

DELIMITATION OF THE CONTINENTAL SHELF AND EXCLUSIVE ECONOMIC ZONE OF THE SEA BORDER BETWEEN ROMANIA AND UKRAINE

Mihai Mereuță

«Ștefan cel Mare» University of Suceava, Romania
mihaimereuta2009@yahoo.com

Rezumat. Hotărârea C.I.J. de la Haga, din 3 februarie 2009, în cazul „România vs. Ucraina. Delimitarea maritimă în Marea Neagră”, are un rol important în planurile relațiilor bilaterale și regionale ale statelor riverane, eliminându-se astfel și un potențial factor de instabilitate la frontiera maritimă dintre cele două state și în Marea Neagră. Trasarea unei linii echitabile de delimitare maritimă a platoului continental și a zonei economice dintre cele două state a reprezentat și un exemplu de soluționare a diferendelor în regiunea extinsă a Mării Negre. Insula Serpilor nu a fost considerată relevantă în fundamentarea Deciziei Curții, deoarece C.I.J. nu a declarat-o stâncă, atribuindu-i o lungime a mării teritoriale de 12 mile marine și nu s-a pronunțat cu privire la natura acestei formațiuni, în concordanță cu reglementările din art. 121 al Convenției de la Montego Bay din 1982.

Résumé. Décision C.I.J. La Haye, 3 Février 2009, “Roumanie vs Ukraine. La délimitation maritime en Mer Noire “a un rôle important dans les relations bilatérales et des plans régionaux des Etats riverains, éliminant ainsi un facteur potentiel d’instabilité à la frontière maritime entre les deux pays et la Mer Noire. Dessiner une ligne de démarcation équitable zone économique maritime et du plateau continental entre les deux pays a été un exemple de règlement des différends dans l’ensemble de la Mer Noire. L’île des Serpents n’était pas considéré comme pertinent pour étayer la décision du tribunal, parce que la C.I.J. a déclaré un rocher, ce qui lui donne une longueur de 12 miles nautiques de la mer territoriale et n’a pas statué sur la nature de ce parti, en conformité avec les dispositions de l’art. 121 de la Convention de Montego Bay de 1982.

Summary: Decision I.C.J. from The Hague, since 3rd February 2009, in the case of “Romania vs. Ukraine - the maritime delimitation in the Black Sea”, has an important role in bilateral relations and regional plans of the riparian states and thus also eliminating a potential factor of instability at the sea border between the two countries and in the Black Sea. Drawing a line of demarcation equitable maritime economic zone and continental shelf between the two countries was an example of dispute settlement in the wider Black Sea area. Snake Island was not considered relevant in substantiating the court decision, because the I.C.J. has not declared it a rock, giving it a length of 12 nautical miles territorial sea and has not ruled on the nature of this formation, in accordance with the provisions of art. 121 of the Montego Bay Convention of 1982.

Keywords: Black Sea, Serpents Island, Romania, Ukraine, Continental Shelf, Exclusive Economic

Ukraine, former Soviet republic in the U.S.S.R., became sovereign and independent after the dismantling of the Soviet Union by adopting the Declaration of Sovereignty by the Ukrainian Parliament on the 16th July 1990 and the Declaration of Independence on 24th August 1991.

Black Sea littoral states as interested in creating a climate of stability and security in the area including by promoting economic cooperation and development projects, Ukraine, Republic of semi-presidential with an emerging economy and structural reforms in progress, is dependent economically and energetically on the Russian Federation and promotes a policy of integration into E.U. and N.A.T.O.

Bilateral relations between Romania and Ukraine as limitrophe countries with maritime border on the Black Sea, still have a legal trend and are based on two core treaties: Treaty on good neighborly relations and cooperation between Romania and Ukraine of 2 June 1997¹ and the Treaty between Romania and Ukraine on the state border regime, of 17 June 2003².

Although Romania has gained access to the Continental Shelf (C.P.) and Exclusive Economic Zone (E.E.Z.) from the Black Sea in the Serpent Island area, following the settlement of the dispute with Ukraine International Court of Justice settlement subject to the International Court of Justice of Hague (I.C.J.), the relations between maritime borders the two states may occur medium and long term differences due to two aspects.

