

On the temporary suspension of the right of innocent passage in 3 sea areas in the vicinity of the
Crimean Peninsula (UKRAINE)
(BASWG15, agenda item 7 – Maritime Safety Information)

On April 14, 2021, the Russian Novorossiysk-NAVTEX station promulgated a coastal warning No 152/21 “on the temporary suspension of the right of innocent passage for foreign warships and state-owned vessels” for the Black Sea near the entrance to the Kerchenska Strait (area B) and around the southern coast of the Crimean Peninsula (area A) during the period from April 24 to October 31, 2021.

Later, the NAVAREA III Coordinator has issued a warning No 0392/21 which states:

“FROM April 16 UNTIL OCTOBER 31 2021 RIGHT OF INNOCENT PASSAGE IN RUSSIAN FEDERATION FOR FOREIGN NAVAL SHIPS AND STATE VESSELS TEMPORARILY SUSPENDED IN AREA...

BOUNDED BY

45-39-31N 032-27-10E

45-23-25N 032-28-52E

45-20-50N 032-29-43E

45-05-31N 032-43-08E

FURTHER ALONG OUTER LIMIT OF RUSSIAN FEDERATION UP TO 45-39-31N 032-27-10E”.

1. Due to the above mentioned, hereby we declare the wordings, “IN RUSSIAN FEDERATION“ and “ALONG OUTER LIMIT OF RUSSIAN FEDERATION“, which are used in the warning, to be incorrect in relation to the sea areas adjacent to the Crimean Peninsula.

It should also recall that Resolution A/Res/73/263 adopted by the General Assembly of the United Nations on 22 December 2018 “Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine”, “calls upon all international organizations and specialized agencies of the United Nations system, when referring to Crimea in their official documents, communications and publications, including with regard to statistical data of the Russian Federation, to refer to “the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation”, and encourages all States and other international organizations to do the same.”

Bearing in mind the said, Ukraine requests the NAVAREA III Coordinator to use correct wordings about the sea areas that belong to the territorial waters of Ukraine.

2. By promulgation of the aforementioned warnings the Russian Federation has already been creating obstacles for the navigation of warships and state-owned vessels for more than six months and so, contravenes paragraph 3 of Article 25 of the UN Convention on the Law of the Sea (UNCLOS), which state:

“The coastal State may, without discrimination in form or in fact among foreign ships, suspend temporarily in specified areas of its territorial sea the innocent passage of foreign ships...”

Limitation of innocent passage rights for the foreign warships and state-owned vessels is a discrimination of such vessels against the commercial vessels.

3. Establishing limitation of right for innocent passage in 3 areas in the vicinity of the Crimean Peninsula, the Russian Federation disables the usage of traffic separation schemes established by the IMO, according to the UNCLOS Article 22, and IMO Resolution A.572(14) “General provisions on ships’ routing”.

This concerns the following traffic separation schemes:

- In The Southern Approaches To The Kerch Strait,
- In The Area Off The South-Western Coast Of Crimea (TSS №9 Sevastopol Harbour Approach, TSS № 3 From Cape Khersones to Cape Aitodor).

No temporary changes to the ships’ routeing have been proposed by the Russian Federation, despite the requirement of IMO Resolution A.572(14), what is another gross violation of the international maritime law.