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Redrawing borders, reshaping orders: Russia's quest for dominance in the Black Sea region

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ABSTRACT

Since Russia's annexation of Crimea in March 2014, severe limitations have been placed on Ukraine's coastal state rights and navigational freedoms in the Black and Azov Seas and the Kerch Strait. The "Kerch Strait clash" in November 2018, which resulted in the Russian capture of three Ukrainian naval vessels in international waters south of the strait, can be seen as the temporary culmination of tensions that have been building up over a longer period. In violation of international law and bilateral agreements, Russia has in recent years pursued an increasingly assertive and revisionist policy in the region and sought to turn the maritime spaces on the country's southwestern flank into a "Russian lake". This policy is affecting not only the security and economy of neighbouring states such as Ukraine and Georgia, but also the strategic balance in the southeastern corner of Europe. Drawing on empirical evidence derived from Russian, Ukrainian and Western sources, as well as insights from neoclassical realist theory, this article discusses legal, economic and security aspects of Russia's ongoing quest for a dominant position in the Black Sea region.

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Introduction

In the evening of 25 November 2018, three Ukrainian Navy vessels were fired upon, damaged and captured by Russian Coast Guard vessels, supported by Russian fighter jets and attack helicopters, in international waters south of the Kerch Strait entrance. Earlier the same day, the Ukrainian vessels had been trying to enter the strait in order to complete a planned transit from the Black Sea port of Odesa to the Azov Sea port of Berdyansk. The captured vessels and their 24 crewmembers, some of whom were severely injured, remained in Russian captivity until the autumn of the following year. The crewmembers returned to Ukraine in connection with a prisoner exchange on 7 September 2019 and the vessels were returned on 18 November 2019, almost a year after the incident.

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Ukrainian authorities, as well as a number of Western nations, including the U.S., reacted strongly to Russia's behaviour and excessive use of force during the Kerch Strait incident. The Ukrainian Ministry of Foreign Affairs issued a harsh statement, describing the capture of the Ukrainian vessels as "another act of aggression of the Russian Federation against Ukraine" (Ministry of Foreign Affairs of Ukraine 2018a). Similarly, U.S. Ambassador to the United Nations, Nikki Haley, called it "another reckless Russian escalation" of the Russian-Ukrainian conflict and an "outrageous violation of Ukraine's sovereign territory". She called on Russia to "immediately cease its unlawful conduct and respect the navigational rights and freedoms of all states" (NPR 2018).

The maritime areas south of Ukraine – the Black Sea and the Sea of Azov – have in many ways become a "third front" in the seven-year conflict between Russia and Ukraine, in addition to Crimea and the Donbas. By expanding its military aggression against Ukraine to the sea, Russia has entered a new phase in its confrontation with Kyiv and added new dimensions to the problem of how to restore political and military stability in the region.

The Russo-Ukrainian conflict, or rather cluster of conflicts, has already had dire consequences for the security situation in Southeast Europe, Russia's relations with the North-Atlantic Treaty Organisation (NATO) and Russia's international standing. In addition, and equally worrisome, Ukraine has *de facto* lost control of much of its economic zone and continental shelf in the northern part of the Black Sea, much like Georgia did in the waters off Abkhazia after the Russo-Georgian war in 2008.

Within the Western research community, much attention has been devoted to the dynamics on the first two "fronts", that is, in Crimea (Becker *et al.* 2016, Allison 2017, Rotaru 2020) and the Donbas (Bowen 2017, Hosaka 2019, Malyarenko and Wolff 2019). Less attention has been devoted to the third and more recent "front", that is, what is happening in the maritime areas on Ukraine's southern flank.¹ The purpose of this article is to address this shortcoming by providing a critical analysis of the dynamics on the "third front" of the Russo-Ukrainian conflict.

Two questions are of special interest in this regard: First, how does Russia pursue its strategic interests in the maritime areas south and east of Crimea? And second, what are the sources of Russia's conduct in the region? A deeper understanding of the how and why of Russia's actions in the Sea of Azov, the Kerch Strait and the Black Sea can make Ukraine's Western partners better equipped to deal with, and counteract, Russia's ongoing advances in its "southwest strategic direction".² Russia's legal revisionism and military posturing in the greater Black Sea region affect not only the security of Ukraine, but also that of that of Europe as a whole.

