

Statute of Ukraine concerning the State frontier, 4 November 1991

Ukraine, guided by the Constitution of Ukraine, the Declaration of the State Sovereignty of Ukraine and the Act of Proclamation of the Independence of Ukraine, is steadfastly pursuing a policy of peace and favours strengthening the security of the peoples of Ukraine on the basis of the principles of the inviolability of State frontiers, which are a reflection of the territorial integrity, political and economic independence, sovereignty and unity of Ukraine. The State frontier of Ukraine is inviolable. Any violations of the State frontier will be firmly suppressed.

I. General provisions

Article 1 The State frontier of Ukraine

The State frontier of Ukraine is a line and the vertical surface passing through that line which determine the limits of the territory of Ukraine - land, water, mineral resources and airspace.

Article 2 Determination of the State frontier of Ukraine and arrangements for its protection

The State frontier of Ukraine is determined by the decisions of the Supreme Soviet of Ukraine and also by the international treaties entered into by Ukraine. The Cabinet of Ministers of Ukraine shall, within the limits of its powers, take steps to ensure the protection and defence of the State frontier and the territory of Ukraine.

Article 3 Establishment of the State frontier of Ukraine

Except as otherwise provided by the international treaties concluded by Ukraine, the State frontier of Ukraine shall be established:

- (1) On land: on the basis of the characteristic points and lines of the terrain or clearly visible landmarks;
- (2) At sea: along the outer limit of the territorial sea of Ukraine;
- (3) On navigable rivers: along the midline of the main channel or thalweg of the river; on non-navigable rivers (streams): along their midline or along the midline of the main branch of the river; on lakes and other bodies of water: along a straight line joining the points at which the State frontier of Ukraine intersects the shores of the lake or other body of water. The State frontier of Ukraine passing through a river (stream), lake or other body of water shall not be shifted when there is a change in the contour of its shores or its water level or when there is a deviation of the bed of the river (stream) in either direction;
- (4) On the reservoirs of hydroelectric power plants and other artificial bodies of water: in accordance with the line of the State frontier of Ukraine which passed through the area before it was flooded;
- (5) On the railway and highway bridges, dams and other structures passing through the frontier sectors of

navigable and non-navigable rivers (streams): along the midline or the technological axis of the said structures, irrespective of the course of the State frontier of Ukraine on the water.

Article 4
Marking of the State frontier of Ukraine

The State frontier of Ukraine shall be marked in situ by clearly visible frontier markers, whose shape, dimensions and method of erection shall be determined by the legislation of Ukraine and by the international treaties concluded by Ukraine.

Article 5
The territorial sea of Ukraine

The territorial sea of Ukraine includes the coastal marine waters having a width of 12 nautical miles measured from the line of minimum low tide both on the mainland and on islands belonging to Ukraine, or from the straight baselines joining the corresponding points. The geographical coordinates of the said points shall be confirmed by a procedure established by the Cabinet of Ministers of Ukraine. In individual cases, a different width of the territorial sea of Ukraine may be established by the international treaties concluded by Ukraine, and if there are no such treaties, then in accordance with the generally recognized principles and norms of international law.

Article 6
The internal waters of Ukraine

The internal waters of Ukraine include:

- (1) Marine waters situated on the landward side of the straight baselines adopted for the measurement of the width of the territorial sea of Ukraine;
- (2) Such waters of the ports of Ukraine as are bounded by a line passing through the permanent port structures which extend farthest seaward;
- (3) The waters of bays, bights, inlets and estuaries, harbours and roadsteads whose shores belong in their entirety to Ukraine, out to a straight line drawn from one shore to the other at the point where one or several passages are first formed from the seaward side, provided that the width of each of them is not more than 24 nautical miles;
- (4) The waters of bays, bights, inlets and estuaries, seas and straits historically belonging to Ukraine;
- (5) The waters of those rivers, lakes and other bodies of water out to the line of the State frontier whose shores belong to Ukraine.