The first issue concerns the illegal and irregular international practice of the acquisition of this island that belonged de jure and de facto to Romania. According M.A.E. from Romania „... the transfer took place contrary to international law, especially despite the Paris Peace Treaty of 1947 (which, according to art. 1, leaves the island to Romania), the protocol specifying the border line of 4 February 1948 in the context of Soviet occupation by the Red Army in Romania. This document, not ratified by the Parliament at that time was taken and inserted in the treaties on the Romanian-Soviet border regime in 1949 and 1961. Later, in the art. 3 of the Additional Agreement to the political treaty with Ukraine in 1997, document containing the agreement of the two countries on the possibility of solving the

¹ *Tratatul cu privire la relațiile de bună vecinătate și cooperare între România și Ucraina [Treaty on good neighborly relations and cooperation between Romania and Ukraine]*, din 2 iunie 1997, ratificat prin Legea nr. 129 din 14 iulie 1997 și publicat în „Monitorul Oficial” nr. 157 din 16 iulie 1997.

² *Tratatul dintre România și Ucraina privind regimul frontierei de stat româno-ucrainene, colaborarea și asistența mutuală în problemele de frontieră [Treaty between Romania and Ukraine on the state border regime between romanian-ukrainian, cooperation and mutual assistance in border issues]*, semnat la Cernăuți la 17 iunie 2003. Ratificat prin Legea nr. 93 din 5 aprilie 2004 și publicat în „Monitorul Oficial” nr. 348 din 21 aprilie 2004.

problem of delimiting the continental shelf and exclusive economic zones by the I.C.J. held that Snake Island belongs to Ukraine”³.

In legal terms, the minutes of teaching and the protocol signed between Romania and the U.S.S.R., as bilateral agreements are unconstitutional being void due to the breach of international treaty law and national rules of the two states.

Besides the fact that the legal procedures concerning negotiation competences have not been observed, the so-called bilateral agreement in which portions of Romanian territory were ceded may not take effect because it was not ratified by the Supreme Soviet of the U.S.S.R. and primarily by the Romanian Grand National Assembly.

Romania may not make territorial claims to Ukraine, because the state party to the Helsinki Agreement of 1975 has the obligation to observe the status quo of the political-territorial claims established by the Paris Peace Treaty of 10 February 1947.

Starting from one of the basic principles of European policy, the “border immutability”, the peace treaty revision and change by force of the borders are not accepted, the only changes allowed are those in accordance with the rules and principles of international law on the basis of self-determination through peaceful means and bilateral agreements⁴.

Dispute between the two states on the Snake Island was directed towards equitable delimitation of C.P. and E.E.Z. depending on the configuration of the shoreline of the two states, excluding the island in determining these spaces and not concerning the retrocession of the island to Romania.

The second issue refers to the delimitation C.P. and E.E.Z. against the rock formation called the island, which can lead to some favorable interpretations by the Ukrainian State, given that Ukraine “Snake Island is a true island ..., while addressing the Romanian one, the island is viewed as a marine rock”⁵.

Snake Island, located on the coordinates 45°15'15 “north latitude and 30°12'12”east longitude with an area of 17 ha, length 662 m, width of 440 m and a circumference of 4 km, has a height of 40 m above sea level and is at a distance of 45 km East of the Danube mouths, along the Sulina arm.

Known since antiquity, the island was occupied successively by Greeks, Bastarnians, Persian, Roman and Byzantine rule then Paradunavon theme the Genoese, of Dobrotita and Mircea The Elder, followed by integration into the borders of Moldova.

³ Dominuț Pădureanu, *Insula Șerpilor și implicațiile statutului său juridic [Snake Island and its legal implications]*, în „Revista Fundației Colegiului Național de Apărare”, VI/2000, nr. 1, p. 60.

⁴ Adrian Năstase, *România și noua arhitectură mondială [Romania and the new global architecture]*, București, Editura Regia Autonomă „Monitorul Oficial”, 1996, p. 66.

⁵ Viktor Petrov, *Relațiile ucrainene-române în contextul proceselor regionale la Marea Neagră [Ukrainian-Romanian relations in the context of regional processes in the Black Sea]*, în „GeoPolitica”, Revistă de Geografie Politică, GeoPolitică și GeoStrategie, 2010, nr. 38, p. 80.

