EUROPE 27.11.2018

Ukraine and Russia clash in the Black Sea

Marcel Röthig in Kiev on the question whether the confrontation will escalate after Ukraine's decision to impose martial law

Read this interview in German.

At the weekend there was a confrontation in the Black Sea between Ukraine and Russia. What happened exactly?

Tensions over the Kerch Strait have increased considerably since the summer. The completion of a land bridge from the Russian mainland to the annexed Crimean peninsula means that Russia is able to prevent ships from entering the strait. The latter is economically essential for the Ukrainian cities located along the Sea of Azov. In recent months, there have been more and more cases of cargo ships being halted and detained for several days for inspections. Ukraine had subsequently begun building a naval base in the Sea of Azov to ensure the safe flow of trade. This is why on Sunday a tugboat and two artillery boats were scheduled to be transferred from Odessa to Mariupol. The 2003 agreement, still in force, between Russia and the Ukraine on cooperation and shared use of the Sea of Azov and the Kerch Strait governs the free use of the waters.

Ukraine says that the transfer was duly announced to the Russian side. Russia's Federal Security Service, the FSB (which officially controls border security) declares by contrast that there was no such communication and that, furthermore, Ukraine violated the 12-mile zone.

Around noon the Russian coastguard first tried, unsuccessfully, to force the Ukrainian ships back by ramming them. After that, civilian ships were blocked from passing through the Kerch Strait and a massive tanker was manoeuvred under the bridge. Amateur footage showed spectacular recordings of Russian attack helicopters and Su-25 fighter jets sweeping low over the strait. Then, reports in the evening stated that Russian special forces had first shot and disabled

the ships in international waters and subsequently stormed them. Armed force was used on both sides. According to Ukraine, six naval personnel were injured, two seriously. According to Russia, three were injured. The high number of casualties and the fact that a Gurza-M class artillery boat only has up to five crew members suggest that the fighting was somewhat fierce. The ships were seized – at the moment the whereabouts of the total 24 crew members are not known.

How has the Ukrainian government reacted to this?

Ukraine sees the detention of the crew members as the confinement of prisoners of war. The Military Cabinet met in the evening and recommended the imposition of martial law to the National Security and Defence Council. The meeting shortly after midnight was televised nationwide. President Poroshenko spoke of a warlike act against Ukraine and recommended that parliament impose martial law. On 26 November, parliament met for a special session at 3pm Central European Time. The simple majority required for imposing martial law was reached during that session. It will last 30 days and start on 28 November. However, as a concession to Parliament, it only applies in 10 areas, all bordering Russia, Crimea or the Republic of Moldova, where there are also Russian troops in the breakaway part of Transnistria. However, it can be extended to the rest of the country at any time. Martial law restricts many civil rights. But this should only happen if there is indeed a Russian attack.

To what extent does this add a new dimension to the confrontation between Russia and Ukraine?

First of all we must clarify that yesterday's fighting marks the very first time that Russia and Ukraine have officially and not covertly used armed force against one another. Indeed, Russia has always emphasised that it's not a party to the conflict in eastern Ukraine. The Ukrainians' assessment also corresponds with this: this is the first time that they are talking about a warlike act against Ukraine. Hitherto the political vocabulary has always talked about an 'aggression'.

The imposition of martial law also represents a new dimension: martial law was imposed neither during the annexation of Crimea nor at the height of the war in Donbass following the battles of Ilovaisk and Debaltseve. This was justified on the basis that the costs would outweigh the benefits, such as the fact that it would make cooperation with the IMF impossible. Martial law gives the President full powers for a limited time period and disempowers parliament. It annuls basic rights such as the freedom of association and freedom of the press and

it curtails property rights: at any time, private property such as real estate or vehicles can be requisitioned. In addition, martial law allows the ordering of maximum mobilisation. Ultimately all public functions fall to the military – strangely enough even the collection of rubbish.

How should we gauge the potential for escalation? Who has an interest in a deterioration of the situation?

Initial Russian media reports of an increase in fighting in the Donbass have since been denied by Ria Novosti. In the last 48 hours there have 'only' been a total of four wounded on the Ukrainian side. In addition, the Kerch Strait has been open again for the passage of civilian ships since the early hours of 26 November. Having said that, all naval units at sea and the air force have been placed on full alert. According to President Poroshenko, martial law should increase defence capabilities and vigilance as further military action is expected from Russia. Moreover, the imposition of martial law does not, he says, signify a declaration of war. President Poroshenko also added that total mobilisation ought not to be necessary and that they are just initially mobilising the so-called 'first wave'.

The Ukrainian armed forces are certainly in a much better and more experienced state than in 2014. But it must be said that the Ukrainian side is unlikely to stand any chance against a major Russian offensive in the event of an all-out war. The leadership in Kiev also seems to be aware of this. It ought therefore to refrain from any provocation so as not to have a repeat of the situation in Georgia in 2008, where a small provocation triggered a massive Russian reaction. Rather, I see the danger of domestic tensions at the moment: as a result of martial law no elections can really be conducted. Presidential elections are meant to be scheduled for the end of March.

Oksana Syroyid, deputy chairman of parliament and a member of the conservative-liberal party 'Self Reliance', spoke openly this morning about an attempt at manipulation: 'Martial law throughout the whole territory of Ukraine is a wonderful opportunity to manipulate the presidential elections and, if necessary, to use a bit of dictatorship.' Martial law was not proclaimed at the height of the war because the political powers did not see any advantage for themselves at the time, she said. Iryna Herashchenko, the president's special envoy for the peaceful settlement of the situation in the Donetsk and Luhansk regions, sought to reassure yesterday morning, saying that the elections could take place despite martial law. It's questionable whether, under the conditions of martial law, elections could really take place completely freely and fairly.

The Security Council got involved with the incident. What can the international community do to help, other than call for a calming of the situation?

As the members of the Security Council take confrontational views concerning Ukraine, an unequivocal condemnation is out of the question. But the events do put the topic of Crimea back on the international community's agenda. The incident makes clear that it was a mistake on the part of Ukraine's western partners to effectively subordinate the topic of Crimea to the question of Donbass. Crimea has become a security policy hotspot over recent years. This topic must now be addressed more fully.

The interview was conducted by Michael Bröning.
