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Circular Letter No.4508  
9 February 2022

To: All IMO Members  
Intergovernmental organizations  
Non-governmental organizations in consultative status

Subject: **Communication from the Government of Ukraine**

The Government of Ukraine has sent the attached communication, dated 7 February 2022, with the request that it be circulated by the Organization.

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№ 6124/23-327/2-33

The Embassy of Ukraine to the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Secretariat of the International Maritime Organization and in accordance with the decision of MSC 101 (MSC 101/24, paragraph 23.28) has the honour to transmit herewith the Report on threats to the safety and security of navigation in the northern part of the Black Sea, the Sea of Azov and the Kerch Strait (as of January 2022) for circulation to all IMO Member States, international organizations which have concluded agreements of cooperation with the IMO and non-governmental organizations in consultative status with the IMO.

The Embassy of Ukraine to the United Kingdom of Great Britain and Northern Ireland avails itself of this opportunity to renew to the Secretariat of the International Maritime Organization the assurances of its highest consideration.

Encl.: on 15 pages.

London, 4 February 2022

**Secretariat**  
**International Maritime Organization**  
**4 Albert Embankment**  
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**Report on threats to the safety and security of navigation  
in the northern part of the Black Sea, the Sea of Azov and the Kerch Strait  
(as of January 2022)**

In February 2014, the Russian Federation unlawfully invaded and occupied a part of the territory of Ukraine, namely, the Autonomous Republic of Crimea and city of Sevastopol (hereinafter referred to as “Crimea”). 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.

The international community has overwhelmingly condemned the Russian Federation’s internationally wrongful acts in Crimea. The United Nations General Assembly, embodying a consensus of the international community, has on seven separate occasions (United Nations General Assembly resolutions 68/262 of 27 March 2014, 71/205 of 19 December 2016, 72/190 of 19 December 2017, 73/194 of 17 December 2018, 73/263 of 22 December 2018, 74/17 of 9 December 2019, 74/168 of 18 December 2019, 75/29 of 7 December 2020 and 75/192 of 16 December 2020, 76/70 of 9 December 2021 and 76/179 of 16 December 2021) reaffirmed the settled status of Crimea as an integral part of Ukraine, and it has rejected the annexation by the Russian Federation as invalid. The General Assembly has specifically called upon all States, international organizations and specialized agencies not to recognize any alteration of the status of Crimea and to refrain from any action or dealing that might be interpreted as recognizing any such altered status.

Non-recognition of the attempted annexation of Crimea by the Russian Federation also implies that States should take no action with regard to the administrative decisions taken and documents issued by the occupation authorities in Crimea that might be interpreted as recognizing an alteration in the status of Crimea.

Ukraine has repeatedly informed IMO 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 exercising its coastal State rights in the maritime areas adjacent to Crimea and from carrying out its international obligations therein under applicable treaties and conventional instruments, including its obligation to provide safety and security of navigation and to regulate maritime traffic (Circular Letters Nos. 3453, 3477, 3490, 3602, 3603, 3604, 3649, 3777, 3830, 3882, 3942, 4017, 4207, 4316, 4388, 4402 and 4439).

In particular, Ukraine in its diplomatic correspondence stressed that the Russian Federation’s claim to have “taken over” responsibility for international navigation, the safety and security of navigation, ship registration, and the certification of crew members, among other things, violates international law and the legislation of Ukraine.

As a result, the safety and security of navigation in the maritime areas adjacent to the temporarily occupied Crimea have been severely compromised. The Russian Federation’s unlawful unilateral actions have turned the northern part of the Black Sea, the Sea of Azov and the Kerch Strait into a “grey zone” for international shipping.

The Maritime Safety Committee (MSC), at its 101st session, recognizing the importance of safety and security of navigation, invited Member States and interested parties to notify the Organization of any threats to the safety and security of navigation in the northern part of the Black Sea, the Sea of Azov and the Kerch Strait, for circulation to all Member States in accordance with IMO procedures.

As of January 2022, the following negative repercussions of the Russian Federation’s illegal and unilateral claims and actions have to be pointed out:

## **I. Safety and security of navigation**

- 1) in accordance with section A/16 of the ISPS Code, the Ministry of Infrastructure of Ukraine, as State authority responsible for ship and port facility security, had to withdraw Port Facility Security Plans (PFSPs) for the seaports of Ukraine in the temporarily occupied Crimea (Circular Letter No.3604, Maritime Security module of GISIS);
- 2) on 14 December 2015 the Russian Federation carried out provocative removal of two jack-up oil rigs Petro Godovanets (IMO 9522350), Ukraine (IMO 8771241) and oil platform Tavrida (IMO 8763373), property of Ukraine, located in the Black Sea off the coast of Odesa (Circular Letter No.3625);
- 3) on 1 February 2017 the Russian Federation carried out another armed provocation – firing at the Ukrainian navy An-26 transport aircraft, which conducted a training flight over Odesa gas field in the maritime exclusive economic zone of Ukraine;
- 4) on 4 May 2018 the Russian Coast Guard unlawfully seized the Ukrainian fishing vessel YAMK-0041 and illegally detained the crew in the vicinity of the coast around Ukraine's Crimea in the Black Sea. Ukraine demanded the immediate release of the fishing vessel and 5 members of its crew;
- 5) on 27 August 2018 the Russian Coast Guard unlawfully seized the Ukrainian fishing vessel YAOD-2105 and illegally detained the crew in the vicinity of the coast around Ukraine's Crimea in the Black Sea. Ukraine demanded the immediate release of the fishing vessel and 4 members of its crew;
- 6) on 25 November 2018 three Ukrainian naval vessels conducting a routine transfer from Odesa to Mariupol were blocked, shot at and seized in international waters in the Black Sea by the Russian Coast Guard.

United Nations General Assembly resolution 73/194 of 17 December 2018 expressed its utmost concern about the unjustified use of force by the Russian Federation against Ukraine as well as the serious wounding of a number of Ukrainian sailors and called upon the Russian Federation to release the vessels and 24 members of their crews and equipment unconditionally and without delay.

On 25 May 2019 the International Tribunal for the Law of the Sea (ITLOS) issued an order, that prescribed provisional measures ordering the Russian Federation to immediately release the Ukrainian naval vessels and the 24 detained Ukrainian servicemen: "1) the Russian Federation shall immediately release the Ukrainian naval vessels Berdyansk, Nikopol and Yani Kapu, and return them to the custody of Ukraine; 2) the Russian Federation shall immediately release the 24 detained Ukrainian servicemen and allow them to return to Ukraine";

- 7) on 14 February 2020 the Russian Coast Guard unlawfully seized the Ukrainian fishing vessel YAZP-0901 and illegally detained the crew in the western part of the Sea of Azov. Ukraine demanded the immediate release of the fishing vessel and 4 members of its crew.