Although the Peace Treaty of Bucharest in 1812, between Russia and Turkey, stipulated that the islands were not to be occupied and taken into possession, Russia annexed the territory. The Treaty of Berlin in 1878, a document that acknowledged Dobrogea to be part of Romania, art. 46 shall provide that: "The islands forming the Danube Delta and „Tulcea Sandjac” (Turkish regional subdivision *tn*) together with Snake Island are added to Romania”.

The Paris Peace Treaty of 1920⁶, reconfirmed the territorial ownership of the island by Romania and in 1938 the Sinaia Conference established the maritime Danube, including Snake Island, to fall under the Romanian government.

The Peace Treaty of February 10, 1947 has not made any explicit reference on the status of the island, but on February 4, 1948 Prime Minister of Romania, Dr. Petru Groza and Soviet Russia's foreign minister, Vyacheslav Mikhailovich Molotov, signed a protocol in Moscow, which stated that Snake Island came under U.S.S.R. jurisdiction, being surrendered under a minute on 23rd May 1948⁷.

After bilateral negotiations in the period 1967-1987 and the breakup of the U.S.S.R., Romania signed with Ukraine on 2nd June, 1997, as successor state of the Soviet Union, the Treaty on good neighborly relations and cooperation, called the Basic Political Treaty, together with the Additional Agreement to the Treaty.

The Agreement stipulates that the parties have to begin negotiations for a border treaty and the agreement on delimitation of the continental shelf and exclusive economic zones of Romania and Ukraine in the Black Sea.

The Treaty on State Border Regime between Romania and Ukraine was signed in Czernowitz, on 17 June 2003, but bilateral negotiations conducted between 1998-2004 on the Agreement on delimitation of continental shelf and exclusive economic zones, have failed.

The 24 rounds⁸ of diplomatic negotiations held and ten others at expert level, have not resulted in mutually beneficial results, the Ukrainians formulating claims for delimitation of the continental shelf and economic zone well above the acceptable level negotiations.

Under these circumstances, on 16th September 2004, Romania submitted to the International Court of Justice in The Hague (I.C.J.), a request to initiate procedures to address the delimitation C.P. and E.E.Z. Romania and Ukraine in the Black Sea. Referral to the I.C.J., Legal called "writ of summons" was under the arbitration clause of the Additional Agreement to the Treaty between Romania and Ukraine in 1997,

⁶ Graham W. Malborne, *The Legal Status of the Bucovina and Bessarabia*, in „The American Journal of International Law”, 1944, Vol. 38, No. 4, p. 667-673.

⁷ Vasile Diacon, *Reîntregirea. Basarabia, Bucovina și Insula Șerpilor în dezbateri ale Parlamentului României [Uniting. Bessarabia, Bukovina and Snake Island in the debates of the Romanian Parliament]*, Iași, Editura Tipo Moldova, 2008, p. 36-39. Minutes concerning Serpent Island was signed at a meeting on the island by Deputy Foreign Minister, Eduard Mezincescu, and First Secretary Embassy of the USSR, Nikolai Pavlovich Șutov, in Bucharest.

⁸ Maria Postevka, *Politică și Energie în Est. Cazul Ucrainei [Politics and Power in the East. The case of Ukraine]*, Colecția Geopolitică, Editura TOP FORM, 2010, p. 146.

drawn while the exchange of letters between the Foreign Ministers, representing the legal clause of the Court's jurisdiction to resolve dispute between Romania and Ukraine.

Clause inserted in the content of Article 4 (h) of the Additional Agreement of 1997 provides that if negotiations for an agreement on delimitation of continental shelf and exclusive economic zones will not be completed "... in a reasonable time, but not more than 2 years after their initiation, the Governments of Romania and Ukraine have agreed that the issue of delimitation of the continental shelf and exclusive economic zones to be addressed by the UN International Court of Justice at the request of either party, provided the entry into effect of the Treaty the state border regime between Romania and Ukraine. However, the UN International Court of Justice will examine the application concerning the delimitation of the continental shelf and exclusive economic zones, before the entry into effect of the state border regime, if it finds that the delay of entry into effect of the other Party at fault".

Negotiations between the two countries to delimit C.P. and E.E.Z. exceeded the two-year period specified in art. 4 (h) Taking place between 1998 and 2004 for 6 years. However, the treaty referred to in the Additional Agreement "Treaty between Romania and Ukraine on the state border regime between Romania and Ukraine, cooperation and mutual assistance in border issues, "was signed in Czernowitz on 17 June 2003 and took effect on 27 May 2004.

