession status 2006–2008 and have introduced respective amendments into national legislations in 2017–2018. Ukraine, alongside Turkey, has been implicated in the EU cooperation on MSP within the frameworks of the ANEMONE project on Assessing the vulnerability of the Black Sea marine ecosystem to human pressures, which primarily focuses on sharing knowledge, innovation, and good practices (General Introduction to the Black Sea). Introduction the MSP in Ukrainian national legislation may significantly bust the Black Sea cooperation with the EU members providing common grounds and methodology.

Besides, the introduction of MSP may positively affect both legal and institutional levels of Ukrainian maritime policy because due to securing the value of managing the sea in the substantive law and involvement of a wide range of governmental and non-governmental organizations, international institutions performing activities directed to sea management (Pyć, 2019, p. 312). In addition, MSP as a tool

may enhance at a regional or national level the implementation of the existing international, or regional regulations in force (Sakib et al., 2021, p. 3). For example, the EU MSP Directive identifies seven minimum requirements a state should comply with while developing MSP plans, including demands to:

- 1) Involve stakeholders;
- 2) Develop cross-border cooperation;
- 3) Apply an ecosystem-based approach;
- 4) Use the best available data and share information;
- 5) Take into account land-sea interaction;
- 6) Promote the co-existence of activities; and
- 7) Review the plans at least every ten years (Friess & Grémaud-Colombier, 2021).

The MSP approach can be also extended to the concept of integrated coastal zone management or coastal spatial planning, that was introduced in regional and national policies of the European states (especially in the Mediterranean area) in 1990-th, and integrated different sectors of coastal economy, such as housing, tourism, industry, and traffic (Cori, 1999). Coastal spatial planning incorporates coordinated land-sea development planning of coastal zones and permits authorities to addresses the interconnections, complexities, and conflicts between many users of the coastal area with different goals (Wei et al., 2021).

Busting of coastal regions development can be also achieved by introduction of free economic zones (FEZs) in the seaports and port cities. Currently FEZs are a broadly recognized as an instrument of trade and economic politics of coastal states. Furthermore, in case of Ukraine business freedom and trade freedom appears to be the most influential on the states' financial security (Shkolnyk et al., 2020). Even though the traditional basis of the functioning of FEZs is their orientation towards creating favorable environment for foreign trade, "in the context of free zones, this simplification of the procedures of trade is not an end in itself and is often aimed at promoting the

economic development of a region to which privileges are applied, or a particular industry, as well as creating more numbers of working places” (De Jong, 2013). To solve such problems, FEZs operate not only with simplifications of customs and tax legislation but may also provide for simplifications of administrative procedures and some features of public administration of the zone itself. Therefore, the legal regimes of the modern FEZs have a complex character, including norms not only of tax and customs legislation but also of administrative, economic, transport norms, etc. Thus, within the framework of the legal regime of the modern FEZ, there are united the traditional, centuries-old legal institutions aimed at promoting international trade and the modern ones aimed at supporting the innovative development of territories or industries. Furthermore, in the framework of the analysis of the interaction between traditions and innovations in the legal regulation of FEZs, it is possible to determine the long-term directions of the development of their legal regime.

The FEZ is not a new phenomenon for the Odessa region. In 1817, Odessa and its port were given “rights and the freedom of trade appropriated by the free port” (The Highest manifesto on the establishment of Porto Franco in Odessa, 1817), and enjoyed it for over 40 years. For the second time, FEZ, with about 30 hectares on the Odessa Commercial Sea Port territory, was established in 2000 (The Law on the Free Economic Zone “Porto-Franco” on the territory of the Odessa Sea Trade Port, 1999; The Law on the special (free) economic zone “Porto-Franco” on the territory of the Odessa Sea Trade Port, 2000). However, the expected “economic miracle” did not happen, and the FEZ ceased to exist in only a few years.

It should be noted that the basis for creating any FEZ is certainly customs privileges. This is because “most of the investments attracted by the open-door policy, such as banks, trading companies, contractors, warehouse owners, service providers are focused more on supporting import than export. Even the production projects in

free zones, as we see, are highly dependent on import...” (Haim & Kedourie, 2005, p. 124).

With all the diversity of FEZs, operating in the world, its economic benefits are both static and dynamic. The static benefits include direct employment creation and income generation, export growth and export diversification, foreign exchange earnings, foreign direct investment, and government revenues. The dynamic benefits relating to the long-term FEZ contributions include indirect employment creation, skills upgrading, female employment, technology transfer, “demonstration effect” arising from application of “best practices”, and regional development (D’agostino & Favale, 2016a).