As the UN General Assembly has made clear, Russia's unlawful aggression does not alter the status of Crimea as Ukraine's sovereign territory. Ukraine remains the coastal State with regard to the waters around Crimea, including the territorial sea extending 12 nautical miles from its coast.

Russia's unlawful unilateral actions in those waters is a manifest violation of the United Nations Convention on the Law of the Sea (UNCLOS), as well as of customary international law.

## **II. Navigational and hydrographic support of shipping**

- 1) the Russian Federation has established a practice of unilateral amendments of navigational charts and sailing directions, changes of the aids to navigation within the waters of the coast around Ukraine's Crimea and also in the seaports of Crimea, changes of the port area boundaries and pilot boarding grounds at the approaches to the seaports, published by the Department of Navigation and Oceanography of the Ministry of Defence of the Russian Federation in the Notices to Mariners (№116/14 of 03.04.2014, №№6029, 6093-6100 of 25.10.2014, №№1542-1688 of 26.03.2016, №№2975-3112 of 04.06.2016, №№3924-4072 of 23.07.2016, №№4073-4211 of 30.07.2016, №1800 of 15.04.2017, №2331 of 13.05.2017, №2485 of 20.05.2017, №2630 of 27.05.2017, №2743 of 03.06.2017, №№2864, 2865 of 10.06.2017, №№3301, 3302 of 01.07.2017, №3783 of 29.07.2017, №4143 of 12.08.2017, №№4428, 4429 of 26.08.2017, №6578(B) of 16.12.2017, №231 of 20.01.2018, №375 of 27.01.2018, №1259 of 10.03.2018, №1740 of 31.03.2018, №1888 of 07.04.2018, №№ 2433, 2435-2437 of 05.05.2018, №2562 of 12.05.2018, №3738 of 14.07.2018, №4832 of 08.09.2018, №5036 of 22.09.2018, №№5352, 5356 of 13.10.2018, №№5595, 5596 of 27.10.2018, №5838 of 10.11.2018, №№6385, 6386 of 08.12.2018, №1 of 05.01.2019, №№ 81, 83, 199 of 12.01.2019, №№198, 200 of 19.01.2019, №№340, 341, 346, 347 of 26.01.2019, №№ 974, 975 of 02.03.2019, №1056(B) of 09.03.2019, №№2598, 2605 of 25.05.2019, №2955 of 15.06.2019, №№3298-3301 of 06.07.2019, №4113 of 31.08.2019, №4220 of 07.09.2019, №4878 of 19.10.2019, №№5340-5343 of 16.11.2019, №№5457-5460 of 23.11.2019, №1 of 04.01.2020, №№249-250 of 18.01.2020, №551 of 01.02.2020, №675 of 08.02.2020, №№1054-1055 of 29.02.2020, №№1431-1432 of 21.03.2020, №1550 of 28.03.2020, №№1818-1821 of 11.04.2020, №№2236, 2238(B), 2239 of 27.06.2020, №№ 2360, 2361 of 11.07.2020, №№ 4779, 4780 of 05.12.2020, № 5033 of 19.12.2020, №№ 5158, 5159 of 26.12.2020, №153 of 27.03.2021, №№1659, 1660 of 17.04.2021, №№2346, 2347 of 29.05.2021, №2521 (B) of 12.06.2021, №2634 of 19.06.2021, № 3042 of 10.07.2021). This constitutes unlawful usurpation of navigational and hydrographic support of navigation in the maritime areas of the Black Sea, the Sea of Azov and the Kerch Strait. Such actions have already led to a number of serious marine casualties and incidents as stated in section VI of this Report.
- 2) aids to navigation on the coast around Ukraine's Crimea remain temporarily out of control of the State Hydrographic Service of Ukraine (SHSU). The SHSU requests mariners to exercise caution. In order to keep national charts and publications updated and to monitor changes in navigational and hydrographic situation in the area of the Kerch Strait and Crimea, the SHSU arranges comprehensive remote sensing of the earth surface in the area of the Kerch Strait for the purpose of obtaining modern high-accuracy data based on the satellite photo charting;
- 3) the SHSU remains concerned about unmanageable production of electronic navigational charts (ENCs) by the Russian Federation for waters of national jurisdiction of Ukraine in contradiction with provisions of the IHO Resolution 1/1997 (as amended): Principles of the Worldwide Electronic Navigational Chart Database (WEND), giving rise to the growth of the ENCs overlapping occurrence in the Black Sea and the Sea of Azov that could compromise safety and security of navigation in the region. As of 1 January 2021, the Ukrainian ENCs have 32 overlapping cases with the ENCs produced by the Russian Federation;
- 4) in June 2019, in pursuance of the IHO Resolution 1/2018 (IHO CL19/2018) as concerns defining the overlapped ENC data significant for the navigational safety within the area of its chart production and preventing to increase such cases, the SHSU provided the Region F International Charting Coordinator (ICC) with the above information;
- 5) pursuant to the WEND Principles, two Regional Electronic Navigational Chart Coordinating Centres (RENCs) PRIMAR (Norway) and IC-ENC (the United Kingdom) have removed from their catalogues the following ENCs produced by the Russian Federation for territorial waters of Ukraine, namely, RU5MLFG0, RU4MKLL0, RU4MJLJ0 and RU3MBLB0;

- 6) in January 2020, the Russian Federation illegally announced the opening of the seaports of Yevpatoria, Kerch, Sevastopol, Feodosia, Yalta for foreign vessels (Notice to Mariners by the Russian MOD, issue № 1 of 04.01.2020). This decision was taken in breach of the order of the Ministry of Infrastructure of Ukraine dated 16.06.2014 № 255, according to which the relevant seaports were closed until the restoration of the constitutional order of Ukraine in the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol.

Among the most topical examples of illegal actions of the Russian Federation is the promulgation of coastal warnings 152/21 and 153/21 by the Novorossiysk NAVTEX station on 7 April 2021 regarding the temporary suspension of the right of innocent passage for foreign naval ships and state vessels in its so-called “territorial sea”. The restricted maritime areas are located on the west and south coasts of Crimea and cover the entire southern entrance to the Kerch Strait (Circular Letter № 4402). As a result of these illegal actions, Ukrainian and other foreign military and state vessels, including SAR, were banned from operating in the areas adjacent to Crimea and transiting through the Kerch Strait for 6 months, and passage to and from Ukraine's critical ports in the Sea of Azov were prevented. Later these malicious practices were continued by the Russian Federation by promulgating coastal warnings 170/21, 582/21, 583/21 and most recently 627/21 on 24 November 2021.

