

**Unofficial translation.** Created as part of the research project “The Ukraine Crisis and the International Law of the Sea”. Contact: **Dmytro Koval**, Associate Professor of International Law and International Relations at National University “Odesa Law Academy”, Ukraine, [dkoval@onua.edu.ua](mailto:dkoval@onua.edu.ua); **Valentin Schatz**, Research Associate, Chair of Public Law, in particular Public International Law and European Law (Professor Alexander Proelss), University of Trier, Germany, [schatz@uni-trier.de](mailto:schatz@uni-trier.de)

## **Agreement between the Russian Federation and Ukraine on Cooperation in the Use of the Sea of Azov and the Kerch Strait**

The Russian Federation and Ukraine, hereinafter referred to as the Parties, guided by the relations of friendship and cooperation between the peoples of Russia and Ukraine, historically formed ties between them;

guided by the provisions of the Treaty on Friendship, Cooperation and Partnership between the Russian Federation and Ukraine of 31 May 1997, and the Treaty between the Russian Federation and Ukraine on the Russian-Ukrainian State Border of 28 January 2003;

noting the importance of the Sea of Azov and the Kerch Strait for the economic development of Russia and Ukraine;

convinced that all matters relating to the Sea of Azov and the Kerch Strait should be resolved only by peaceful means together or by agreement between Russia and Ukraine;

based on the need to preserve the Azov-Kerch area of water as an integral economic and natural complex used in the interests of Russia and Ukraine;

agreed on the following:

### Article 1

The Sea of Azov and the Kerch Strait have historically been internal waters of the Russian Federation and Ukraine.

The Sea of Azov is delimited by a line of the state border in accordance with an agreement between the Parties.

The settlement of issues related to the Kerch Strait area of water is carried out by agreement between the Parties.

### Article 2

1. Merchant ships and warships, as well as other state vessels flying the flag of the Russian Federation or Ukraine, operated for non-commercial purposes, enjoy freedom of navigation in the Sea of Azov and the Kerch Strait.

2. Commercial vessels flying the flags of third states may enter the Sea of Azov and pass through the Kerch Strait if they go to or return from a Russian or Ukrainian port.

3. Warships and other state vessels of third states operated for non-commercial purposes may enter the Sea of Azov and pass through the Kerch Strait if they are sent with a visit or

business call to a port of one of the Parties at its invitation or permission agreed with the other Party.

#### Article 3

Russian-Ukrainian cooperation, including their common activity in the field of navigation, including its regulation and navigational and hydrographic support, fisheries, protection of the marine environment, environmental safety, and search and rescue in the Sea of Azov and the Kerch Strait are guaranteed both through the implementation of existing agreements and, in relevant cases, through the conclusion of new agreements.

#### Article 4

Disputes between the Parties related to the interpretation and application of this Agreement should be resolved through consultations and negotiations, as well as through other peaceful means at the Parties' choice.

#### Article 5

This Agreement is subject to ratification and it enters into force upon exchange of the instruments of ratification of the Parties.

Amendments and additions to this Agreement should be regulated in separate protocols, which enter into force in accordance with the procedure described in paragraph 1 of this Article.

DONE at Kerch on December 24, 2003, in duplicate, each in the Russian and Ukrainian languages, both texts being equally authentic.