The world experience with the establishment and the operation of FEZ shows that these processes differ fundamentally in developed and developing countries. In developing countries, the main functions of FEZ are to achieve a higher level of industrialization, inclusion or raise a country’s role in international trade. The main or even the only source of attracted capital, in this case, is foreign investments. First, companies can attract the possibility of storing imported goods following preferential customs rules. The delay of tax payments until the goods are used or re-exported can improve the financial turnover of companies. Another advantage for companies is the differential tax regime offered within the zone, mainly about tax benefits related to personal income tax or tax and value-added tax. Thirdly, non-tax incentives are essential, such as government subsidies for the development of human resources or research and development (R&D), since the administration may offer land and construction projects at below-market rates. Finally, these advantages are enhanced by a developed infrastructure, especially in those FEZs that are conveniently located on or near seaports and river ports or airports (De Jong, 2013).

In developed countries, the creation of FEZs is mainly used as a regional policy tool. That is, FEZs are created precisely in those regions where economic and, accordingly, social development needs

to be improved. At the same time, the unemployment rate and the level of monetary income of the population are used as criteria for choosing the territory for creating FEZ. The number of regions that are provided with special economic conditions for development is always limited (Kravchik, 2016).

Today, there are more than 3000 cities or territories with FEZ status globally. There are now around 250 general-purpose and over 500 subzones in the US, whilst within the European Union, which attempts to harmonize tax regimes of its various member states, the number of special free zones (including subzones) has reached nearly 100. In addition, the UK government has considered creating ten new customized free zones to mitigate the projected loss of trade volume stemming from Brexit (Schwarzkopf & Backsell, 2021, p. 329). Both in foreign and domestic scientific literature, it is widespread the definition of FEZ as a part of the national territory, the economic potential of which is focused on solving a specific problem (or complex of issues). This distinguishes the part of a country under consideration from the general series. At the same time, entrepreneurship in the territory of the FEZ should be aimed at solving the problems of optimal sitting of productive forces in the whole country, as well as its integration into the world economy (Kuz'menko & Kuznecova, 1999).

Regarding FEZs located in the seaports typical set of advantages expected include: increasing the development of trade and international trade, encouraging the transit and the delivery of goods; increasing sales and trade with the rest of the world; promoting the settlement and the permanent location of new businesses; creating jobs and encouraging economic development; supporting the consumption, improving the population's living conditions and promoting tourism in those areas (D'agostino & Favale, 2016b, p. 8).

Chinese experience of utilizing FEZs for coastal regions development proves that seaports are the core carriers of FEZs. Such

zones promote the investment facilitation of the port logistics industry and attract the intensive allocation of global shipping resources in port areas, which will stimulate the container throughput, cargo storage, and logistics order volume of port enterprises in the FEZs, thus increasing the profitability of port enterprises (Li et al., 2021, p. 135). The introduction of FEZs in seaports results in intensified ports' development that emerges from three significant consequences of favorable FEZ policies: benefiting technological innovation and infrastructure construction of ports; triggering green development of ports; positive impact on port efficiency (Liu et al., 2021, p. 76).

The comparative research of the indices of efficiency of the port of Odesa and the ports of Marseille, Zeebrugge, Antwerp, and Rotterdam are more than convincing: the efficiency index in Marseille is 10 thousand tons per hectare, 13,5 thousand tons in Zeebrugge and Antwerp – and 29 thousand tons in Rotterdam. Whilst in Odesa port – is 157 thousand tons per hectare! Six times higher than the most effective port in Europe, not to mention the rest. At the same time, at the end 2004 – early 2005, it was decided to curtail the work of absolutely all FEZs of Ukraine. De jure they were retained, but de facto, their functioning was suspended (Vas'kov, 2014).

Today, in the conditions of austerity fiscal economy of means, a difficult economic situation and rising unemployment, it is especially relevant to revive the effective practice of attracting additional resources, foreign investments in the most attractive areas of business – trade, tourism, recreational and tourist economy, which will entail an increase in the number of jobs. The creation of the FEZ in Odesa has a potential to stir the development of the infrastructure of the Odesa region to activity, will positively affect the economic situation of the region, will contribute to raising the standard of living and increasing employment of the population, will stimulate business activity and filling the state and the local budgets, will contribute to the creation (modernization) of enterprises at the level of advanced global trends in technologies and organization of production, will

form conditions for the creation of goods (services) with increased competitiveness in world markets, will get the maximum benefit from the transit of goods through the territory of Ukraine.

Conclusions

The maritime policy is one of the most changeable manifestations of modern statehood. It becomes the answer to new challenges and threats, the direction of development, and emphasizes the internal and external positioning of the power. At the same time, the national maritime and port industries are the strategies for many countries, still gravitate more toward stability in the development, independent of the change of political sentiments and ruling parties. This, however, does not apply to foreign maritime policy, which is greatly influenced by the changes in the international situation. The analysis of the program documents and the basis of the maritime and port politics of Ukraine laid down in them shows the possibility of their change and development. However, they are very slow and late, with difficulties in the norms' feasibility and real effectiveness. Today, the program documents of the maritime industry of Ukraine are only declarations, demonstrating the lack of clear ideas of the country's leadership about the scale of the tasks and the problems of the industry.

