




Commentary


No option left? In the Azov Sea, the EU is all Talk and No Action

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NO OPTION LEFT? IN THE AZOV SEA, THE EU IS ALL TALK AND NO ACTION

On November 25, Russian border patrol boats seized three Ukrainian naval vessels in the Azov Sea — two artillery boats and a tugboat — as they were attempting to pass through the Kerch Strait and used weapons to force them to stop. Twenty-four Ukrainian sailors are still detained by the Russian armed forces, despite the international appeals for their immediate release.

In response, the Ukrainian parliament voted in favour of President Petro Poroshenko's request for martial law, which gives authorities the power to mobilise citizens with military experience, regulate the media and restrict public rallies in certain areas. It will stay in force for thirty days starting from November 28 in ten Ukrainian regions bordering Russia, the Black Sea and the Azov Sea¹. During the period of the martial law, male Russian citizens between 16 and 60 years of age will be denied entry to Ukraine².

As the international community proclaims its unanimous concern for Russia's violation of international law, is the European Union presenting a united front in its promise to support Ukraine's sovereignty and territorial integrity?



Figure 1. Regions affected by the martial law in Ukraine. Source: <http://euromaidanpress.com>

Accusation are flying around from both sides involved in the matter. On the one hand, Russia argues that the incident happened in its territorial water and regards the events as a political stunt, intended as “a provocation organised by the current officials”³. Russian President Vladimir Putin called out Ukrainian President Petro Poroshenko directly in a speech at an international investment forum in Moscow, stating that “he needs to do something to escalate the situation and create

¹ <https://www.president.gov.ua/en/news/zayava-prezidenta-ukrayini-shodo-zatverdzhennya-ukazu-pro-vv-51362>

² <https://www.reuters.com/article/us-ukraine-crisis-russia-ban/ukraine-bans-entry-to-russian-adult-men-border-service-chief-idUSKCN1NZ0QJ>

³ <http://en.kremlin.ru/events/president/news/59216>

unsurpassable obstacles for his rivals, especially in the opposition” ahead of the presidential elections in Ukraine to be held in March.

On the other hand, Poroshenko stressed that there is “irrefutable evidence that this aggression, this attack on the Ukrainian Navy's warships was not a mistake, not an accident, but a targeted action, including as regards the use of weapons against Ukrainian sailors, which had severe consequences.”⁴ Ukraine has accused Russia of imposing an “economic blockade” on its ports in the Sea of Azov by blocking ships from entering the Kerch strait.

The current divide in the European Union

The escalation was followed by an intense week of statements and declarations from the international community. The EU issued an official declaration three days after the attack, expressing “utmost concern about the dangerous increase of tensions”⁵. As similar declarations are being presented more and more as the only institutional response to the crisis, words appear increasingly weak and insufficient. In a context in which all we seem to get is statements, focusing on the wording of the numerous declarations of concern expressed by the European authorities in the last week only highlights a bleak division within the European Union.

The bloc appears divided on the adoption of further measures of support, as the Baltic states call for tougher actions against Moscow. According to Estonian President Kersti Kaljulaid, “we must use the right terms: this is war in Europe”⁶. She urged the international community and the democratic world leaders to join her in this statement, but her declaration is in contrast with the increasing appeals directed at both sides to immediately de-escalate the “incident”. The Foreign Ministry of Lithuania declared instead that Russia’s actions “cannot be qualified otherwise than an act of open military aggression against Ukraine.”⁷

While Angela Merkel urges Ukraine to “be smart”⁸ and calls for restraint and dialogue from all parties⁹, the Baltic states are sending a clear message directly to the international community asking for a tougher line and “to use all means in countering [these illegal actions by Russia]”¹⁰, as stated by the Foreign Ministry of Lithuania.

⁴ <https://www.president.gov.ua/en/news/ce-akt-agresiyi-proti-nashoyi-derzhavi-i-duzhe-serjozna-zagr-51338>

⁵ <https://www.consilium.europa.eu/en/press/press-releases/2018/11/28/declaration-by-the-high-representative-on-behalf-of-the-eu-on-the-escalating-tensions-in-the-azov-sea/>

⁶ <https://www.president.ee/en/meedia/press-releases/14713-president-of-estonia-kersti-kaljulaid-we-cannot-silently-consent-to-russia-s-aggression-on-the-sea-of-azov/index.html>

⁷ <https://www.urm.lt/default/en/news/foreign-ministrys-statement-on-actions-by-the-russian-federation-in-the-kerch-strait->

⁸ <https://www.dw.com/en/angela-merkel-sidesteps-military-aid-to-ukraine/a-46506216>

⁹ <https://www.bundesregierung.de/breg-en/chancellor/restraint-and-dialogue-are-called-for-1555710>

¹⁰ <https://www.urm.lt/default/en/news/foreign-ministrys-statement-on-actions-by-the-russian-federation-in-the-kerch-strait->

The Latvian Ministry of Foreign Affairs echoed the same point in its appeal for a “strong and consistent” response to Russia’s aggressive actions¹¹.