By doing so Russia jeopardised regional security, infringed the safety and security of navigation in the Black Sea and the Sea of Azov areas as well as violated the procedures for the promulgation of relevant navigational warnings. This is a premeditated blockade of vast sea areas, which leads, amongst others, to significant economic damage to international shipping.

Moreover, by illegally suspending the right of innocent passage in the said area, including Ukraine's territorial sea, the Russian Federation interfered with the functioning of three traffic separation schemes approved by the IMO: “Approaches to the Kerch Strait from the South”, “From Cape Chersonese to Cape Ai-Todor” and “Approaches to the port of Sevastopol”. Thus, the Russian Federation also violated IMO Resolution A.572 (14) “General provisions on ships' routeing”, which provides for the impossibility of changing or abolishing systems for establishing the routes of vessels without prior consultation with the IMO, as well as obtaining the consent of the Organization and the interested coastal state.

The utmost concern causes the Russian Federation's attempt to legitimize such a malign practice by adopting the laws that grant its National Guard the right to block areas adjacent to certain infrastructure facilities in Crimea and parts of the Black Sea, the Sea of Azov and the Kerch Strait, and which therefore may be used to interfere with navigational rights in violation of international law;

### **III. Promulgation of Maritime Safety Information (MSI)**

In January 2017, Ukraine requested the IMO NAVTEX Coordinating Panel to consider the following unauthorized unilateral actions of the Russian Federation affecting the promulgation of MSI in the region:

- 1) the Novorossiysk NAVTEX station of the Russian Federation causes on a regular basis interference on 518 kHz during hours of darkness to the Odesa NAVTEX station of Ukraine. For instance, despite 10-minute timeslots allocated by the IMO NAVTEX Manual for transmission of information, our records show that actual transmission by the Novorossiysk NAVTEX station well exceeds the IMO established limitations causing overlapping and interference to the to the Odesa NAVTEX station of Ukraine:

<b>Date</b>	<b>Actual period of transmission of navigational information by the Novorossiysk NAVTEX station</b>
01.02.2016	00.00 – 00.23
28.02.2016	00.00 – 00.22

31.03.2016	00.00 – 00.23
15.04.2016	00.00 – 00.25
26.05.2016	00.00 – 00.23
04.09.2016	20.20 – 20.25

- 2) starting from 6 November 2014, the Russian Federation unilaterally ceased the broadcast of navigational warnings by the Kerch NAVTEX station in the temporarily occupied Crimea without any preliminary coordination either with the NAVAREA III and METAREA III Coordinators, or with Ukraine;
- 3) starting from 12 October 2015, the Russian Federation stopped providing the SHSU with any navigation warnings to be broadcasted by Odesa NAVTEX station to the north-western part of the Black Sea and Berdiansk NAVTEX station to the Sea of Azov and the Kerch Strait. Such unilateral actions of the Russian Federation are inconsistent with the responsibilities of a national coordinator as defined by section 3.6 of the Joint IHO/IMO/WMO S-53 Manual on MSI.

In August 2017, Ukraine requested the IMO NAVTEX Coordinating Panel to consider the following unauthorized unilateral actions of the Russian Federation affecting the promulgation of MSI in the region:

- the Novorossiysk NAVTEX station of the Russian Federation continues to cause on a regular basis interference on 518 kHz to the Odesa NAVTEX station of Ukraine. Despite 20-minute timeslots allocated by the IMO NAVTEX Manual, including 10 minutes for transmission of information, our evidence indicates that actual transmission by the Novorossiysk NAVTEX station well exceeds the IMO established limitations causing interference to the Odesa NAVTEX station of Ukraine:

<b>№</b>	<b>Date</b>	<b>Transmission times according to the IMO allocated schedule</b>	<b>Actual end of transmission</b>	<b>Excess (min., sec.)</b>
1	06.07.2017	0800-0810	08.13	+3
2	09.07.2017	0800-0810	08.14	+4
3	09.07.2017	1200-1210	12.13.45	+3.45
4	09.07.2017	1600-1610	16.13.45	+3.45
5	12.07.2017	0800-0810	08.16.57	+6.57
6	12.07.2017	1200-1210	12.16.18	+6.18
7	12.07.2017	1600-1610	16.16.27	+6.27

In October 2018, Ukraine requested the IMO NAVTEX Coordinating Panel to consider the unauthorized expansion by the Novorossiysk NAVTEX station of its service area into the Sea of Azov and the Kerch Strait (document MSC 100/19/11, paragraph 8) in spite of the fact that the specified sea areas do not belong to the service area of this radio station.

As the Berdiansk NAVTEX station of Ukraine has full responsibility for broadcasting MSI into the Sea of Azov and the Kerch Strait, which was once again confirmed by NAVAREA III Coordinator at the 14th Meeting of the Black and Azov Seas Working Group (BASWG 14) on 3-4 May 2018 in Constanta, Romania (document BASWG14-08A on Status of MSI coverage in the Black and Azov Seas), such unilateral actions of the Russian Federation violate the procedure outlined in the Revised NAVTEX Manual (MSC.1/Circ.1403/Rev.1, paragraph 4.2.9.2). Specifically, if a national Administration wishes to amend the limits of its NAVTEX service area it shall undertake preliminary discussions with the NAVAREA Coordinator, METAREA Coordinator and neighbouring Administrations prior to formal application to IMO through the IMO NAVTEX Coordinating Panel, keeping the NAVTEX Coordinating Panel informed at all times.

In October 2018, the IMO NAVTEX Coordinating Panel sent a letter to the Russian Federation, requesting that their NAVTEX transmissions be limited to their designated service areas.

In February 2019, Ukraine provided the IMO NAVTEX Coordinating Panel with 21 examples of NAVTEX transmissions from Novorossiysk NAVTEX station containing MSI for outside of their designated service area, such as the Sea of Azov, the Kerch Strait, the Kerch-Yenikale canal (in the Kerch Strait), the port of Kerch and the Taganrogskiy Gulf (in the Sea of Azov).