Many authorities represent the institutional mechanism of the realization of Ukraine's maritime policy, but the effectiveness of their work leaves much to be desired. A brief overview of the legislative support and the practical work of some institutions, realizing the maritime and port policy of Ukraine shows that they are only at the initial stage of reform and modernization. While foreign institutions have long moved to much more effective mechanisms of work, considering the economic interests of the state and society. There are of vital importance today: improving the order and guaranteeing the transparency of taken management decisions on issues related to the maritime activity; effective use of the territorial sea, the

inland sea waters, the coastal territories; creation of conditions for the productive international cooperation. The maritime policy should not be a mere set of statements, directives, declarations, and intentions, but rather an activity to achieve specific development goals and designation of the state's position concerning the internal and the external aspects of maritime activity. Above mentioned demands updating of standard approaches to the management (administration) of the sea and port sectors in Ukraine, the implementation of best practices for attracting investments in the coastal regions will be possible their gradual modernization, the transition from exclusively consumer attitude to considerate and stable development to the benefit of future generations.

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Ківалов С. Морська політика України: застрягла у транзиті. – Стаття.

У статті окреслено деякі аспекти формування та реалізації сучасної морської політики України. Розглянуто її правовий базис, простежено його зміни та оновлення. Відзначено можливість та здатність до розвитку документів довгострокового планування у морській галузі. При цьому запізнілість та відсутність реальних механізмів забезпечення виконання їх норм призводить до стагнації системних реформ та комплексного оновлення публічного адміністрування галузі. Акцентується увага на важливості системного підходу до трансформації законодавчої та правозастосовної практики у сфері морської та портової діяльності в Україні, забезпечення стабільності та наступно-

сті в їх адмініструванні. Охарактеризовано позитивні та негативні практики виконання повноважень деякими суб'єктами реалізації морської та портової політики України. Підкреслено згубність практики дистанціювання та ситуативного втручання держави у вирішення проблем морської та портової галузі як стратегічного компонента її політичної, соціальної та економічної стабільності. Автор зазначає, що впровадження такої сучасної методології, як морське просторове планування, може позитивно вплинути на ефективність морської політики України. Під час розгляду розвитку прибережних регіонів як одного з напрямків морської політики України відзначено переваги створення та функціонування у них вільних економічних зон. Характеристика досвіду створення та функціонування, а також специфіки таких форм сприяння торгівлі (пільгові правовий та фінансово-економічний режими, наявність певної спеціалізації підприємницької та інвестиційної діяльності тощо) свідчить про економічну доцільність надання такого статусу портовим містам та приморським регіонам. Зазначається, що вільні економічні зони сьогодні – це активний засіб державної політики, здатний як реанімувати депресивну територію, так й надати додаткового імпульсу регіональним точкам зростання.

Ключові слова: морська політика, морська доктрина, публічне адміністрування, морський сектор, морська діяльність, морське просторове планування, довгострокове планування, вільні економічні зони, прибережні території, Україна.

Кивалов С. Морская политика Украины: застрявшая в транзите. – Статья.

В статье обозначены некоторые аспекты формирования и реализации современной морской политики Украины. Рассмотрен ее правовой базис, прослежены его изменения и обновления. Отмечена возможность и способность к развитию документов долгосрочного планирования в морской отрасли. При этом запоздалость и отсутствие реальных механизмов обеспечения исполнения их норм приводит к стагнации системных реформ и комплексного обновления публичного администрирования отрасли. Акцентируется внимание на важности системного подхода к трансформации законодательной и правоприменительной практики в сфере морской и портовой деятельности в Украине, обеспечения стабильности и преемственности в их администрировании. Охарактеризованы позитивные и негативные практики исполнения полномочий некоторыми субъектами реализации морской и портовой политики Украины. Подчеркнута пагубность практики дистанцирования и ситуативного вмешательства государства в решение проблем морской и портовой отрасли как стратегического компонента его политической,

социальной и экономической стабильности. Автор отмечает, что внедрение современной методологии, такой как морское пространственное планирование, может положительно повлиять на эффективность морской политики Украины. При рассмотрении развития прибрежных регионов как одного из направлений морской политики Украины, отмечены преимущества создания и функционирования в них свободных экономических зон. Характеристика опыта создания и функционирования, а также специфики таких форм содействия торговле (льготные правовой и финансово-экономический режимы, наличие определенной специализации предпринимательской и инвестиционной деятельности и т.п.) показывает экономическую целесообразность предоставления такого статуса портовым городам и приморским регионам. Отмечается, что свободные экономические зоны сегодня – это активное средство государственной политики, способное в равной степени и реанимировать депрессивную территорию, и дать дополнительный импульс региональным точкам роста.

Ключевые слова: морская политика, морская доктрина, публичное администрирование, морехозяйственный сектор, морская деятельность, морское пространственное планирование, долгосрочное планирование, свободные экономические зоны, прибрежные территории, Украина.

