

## **The Sea of Azov should not become a Russian lake**

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On 25 November 2018, Russian vessels rammed, fired on, and seized three Ukrainian Navy vessels at the entrance of the Kerch Strait which connects the Black Sea and the Sea of Azov. 24 Ukrainian sailors were captured, among which six were injured.

In spite of the conflicting accounts of what led to this clash, the decisive and illegal use of military force by Russia marked another escalation in an already volatile context. Russia may have been trying to provoke Ukraine into responding. Moscow has already used such tactics to trigger the 2008 Russia-Georgia war.

This incident is part of a larger pattern. Russia is seeking to impose its control over the Azov Sea to consolidate its grip on Crimea. This act of aggression violated the UN Convention on the Law of the Sea as well as the 2003 Treaty on the Legal Status of the Sea of Azov and the Kerch Strait, which declare both as shared Ukrainian-Russian territorial waters. The incident also underlines the security challenges that Ukraine faces, including Kyiv's (in-)ability to secure and control its sovereign borders. Furthermore, it has implications for the Black Sea security more broadly and is part of Moscow's long-term efforts to destabilise Ukraine.

### **Creeping annexation**

Ukraine has had difficulty accessing the Kerch strait since Crimea's annexation in 2014, as Russia controls both sides. The completion of the Kerch Strait Bridge in May 2018 reinforced Russia's grip on the region. Moscow has also progressively militarised the Black Sea region, including by upgrading its Sevastopol-based Black Sea Fleet. Thereafter, Russia began stopping and searching ships including foreign vessels headed to and from Ukrainian ports, bringing about often lengthy delays. The situation is destabilising the ports of Mariupol and Berdyansk.

The ports are important for Ukraine's economy. In 2017, 25% of Ukraine's metal exports went through the two ports. Heightened security concerns will increase insurance costs for vessels. A growing mistrust in the security of the route could ultimately result in the closure of the Azov ports for shipping.

Furthermore, in the wake of the attack, Russia temporarily closed navigation to non-Russian traffic through the strait. Closing the strait to transit, even temporarily, reinforces Russia's claims on Crimea and Ukraine's inability to prevent it.

### **Domestic reactions**

Ukraine's politics have also been affected. By putting pressure on Ukraine's ports in the Sea of Azov, Russia is hoping to keep Ukraine politically and economically feeble. Russia wants to make Ukrainians hostile towards their government ahead of the 2019 Presidential and parliamentary elections. Already plagued by low approval ratings, if Poroshenko is unable to free the captured sailors, his chances of re-election may be further damaged. Therefore, Moscow is likely to continue its provocations to further dishearten Ukrainian armed forces and the security establishment, which represent a significant electoral constituency. That is why Russia may keep the sailors as bargaining chips.

Following the attack, Poroshenko called for martial law to be imposed for sixty days. Some politicians and civil society representatives saw this as a tactic to postpone the 31 March 2019 Presidential elections. Finally, a compromise was agreed, with the support of some key political figures, including Yulia Tymoshenko. On 26 November, the Ukrainian Parliament voted in favour of martial law but for a limited period of thirty days and only covering regions bordering Russia, and the Black and Azov Seas. The Parliament also formally set the date of the first round of the presidential election on 31 March 2019. Nevertheless, martial law allows for a range of restrictions, including on constitutional rights and freedom of the media.

So far the international community's response has been limited to statements calling for de-escalation and asking Russia to restore freedom of passage at the Kerch Strait. These measures will not deter Moscow from future provocations. History has shown that indecisiveness and weak responses only embolden the Kremlin. The lack of meaningful response to Russian aggression in Georgia in August 2008 almost certainly encouraged Russia in its decision to annex Crimea.

### **Recommendations**

A range of steps should be taken to show the Kremlin that Russian efforts to transform the Sea of Azov into a Russian lake are unacceptable. Building on measures already adopted by the EU, the US, NATO and others, these should include:

1. **Demand the immediate release of the 24 sailors** unlawfully held and forced to admit to provoking Russia on television. This act violates Article 13 of the Third Geneva Convention. Independent medics should also be given access to those soldiers injured in the incident.
2. **Targeted sanctions.** At their forthcoming meeting on 10 December, EU Foreign Ministers are set to maintain existing EU sanctions. There will also be a discussion over possible new sanctions. Targeted sanctions should be implemented against those officers and others involved in the shooting incident on the Ukrainian vessels.
3. **Deploy an OSCE maritime monitoring mission to the Sea of Azov and the Kerch Strait.** The current OSCE Mission deployed in Ukraine could be extended for this task. If Russia, as it claims, is abiding by international law and has no intention to affect peace and stability in the region, there is no reason for the Kremlin to object.
4. **Strengthen Ukraine's resilience.** Presently coastal and air defences do not represent a viable deterrent against Russian aggression. Several NATO member states, including the UK and the US, have already provided Ukraine with defensive military equipment. This should continue, including surveillance equipment and land-based anti-ship missiles.
5. **Help Kyiv upgrade its railway system.** Mariupol is home to Ukraine's second-biggest steelworks. The current railway has insufficient capacity to transport all its production to other ports.

At the same time, Ukraine's leadership should not be tempted to prolong martial law beyond thirty days. Presidential elections should go ahead as scheduled.

The events of 25 November are a stark reminder that the conflict in Ukraine is far from over and that Russia is seeking to extend its control in the Sea of Azov. Both endeavours are unacceptable.