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II. Regime of the State frontier of Ukraine

Article 8
Determination of the regime of the State frontier of Ukraine

The regime of the State frontier of Ukraine - the procedure for crossing the State frontier of Ukraine, navigation by Ukrainian and foreign non-military vessels and warships in the territorial sea and the internal waters of Ukraine and their stay therein, visits by foreign non-military vessels and warships to the internal waters and the ports

of Ukraine and their stay therein, the maintenance of the State frontier of Ukraine, the performance of work of various kinds, the carrying on of industrial and other activity on the State frontier of Ukraine - shall be determined by this Statute, by other acts forming part of the legislation of Ukraine and by the international treaties concluded by Ukraine.

Article 9
Crossing of the State frontier of Ukraine

Railway, motor-vehicle, marine, river, air and other transport across the State frontier of Ukraine shall be carried on at points of admission established by the Cabinet of Ministers of Ukraine, in accordance with the legislation of Ukraine and the international treaties concluded by Ukraine. Admission checkpoints of the Frontier Forces, customs offices and other offices engaged in monitoring the State frontier shall be established at the points of admission across the State frontier of Ukraine.

Marine and river non-military vessels and warships shall cross the State frontier of Ukraine in accordance with this Statute, with other acts forming part of the legislation of Ukraine and with the rules issued by the competent authorities of Ukraine and published in the established manner. Aircraft shall cross the State frontier of Ukraine within specially designated air flight corridors in accordance with this Statute, with other acts forming part of the legislation of Ukraine and with the rules issued by the competent authorities of Ukraine and published in the established manner.

Flight across the State frontier of Ukraine outside the air flight corridors shall be permitted only with the consent of the competent authorities of Ukraine.

Article 10
Take-off and landing of aircraft

The take-off of Ukrainian and foreign aircraft from the territory of Ukraine and the landing of such aircraft after flying into the territory of Ukraine shall be carried out at airfields (aerodromes) which are open to international flights and at which there are admission checkpoints of the Frontier Forces for Ukraine and customs offices. Any other procedure for the take-off and landing of aircraft shall be permitted only with the consent of the competent authorities of Ukraine.

Article 11
Inspection at the time of crossing the State frontier of Ukraine

Persons, means of transport, freight and other property crossing the State frontier of Ukraine shall be subject to frontier and customs inspection. In appropriate cases health and quarantine inspections, veterinary and plant-health inspections, inspections to monitor the export of objects of cultural value from the territory of Ukraine and other inspections shall be carried out. The inspections shall be organized and carried out in a manner established by acts forming part of the legislation of Ukraine.

Article 12
Permission of the passage of persons, means of transport, freight and other property across the State frontier of Ukraine

The passage of persons crossing the State frontier of Ukraine shall be permitted by the Frontier forces of Ukraine on the basis of valid documents conferring the right to enter the territory of Ukraine or to leave Ukraine. The passage of means of transport, freight and other property across the State frontier of Ukraine shall be permitted in accordance with the legislation of Ukraine and with the international treaties concluded by Ukraine. In accordance with the international treaties concluded by Ukraine, simplified procedures may be established by the

Cabinet of Ministers of Ukraine for the passage of persons, means of transport, freight and other property across the State frontier of Ukraine.

Article 13
Innocent passage through the territorial sea of Ukraine

Innocent passage through the territorial sea of Ukraine shall be engaged in for the purpose of crossing it without entering the internal waters of Ukraine or for the purpose of passing through it into the internal waters and the ports of Ukraine, or else for the purpose of leaving them and entering the open sea. Passage shall be deemed to be innocent if the peace of Ukraine and the law and order or security of Ukraine are not violated thereby.

Foreign non-military vessels and warships may exercise the right of innocent passage through the territorial sea of Ukraine in accordance with the legislation of Ukraine and with the international treaties concluded by Ukraine.

Foreign non-military vessels engaged in innocent passage must follow the usual navigation route or a route recommended by the competent authorities of Ukraine and must also follow marine corridors or traffic-separation schemes. Marine corridors and traffic-separation schemes shall be indicated on marine charts published in the established manner. The master of a foreign non-military vessel which has violated the rules of innocent passage shall bear responsibility in accordance with the legislation of Ukraine.