In May 2019, Ukraine informed the IMO NAVTEX Coordinating Panel that the existing agreements concerning the exchange of MSI for NAVTEX transmissions within the north-western part of the Black Sea, the Sea of Azov and the Kerch Strait, brokered by the IMO NAVTEX Coordinating Panel in 2018, are violated by the Russian Federation on a regular basis:

- 1) on 25 November 2018 the Russian Federation declared suspension for the innocent passage of vessels through the Kerch Strait unilaterally and actually ex post facto. Moreover, the Russian Federation has never provided the required information to Ukraine in a proper manner for further promulgation via the Berdiansk NAVTEX station of Ukraine for the Sea of Azov and the Kerch Strait;
- 2) on 28 February 2019 a new incident of the critical broadcasting overlapping was caused by the Russian Novorossiysk NAVTEX station from 11:59:31 UTC 0 to 12:29:52 UTC 0, when the transmission period came up to 30 min. 21 sec. Thus, the Ukrainian Odesa NAVTEX station's time slot allocated by the IMO NAVTEX Coordinating Panel (12:20:00-12:30:00) was almost entirely overlapped by the Novorossiysk station;
- 3) on 13 March 2019 the bulk carrier MARYLAND (IMO 8418758) ran aground in the Kerch Strait. The maritime rescue operation for getting off the bulk carrier MARYLAND has lasted until 27 March 2019. Ukraine has received no information about the incident neither from the Russian Federation, nor from the NAVAREA III Coordinator.

In June 2019, the Russian Federation authorities have been requested by the IMO NAVTEX Coordinating Panel to ensure that their NAVTEX transmissions do not exceed the 10-minute timeslots allocated to them, as defined in the IMO NAVTEX Manual.

In September 2019, the IMO NAVTEX Coordinating Panel contacted the Russian Federation authorities and requested once again to limit the Novorossiysk NAVTEX station transmissions to the agreed service area in the Black Sea.

In November 2019, Ukraine informed the IMO NAVTEX Coordinating Panel that the situation regarding service areas has significantly deteriorated and the existing arrangement for MSI sharing in the Sea of Azov and the Kerch Strait (the service area of Berdiansk NAVTEX station of Ukraine) is violated by the Russian Federation on a regular basis. Thus, Ukraine provided 8 new examples of NAVTEX transmissions from Novorossiysk NAVTEX station containing MSI for outside of their designated service area (such as the Sea of Azov, the Kerch Strait, the Kerch-Yenikale canal) for the period of January-June 2019 as well as 28 new examples for the period of July-November 2019.

In February 2020, Ukraine informed the IMO NAVTEX Coordinating Panel about the following violations by the Russian Federation:

- 1) 10 examples of NAVTEX transmissions from Novorossiysk NAVTEX station containing MSI for outside of their designated service area (such as the Kerch Strait and the Kerch-Yenikale canal) for the period of December 2019;
- 2) on 20 December 2019 the SHSU recorded the Coastal Warning No.681 broadcasted by the Novorossiysk NAVTEX station concerning the partial closure of the Kerch Strait under the pretext of military exercises. However, Ukraine has received no information about the partial closure neither from the Russian Federation, nor from the NAVAREA III Coordinator.

In March 2020, the IMO NAVTEX Coordinating Panel has contacted the Russian Federation with a request that the appropriate internationally agreed protocols and procedures are complied with.

In June 2020, Ukraine informed the IMO NAVTEX Coordinating Panel about the following violations by the Russian Federation:

- 1) 16 examples of NAVTEX transmissions from Novorossiysk NAVTEX station containing MSI for outside of their designated service area (such as the Kerch Strait and the Kerch-Yenikale canal) for the period of January-March 2020;
- 2) on 10 June 2020 the SHSU recorded the Coastal Warning No.280 broadcasted by the Novorossiysk NAVTEX station concerning the closure of the Kerch Strait under the pretext of military exercises. However, the mentioned Coastal Warning didn't contain the date of the announced event termination and had been broadcasted only half an hour before it entered in force, thus violating the Joint IHO/IMO/WMO S-53 Manual on MSI.

During July-December 2021, the monitoring server of the NAVTEX system in the city of Mariupol, operated by the SHSU, recorded dozens of transmissions of navigational warnings by the Russian Federation using the Novorossiysk NAVTEX radio station relating service area the Kerch Strait area, which is under the sole authority of the Ukrainian Berdiansk NAVTEX station as determined by the IMO NAVTEX Coordinating Panel. All the relevant cases were brought by Ukraine to the attention of the IMO NAVTEX Coordinating Panel.

Such actions of the Russian Federation, among other things, are committed in violation of the provisions and norms of subparagraphs 24, 25 of paragraph 2.2.1 and subparagraphs 4 and 9.2 of paragraph 4.2 of the MSC.1/Circ.1403/Rev.1 "Amendments to the revised NAVTEX Manual" and other relevant IMO documents regarding the provision of radio services for the GMDSS.

Ukraine has repeatedly drawn the attention of the international community that the Russian Federation stopped providing the SHSU with any navigation warnings to be broadcasted by Odesa NAVTEX station to the north-western part of the Black Sea and Berdiansk NAVTEX station to the Sea of Azov and the Kerch Strait.

Moreover, the untimely and incorrect submission of navigational information by the Russian Federation, including through the regional coordinator NAVAREA III, poses a threat to the safety and security of navigation in the Black Sea-Azov region. In particular, the Russian Federation continues to practice the closure of maritime areas retrospectively, *ex post facto*, which violates the requirements of respective IMO guidelines, in particular set out by Joint IHO/IMO/WMO S-53 Manual on MSI and Resolution A.706 (17) "World-Wide Navigational Warning Service" and leaves no time for commanders (captains) of ships (boats, vessels) located in the relevant areas, to decide to leave the dangerous area, which creates potentially dangerous and threatening situations at sea.

During the reporting period there were also additional cases of duplication or overlap by the Russian Federation of instructions on the closure of areas in the Black Sea previously sent by Ukraine to the NAVAREA III coordinator.

#### **IV. Conduct of search and rescue operations**

- 1) Ukraine had to temporarily suspend the functioning of the maritime rescue sub-centres (MRSCs) in Kerch (LRIT ID 2791) and Sevastopol (LRIT ID 2793), illegally captured by Russia, until the complete restoration of constitutional law and order and control by Ukraine over Crimea. The relevant information was duly reflected in the Global SAR Plan module of GISIS;
- 2) operation of GMDSS A1 Sea Area VHF DSC coast radio stations located in Kerch (UN/LOCODE – UA KEH) and Sevastopol (UA SVP) has also been temporarily suspended. The relevant information was duly reflected in the GMDSS Master Plan module of GISIS;

- 3) starting from April 2014, the State Maritime Rescue Coordination Centre of Ukraine (MRCC Odesa) has ceased to receive the actual information in respect of vessels' position and traffic from 13 AIS base stations located in Crimea;
- 4) on 23 April 2017 the Russian Navy attempted to seize a Ukrainian rescue vessel during Ukrainian maritime SAR regular exercises in Ukraine's territorial waters and in Ukraine's SAR region in the northern part of the Black Sea.