A tentative proposal for concrete actions first emerged from the phone call between the German chancellor and Vladimir Putin on Monday 26, with the agreement on “an analysis of the incident with the participation of Russian and Ukrainian border-security experts”, government spokesperson Steffen Seibert said in a statement¹². Germany has also offered to mediate between Russia and Ukraine within the framework of the Normandy Format, which has seen government officials from France, Germany, Ukraine and Russia meeting to discuss the implementation of the Minsk agreements.

Merkel and Macron, as the two European members of the Normandy Four, had promised to raise the issue with Putin during the annual G20 meeting in order to reach a diplomatic solution to the crisis¹³. However, it appears once more that the only outcome of the working breakfast between Merkel and Putin was a promise for further talks within the Normandy format, without a clear indication of when follow-up discussions would take place¹⁴. Putin responded to the external pressure by praising his navy for defending the Russian territory and by providing detailed explanations of the incident, even going as far as drawing a map of the Kerch Strait to better sustain his position, as reported by one of Macron’s aide.¹⁵

The American position

From the other side of the Atlantic, U.S. President Donald Trump cancelled the planned meeting with Vladimir Putin in the framework of the annual G20 summit “based on the fact that ships and sailors have not been returned to Ukraine from Russia”¹⁶. The two held an informal conversation at the sidelines of the summit, in which the leaders expressed their position without neither of them changing as a result of the exchange¹⁷. Despite the fact that this unprecedented decision has eliminated the chance to send a tough and clear message on the issue, a formal exchange would have been unlikely to achieve much.

Trump had previously stated that he “didn’t like” the incident in an interview with The Washington Post, although giving the statement without mentioning Russia or Putin and quickly changing the topic from the events to Germany’s defence

¹¹ <https://www.mfa.gov.lv/en/news/latest-news/61953-a-statement-of-the-ministry-of-foreign-affairs-on-russia-s-actions-in-the-sea-of-azov>

¹² <https://www.dw.com/en/germany-offers-to-mediate-between-russia-and-ukraine/a-46467952>

¹³ <https://www.apnews.com/302626dfe040460b9c4c6e18ba7d3dd7>

¹⁴ <https://uk.reuters.com/article/us-g20-argentina-putin-merkel/merkel-putin-agree-to-more-four-way-talks-on-kerch-strait-tension-idUKKCN1O03EA>

¹⁵ <https://www.afp.com/en/news/15/french-german-leaders-take-putin-task-over-ukraine-doc-1b996a1>

¹⁶ <https://twitter.com/realDonaldTrump/status/1068181367857397760>

¹⁷ <https://www.rferl.org/a/putin-trump-ukraine-argentina/29632830.html>

spending¹⁸. “Angela, let’s get involved Angela!”, he added on the matter, referring to the German Chancellor Angela Merkel. Trump also called into question French President Emmanuel Macron, thus pointing at the European members of the Normandy format as the responsible mediators on the issue.

In search of a solution beyond statements

An increased NATO presence in the concerned area appears to be one of the most suggested solutions. Sending third-country naval vessels in the area would, in fact, serve as a temporary deterrent for the situation. It would undoubtedly be the preferred plan of action for Ukrainian President Poroshenko, who called for an increased naval presence in the region to back his country, appealing directly to Germany as one of Kyiv’s “closest allies”¹⁹. Despite his calls for action, it seems like Poroshenko will not get the military support he has been requesting, as Merkel did not offer any direct answer to Poroshenko’s request so far; it seems that the German Chancellor wants to avoid any kind of military involvement.

After the meeting of the NATO-Ukraine Commission, NATO Secretary General Jens Stoltenberg remarked that the organization has already increased its presence in the Black Sea region on land, through air policing and with a regular presence in with naval capabilities, and is constantly monitoring the developments²⁰. Moreover, even if NATO were to decide in favour of a friendly visit, Russian Ambassador to the European Union Vladimir Chizhov does not “envisage Russia giving consent to such a visit”²¹, he stated in an interview. He added that he believes NATO to be wise enough to avoid such risky behavior and that vessels “would not pass anyway”.

Some voices are also raising the issue of Germany’s commitment to the Nord Stream 2 pipeline that will allow Russia to bypass Ukraine in pumping gas to Europe. The project seems to undermine the efforts to de-escalate a crisis between the two countries, but a halt to the deal is not in the cards. Germany’s economic minister Peter Altmaier already declared that “those are two separate questions”²². Annegret Kramp-Karrenbauer, a front-runner to replace Merkel at the leadership, told public broadcaster ARD it would be “too radical” to withdraw political support for the project, but Berlin could reduce the amount of gas to flow through the pipeline²³.