Foreign warships and underwater means of transport shall engage in innocent passage through the territorial sea of Ukraine in the manner established by the Cabinet of Ministers of Ukraine. Submarines and other underwater means of transport must navigate on the surface and fly their flag. In the event of failure to comply with the legislation of Ukraine relating to the passage of a foreign non-military vessel or warship (submarine, other underwater means of transport) through the territorial sea of Ukraine and of disregard of a notification that it must comply with the said demands, the competent authorities of Ukraine shall have the right to demand that the vessel (warship) should immediately quit the territorial sea of Ukraine.

Article 14
Procedure for the entry of foreign non-military vessels and warships into the internal waters and the ports of Ukraine

Foreign non-military vessels may enter those roadsteads and ports of Ukraine which are open for the entry of such vessels. A list of the roadsteads and ports open for the entry of foreign non-military vessels and the procedure for entry into them and stay in them, for the carrying on of cargo and passenger operations, for communication between ships and shore, for the disembarkation of the members of a vessel's crew and for visits to vessels by persons who are not members of the vessels' crews and other rules relating to the entry of foreign non-military vessels into the internal waters and the ports of Ukraine or into any part of the waters of frontier rivers, lakes and other bodies of water belonging to Ukraine and relating to stay in such waters shall be established by the legislation of Ukraine and by the rules published in the established manner.

Except as otherwise provided, foreign warships shall enter the internal waters and the ports of Ukraine in accordance with the rules governing their visits, published in the established manner.

Article 15
Obligation of foreign non-military vessels and warships to comply with the rules of navigation and other rules while in the waters of Ukraine

Foreign non-military vessels and warships shall, while navigating and staying in the territorial sea and the

internal waters of Ukraine, be required to comply with the rules governing radio communication and with navigational, port, customs, health and other rules. Foreign non-military vessels and warships shall, in the event of a forced entry into the territorial sea or the internal waters of Ukraine or in the event of a forced failure to comply with the rules governing navigation and stay in such waters, be required to communicate the fact without delay to the administration of the nearest port of Ukraine.

Article 16
Prohibition of industrial, research and prospecting
by foreign non-military vessels and warships
in the waters of Ukraine

Industrial, research and prospecting activity of any kind by foreign non-military vessels and warships in the territorial sea and the internal waters of Ukraine is prohibited, with the exception of cases in which such activity is carried on with the permission of the competent authorities of Ukraine or on the basis of international treaties concluded by Ukraine.

Article 17
Prohibition of navigation by non-military vessels and warships
in individual areas of the waters of Ukraine and
of their stay therein

In the territorial sea of Ukraine and the internal waters of Ukraine, areas in which navigation by Ukrainian and foreign non-military vessels and warships or the stay of such non-military vessels and warships is temporarily prohibited may be established by a decision of the competent authorities of Ukraine.

Notice of the establishment of such areas shall be given in the established manner.

Article 18
Procedure for the conduct of economic activities on the
State frontier of Ukraine

Navigation, utilization of water installations for the needs of timber-rafting and other forms of water utilization, the construction of various hydraulic structures, the performance of other work in the internal waters of Ukraine, the utilization of fields, forests and fauna, the pursuit of mining, geological prospecting and other economic activities on the State frontier of Ukraine shall be carried on in accordance with the legislation of Ukraine and the international treaties concluded by Ukraine and in such a way as to ensure that proper order is maintained on the State frontier of Ukraine. The competent authorities of Ukraine may, by agreement with the Frontier Forces of Ukraine, due regard being given to local conditions, establish a procedure for the carrying on of all forms of economic activity on the State frontier of Ukraine.

Article 19
Temporary halting of travel across the State frontier of
Ukraine in the event of the threat of the spread of infectious
diseases. Quarantine

In the event of the threat of the spread of particularly dangerous infectious diseases in the territory of Ukraine or of a foreign State, travel across the State frontier of Ukraine on the threatened sectors may, by a decision of the Cabinet of Ministers of Ukraine, be temporarily restricted or halted, or a quarantine may be established for persons, animals, loads or cargoes, seeds or planting material and other products of animal or plant origin crossing the State frontier of Ukraine.