Such situation complicates the procedures necessary to process the distress alerts and reduces capabilities (period of processing) with regard to operative response in the course of planning and carrying out SAR missions in the maritime areas adjacent to Crimea.

Another striking evidence of persistent blatant violations of international law by the Russian Federation is unjustified and unlawful modification of the areas of responsibility of Search and Rescue Regions in the Black Sea. By way of illustration it is worth mentioning the illegal intentional acts of partial mapping of Ukrainian SAR region as an "area of responsibility" of MRCC Novorossiysk in a Global Integrated Shipping Information System. These malicious and fraudulent acts yet again shown Russia's disregard for the principles of safety and security of navigation as well as its deliberately misleading the international maritime community.

In the same vein, the Russian Federation continues to insist that "sea areas appertaining to the Crimean peninsula belong to a SAR region of the Maritime Rescue Coordination Centre of Novorossiysk (the Russian Federation)" (documents NCSR 5/22/12 and NCSR 6/22/4), which is inconsistent with the previously stated information when the Russian Federation itself notified IMO of its SAR region in the Black and Azov Seas as reflected in SAR.8/Circ.4 (annex 4, page 8) and in direct contradiction to the coordinates for the Russian Federation's SAR region as defined in article 3(1) of the valid Protocol between the Ministry of Infrastructure of Ukraine and the Ministry of Transport of the Russian Federation on Cooperation in Maritime and Aviation Search and Rescue in the Black and Azov Seas signed on 28 September 2011 in Odesa.

The abovementioned illegal acts clearly prove Russia's disregard of all norms and principles of international law, including provisions of basic IMO Conventions and Agreement on Co-operation Regarding Maritime Search and Rescue Services among Black Sea Coastal States, 1998 (Ankara Agreement). Moreover, the Russian Federation revealed its obvious intention to ignore well-established order and universally recognized international principles and norms set in SAR Convention, 1979 and Ankara Agreement, 1988, while it had gone so far as to conclusion of so called "bilateral SAR agreements" with non-recognized territories in the Black Sea area.

#### **V. The Russian Federation's interference with the United States' Global Positioning System (GPS) and other Global Navigation Satellite Systems (GNSS)**

On 26 March 2019 a report was released by a nonprofit organization C4ADS (<https://www.c4reports.org/aboveusonlystars>) about the Russian Federation's interference with global navigation systems by sending out false location data to civilian ships on a vast scale, including in the northern part of the Black Sea, the Sea of Azov and the Kerch Strait.

Since February 2016, Russia engaged in 9,883 cases of suspected mimicking or "spoofing" of GPS signals, including in the maritime areas around Crimea. The deception affected 1,311 civilian vessel navigation systems.

In the Black Sea, civilian ships over the past three years reported receiving false location data on their navigation systems that sometimes placed their vessels inland at an airport. Much of the spoofing appeared to be designed to prevent drones from entering restricted airspace, but civilian ships sailing nearby often get caught in the "spillover" from the deception measures.

Specifically, in September 2016 and May 2018 vessels near the Kerch Strait reported receiving false positioning data on their navigation systems. In 2016, captains received data placing their ships at closed Simferopol airport, about 200 kilometers away in Crimea. For the 2018 visit, at least 24 vessels anchored nearby reported receiving false navigation data that located their ships at the Anapa airport 65 kilometers away.

Ukraine is gravely concerned about the reported interference by the Russian Federation with GPS and other GNSS, which contravenes International Telecommunication Union Radio Regulation 19.2 and poses a substantial risk to maritime safety in the northern part of the Black Sea, the Sea of Azov and the Kerch Strait (document MSC 102/22/5).

During July-December 2021 Ukraine recorded similar spoofing incidents as vessels near Odessa reported receiving false positioning data on their navigation systems as being in 12 miles zone near Crimea.

## **VI. Marine casualties and incidents**

The above-mentioned unauthorized unilateral actions of the Russian Federation have already led to a number of serious marine casualties and incidents:

- 1) on 30 October 2014 the railway ferry Petrovsk (IMO 8841474) collided with the oil tanker Sudak (IMO 8943155) in the Strait of Kerch. Petrovsk suffered a 4x1m gash on her port side;
- 2) on 7 October 2015 while attempting to tow a boat Rumb it capsized in the Strait of Kerch. Two crew members died;
- 3) on 19 March 2016 the vessel Lira (IMO 8516744) collided with a pillar of the bridge across the Kerch Strait, which was being constructed unlawfully by the Russian Federation;
- 4) on 8 May 2016 a large number of fuel oil was noticed from one of the vessels in waters and on land surface near the village of Lyubimovka, which is the water area of Russian-occupied Sevastopol. Local media reported severe coast and water pollution;
- 5) on 12 October 2016 three people died aboard floating crane ASPTR-1 (IMO 8953344) that sank 4 kilometres off the coast near the Russian-occupied city of Yalta, again during towing. One of the tugboat stalled in the course of search and rescue operation. Head of the so-called "Marine Rescue Service" in Crimea was taken into custody and charged with a violation of safety rules;
- 6) on 12 November 2016 a boat Rostulov capsized off the coast of Russian-occupied Sevastopol. One person is considered to be missing as a result of the casualty;
- 7) on 8 January 2017 in the Kerch Strait the pilot vessel LK-88 (MMSI 273373350) collided with the tugboat Capitan Khanakhbeev (MMSI 273199000), one crew member died;
- 8) on 22 February 2017 a fishing boat capsized off the coast of Russian-occupied Yalta. One person was rescued, two people died;
- 9) on 19 April 2017 the Panama-flagged vessel Geroi Arsenalala (IMO 8727604) with 12 people on board broke in two and sank south of the Kerch Strait. One crewman was pulled to safety in the course of search and rescue operation, three bodies were found and eight crew went missing;
- 10) on 24 May 2017 a large fuel oil spot (50x15m) was detected at water area of Russian-occupied Yalta, the pollution could cause damage to the local flora and fauna;
- 11) on 10 June 2017 a fishing boat Stealth-007 collided with a yacht Solaris off the coast of Russian-occupied Kerch, two people were killed;
- 12) on 29 July 2017 Togo-flagged m/v Anda (IMO 8027638) capsized and sank 75 nautical miles off the coast of Russian-occupied Sevastopol. One person is considered to be missing as a result of the casualty.
- 13) on 18 August 2017 a boat Dolphin-24 with 8 people on board capsized off the coast of Russian-occupied Alushta;
- 14) on 10 September 2017 a very large fuel oil spot (1000x300m) was detected at water area of Russian-occupied Sevastopol. Local media reported severe coast and water pollution;

