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Prevention of armed conflict:

Prevention of armed conflict

Strengthening the role of mediation in the peaceful
settlement of disputes, conflict prevention and resolution

Oceans and the law of the sea: oceans and the law of the sea

Letter dated 7 March 2019 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith information on the position of the Russian Federation in connection with the adoption of the Contiguous Zone of Ukraine Act (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the current session of the General Assembly under agenda items 34 (a) and (b) and 78 (a).

(Signed) V. Nebenzia



Annex to the letter dated 7 March 2019 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

Position of the Russian Federation in connection with the adoption of the Contiguous Zone of Ukraine Act

With regard to the adoption of the Contiguous Zone of Ukraine Act, it is the understanding of the Russian Federation that the geographical area to which this Act applies is the part of the Black Sea that is contiguous to the coast of Ukraine. The Sea of Azov, we recall, is part of the internal waters of Russia and Ukraine. Therefore, the provisions on contiguous zones of the United Nations Convention on the Law of the Sea of 1982 do not apply to it, nor, consequently, does the Act establishing the contiguous zone of Ukraine under the Convention. Furthermore, as Crimea has become a part of the Russian Federation, the Act cannot apply to the part of the Black Sea that surrounds Crimea. The Kerch Strait, where Russia is currently the sole coastal State, cannot in principle be included in the contiguous zone of Ukraine.

A number of the provisions contained in the Act, and the changes it makes to the State Border Guard Service of Ukraine Act, fall outside of the powers granted to a coastal State in its contiguous zone under international law. Specifically, under the Convention, a coastal State may exercise control in the contiguous zone to prevent certain violations and to punish them only when such violations are committed within its territory or territorial sea. By contrast, the Act provides for coercive measures, including the inspection of a ship that committed violations outside of the territory of Ukraine as the ship passes or sails through the contiguous zone of Ukraine. We believe that this expansion of the powers of the coastal State contravenes the principles and norms of international law.

It goes without saying that the inclusion in the Act of language that makes reference to the Russian Federation in an inadmissible context, especially in view of the provision made in the Act for the use of weapons by Ukrainian law enforcement, is unacceptable. The Ukrainian authorities bear the responsibility for adopting legislation that contravenes international law and for any negative consequences arising in connection with the application of such legislation.