Article 20
Violators of the State frontier of Ukraine

The following shall be deemed to be violators of the State frontier of Ukraine:

(1) Persons who have crossed or who attempt to cross the State frontier of Ukraine in any manner at a place other than the points of admission across the State frontier of Ukraine, or at points of admission across the State frontier of Ukraine but in violation of the regulations governing its crossing;

(2) Persons who have come on board or who attempt to come on board Ukrainian or foreign means of transport engaged in foreign traffic for the purpose of unlawfully leaving the territory of Ukraine;

(3) Foreign non-military vessels and warships which have entered the territorial sea or the internal waters of Ukraine in violation of the established rules governing entry into those waters. Foreign submarines and other underwater means of transport shall also be deemed to be violators of the State frontier of Ukraine in those cases in which they cross the international frontier of Ukraine in the underwater position or are in that position during their navigation and stay in the waters of Ukraine;

(4) Aircraft and other flying vehicles which have crossed the State frontier of Ukraine without appropriate permission from the competent authorities of Ukraine or which have committed other violations of the rules governing flight across the State frontier of Ukraine. Crossing of the State frontier of Ukraine by any other technical or non-technical means without permission appropriate thereto or in violation of the established procedure shall also be deemed to be a violation of the State frontier of Ukraine.

Article 21
Frontier representatives of Ukraine

Frontier representatives of Ukraine shall, in a manner prescribed by the Cabinet of Ministers of Ukraine, be appointed from among the officers of the Frontier Forces of Ukraine for the purpose of resolving problems connected with the maintenance of the regime of the State frontier of Ukraine and also for the settlement of frontier incidents on a specific sector of the State frontier of Ukraine. The frontier representatives of Ukraine shall act in accordance with the legislation of Ukraine and with the international treaties concluded by Ukraine. When crossing the State frontier (on foot or by any means of transport), the frontier representatives shall do so on the basis of special powers granted by the State Committee for Matters relating to the Protection of the State Frontier of Ukraine.

Matters not settled by the frontier representatives shall be resolved through the diplomatic channel.

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IV. Protection of the State frontier of Ukraine

Article 27
Protection of the State frontier of Ukraine by the Frontier
Forces and the Air Defence Forces of Ukraine

The protection of the State frontier of Ukraine on land, sea, rivers, lakes and other bodies of water shall be the responsibility of the Frontier Forces of Ukraine, and in airspace the responsibility of the Air Defence Forces of Ukraine. The Frontier Forces and the Air Defence Forces of Ukraine shall, in the performance of their tasks for the defence of the State frontier of Ukraine, act in accordance with this Statute, with the Statute of Ukraine "On the

Frontier Forces of Ukraine", with other acts forming part of the legislation of Ukraine, with the international treaties concluded by Ukraine and also with acts issued by the competent authorities of Ukraine. The obligations and rights of the Frontier Forces and the Air Defence Forces of Ukraine with regard to the protection of the State frontier of Ukraine shall be determined by this Statute, by the Statute of Ukraine "Concerning the Frontier Forces of Ukraine" and by other acts forming part of the legislation of Ukraine and also by acts issued by the competent authorities of Ukraine.

Article 28

The rights of the Frontier Forces of Ukraine with regard to foreign and Ukrainian non-military vessels

In the territorial sea and the internal waters of Ukraine the Frontier Forces of Ukraine shall, in the performance of their tasks with regard to foreign and Ukrainian non-military vessels, have the right:

- (1) To call upon the vessel to show its national flag if the flag is not being flown and to conduct an interrogation concerning the purposes of the vessel's entry into the waters of Ukraine;
- (2) To call upon the vessel to change its course if that course leads to an area closed to navigation;
- (3) To halt the vessel and carry out an inspection thereof if it does not respond to an interrogation signal, if it is in an area closed to navigation, if it is violating other rules governing entry into the waters of Ukraine or navigation and stay in them, and also if it engages in industrial and other activity in violation of the legislation of Ukraine or of the international treaties concluded by Ukraine. The inspection of the vessel shall include an examination of the ship's documents and the navigational documents, of the documents of members of the crew and passengers, of the documents relating to the cargo and, where necessary, of the compartments of the vessel. After the vessel has been inspected, it may be given permission to continue its navigation in the waters of Ukraine, subject to compliance with the established rules, may be called upon to leave the waters of Ukraine or may be detained in accordance with the legislation in force;
- (4) To place a frontier detachment on board the vessel, where necessary, in order to accompany the vessel into a port or from a port to the State frontier of Ukraine;
- (5) To remove from the vessel and detain persons who have committed offences and who are subject to prosecution under the criminal law of Ukraine and to deliver such persons to the investigative and prosecutorial authorities, save as otherwise provided by the international treaties concluded by Ukraine;
- (6) To pursue and detain on the high seas a vessel which is a violator of the State frontier of Ukraine or a vessel which has violated the statutes or the rules governing navigation and stay in the waters of Ukraine, until it enters the territorial sea of its own country or of a third State if the pursuit was begun in the territorial sea or the internal waters of Ukraine and has been carried on without interruption.