The two conditions of art. 4 (h) of the Additional Agreement being met, the I.J.C. became competent to settle the dispute between Romania and Ukraine on the delimitation of the continental shelf and exclusive economic zones.

After the formulation and the submission of the application, the two states filed historical and legal maps, monographs and articles, support, reasoning and proving the interests of each party concerned in the dispute before the Court of the Hague, the Court is recorded as: "Romania vs. Ukraine - the maritime delimitation in the Black Sea"⁹.

Next, I will make some remarks in support of scientific reasoning to the concept of territorial sea, as a part of the territory, integrity and sovereignty¹⁰ and lack of legal basis for the support of the former U.S.S.R. and later of the Ukrainian state and subsequently received in violation of Montego Bay Convention, the economic zone and continental shelf in the Snake Island, uninhabited and without a permanent population of economic activity, which caused the dispute between Romania and Ukraine, subject to settlement International Tribunal in The Hague, in accordance with art. 36 of the Statute I.C.J.

In addition to the sovereignty, the Member shall exercise fully and exclusively on the elements of the territory including the territorial sea as part of state territory, maritime borders states exercise certain sovereign rights and the contiguous zone,

⁹ *Maritime Delimitation in the Black Sea (România v. Ucraina)*. Summary of the Judgement of 3 february 2009, in <http://www.icj-cij.org/docket/files/132/14989.pdf>.

¹⁰ See: Jonathan Charney, *Central East Asian Maritime Boundaries and the Law of the Sea*, in „American Journal of International Law”, Vol. 89, No. 4, 1995, p. 724-749.

C.P. and E.E.Z. Integration within state territorial sea and exercise their own sovereignty within 12 nautical miles, including airspace and soil with subsoil, involves some legal clarification because not all coastal states marine areas, have full width of the territorial sea¹¹.

Article 15 of the Montego Bay Convention stipulates that the States whose coasts are opposite or adjacent delimiting the territorial sea (which can be less than 12 nautical miles) is made with the consent of the riparian states, or consideration of the midline, between the baselines established for the territorial sea, the union points equidistant from their territory¹².

Islands, the insular land territory of the Member States and parts of the archipelago states, together with the inhabited littoral states, benefits under the terms stated in the Convention, the territorial sea, contiguous zone, exclusive economic zone and continental shelf.

In order to offer delimitation of marine islands these are defined in art. 121, paragraph 1 of the Convention, the natural stretch of land surrounded by water that remain uncovered during flow, and in par. 3 is a distinction between inhabited islands and uninhabited¹³, establishing that human habitation or rocks inappropriate for human inhabitation or to own economic life, do not have the exclusive economic zone or continental shelf.

Romania has made a statement in art. 3 of Law 110 of 10th October 1996 ratified the Convention in Montego Bay, in the Statute of the I.C.J. and art. 74 and 83 of the U.N. Convention on the Law of the Sea, maintaining and reiterating pursuant to the requirements of fairness that "...and lifeless uninhabited islands that have no economic life can not in any way affect the delimitation of maritime, coastline belonging to the main riparian states".

As similar situations we mention disputes between Greece and Turkey on the Aegean continental shelf, U.S. and Canada to delimit the maritime border in the Gulf of Maine¹⁴, also delimiting the continental shelf between France and Britain, Malta and Libya, the maritime border between Guinea and Guinea Bissau.

Delimitation C.P. and E.E.Z. between Romania and Ukraine in the Black Sea has been a long process of negotiation between 1967-1987, between Romania and the U.S.S.R., but not finalized an agreement between the two countries. After long delays

¹¹ Rene Jean Dupuy, *Le Droit International [The International Law]*, Paris, Ed. Presses Universitaires de France, 1990, p. 25-26.

¹² Adrian Năstase, Bogdan Aurescu, *Drept Internațional Contemporan. Texte esențiale [Contemporary International Law. Essential Texts]*, București, Editura Regia Autonomă Monitorul Oficial, 2000, p. 430.