- 15) on 17-18 October 2017 a fishing vessel Neptune polluted with fuel oil 8000 square meters of water area in Russian-occupied Sevastopol;
- 16) on 15-20 November 2017 a large fuel oil spot (200x140m) was detected at water area of Russian-occupied Sevastopol again, the pollution caused damage to the local flora and fauna;
- 17) on 15 December 2017 in the Kerch Strait the cargo vessel Sea Leader (IMO 9363998) collided with the oil tanker SVL Unity (IMO 9655470);
- 18) on 31 January 2018 in the Kerch Strait the cargo vessel BERG (IMO 8896039) sustained a serious hull breach on the starboard side. The crew were unable to control the water ingress and later were evacuated. A diving inspection subsequently revealed the vessel had three holes below the waterline. The cause of the breaches is unknown;
- 19) on 5 March 2018 in the Kerch Strait the cargo vessel ANDOR (IMO 8230285) collided with seine fishing vessel HORS;
- 20) on 5 June 2018 the oil tanker Volgoneft 214 (IMO 8934221) with 4488 tons of diesel oil on board contacted the bottom while transiting the Kerch Strait in southern direction. No leak was reported, but tanker was ordered to anchor at Russian-occupied Kerch anchorage for inspection;
- 21) on 8 September 2018 the tugboat Shkval was flooded with water in the Kerch Strait. Seven persons were rescued;
- 22) on 10 October 2018 in the Kerch Strait the cargo vessel NILA (IMO 8230314) reported water ingress and a possible crack in the hull. Seven crew members were evacuated. The salvage team made a diving inspection of the hull, which revealed several holes ranging in size from 200x80mm to 100x2mm;
- 23) on 12 October 2018 in the Kerch Strait the coaster STAVR (IMO 8869543), in ballast, collided with anchored, unlit oil barge OMUL, also in ballast;
- 24) on 13 October 2018 the cargo vessel FOM (IMO 8100624) capsized and sank 50 nautical miles off the coast of Russian-occupied Sevastopol. The crew abandoned the vessel into life-rafts and were picked up by the nearest tanker, which diverted to assist;
- 25) on 22 November 2018 the unmanned barge VD 3751 with 3300 tons of grain sank in the Sea of Azov at the entrance to the Kerch Strait. The cause of accident is unknown;
- 26) on 21 January 2019 an explosion occurred on board two LPG tankers CANDY (IMO 9005479) and MAESTRO (IMO 8810700) 12 nautical miles south from the Kerch Strait while carrying out a ship to ship transfer operation. Neither of the tankers' AIS were in operation at the time of the explosion. 19 of the combined crews have been killed: 11 bodies were found, 8 crew went missing and 12 crew have been rescued;
- 27) on 5 September 2019 a boat KAMELOT with 13 people on board sank off the coast of Russian-occupied Sudak. One person is considered to be missing as a result of the casualty;
- 28) on 15 December 2019 a floating dock PD-16 with diesel submarine B-380 in it sank in Russian-occupied Sevastopol. Local media reported severe water pollution from fuel oil spills.
- 29) on 24 October 2020 oil/chemical tanker GENERAL HAZI ASLANOV (IMO 9333577) suffered explosion and fire north of Kerch Strait allegedly due to unsecure maintenance welding works, which sparked off explosion. 3 of 13 crew members reported dead.

The Russian Federation continues to exploit the water adjacent to the temporarily occupied Crimea for the ship to ship transportation of gas / oil and other natural resources illegally imported / exported to / from Crimea. The vessels engaged in these activities are spotted to turn off onboard AIS stations. The mentioned water areas are also used for bunkering at sea for tankers, which apparently receive diesel fuel from the sea tankers which are arriving from Russian ports as well as from other Black sea states. Given the technical condition of the monitored vessels, there are grounds to believe more maritime incidents can occur endangering the safety and security of navigation and the environmental situation in this area.

## **VII. Unauthorized and unlawful practices associated with the ship registration, certification of seafarers, and class and statutory certificates**

It has come to Ukraine's notice that the Russian occupation authorities in Crimea, notwithstanding their lack of legal authority to do so, have purported to:

### *1) issue certificates of the right to sail under the flag of the Russian Federation since September 2014*

For instance, on 25 March 2018 the Ukrainian Coast Guard detained the fishing vessel NORD (IMO 8729846) in the Sea of Azov for illegal fishing and violation of the procedures for entry to and departure from Crimea (Article 332-1 of the Criminal Code of Ukraine). The master of the fishing vessel presented a certificate of the right to sail under the flag of the Russian Federation, which was unlawfully issued by the occupation authorities in Crimea. The vessel has not been deleted from the State Ship Register of Ukraine either.

The relevant Report and the list of 134 ships unlawfully registered in Crimea under the flag of the Russian Federation was distributed by the IMO Secretariat under Circular Letter No.4298 of 28 May 2020. Respective list are growing from year to year, in particular due to those ships, which were excluded from the maritime registers of other states for violating the regime of closed seaports announced by Ukraine as well as the relevant sanctions regimes introduced by the EU and other states.

Ukraine requests the IMO Member States to go further and regard ships, fraudulently registered by Russian occupation authorities in Crimea, as those without nationality, with all legal consequences this may entail under UNCLOS.

### *2) issue certificates of competency and seafarers' identity documents since July 2015*

It is worth noting that in July 2014, the Ministry of Infrastructure of Ukraine temporarily suspended its issuance of certificates of competency and seafarers' identity documents in Crimea. The Ukrainian authorities in the seaports of Chornomorsk, Izmail, Kherson, Mariupol, Mykolaiv and Odesa continue to issue certificates of competency and seafarers' identity documents.

In this regard, the Ukrainian side reminds IMO Member States that the provisions of the STCW Convention regarding the possibility of direct communication do not apply to Crimea. The Ukrainian authorities in Kyiv remain responsible for determining the communication procedures applicable in Crimea.

However, the Russian occupation authorities continue with the aforementioned illegal practice.