Article 29

Grounds for the detention of foreign and Ukrainian non-military vessels by the Frontier Forces of Ukraine

A foreign non-military vessel staying in the territorial sea and the internal waters of Ukraine shall be detained by the Frontier Forces of Ukraine and conveyed to the nearest port or other appropriate point in the following cases:

- (1) If the vessel, to the detriment of the security of Ukraine, is engaged in the collection of information or is carrying on any other action harmful to Ukraine;

- (2) If the vessel is in an area which has been declared by the competent authorities of Ukraine in the established manner to be temporarily closed to navigation;
- (3) If the vessel is unlawfully engaging in any industrial, research or prospecting activity or in the dumping and burial of substances harmful to the health of persons or of the living resources of the waters, or other wastes and materials;
- (4) If the vessel is engaged in disembarking or embarking persons or unloading or loading freight at places not established therefor, or at established places but without permission from the competent authorities of Ukraine;
- (5) If the vessel is, without permission from the competent authorities of Ukraine, engaged in launching or taking on board any flying vehicles;
- (6) If the members of the crew or other persons on board the vessel are damaging frontier markers, navigational barriers, communications cables or other underwater or above-water installations belonging to Ukraine;
- (7) If the master of the vessel has failed to exhibit the necessary ship's documents and cargo documents;
- (8) If the vessel does not obey the instructions of the representatives of the Frontier Forces of Ukraine or other competent authorities of Ukraine;
- (9) If the vessel is in the territorial sea of Ukraine or the internal waters of Ukraine in violation of the rules established by this Statute, by the international treaties concluded by Ukraine or by the generally recognized principles and norms of international law.

A decision to detain a foreign non-military vessel shall be taken by the Frontier Forces of Ukraine after inspection of the vessel. A vessel which has committed the violations referred to in paragraphs (2)-(9) of this article shall be detained by the Frontier Forces of Ukraine while they determine whether the violation committed was premeditated, or if the vessel is causing harm to the security or other interests of Ukraine. The Frontier Forces of Ukraine shall also have the right to detain a Ukrainian non-military vessel which has committed the violations referred to in paragraphs (2)-(9) of this article and to convoy it to the nearest port or other appropriate point.

Article 30

Record of inspection or detention of a non-military vessel

The inspection or detention of a non-military vessel shall be noted in a record which shall be signed by the representative of the Frontier Forces of Ukraine and by the master of the inspected or detained vessel. The record shall be drawn up in the Ukrainian and English languages. In the event of the detention of a vessel, the ship's documents and cargo documents shall be taken from the master of the vessel and attached to the record. If the master of the inspected or detained vessel considers the actions of the Frontier Forces of Ukraine to be unjustified or inconsistent with the content of the record, he may express a reservation in any language in the record itself or in a separate document attached to the record. If the master refuses to sign the record, an appropriate notation to that effect shall be made.

Article 31

Consequences of the detention of foreign non-military vessels

Foreign non-military vessels which have been detained shall be delivered in the established manner to the authorized representatives of the appropriate foreign States or shall be expelled beyond the limits of the territorial sea and the internal waters of Ukraine or, in the cases provided for by the legislation of Ukraine, shall be confiscated

in accordance with the decision of a court.

Article 32

Rules applicable to foreign warships violating the provisions
governing navigation and stay in the waters of Ukraine

Special rules shall apply to foreign warships violating the statutes of Ukraine or the rules relating to navigation and stay in the territorial sea and the internal waters of Ukraine.