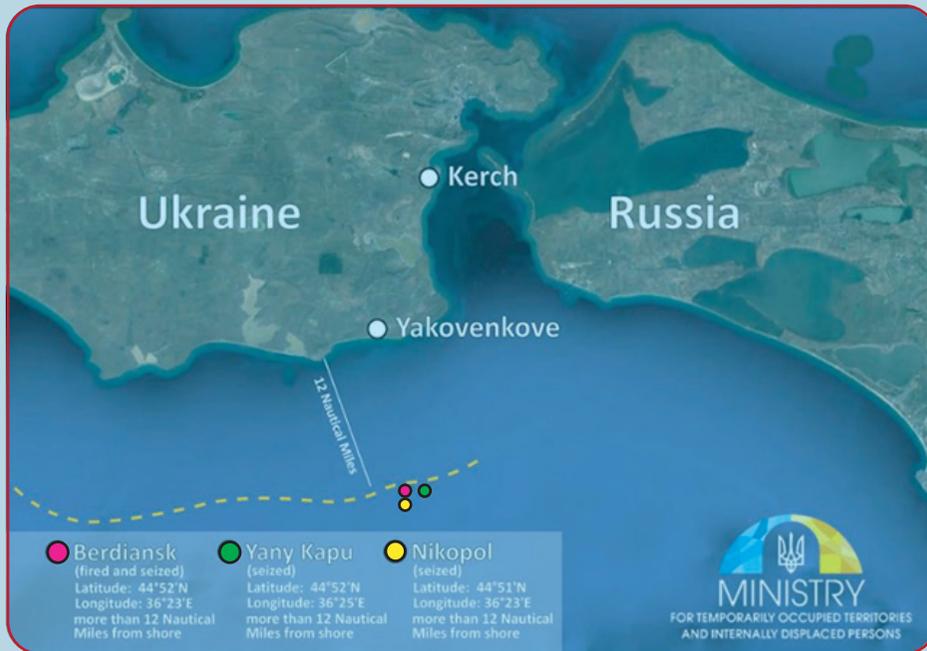


# WHY RUSSIAN AGGRESSION IN AZOV SEA AREA IS IMPORTANT FOR NORD STREAM 2 CASE

On Sunday, November 25, 2018, Russia has seized three Ukrainian naval ships off the coast of Russia-annexed Crimea. After ramming into, fire was opened on Ukrainian ships, as the result of which six sailors were wounded, and all crew members – as reported, 24 persons<sup>1</sup> - were taken as prisoners of war<sup>2</sup>.

## UKRAINE'S VESSELS ATTACKED AND SEIZED OFF THE TERRITORIAL WATERS OF UKRAINE



Source: Ministry of Temporarily Occupied Territories and IDPs of Ukraine (<https://mtot.gov.ua/ru/ua/russia-neglected-the-immunity-of-ukrainian-warships-on-the-high-seas-map/>)

By arguing that “Ukrainian vessels have violated Russia’s borders”, Russia lied twice. First, the UN General Assembly, the U.S., the EU, Canada and many other countries, consistently deny any claims by the Russian Federation to the territorial waters of Ukraine along Crimea peninsula as illegitimate<sup>3</sup>. Second, capturing of Ukrainian vessels took place on the territory, which is beyond 12 nautical miles zone

around Crimea<sup>4</sup>, after the ships attempted to exercise the right of peaceful passage through the Kerch Strait on their route to Ukrainian port of Mariupol as provided by the 2003 bilateral maritime agreement between Russia and Ukraine and as some other Ukrainian ships have done earlier 2018 year<sup>5</sup>.

## INTERNATIONAL LAW VIOLATED

Beside that, Russia violated a number of international agreements. In particular - the UN Convention on the Law of the Sea, which demands the freedom of maritime traffic, and abovementioned bilateral Ukrainian-Russian Agreement on the Kerch Strait and the Sea of Azov, which provides for freedom of navigation in the Sea of Azov as well as access to it through the Kerch Strait<sup>6</sup>.