In particular, on 26 November 2019 the Maritime and Coastguard Agency detained the vessel JIREH (IMO 7112204) at Portland port, the United Kingdom. Three crew members presented unlawful certificates issued by the so-called "Center of training of seafarers 'Armator'" and "Federal state budgetary educational institute of higher education 'Kerch state maritime technological university'" in Crimea:

- 1) Evgenii Diakovskii, Master – certificate No. 0063/2017 (IMO Model course 1.10), certificate No. AB 0579967 (Advance fire fighting), certificate No. AB 0580304 (Medical first aid);
- 2) Vladimir Skorokhodov, Able Seaman – certificate No. AB 0329803 (Basic safety training), certificate No. AB 0330219 (Training of seafarers with designated security duties), certificate No. AB 0330000 (Proficiency in survival craft and rescue boats other than fast rescue boats);
- 3) Oleg Punko, Ordinary Seaman – certificate No. AB 0860433 (Medical first aid).

Consequently, the above-mentioned crew members were repatriated.

### 3) *carry out surveys and issue certificates under mandatory IMO instruments*

On 31 July 2014 the Russian Maritime Register of Shipping established, in breach of Ukrainian laws, the so-called “branch in the Russian Federation” in the city of Sevastopol and a survey station in the city of Kerch.

Moreover, notwithstanding the decision of Ukrainian authorities to suspend its activity in Ukraine since 11 April 2017, the Russian Maritime Register of Shipping continues to provide statutory and certification services in Crimea, in particular to those ships (under the flag of Russia and other states), which violate the regime of closed ports in Autonomous Republic of Crimea, and thus directly promotes illegal activities of the Russian occupation administration. Such activities, among other things, show signs of violation of IMO conventions in the field of shipping.

It should be recalled that the non-recognition of the attempted annexation of Crimea by the Russian Federation implies, inter alia, that States should take no action with regard to the administrative decisions taken and documents issued by the occupation authorities in Crimea that might be interpreted as recognizing an alteration in the status of Crimea.

The Ukrainian side also stresses that any requests made by the Russian authorities, regardless of whether they are issued by the Russian occupation authorities (Federal or Crimean regional) are to be treated in a manner consistent with the principle of non-recognition invoked in the United Nations General Assembly’s resolutions on Crimea.

In view of the above, the Ukrainian side reiterates that any documents issued after July 2014 by the Russian occupation authorities in Crimea, including the Russian Maritime Register of Shipping, should be considered unauthorized and unlawful (LEG 107/6/2; HTW 7/5; III 7/14/3, LEG 108/5/2, as well as Circular Letters Nos.3777, 3830, 3882, 3942, 4017, 4207, 4298, 4316, 4388 and 4439).

Moreover, in line with the UNGA resolution 68/262, Ukraine calls on IMO Member States to consider similar restrictive measures against Russian occupation authorities in Crimea, including the Russian Maritime Register of Shipping, in response to its unauthorized and unlawful practices in Crimea that undermine the sovereignty and territorial integrity of Ukraine, with grave implications for the safety and security of navigation.

### **VIII. Other unlawful activities in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine**

As of 1 January 2020, the competent authorities of Ukraine have also revealed illegal activity of the following foreign companies in the temporarily occupied Crimea that undermines the sovereignty and territorial integrity of Ukraine, contrary to the United Nations General Assembly resolution 68/262 of 27 March 2014, and violates Ukrainian laws:

- 1) an attempt was made by the Certification Association “Russian Register” to issue on behalf of the IQNet Association an ISO 9001:2015 quality management certificate to the so-called “Sevastopol branch of Federal State Budget Institution ‘Maritime administration of Black Sea ports’”, which was unlawfully created by the Russian occupation authorities. This incident was considered at the IQNet General Assembly in June 2017 and the certificate (No.RU-16.1796.026 dated 30 November 2016) has been effectively withdrawn by the “Russian Register”;
- 2) on 5 April 2018 during PSC inspection in port of Pivdennyi (UA YUZ) the ship master presented class and statutory certificates for m/v Seabreeze (IMO 9143312) issued by Bureau Veritas (BV) surveyor Nikolay Plakhin on 11.11.2014 and 09.10.2015. The stamp on all certificates contained “Surveyors in Sevastopol, PARIS 1828, Bureau Veritas, International Register”. BV Ukraine confirmed that the office rent

contract in Crimea was terminated and the employees in Sevastopol were dismissed on 20.06.2014. All the concerned certificates have been withdrawn by BV;

- 3) in May 2018 another unlawful ISO 9001:2015 quality management certificate (No.RU-17.1266.026 dated 17 August 2017) issued on behalf of the IQNet Association to the so-called "Federal state budgetary educational institute of higher education "Kerch state maritime technological university" has been withdrawn by the "Russian Register";
- 4) on 13 February 2019 the Russian Maritime Register of Shipping unlawfully issued a recognition certificate No.19.58323.184.VGM to the so-called "Sevastopol branch of Limited Liability Company 'AVAL'" as a company, which acts according to IMO Resolution MSC.380(94) for obtaining verified gross mass of containers;
- 5) on 30 July 2019 the Federal Agency of Maritime and Inland Transport of the Russian Federation unlawfully issued certificates of equipment type approval (Nos.19.61121.184 and 19.61122.184) to the so-called "Daughter scientific-production enterprise 'Musson-Morsvyaz-Servis' Ltd." (Sevastopol, Ukraine) for float-free satellite position-indicating radio beacon of the COSPAS-SARSAT system, types MP-406 and MP-406(R);
- 6) on 26 September 2019 a certificate of registration under the flag of the Republic of Palau No.190900055300001201 was unlawfully issued by Mr. Aristofanis Chionis on behalf of the Palau International Ship Registry (PISR) to the passenger vessel SKS ONE (IMO 7822160), which has been mooring in the closed port of Sevastopol (UA SVP);
- 7) on 4 December 2019 the Certification Association "Russian Register" unlawfully issued an ISO 9001:2015 quality management certificate No.19.2335.026 to the so-called "Sevastopol branch of Federal State Budget Institution 'Maritime administration of Black Sea ports'" in respect of rendering of services in maritime transport in the field of maritime safety, state registration of ships, the issuance of a seafarer's identity card, certification and competency assessment of crew members of ships in accordance with the requirements of Regulation I/8 of the 1978 STCW Convention;
- 8) on 20 May 2020 a certificate of registration under the flag of the Republic of Palau No.200500100200003981 was unlawfully issued by Mrs. Kyriaki Kresta on behalf of the Palau International Ship Registry (PISR) to the tanker VIVA 962 (IMO 8878764), which has been mooring in the closed port of Sevastopol (UA SVP).

