

**PRO-1.7**      **Deprivation of the IHO member state status from the Russian Federation as its military aggression against Ukraine since 24 February 2022 has caused major threatens to navigation in the Black Sea and the Sea of Azov, in particular, has deprived Ukraine of performing the hydrographic surveying within its area of responsibility and issue and update its navigational charts**

**Submitted by:**    **Ukraine**

**Supported by:**

**References:**     A. Convention on the IHO, Art. II.  
                         B. Rules of Procedure of the IHO Assembly, Rule 22. C.  
                         C. Rules of Procedure of the IHO Assembly, Rule 9.

## **PROPOSAL**

**The Assembly is invited:**

- **to consider the ability to make a decision of deprivation of the IHO Member State status from the Russian Federation as its military aggression against Ukraine since 24 February 2022 has caused major threatens to navigation in the Black Sea and the Sea of Azov, in particular, has deprived Ukraine of performing the hydrographic surveying within its area of responsibility and issue and update its navigational charts.**
- **in case the Assembly deems it possible to make the aforementioned asked decision, to amend Rule 22 of the Rules of Procedure of the IHO Assembly as stated in Annex.**
- **to take any further action as appropriate.**

## **EXPLANATORY NOTE**

### **Background**

1.     In February 2014, the Russian Federation unlawfully invaded and occupied the Crimean Peninsula, which has been and is an integral part of Ukraine within its internationally recognized state borders. This conduct is attributed to the Russian Federation and constitutes a serious breach of international law, including the Charter of the United Nations. The Russian Federation's breach of international law entails its international responsibility.

2.     The restriction imposed by the Russian Federation on freedom of navigation in the northern part of the Black Sea, in the Sea of Azov and the Kerch Strait, including the maritime areas adjacent to Crimea, have caused the impossibility of Ukraine to fulfill its international obligations as a coastal state within its area of responsibility in the aforementioned sea areas.

3.     Consistent with the United Nations General Assembly's call for non-recognition of the Russian Federation's violations of international law in Crimea, Ukraine calls upon all States and international organizations to condemn the Russian Federation's unlawful unilateral actions in the northern part of the Black Sea, the Sea of Azov and the Kerch Strait and to refrain from any action or dealing that might be interpreted as recognizing any alteration of the status of Crimea.

4.     Ukraine has informed IHO Member States that, due to the Russian Federation's unlawful actions in the northern part of the Black Sea, the Sea of Azov and the Kerch Strait, Ukraine is precluded from a full-scale exercise of its sovereign rights as a coastal State in the maritime areas adjacent to Crimea and from carrying out its international obligations therein under

applicable treaties and conventional instruments, including the provision of security and safety of navigation and regulation maritime traffic.

5. Since early 2014 the State Hydrographic Service of Ukraine, as a national hydrographic service of Ukraine responsible for navigational and hydrographic safety provisions in the Ukrainian maritime waters has been deprived of the possibility to perform timely the hydrographic surveying in a due manner, and so, issue and update the nautical charts of Ukraine for the areas adjacent to the Crimean coast.

6. On 24 February 2022, the Russian Federation launched a full-scale invasion of Ukraine, which represents an act of war, a gross violation of Ukraine's sovereignty and territorial integrity, the UN Charter and the fundamental norms and principles of international law.

7. The attacks of the armed forces of the Russian Federation are targeting Ukrainian cities, conducting ongoing indiscriminate and disproportionate airstrikes, cruise missiles' and MLRS' shellings of critical infrastructure, including maritime ports zones in the Black Sea and the Sea of Azov, airport facilities throughout the country, as well as of civilian objects, taking the death toll on Ukrainian population.

8. These actions of the Russian Federation constitute a clear breach of international humanitarian law and pose a direct threat to maritime safety and security and disrupt international commercial shipping in the Black Sea – the Sea of Azov region. They also have a devastating impact, which will reverberate across continents, limiting the world's supply of food and natural resources, originating from Ukraine, and resulting in the skyrocketing of their prices. The global food security will be jeopardized and geopolitical tensions heightened.

## **Analysis and Discussion**

9. For many years both the international organizations and the global maritime, and in particular, hydrographic community have failed to recognize the very fact of a direct threat posed by the Russian Federation to international shipping, its safety and security, the navigational and hydrographic safety among others, as well as to Russia's neglect of the basic principles of protection of human life at sea, and the use of the Organization as a cover for its illegal activities. The policy of appeasement of the aggressor state has created its perception of permissiveness and impunity and subsequently led to terrible consequences.

10. Meanwhile, as stated in the Preamble to the Convention on the IHO (as amended), “...*the vision of the International Hydrographic Organization is to be the authoritative worldwide hydrographic body which actively engages all coastal and interested States to advance maritime safety and efficiency and which supports the protection and sustainable use of the marine environment*”, and further, “...*the mission ... is to create a global environment in which States provide adequate and timely hydrographic data, products and services and ensure their widest possible use*”.

11. It is self-evident that those aforementioned malicious and illegal actions of the Russian Federation have been both gravely violating the international maritime law in general and also trampling over to the fullest ever possible extent not only the vision and mission of the IHO, but also – all the objectives of the International Hydrographic Organization, as stated in Article II of the Convention on the IHO (as amended) in particular.

12. Yet, the whole modern system of international security has appeared to be unprepared to tackle comprehensive and interrelated challenges of the 21<sup>st</sup> century. Thus, a solid basis, enabling both the IHO and other international organizations to promptly respond to grave violations of the basic conventions and instruments by their Member States, has to be created. This must also ensure that any possibility is excluded for the aggressor state to enjoy the benefits provided with the membership at IHO or its bodies.

13. Thus, the contradictory and malicious situation, when one among the IHO Member

States counteracts the efforts of the whole global hydrographic community under the auspice of the respective international organization with its illegal and violating actions, is an unprecedented challenge, and so, demands the adequate, immediate and efficient enough response action.

### **Actions to be taken**

14. The Assembly is invited to consider this proposal and to take any possible action as appropriate.
15. Ceterum censeo Imperium Mali delendam esse.

**Proposed amendments to Rule 22 of the Rules of Procedure of the IHO Assembly**

**RULES OF PROCEDURE OF THE IHO ASSEMBLY**

Languages

**RULE 22**

The working languages of the Assembly shall be English, French ~~and~~ Spanish ~~and~~ Russian for purposes of simultaneous interpretation of the proceedings. Speeches at the Assembly shall be made in one of these working languages and will be interpreted into the other ~~three~~ two languages.