

Russia-Ukraine conflict flares up in the Azov Sea

Russia's attacks on and seizure of three Ukrainian naval vessels off the Crimean peninsula have reignited looming tensions in the Sea of Azov. This is the most serious confrontation between Ukraine and Russia since 2014, sparking concern over further military escalation ahead of key Ukrainian elections. On 27 November 2018, Ukraine's Parliament (Verkhovna Rada) voted to declare martial law. The EU has condemned Russia's use of force.

Background

Tensions in the Azov Sea – a small sea linked to the Black Sea through the narrow Kerch Strait – have been simmering since Russia [illegally](#) annexed the Crimean peninsula in March 2014. Russia launched its [hybrid war](#) against Ukraine after large-scale pro-European, anti-corruption [protests](#) – sparked when pro-Russian Ukrainian President Viktor Yanukovich [withdrew](#) from signing an EU-Ukraine Association Agreement in [Vilnius](#) in November 2013 – paved the way for the ousting of Yanukovich in [February 2014](#) and for a new pro-European government. Since then, the EU, the United States and other democratic actors have progressively imposed [restrictive measures](#) against Russia in response to the illegal annexation of Crimea, and Moscow's deliberate destabilisation of Ukraine.

The Azov Sea: from looming tensions to direct confrontation

According to a 2003 bilateral [agreement](#), Ukraine and Russia share the territorial waters of the Azov Sea as well as the Kerch Strait, which separates the Azov Sea from the rest of the Black Sea. The agreement explicitly states that Russian and Ukrainian vessels have free navigation in the Sea of Azov and the Kerch Strait.

The Sea of Azov and the Kerch strait



Growing tensions

Tensions over access to and from the Sea of Azov through the Kerch Strait have been increasing since early 2018. Russia completed building a bridge over the Kerch Strait in July 2018, securing access to the peninsula from its territory but reducing the space for passage. In recent months, Russia has redeployed battleships from the Caspian Sea to the Azov Sea. With this and its general military build-up in the region, Russia has de facto turned the Azov Sea into a '[Russian lake](#)'. Since July 2018, systematic Russian searches of Ukrainian vessels have hampered important Ukrainian metal and grain exports from its [ports](#) in Mariupol and Berdyansk. In response to Russia's military build-up, Ukraine has increased its own military presence, including ships and troops, as well as a planned [naval base](#). On 25 November, [Russian forces](#) blocked the passage, fired at and seized two Ukrainian navy ships and a tugboat, wounded six and detained 23 Ukrainian service personnel.

Ukraine introduces martial law in response to Russian aggression

Ukraine [accuses](#) Russia of violating the freedom of maritime traffic and of Articles 38 and 44 of the UN Convention on the Law of the Sea ([UNCLOS](#)), which bans the obstruction of peaceful transit across the Kerch Strait. On 26 November, Ukrainian President Petro Poroshenko proposed introducing martial law in Ukraine for the first time, in response to Russia's 'act of armed aggression'. The Verkhovna Rada [voted](#) to impose

[martial law](#) for 30 days as of 28 November (thus not jeopardising the planned 31 March 2019 presidential elections) in ten regions bordering Russia or Moldova's breakaway Transnistria region (see map).

What does Ukraine's martial law entail?

Under martial law, the military high command assumes control of the country, with central and local executive bodies carrying out and enforcing the regime. Ukraine's measures include partial mobilisation, boosting the country's air defences and strengthening counter-intelligence, counter-terrorism, and counter-sabotage regime and information security. According to [BBC Monitoring](#), the decree acknowledges the possibility of serious restrictions of rights and for the media. Citizens and their homes can be subjected to searches and checks. The activities of political parties and civic organisations may be banned if they are seen as a threat to sovereignty. A curfew may be introduced, and army reserves can be called up. However, Poroshenko has [said](#) that drastic curbs, including restrictions on media and civil liberties, were not necessary, arguing that the main aims were tighter security and enabling fast mobilisation. He has also [clarified](#) that the law does not enable him to prolong it without approval from the Verkhovna Rada.

Fluid Russian interpretations of the events

Moscow accused Ukraine of illegally entering its territorial waters – claiming a [violation](#) of Article 19 and Article 21 of UNCLOS – as a '[provocation](#)' ordered [by the US](#) and a 'pretext for stepping up sanctions against Russia'. According to UNCLOS Article 19, all ships enjoy the right of 'innocent passage'. Russia contests the innocence of the Ukrainian passage, calling it a '[provocation](#)' ordered [by the US](#) and a 'pretext for stepping up sanctions against Russia'. Later, on 27 November, Russian President Vladimir Putin [claimed](#) that the incident 'was organised by the [Ukrainian] president ahead of the elections', as a 'pretext to introduce martial law'. On 27 November, a Russian 'court' in Crimea [ordered](#) some of the detained service personnel to be held in custody until 25 January, charged with 'illegal border crossing by a group of individuals acting in collusion, or by an organised group, or with the use of or the threat to use violence'.

Western allies voice support and concern, while some call for new sanctions

Western countries have expressed concern over Russia's actions and voiced support for Ukraine's sovereignty, but, at the time of writing, have not announced new sanctions. On 28 November, the EU [reiterated](#) its full support for Ukraine's independence, sovereignty and territorial integrity, and repeated that it will not recognise Russia's illegal annexation of Crimea. At the same time, EU Member States such as Estonia and Poland have expressed [support](#) for new sanctions on Russia. The US State Department has urged the EU to '[do more](#)', calling for a review of the Nord Stream 2 gas pipeline. US President Donald Trump [said](#) on 28 November that he is considering cancelling a scheduled meeting with Russian President Putin on the margins of the [G20 meeting](#) (on 30 November and 1 December 2018) in Argentina. At an emergency United Nations Security Council meeting on 26 November, US Ambassador Nikki Haley, [speaking](#) on behalf of the UK, France, the Netherlands, Poland and Sweden, voiced 'deep concern' over the 'dangerous escalation'. On 26 November, NATO urged Russia to [release](#) the Ukrainian sailors and ships immediately, but at time of writing has not responded to Kyiv's 29 November [call](#) on NATO to send ships to the Azov Sea.

Recent EU sanctions related to the Azov Sea

In July 2018, the EU [added](#) six entities to the sanctions list, over their role in building the Kerch Bridge. The Council [argued](#) that the entities supported the consolidation of Russia's control over the illegally annexed Crimea, in turn further undermining Ukraine's territorial integrity, sovereignty and independence.

European Parliament's October 2018 resolution on the Sea of Azov

In the 25 October 2018 [resolution](#) on the situation in the Sea of Azov, Parliament regretted that the Sea of Azov had become a new maritime dimension of belligerent Russian actions against Ukraine. It deplored the excessive actions of the Russian Federation in the Sea of Azov for breaching international maritime law and Russia's own international commitments. It condemned the excessive stopping and inspection of commercial vessels, including Ukrainian ships, and called on the VP/HR to follow the evolving security situation in the Sea of Azov closely; to propose that the mandate of the Organization for Security and Cooperation in Europe's Special Monitoring Mission to Ukraine also cover the new area of tensions in the Azov Sea; and to make it clear that the targeted sanctions against Russia will be reinforced if the Azov Sea conflict escalates further.