Consequently, the Ukrainian side reiterates that any certificates issued after 15 July 2014 by the Certification Association "Russian Register", the Russian Maritime Register of Shipping, the Federal Agency of Maritime and Inland Transport of the Russian Federation and the Palau International Ship Registry in Crimea are null and void, have no legal effect and, by its very nature, should be considered unlawful.

#### **IX. The Russian Federation's interference with navigation in the Black Sea, the Sea of Azov and the Kerch Strait**

Following the occupation of Crimea, the Russian Federation has engaged in the unilateral and unauthorized construction of a bridge across the Kerch Strait, which impermissibly interferes with navigation and excludes Ukraine from exercising its sovereign rights in the Kerch Strait and the Sea of Azov. The bridge begins on Russia's Taman peninsula, passes over Ukraine's Tuzla Island, and terminates on the Crimean peninsula. Russia's bridge impedes the ability of large vessels to navigate through the strait and access Ukraine's Sea of Azov ports, and also threatens to harm the marine environment.

In particular, the bridge limits the size of ships that can reach the Ukrainian ports on the Sea of Azov to an air draft of less than 33 metres and a length of less than 160 metres, which has made entry

into the Sea of Azov impossible for Panamax-class vessels and other large vessels that previously had routinely transited the Kerch Strait. This has had a major impact on traffic to Ukraine's ports. The Russian Federation's ports, in contrast, have not been affected. The only significant Russian ports in the region are river ports that were never capable of accepting the sorts of large vessels that called at Mariupol and Berdiansk, Ukraine's major sea ports on the north coast of the Sea of Azov.

July

On 23 December 2019 the Russian Federation finalized the construction of the railway section of the bridge without Ukraine's consent.

Since 29 April 2018, the Russian Federation has also engaged in a new campaign to interfere with navigation in the Black Sea, the Sea of Azov and the Kerch Strait. Ever since it has illegally stopped over 3600 cargo vessels in the Kerch Strait and the Sea of Azov bound for Mariupol or Berdiansk. In many cases, the cargo vessels have been subjected to multiple inspections on their way to and/or returning from these ports, resulting in significant delays of up to one week and attendant economic losses. In contrast, vessels bound for Russian ports on the Sea of Azov have not been subject to similar disruptive stoppages by the Russian government.

Despite the overwhelming international condemnation, including within the framework of the United Nations and the IMO, the Russian Federation refuses to discontinue its illegal actions. The situation continues to deteriorate, lately linked to the attempted suspensions the right of peaceful passage in maritime areas around Crimea, announced by the Russian Federation starting from April 2021.

During 2020-2021 there over 3200 cases of illegal stoppages of ships passing the Kerch Strait which were heading to/from Ukrainian seaports of Mariupol and Berdiansk. However, the vessels bound for Russian Federation's ports have not been affected. In many cases, the commercial vessels have been subjected to multiple unreasonable inspections on their way to and/or returning from these ports with critical export cargoes, which resulted in significant delays – from average 1-3 days waiting time up to one week or more (max 258 hours), and attendant losses.

Notwithstanding all the declarations by the Russian Federation about the dependence of these figures on seasonal conditions or the limited capacity of the Kerch-Yenikale Canal, the causes of the problems are artificially created by the occupation administration of the Russian Federation in Crimea. They have a dramatic impact on socio-economic situation in region suffering from the Russian belligerent occupation. They also inflict significant costs to the crews, shipowners / operators, as well as flag States of the commercial vessels that Russia has harassed.

Major victims of Russia's illegal acts are ships flying flags of Panama, Liberia, Malta, Comoros, Turkey, Moldova, Bulgaria, Palau, Vanuatu and many others, whereby the most affected are the shipowners from Turkey, Bulgaria, Lebanon, Greece, Austria, Egypt, Liberia and Marshal Islands.

Ukraine calls on all flag States and shipowners that have suffered losses as a result of the actions of the Russian Federation not to ignore these cases, providing relevant reports to the IMO, and put pressure on Russia to diligently fulfil its international obligations.

The Russian Federation's actions constitute a blatant violation of the right to freedom of navigation in the Kerch Strait and the Sea of Azov guaranteed by UNCLOS. Among other things, Russia has an obligation under UNCLOS not to impede transit passage through the Kerch Strait, which is an international strait. Nor may Russia interfere with navigation in Ukraine's territorial sea in the Kerch Strait or either Ukraine's territorial sea or exclusive economic zone in the Sea of Azov. The Russian Federation's discriminatory inspections of cargo vessels bound for Ukraine's Sea of Azov ports are inconsistent with Russia's fundamental obligations under article 2 of the Charter of the United Nations, UNCLOS, FAL Convention as well as bilateral agreements between Ukraine and Russia.

On 21 February 2020 an arbitral tribunal constituted under UNCLOS issued a major ruling in Ukraine's case against the Russian Federation, repudiating the latter's position that it lacks jurisdiction over the case and determined that it would hear significant aspects of Ukraine's claims,

including those related to Russia's violations of UNCLOS in the Kerch Strait and Sea of Azov. The Tribunal rejected Russia's effort to escape accountability for its conduct in the Sea of Azov and Kerch Strait. Thus, Russia will face legal scrutiny for its illegal construction of the Kerch Bridge and its harassment of vessels in the Sea of Azov, both of which harm international navigation.

The recent United Nations General Assembly resolution 76/70 of 9 December 2021 also repeatedly condemned the construction and opening by the Russian Federation of the Kerch Strait bridge and the railway bridge, which form a part of the Tavrida highway project, between the Russian Federation and temporarily occupied Crimea, which restricts the size of ships that can reach the Ukrainian ports on the Azov coast, and also condemned the harassment of commercial vessels by the Russian Federation and its restriction of international navigation in the Black Sea, the Sea of Azov and the Kerch Strait both for commercial vessels going to and from ports of Ukraine and for government ships sailing under various flags, which further exacerbate tensions in the region and beyond.

The General Assembly repeatedly called upon the Russian Federation to refrain from impeding the lawful exercise of navigational rights and freedoms, including but not limited to closure of sea areas under the pretext of military exercises, in the Black Sea, the Sea of Azov and the Kerch Strait in accordance with applicable international law, including provisions of UNCLOS.

Consistent with the United Nations General Assembly's resolutions, Ukraine urges the Russian Federation to ensure unhindered and free passage through the Kerch Strait to the Ukrainian ports in the Sea of Azov, in accordance with international law.

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