CHAPTER 10

The Sea of Azov and the Kerch Straits

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1 Introduction

What we call today the Sea of Azov, the Ancient Greeks called the Lake Maeotis (Μαιώτις in Ancient Greek).1 This “lake-size” sea played a significant role in Russian history. The Russian Azov campaign, which happened in 1695, was a very symbolic event demonstrating the significance of having a naval fleet and marked the beginning of Russia’s turning into a maritime power.2

For the next 300 years this sea was probably among the quietest places in the world ocean,3 situated entirely within the southern part of the territory of Imperial Russia and later the Union of Soviet Socialist Republics (U.S.S.R.). From the international law perspective there were no “battles” among the differing views of scientists or claims on maritime spaces from other states. There were only some law publications of the XXth century that referred to the Sea of Azov among those gulfs “which may be regarded as part of the territorial sea”;4

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1 Adrian Room, Placenames of the World (2006), 42.

2 On October 20, 1696 the Boyar Duma (the highest Russian Tsar council, beginning in 1547) decreed the creation of the military fleet and this date is considered to be the birthday of the regular Russian Navy. Russia’s successful Azov campaign also strengthened its position during the Karlowitz Congress of 1698–1699 and the signing of the Treaty of Constantinople in 1700 between the Ottoman Empire and Russia, which gave Russia control over the Azov Sea.

3 Also taking into consideration the Sea of Azov battles during World War II.

and others that expressed the opinion that it could be considered as internal waters.5

The Kerch Strait, which is located between the Kerchansky and Tamansky Peninsulas, is the only waterway connecting the Sea of Azov with the Black Sea. It is 40 kilometers in length and separates the Crimea in the west from the Taman peninsula in the east. Its northern end, opening into the Sea of Azov, the narrowest area in the Chuska landspit has a width ranging between 3.2–4.8 kilometers; and the southern end, opening into the Black Sea, which is 14 kilometers wide.

During the Soviet period the Sea of Azov and the Kerch Strait were part of the internal waters of the U.S.S.R. and by law the straight baseline was drawn between Cape Kyz-Aul—Cape Geleznyi Rog, making the Kerch Strait entrance internal waters.6 However, following the dissolution of the former U.S.S.R. in 1991 the status of the Sea of Azov and Kerch Strait changed.7 The Sea of Azov found itself with two coastal states, Ukraine and the Russian Federation, transforming it into an international waterway, each state claiming sovereignty ambitions over the Strait, the only water-way connecting the Sea of Azov with the Black Sea. This division created problems between the two States which continues today to be unresolved.

Two key issues will be addressed in this chapter regarding the Kerch Strait and Sea Azov: delimitation and navigational issues.

2 Legal Status of the Kerch Strait

Subsequent to the Act of the Russian Supreme Council N 4732-1, adopted on April 1, 1993 (Boundary Act),8 all administrative boundaries between the former Soviet Republics were granted “state” status. However, as no borders

5 P. C. Jessup stated that this contention “seems reasonable and any such Russian claim would not be contested” Philip C. Jessup, The Law of Territorial Waters and Maritime Jurisdiction, (New York, 1927) 383; A. N. Nikolaev regards the Sea of Azov as part of the “internal waters of the U.S.S.R.”. A. N. Nikolaev, Territorial Waters Problems in International Law. (M., Goskomizdat, 1954); Gidel was of the opinion that certain maritime areas—of which the Sea of Azov is one—should not be treated as falling within the category of historic waters “because, pursuant to the rules of the ordinary international law of the sea, these areas are in any case internal waters”. Gilbert Gidel, Le droit international public de la mer (Paris, 1932). Nikolaev, Territorial waters problems in international law, 663.