¹³ Bogdan Aurescu, *Prezentarea pledoariilor orale ale României în cadrul procesului de delimitare a spațiilor maritime (România c. Ucraina) la Curtea Internațională de Justiție, din perioada 2-19 septembrie 2008 [Presentation of Romania's oral pleadings in the case of delimitation of sea areas (Romania vs. Ukraine) at the International Court of Justice, from 2-19 September 2008]*, in „Revista Română de Drept Internațional”, 2008, nr. 7, p. 109-111.

¹⁴ See also: *I.C.J. Reports*, 1978, p. 12, *I.C.J. Reports*, 1982, p. 3 and 246.

of U.S.S.R. and then the successor state of Ukraine was resolved the dispute between Romania and Ukraine for delimitation C.P. and E.E.Z. in northwestern Black Sea.

The dispute between Romania and Ukraine that I.C.J. from The Hague settled was referring, as I said, exclusively to the delimitation of the continental shelf and exclusive economic zones of the two parts of north-western Black Sea, specifically to determine the exact area of C.P. and E.E.Z. belonging to Romania and surface C P and E.E.Z. belonging to Ukraine in accordance with the principles and norms of international law applicable in the field of maritime delimitation.

In support of Romania's oral arguments were shown three sets of legal arguments to determine the delimitation line, near Snake Island, all demonstrating unequivocally the necessity of ignoring the rock formations in the delimitation of maritime spaces.

First, the Court showed that Snake Island is only entitled to 12 nautical miles territorial sea established by the Romanian-Soviet Agreement of 1949. Romania's agent for ICJ Bogdan Aurescu, showed that the maritime border around the island was defined by Minutes of Romania and the U.S.S.R. in 1949, the documents remained in force between Romania and Ukraine, as successor state of the Soviet Union.

Second, reiterated that Snake Island is an isolated sea formation are not integrated in the coast of Ukraine, is considered irrelevant to draw provisional equidistance line in the maritime delimitation. In case international, isolated from coastal rock formations and Snake Island with the same characteristics have not fulfilled the conditions stipulated in art. 121 of the Montego Bay Convention, is not considered basis points to draw the line of equidistance.

The third set of arguments claimed that Snake Island, after all the historical evidence and scientific presented, is a rock for the purposes of art. 121, paragraph 3 of Montego Bay Convention on the Law of the Sea, with no right to C.P. and the E.E.Z., because of its natural characteristics cannot support life or its own economy.

Pleadings in support of Ukraine, Volodymyr Ukrainian State Vassylenko agent and other representatives failed to bring the rules of evidence to prove otherwise viable arguments, including the relevant evidence supporting the theory that the island has the resources, is habitable and can support economic activities through resources own nature, thus emphasizing the need for fairness indirectly of maritime delimitation solution for fair settlement of the dispute.

Also, Ukraine has demonstrated its legal argument that state activities are consistent, in fact or in law, the criteria needed to consider the relevant circumstances, able to produce legal effects on delimitation. However, Romania's representative argued that the Minutes signed by Romania and the U.S.S.R. for establishing the maritime border, including around Snake Island, take effect in bilateral relations between Ukraine and Romania. Although their contents are inserted technical data, minutes cannot be considered "treated less formal" nor have the character of a "tacit agreement", as claimed Ukraine its pleadings, the documents being signed and with effect legal as any bilateral treaty.

Co-Agent Cosmin Dinescu (Romania) proved before the Court with conclusive evidence of scientific studies showing that Romania has held multiple explorations in the disputed area and who contradicted allegations that Ukraine had not exercised the state acts in the area, the only state activities Ukrainian state meaning only in the oil concessions after 1990.

Diplomatic documents exchanged between the two countries in 1995 Romania and Ukraine have made clear demands on the C.P. and E.E.Z., those documents bilateral practical setting time and date critique of the dispute, the dispute in the sense of international law crystallization.

Romania argued that the critical date of maritime dispute with Ukraine may be later than 1995, when the two countries have mutual release accurate claims to C.P and E.E.Z. the Black Sea. According to Romania's claims and even of Ukraine (if we also refer to the introductory speech agent for I.C.J. Ukraine, Volodymyr Vassylenko, who admitted: "The Ukraine, as successor the U.S.S.R. and Romania, have inherited a complicated problem"), date of first crystallization dispute and the dispute cannot be 2004, when Romania came before ICJ nor 1997, the conclusion of the Treaty between the two countries.

