

Item 22.
Complaint by Ukraine regarding the Decree of the Supreme Soviet of the Russian Federation concerning Sevastopol

Initial proceedings

By a letter¹ dated 16 July 1993, addressed to the President of the Security Council, the representative of Ukraine transmitted to the Council the text of a letter dated 14 July 1993 from the Minister for Foreign Affairs of Ukraine, addressed to the President of the Council, requesting an urgent meeting of the Security Council, on 9 July 1993, of a decree of the Supreme Soviet of the Russian Federation concerning the Ukrainian city of Sevastopol. The decree cited “Russian federal status for the city of Sevastopol within the administrative and territorial borders of the city district as of December 1991”, and entrusted the Russian Government with the task of working out a State programme to ensure the status of Sevastopol.

In his letter, the Minister of Foreign Affairs of Ukraine stated that the Supreme Soviet’s action was in flagrant disregard of universally recognized principles and norms of international law, in particular Article 2 (4) of the Charter. It also constituted an overt encroachment on the territorial inviolability of Ukraine, an interference in its internal and external affairs, and was incompatible with the aims and principles of the United Nations. The letter concluded by rejecting any territorial claims and appealed to the Security Council to use its full authority to have the “illegal decision” cancelled by the Parliament of the Russian Federation and to warn it against taking further decisions, which could jeopardize international peace and security.

In an earlier letter² dated 13 July 1993, addressed to the President of the Security Council, the representative of Ukraine transmitted to the Council the text of a statement

¹ S/26100.

² S/26075.

issued on 9 July 1993 by the President of Ukraine on the decision of the Supreme Soviet (Parliament) of the Russian Federation, by which the Ukrainian city of Sevastopol was proclaimed as belonging to Russia. The President of the Ukraine contended that the decision represented an open interference in the internal affairs of Ukraine, and an infringement of its territorial integrity and the inviolability of its borders. Moreover, it violated the international obligations resulting from Russia's membership in the United Nations, its participation in the Conference on Security and Cooperation in Europe (CSCE), and bilateral Ukrainian-Russian agreements, particularly the treaty on friendship, good neighbourliness and co-operation signed at Kiev, on 19 November 1990, which had been ratified by the Russian Parliament and registered with the United Nations Secretariat.

By a letter³ dated 19 July 1993, addressed to the President of the Security Council, the representative of the Russian Federation transmitted the text of a statement, issued on 11 July by its Ministry of Foreign Affairs, in connection with the resolution of the Russian Supreme Council regarding the status of the city of Sevastopol. The statement contended that the resolution departed from the policy followed by the President and the Government of the Russian Federation in upholding Russian interests as regards matters relating to the Black Sea fleet and in maintaining bases for the navy of the Russian Federation in Ukraine, in the Crimea and in Sevastopol. It also emphasized that territorial problems could be settled only through political dialogue, taking into consideration the opinions and interests of the various population groups. Any settlement should also strictly observe all treaties and agreements entered into with the Ukrainian side, as well as the principles of the CSCE and the United Nations.

Decision of 20 July 1993 (3256th meeting): statement by the President

At its 3256th meeting on 20 July 1993, the Security Council included in its agenda an item entitled "Complaint by Ukraine regarding the Decree of the Supreme Soviet of the Russian Federation concerning Sevastopol" and the letters mentioned above. After

³ S/26109.

the adoption of the agenda, the Council invited the representative of Ukraine, at his request, to participate in the discussion without the right to vote. The President (United Kingdom) then drew the attention of the members of the Council to two letters⁴ dated 13 and 19 July 1993, respectively, from the representatives of Ukraine and the Russian Federation, addressed to the President of the Security Council.

The representative of the Ukraine contended that the “irresponsible” decision by the Russian Parliament could only be described as a “flagrant flouting” of the fundamental principles and norms of international law, in particular Article 2 (4) of the United Nations Charter. It constituted a clear encroachment on Ukraine’s territorial inviolability, a revision of existing boundaries, interference in its internal affairs and was, in both spirit and letter, incompatible with the purposes and principles of the United Nations. The decision was also a flagrant violation of the international commitments flowing from Russia’s membership in the United Nations, its participation in the CSCE, and the Kiev Treaty. The decree was, in essence, a “time bomb” which should not be understated. He warned that if the Russian authorities attempted to implement it, Ukraine might be forced to take “appropriate actions” to defend its sovereignty, territorial integrity and inviolability, which could have unforeseeable consequences and seriously threaten the maintenance of international peace and security. Invoking Article 34 of the Charter, the speaker called on the Council to use its full authority to condemn the decree and declare it invalid, and to warn against further steps that might threaten peace and international security. The lack of such a response, he said, could undermine confidence in the Council’s authority. The Council had to carry out an act of preventive diplomacy and prevent an escalation of illegal actions.⁵

The representative of the Russian Federation emphasized that the decree adopted on 9 July 1993 by the Supreme Soviet concerning the status of Sevastopol diverged from the policy of the President and the Government of the Russian Federation. He contended that his country remained dedicated to the principle of the inviolability of the borders within the Commonwealth of Independent States and would strictly abide by its

⁴ S/26075 and S/26109, respectively.

⁵ S/PV.3256, pp. 6-13.

obligations under international law, the Charter and the principles of the CSCE. Regarding its relations with Ukraine, Russia would continue to be guided by its bilateral treaties and agreements and in particular those concerning respect for each other's sovereignty and territorial integrity. He emphasized that the Russian Federation felt that any problem, no matter how complex, could be resolved only within the framework of political dialogue, taking into account the views and interests of the various sectors of the population and in strict compliance with treaties and agreements with the Ukrainian side and the principles of the CSCE and the United Nations.⁶

The President stated that, after consultations among the members of the Council, he had been authorized to make the following statement⁷ on behalf of the Council:

“The Security Council has considered the letters dated 13 and 16 July 1993 from the Permanent Representative of Ukraine to the President of the Council (S/26075 and S/26100), transmitting a statement by the President of Ukraine on the Decree adopted by the Supreme Soviet of the Russian Federation on 9 July 1993 concerning Sevastopol and a letter from the Minister for Foreign Affairs of Ukraine on the same matter.

“The Security Council has also considered the letter dated 19 July 1993 from the Permanent Representative of the Russian Federation (S/26109), circulating a statement by the Minister for Foreign Affairs of the Russian Federation concerning the aforementioned Decree.

“The Security Council shares the deep concern, and welcomes the position, expressed by the President and the Minister for Foreign Affairs of Ukraine concerning the Decree of the Supreme Soviet of the Russian Federation. In this context, it also welcomes the position taken by the Ministry for Foreign Affairs on behalf of the Government of the Russian Federation.

“The Security Council reaffirms in this connection its commitment to the territorial integrity of Ukraine, in accordance with the Charter of the United Nations. The Security Council recalls that in the Treaty between the Russian Federation and Ukraine, signed at Kiev on 19 November 1990, the High Contracting Parties committed themselves to respect each other's territorial integrity within their currently existing frontiers. The Decree of the Supreme Soviet of the Russian Federation is incompatible with this commitment as well as with the purposes and principles of the Charter of the United Nations, and without effect.

⁶ S/PV.3256, pp. 14-16.

⁷ S/26118.

“The Security Council welcomes the efforts of the Presidents and the Governments of the Russian Federation and Ukraine to settle any differences between them by peaceful means and urges that they take all steps to ensure the avoidance of tension.

“The Security Council will remain seized of the matter.”