

No. 26846

**FEDERAL REPUBLIC OF GERMANY
and
UNION OF SOVIET
SOCIALIST REPUBLICS**

**Agreement concerning the prevention of incidents at sea
beyond the territorial sea (with annex). Signed at
Moscow on 25 October 1988**

Authentic texts: German and Russian.

Registered by the Federal Republic of Germany on 4 October 1989.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
UNION DES RÉPUBLIQUES
SOCIALISTES SOVIÉTIQUES**

**Accord sur la prévention des incidents en mer en dehors des
eaux territoriales (avec annexe). Signé à Moscou le 25 oc-
tobre 1988**

Textes authentiques : allemand et russe.

Enregistré par la République fédérale d'Allemagne le 4 octobre 1989.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE
UNION OF SOVIET SOCIALIST REPUBLICS CONCERNING
THE PREVENTION OF INCIDENTS AT SEA BEYOND THE
TERRITORIAL SEA

The Government of the Federal Republic of Germany and the Government of the Union of Soviet Socialist Republics,

Desiring to ensure the safety of navigation of ships of their respective armed forces and of the flight of their military aircraft beyond the territorial sea,

Desiring, in accordance with the wish expressed in the Treaty of 12 August 1970 between the Federal Republic of Germany and the Union of Soviet Socialist Republics, to contribute to the strengthening of peace and security in Europe and throughout the world,

Acknowledging that dangerous actions prohibited by this Agreement should also not be taken against non-military ships of the Parties,

Guided by the principles and rules of international law,

Have agreed as follows:

Article 1

For the purposes of this Agreement the following definitions shall apply:

1. "Ship" means:

(a) A warship belonging to the armed forces of one of the Parties bearing the external marks distinguishing warships of its nationality, under the command of an officer duly commissioned by the Government and whose name appears in the appropriate service list or an equivalent document, and manned by a crew which is under regular military discipline;

(b) An auxiliary vessel belonging to the armed forces of one of the Parties and authorized to fly the auxiliary vessel flag where such a flag has been established by the Party concerned.

2. "Aircraft" means any military manned aircraft, excluding space craft.

3. "Formation" means an ordered arrangement of two or more ships operating together.

Article 2

The Parties shall take measures to instruct the commanding officers of ships to observe the letter and spirit of the 1972 International Regulations for Preventing Collisions at Sea² (hereinafter referred to as the 1972 Collision Regulations). The Parties recognize that freedom to conduct operations outside territorial waters is

¹ Came into force on 25 November 1988, i.e., one month after the date of signature, in accordance with article 8.

² United Nations, *Treaty Series*, vol. 1050, p. 16.

based on the principles recognized in international law, particularly as set forth in the 1958 Geneva Convention on the High Seas.¹

Article 3

(1) Except when required to maintain course and speed under the 1972 Collision Regulations, ships of the Parties operating in proximity to each other shall in cases remain well clear to avoid risk of collision.

(2) Ships meeting or operating in the vicinity of a formation of the other Party shall, in compliance with the 1972 Collision Regulations, avoid manoeuvring in a manner which would hinder the evolutions of the formation.

(3) With due regard for other traffic at sea, formations of the Parties shall not conduct manoeuvres in areas where internationally recognized traffic separation schemes are in effect.

(4) Ships engaged in surveillance of ships of the other Party shall remain at a distance which avoids the risk of collision and shall also avoid executing manoeuvres which might embarrass or endanger the ships of the other Party. Except when required to maintain course and speed under the 1972 Collision Regulations, a ship engaged in surveillance shall, in the exercise of good seamanship, take positive early action so as not to embarrass or endanger the ships under surveillance.

(5) Ships of the two Parties operating within sight of each other shall, in order to indicate their operations and intentions, use the signals (flag, sound and light) provided for in the 1972 Collision Regulations, the International Code of Signals and the Table of Special Signals annexed to this Agreement. At night or in conditions of reduced visibility, or under such conditions of lighting and at such distances that signal flags are indistinguishable, a flashing light or Very High Frequency Radio Channel 16 (156.8 MHz) should be used.

(6) Ships of the Parties shall not simulate attacks by aiming guns, missile launchers or torpedo tubes or other weapons at ships or aircraft of the other Party; nor launch any object in the direction of passing ships or aircraft of the other Party in such a manner as to be hazardous to those ships or aircraft or to constitute a hazard to navigation or aircraft in flight; nor use searchlights or other powerful illumination devices for the purpose of illuminating the navigation bridges of ships of the other Party.

Such actions shall also not be taken by ships of each Party in respect of non-military ships of the other Party.

(7) When conducting exercises with submerged submarines, supporting ships shall show the appropriate signals prescribed by the International Code of Signals, or in the Table of Special Signals, annexed to this Agreement, to warn other ships of the presence of submarines in the area.

(8) Ships of one Party when approaching ships of the other Party which, in accordance with rule 3 (g) of the 1972 Collision Regulations, are restricted in their ability to manoeuvre, and particularly ships engaged in launching or landing aircraft as well as ships engaged in replenishment under way, shall take appropriate measures not to hinder manoeuvres of such ships and shall remain well clear.

¹ United Nations, *Treaty Series*, vol. 450, p. 11.

Article 4

(1) Commanders of aircraft of the Parties shall exercise the greatest caution and prudence in approaching aircraft and ships of the other Party, in particular ships engaged in launching or landing aircraft, and, in the interest of mutual safety, shall not permit simulated attacks by the simulated use of weapons against aircraft and ships of the other Party, or the performance of aerobatics over ships of the other Party, or the dropping of any objects near them in such a manner as to be hazardous to ships or hinder navigation.

Such actions shall also not be taken by aircraft of each Party in respect of non-military ships of the other Party.

(2) Aircraft of the Parties flying in darkness or under instrument conditions shall, whenever feasible, display navigation lights.

Article 5

The Parties shall take measures to notify the non-military ships of each Party about the provisions of this Agreement directed at securing mutual safety.

Article 6

The Parties shall provide through the established international system of radio broadcasts of information and warnings to mariners, normally not less than five days in advance, notification of actions outside territorial waters which represent a danger to navigation or to aircraft in flight.

Article 7

The Parties shall, without delay, exchange appropriate information concerning instances of collisions, incidents which result in damage, and other incidents at sea between ships and aircraft of the Parties. The Navy of the Federal Republic of Germany shall provide such information through the Naval Attaché or other Military Attaché of the Union of Soviet Socialist Republics in Bonn, and the Navy of the Union of Soviet Socialist Republics shall provide such information through the Naval Attaché or other Military Attaché of the Federal Republic of Germany in Moscow.

Article 8

This Agreement with the Annex thereto shall enter into force one month after its signature. It may be terminated by either Party giving six months' written notice of termination to the other Party.

Article 9

Representatives of the Parties shall meet within one year after the date of the signing of this Agreement to review the implementation of its terms and possible ways of further improving the safety of navigation of their ships and flight of their aircraft. Similar consultations shall be held thereafter annually or at more frequent intervals should one of the Parties deem it desirable.

DONE at Moscow on 25 October 1988 in two originals copies, each in the German and Russian languages, both texts being equally authentic.

For the Government of the Federal Republic
of Germany:

HANS-DIETRICH GENSCHER

RUPERT SCHOLZ

For the Government of the Union of Soviet
Socialist Republics:

E. SHEVARDNADZE

D. YAZOV