¹⁸ <https://www.unian.info/politics/10356699-trump-wants-germany-france-involved-in-settling-ukraine-russia-row-around-azov-sea.html>

¹⁹ <https://www.president.gov.ua/en/news/prezident-rozrahovuye-na-pidtrimku-vms-krayin-nato-dlya-bezpe-51506>

²⁰ https://www.nato.int/cps/en/natohq/opinions_160789.htm

²¹ <https://www.euractiv.com/section/defence-and-security/interview/chizhov-the-ukraine-conflict-is-not-in-russias-interest/>

²² <https://www.reuters.com/article/us-ukraine-crisis-germany-pipeline/russian-gas-pipeline-and-ukraine-crisis-are-separate-issues-germany->

[idUSKCN1NY008?feedType=RSS&feedName=topNews&utm_medium=Social&utm_source=twitter](https://www.reuters.com/article/us-ukraine-crisis-germany-pipeline/russian-gas-pipeline-and-ukraine-crisis-are-separate-issues-germany-idUSKCN1NY008?feedType=RSS&feedName=topNews&utm_medium=Social&utm_source=twitter)

²³ <https://www.reuters.com/article/us-ukraine-crisis-russia-germany/merkel-protege-suggests-reducing-gas-flow-through-nord-stream-2-pipeline-idUSKBN1O10V9>

Only the adoption of the Third Energy Package could put the viability of the Nord Stream 2 project into question, but its construction has already started, while the amendments to the Gas Directive, which can create serious obstacles to the project, are still on hold. Even if the Parliament has already presented its position, progress in the European Council remains slow, with Germany, Austria, Belgium and the Netherlands opposing the attempts to accelerate work on the Gas Directive²⁴.

The leaderships of the Baltic states and 97 members of the European Parliament²⁵ also came out in favour of increasing the sanction regime imposed on Russia. The MEPs stated that “Europe can and must not let itself be sidelined while President Putin slowly but steadily chips away at the foundation of the rules-based international order”. While European Council President Donald Tusk has confirmed that the EU will extend the sanctions against Russia in December, there is no confirmation of additional economic measures²⁶.

The flare-up certainly reinforced the European unity on the issue, silencing those that were in favour of lifting the sanctions against Russia, at least temporarily. However, diplomatic sources remain doubtful about the implementation of any additional action. So far, the sanctions have failed to act as an effective measure to contain Moscow and appear increasingly insufficient, highlighting the need for a reconsideration of this path.

Conclusion

With no viable solution in sight from any party, Ukraine seems destined to receive nothing more than moral support from the West. “To be perfectly honest, we don’t have many options,” a senior European official stated on the matter²⁷. “We don’t want to risk war, but Putin is already waging one. That makes us look weak”, he continued. However, the Kerch Strait episode should be regarded as an urgent wake up call for the international community on the unpredictability of the Ukrainian situation. Moreover, this case cannot be approached as a typical frozen conflict in the post-Soviet space, as it is clearly still active and constantly evolving.

The EU High Representative for Foreign Policy Federica Mogherini had already voiced her preoccupation on the security situation around the Black Sea already one month before the recent escalation. “A militarization of the Azov Sea is in no-one’s

²⁴ <https://www.euractiv.com/section/energy/news/poland-wants-to-speed-up-progress-on-gas-directive/>

²⁵ <https://www.facebook.com/UkraineEUMission/posts/-97-members-of-the-european-parliament-called-on-high-representative-federica-mo/2206720256007823/>

²⁶ <https://www.reuters.com/article/us-ukraine-crisis-russia-tusk/eu-will-extend-russia-sanctions-in-december-tusk-idUSKCN1NZ1GM>

²⁷ <https://www.politico.eu/article/ukraine-russia-putin-is-in-control/>

interest, and it can only destabilise the delicate security situation in the wider Black Sea region”, she stated²⁸.

In light of these declaration, the events in the Sea of Azov are a demonstration of how instability and tensions are bound to rise when the basic rules of international cooperation are disregarded. It is important to keep in mind that flare-ups of this kind are not emerging accidentally, but are the direct product of a prolonged conflict and high-level political tensions. Russia clearly does not fear strongly worded statements and a military response looks unpopular for all sides. In this context, even without a further escalation of the overall situation, this case will unfortunately not remain isolated.

²⁸ https://eeas.europa.eu/headquarters/headquarters-homepage/52626/speech-hrvp-federica-mogherini-situation-sea-azov_en

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