Diplomatic correspondence between the two countries before 1997, that of 1993-1995, and negotiations that led to the basic treaty and the Additional Agreement of 1997, revealed that Romania and Ukraine have agreed on a "negotiating package, "Ukraine in the framework supporting the negotiations not to use the Snake Island in the delimitation C.P. and E.E.Z.

Montego Bay Convention on the Law of the Sea in 1982, provides that the State exercised its continental shelf sovereign rights for exclusive exploration and exploitation of natural resources under the seabed or its subsoil (living resources of oil or mineral deposits). Coastal States exercise exclusive sovereign rights of exploration and exploitation, conservation and management of natural resources, having the right to install and use the facilities and equipment for scientific research and the obligation to protect and preserve the marine environment.

Also entitled under the terms of the Convention to navigation, air overflight and submarine cables and pipelines. The difference between Romania and Ukraine proposals on the dividing line route, on which the parties have competing claims, referred to an area of continental shelf as "disputed area "or "boundary area "of over 12.000 km².

According to international maritime law, the continental shelf of a state is represented by the seabed (the natural extension of the state land planning with maritime border) and subsoil thereof, beyond the outer limit of territorial sea, to limit foreign continental margin (the place where the continental shelf ends geographically), or up to a distance of 200 nautical miles from the coast towards the open state when the outer limit of the continental margin at a distance are lower.

Exclusive Economic Zone is located beyond the outer limit of territorial sea and offshore can reach up to a distance of 200 nautical miles measured from the coastline of the territorial sea. E.E.Z. includes both surface and deep water column.

If the Black Sea continental margin of no geographically, being set up a unique geographical continental shelf. Small size of the Black Sea littoral states do not allow to have each extended continental shelf to 200 nautical miles limit, requiring a continental shelf boundary between the areas assigned to each riparian state.

The stake of 12.000 km² of continental shelf and exclusive economic zone of Romania and Ukraine was an underground resource, estimated at approximately 100 billion cubic meters of gas and 12 million tons of oil resources in the opinion of specialists cover or support for a period of any of the two states energy needs.

Following the Romanian-Ukrainian dispute resolved by the I.C.J., Romania has acquired the right to exploit oil deposits in the area, an area of 9.700 km², ie 79,34% of the 12.000 km² in question, estimated at approx. 70 billion cubic meters of gas and 10 million tons of oil. Hague trial has not analyzed the debates, nor to rule on belonging of Snake Island to Ukraine or its acquisition. Provisions of the Treaty of 1997 and the Additional Agreement, have not allowed the I.C.J. to solve in the trial more than was agreed by the two countries.

The 3rd February 2009, has represented a moment of satisfaction for Romania, after successive invasions and annexation by Russia and later territorial committed by the U.S.S.R. International Court of Justice in The Hague, by decision no. 2009/9 of 3 February 2009¹⁵, ruled in favor of Romania, with 79,34% of the disputed area of Romania, 9.700 km² respectively, while Ukraine 20,66%, corresponding to an area of 2.300 km². In legal terms, the Decision number 100 of 3 February 2009, I.C.J. Romanian-Ukrainian dispute in is a fair solution, directly applicable, binding, final, enforceable and unassailable.

Court did not consider it necessary to rule on the nature of the rock formation and in these conditions Snake Island, with length of 12 nautical miles territorial sea cannot influence the line, given legal effect being that of a rock. I.C.J. unanimously adopted the decision that the line of the continental shelf of the Black Sea between Romania and Ukraine to go through an arc of 12 nautical miles around the Serpent Island. The solution proposed by Romania for separation, consisted of a line beginning from the last point of the maritime border between the two countries, following the arc of 12 nautical miles around Snake Island, to a point east of this sea formation, then on the equidistance line between the relevant coasts of two states adjacent to the point where the line of equidistance is transformed into a center line between opposite relevant coasts of Romania and Ukraine, then south on this line.

Court established a unique line of demarcation, by indicating the geographical coordinates of points that form the concrete, defined by latitude and longitude, thus delimiting the continental shelf area which belongs to Romania and Ukraine continental shelf area. Maritime delimitation line established by the Court starts from a point, that point of intersection of the outer limits of territorial waters between Romania and Ukraine, as stipulated in the Treaty on the state border regime in 2003.

