

Statement by Mr. Oleksiy Shapoval
Legal Adviser of the Permanent Representative of Ukraine to the United Nations
at the plenary meeting of the United Nations General Assembly
Oceans and the law of the sea, including sustainable fisheries
(Agenda items 79 (a) and (b))
(8 December 2015)

Please check against delivery

Mr. President,

Ukraine fully aligns itself with the statement by the Delegation of the European Union and would like to make a statement in its national capacity.

At the outset we would like to express our gratitude to the Secretariat and to the Division for Ocean Affairs and the Law of the Sea for the work done during the year, including the preparation of the annual report on Oceans and the Law of the Sea. Our appreciation also goes to Ambassador Eden Charles and Ms. Alice Revell for their excellent stewardship at the consultations on the draft resolutions.

Ukraine is strongly committed to the UNCLOS as this framework convention represents the constitution of the oceans, reflects customary international law and establishes the overarching legal framework within which all activities in oceans and seas. It is our firm belief that that the goal of universal participation in this Convention will soon be met. The UNCLOS legal order currently faces just such a challenge from the internationally wrongful acts of the Russian Federation in Ukraine and its maritime areas.

Our delegation recalls that the Russian Federation, beginning in February 2014, carried out an armed aggression against Ukraine in violation of the U.N. Charter and engineered a purported referendum on secession in breach of the fundamental rules and principles of international law, including the principles of respect for sovereignty and territorial integrity.

Mr. President,

In this regard I wish to recall that General Assembly resolution 68/262 entitled "Territorial Integrity of Ukraine" has reconfirmed the sovereignty of Ukraine over Crimea and called upon all States, international organizations and specialized agencies not to recognize any alteration of the status of the Autonomous Republic of Crimea and the city of Sevastopol on the basis of the so called "referendum" and to refrain from any action or dealing that might be interpreted as recognizing any such altered status.

Thus, Russia's attempted 'taking over' Ukraine's legitimate responsibility for the international shipping matters, including those regarding the safety of navigation, protection of marine environment from ship pollution, search and rescue, ship registration, certification of crew members of seagoing vessels in the maritime areas adjacent to the Autonomous Republic of Crimea and the city of Sevastopol, constitutes an internationally wrongful act which entails international responsibility of the Russian Federation.

The Russian Federation's unlawful unilateral amendments of navigational charts, published by the Department of Navigation and Oceanography of the Ministry of Defence of the Russian Federation in Seaman Bulletin, constitutes unlawful usurpation of navigational and hydrographic support of navigation.

It should also be emphasized that the Russian Federation continues to violate the sovereign rights of Ukraine in other areas of the international law of the sea. In particular, the Russian Federation has violated Ukraine's sovereign rights to natural resources, by illegal exercise of regulatory jurisdiction and actual seizure and illegal use of Ukrainian gas and oil fields located in the Black Sea which are part of the continental shelf and exclusive economic zone of Ukraine. These and other flagrant breaches of UNCLOS have serious repercussions for the rights and obligations of Ukraine and other parties to that Convention.

Mr. President,

I wish to recall the decision by the Government of Ukraine to close down, beginning from June last year all sea ports in the territory of Crimea, namely those of Kerch, Sevastopol, Feodosia, Yalta, and Yevpatoria. All Member States of the IMO were duly notified of this decision through the IMO Secretariat. Moreover, the Ukrainian side has raised this issue at various IMO meetings, including the 94th and 95th sessions of IMO Maritime Safety Committee, in November 2014 and June 2015, as well as at the 25th Meeting of States Parties to the UNCLOS (8-12 June 2015, New York).

Ukraine expects that the competent authorities of all States ensure compliance by ship owners, operators and ship masters with international law and decision of Ukraine to close the ports in the Autonomous Republic of Crimea and the City of Sevastopol.

Notwithstanding the Ukrainian Side's decision to close its sea ports and to limit navigation within its jurisdiction, commercial and warships flying the flag of the Russian Federation systematically enter the closed Ukrainian seaports and navigate without authorization in Ukrainian internal waters and territorial sea in the Black Sea and Azov Sea.

By November 2015, more than 200 different vessels and non-commercial ships flying the Russian flag illegally entered closed ports in the Crimea peninsula. At the same time, Ukraine has not received any responses from the Russian Federation to Ukraine's numerous notes verbale on this particular issue. The Russian Federation's systematic violation of restrictions lawfully imposed by Ukraine in its sea ports and its internal waters and territorial sea constitute a violation of Ukraine's sovereignty in breach of the Convention.

Mr. President,

Being encouraged by the success that has been achieved by the international community in countering maritime piracy Ukraine wishes to underscore that no sustainable results are possible without dealing with the root causes of piracy and bringing to justice perpetrators of acts of piracy, as well as their organizers and facilitators on land. We express our growing concern over the high number of accidents of piracy and armed robbery at sea in the Gulf of Guinea, in particular violence against innocent crew members. Ukraine also fully supports the IMO Recommendations to Governments for preventing and suppressing piracy and armed robbery against ships, additionally revised by the MSC and distributed by IMO circular letter 1333. Ukraine urges coastal States, flag States and industry to make everything possible to ensure safety and security of maritime shipping, especially in the high risk regions. As one of the major States of seafarers' origin Ukraine stands ready to further cooperate with the UN Member States, IMO, ILO and other actors with the view to enhancing the measures aimed at protecting the welfare of seafarers who are victims of pirates, including their post-incident treatment and reintegration into society.

I thank you, Mr. President.