## ALTHOUGH A BLATANT ACT OF UNDISCLOSED AGGRESSION BY ITSELF, THIS CRIME MAY HAVE CONSIDERABLE IMPLICATIONS FOR NORD STREAM 2 PIPELINE THAT IS SET TO CROSS THE TERRITORIAL WATERS OF DENMARK AND GERMANY, ALONG WITH THE EXCLUSIVE ECONOMIC ZONES (EEZ) OF FINLAND, SWEDEN, DENMARK AND GERMANY<sup>7</sup>.

Taking to the account impudence of the recent attack, it could be expected that Russia will use Nord Stream 2 pipeline protection as an excuse for expanding its presence in the territorial waters of these countries. One day, Russian forces – be it regular army, private military companies or Gazprom’s security units – could break into 12-miles zone, as in case of Ukraine, but there might be no direct response, in order not to escalate tensions.

## MILITARIZING OF THE BALTIC SEA

In 2007, the law was passed in Russia<sup>8</sup> allowing two biggest energy monopolies, Gazprom and Transneft, to employ private security units and purchase weapons - under the pretext that strategic infrastructure has to be protected from terrorist attacks. This fact is particularly important as the number of incidents in the Baltic Sea, involving Russian military, in the recent years is growing<sup>10</sup> – posing a threat to fragile security balance in the region.



Source: <https://www.euractiv.com/section/energy/news/all-eyes-on-denmark-after-sweden-awards-nord-stream-2-permit/>

## NON-COMBAT INTERVENTIONS

Also, Russia might use Nord Stream 2 pipeline protection as an argument to control vessels traffic in the Baltic Sea. Starting from formal procedures, then – as in case of Ukraine – it might move to more aggressive control and blocking of ship traffic, possible delays in their schedules and influence on trade activities in the region. For this purpose, electronic warfare and surveillance systems could be used to track other targets than Nord Stream 2 pipeline monitoring<sup>11</sup>.

## MITIGATION OF THE THREAT FROM RUSSIA

These threats are substantiated by the long visible strategy of the Russian government to try violating the rules, track the response and, if not paying sufficient price for its actions, intensify its coercive actions. Recent years of countering the Russian aggression in Crimea and in the eastern regions of Ukraine provide for nothing but a clear and simple rule: the Russian government only stops where the price for continuing of intimidation and offence becomes too high to pay. Preventive actions by the West may include:

- *strict and explicit condemnation of the Russia's aggression in the Sea of Azov;*
- *unequivocal sign of readiness for military support through increased NATO presence in the Black and Azov seas;*
- *cancellation of permits provided for Nord Stream 2 based on security considerations and abundant legal grounds of the 3<sup>rd</sup> Energy Package of the EU<sup>12</sup>.*

This alert is prepared by the Kyiv-based think-tank DiXi Group.

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1 <https://www.pravda.com.ua/articles/2018/11/27/719951/>  
 2 <https://en.interfax.com.ua/news/general/548183.html>  
 3 <https://www.eurointegration.com.ua/experts/2018/11/26/7089884/>  
 4 <https://mtot.gov.ua/ru/ua/russia-neglected-the-immunity-of-ukrainian-warships-on-the-high-seas-map/>  
 5 [http://zakon.rada.gov.ua/laws/show/643\\_205](http://zakon.rada.gov.ua/laws/show/643_205)  
 6 <https://www.eurointegration.com.ua/experts/2018/11/26/7089884/>

7 <https://www.nord-stream2.com/construction/country-country/>  
 8 <http://pravo.gov.ru/proxy/ips/?docbody=&prevDoc=102033428&backlink=1&&nd=102115975>  
 9 <https://www.theguardian.com/world/2007/jul/05/russia.01>  
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 12 <https://www.ceps.eu/system/files/SK151AR%20Nordstream2.pdf>