¹⁵ See also: *Maritime Delimitation in the Black Sea (România v. Ucraina)*. Summary of the Judgement of 3 february 2009, in <http://www.icj-cij.org/docket/files/132/14989.pdf>

From there, follow an arc of 12 nautical miles around Snake Island until intersecting with a second point, which has the coordinates 45°3'18,5 "North and 30°9'24,6 "East line equidistant from the adjacent coasts of Romania and Ukraine, as it describes the basic points of the dam Sulina, respectively Gypsy Island.

The map of C.P. delimitation and of E.E.Z. between Romania and Ukraine in the Snakes Island zone, according to C.I.J. decision from The Hague from the 3rd February 2009¹⁶



Delineation continues in Section 2, along the equidistance line to point 3, which has the coordinates 44°46'38,7 "North 30°58'37,3" East. From Section 3, the

¹⁶ http://upload.wikimedia.org/wikipedia/commons/thumb/6/66/ICJ_Romania_vs._Ukraine.svg/503px-ICJ_Romania_vs._Ukraine.svg.png

delimitation line follows the equidistance line item 4 with the coordinates 44°44'13,4 "North and 31°10'27,7" East, where the line of equidistance is influenced basis points located at the head Tarkankut of Ukraine.

From point 4 to point 5 pass line with the coordinates 44°2'53 "North and 31°24'35 "East, which is controlled by basic points located on the Sakhalin Peninsula, the Romania and Ukrainian coast Tarkankut and Kerosenes head, from where the line continues toward the line described by the azimuth of 185°23'54,5¹⁷. Although the Snake Island was not considered relevant in substantiating the court decision, however ICJ has not declared it a rock, giving it a length of 12 nautical miles territorial sea, without ruling on the nature of this formation, in accordance with the provisions of art. 121 of the Montego Bay Convention.

Even in this context, decision C.I.J. The Hague for "Romania vs. Ukraine - the maritime delimitation in the Black Sea "has a positive impact on bilateral and regional levels, by marking a maritime delimitation line equitable economic zone and continental shelf between the two countries while representing an example of dispute settlement in the wider Black Sea.

It can be concluded that in order to preserve and strengthen the sovereignty and independence, the states confer importance to protect the territory and to prevent illicit territorial modifications, especially procedures for acquisition, modification and delimitation, legal regimes of state borders and cross-governing institutions by enshrining these areas treated universal, multilateral, bilateral and respect for fundamental principles of territorial integrity and inviolability of borders.

The affirmation of the territorialiste concept of integration of airspace and especially marine areas (contiguous areas, continental shelf and exclusive economic) in international law had the purpose and consideration of these areas as natural extensions of the state territory.

After the dismantling of U.S.S.R., Ukraine became a successor of the former Soviet borders, imposed by Moscow to Romania after the nefarious Ribentrop-Molotov Treaty of 23rd August 1939 and of the ultimatum of 28th June 1940, when, after the territorial rapt, was annexed a territory of 50.500 km² with a population of 3.7 million inhabitants, Romanian in majority, the former Soviet state establishing later on "favorable strategic frontiers" that do not comply with the Paris Peace Treaty.

Although some authors consider that Europe's political map coincides with the nationalities and borders state, now we are in a situation where three neighboring countries - Romania, Ukraine and Moldova – have a border imposed by a fourth state - the U.S.S.R., in violation of international law, which has ceased to exist as a matter of law in the international community.

Political and economic decisions of domestic and foreign countries that are part of the wider Black Sea including Ukraine, are influenced by the binomial E.U. neighborhood policy and N.A.T.O. extension to the east.

¹⁷ See also: *Maritime Delimitation in the Black Sea (România v. Ucraina)*. Summary of the Judgement of 3 february 2009, in <http://www.icj-cij.org/docket/files/132/14989.pdf>

With Romania and Bulgaria adherence to the North Atlantic Organization, a balance and parity was created for the first time in the development of the security environment of the six riparian states. In the southwestern Black Sea, Romania Bulgaria and Turkey (as Member states of N.A.T.O.) and in the northeast Georgia and Ukraine together with the Russian Federation and under its influence, former Soviet states and the successor of the U.S.S.R.

By solving the dispute between Romania and Ukraine, which was directed towards competing claims of the two countries on the PC and E.E.Z. near Snake Island, were recognized sovereign jurisdiction and sovereign rights of Romania and Ukraine, thus eliminating a potential factor of instability at the sea border between the two countries and the Black Sea.