The three "fronts" of the Russo-Ukrainian conflict are interrelated in a number of ways. Hence, Russia's objectives and behaviour within the maritime domain need to be analysed in the context of the situation on land and the fact that approximately seven percent of Ukraine's land territory (United Nations 2019) is currently controlled by Russia (Crimea) or by proxies controlled and armed by Russia (the Donbas). Russia's "jurisdictional creep" into the maritime domain south and east of Crimea represents a severe and growing challenge for Ukraine and its Western partners. At the opening ceremony for the 18th edition of the multinational "Sea Breeze" naval exercise, held in the Black Sea port of Odesa in July 2018, Ukraine's Navy Chief, Vice Admiral Ihor Voronchenko, gave the following assessment of the security situation in the Azov-Black Sea basin:

A very tense situation has developed in the Azov and Black Seas as the Russian Federation is carrying out activities that discredit all norms and principles of international maritime law. Further “creeping” annexation of our exclusive maritime economic zone is taking place [...] There is no need to be guided by the principles of Tsar Peter the Great or Empress Catherine. We must understand that it is not the eighteenth century now but the twenty first, and the whole world lives by other norms. The Azov and Black Seas are not internal lakes of the Russian Federation, and they shouldn’t be dictating us any of their positions and framework conditions. (UNIAN 2018)

The conflict between Russia and Ukraine plays out, and will likely continue to play out, in different geographical arenas, on land and at sea. The nature of the conflict is, and will continue to be, complex and multidimensional. Three dimensions stand out as particularly relevant: the legal dimension, the economic dimension and the security dimension. Russia’s conduct in the region is driven by economic and security interests and underpinned by legal (or quasi-legal) arguments. For instance, Russia’s building of a 19-kilometre road and railway bridge across the Kerch Strait in 2016–2020 triggered a host of controversies between the two countries, pertaining to the project’s legal, economic and security aspects and implications. These came on top of already existing controversies related to Russia’s territorial advances in Crimea and the Donbas.

The article will proceed as follows: The next section embeds the study in classical and neoclassical realist theory, introduces the concept of “revisionist states” and argues that Russia’s actions in the Black Sea region are driven by state objectives that are distinctly revisionist. Section three offers a legal perspective on Russia’s post-2014 policies in the Black Sea, the Sea of Azov and the Kerch Strait. Section four discusses the economic aspects of Russia’s pursuit of a dominant position in said maritime areas. Section five zeroes in on the security dimension of Russia’s maritime expansionism in the Black Sea region. The sixth and final section of the article features a brief summary of findings and some concluding remarks.

Power and change in the Black Sea region: a neoclassical realist perspective

Students and scholars of international relations, as well as practitioners of foreign and security policy, have at different junctures in history concerned themselves with the phenomenon of “revisionist states”. Simply put, a revisionist state is a state whose behaviour is driven by a desire to change the (global or regional) system that it is part of and/or improve its own position within the system. Revisionist states are often contrasted with “status-quo states”, that is, states that strive to preserve things as they are, including the system that they are part of and their place within it. That is also how they seek to preserve their security. As noted by Barry Buzan (2016 [1991], p. 241), “[i]f stability is the security goal of the status quo, then change is the banner of revisionism”.

Other prominent international relations theorists have used different, but closely related, concepts to describe the phenomenon. E. H. Carr (1946) distinguishes between “satisfied” and “dissatisfied” powers, Frederick Schuman (1948) distinguishes between “satiated” and “unsatiated” powers, Hans Morgenthau (1948) distinguishes between “imperialistic” and “status quo” powers, and Henry Kissinger (1957) distinguishes between “revolutionary” and “status-quo” states. What these and other analyses seem

to have in common, however, is the view that states differ not only in power, but also in the type of goals that they pursue in the international arena.

The differentiation between, on the one hand, “revisionist”/“imperialistic”/“dissatisfied”/“unsatiated” states and, on the other hand, “status-quo seeking”/“satisfied”/“satiated” states has been a recurring topic in classical and neoclassical realist writings. Neorealists, for their part, have been less interested in the topic. Their traditional focus has been the dynamics at the “system” level and how states balance against power to ensure their security. Neorealism is not, and does not purport to be, a theory of foreign policy-making. Rather, it is a theory of international politics. As argued by Kenneth Waltz (1979, p. 121), structural theories of international politics cannot explain the particular policies of states any more than Newton’s law of universal gravitation can predict the “wayward path of a falling leaf”.

Unlike neorealists, neoclassical realists – a term originally coined by Gideon Rose (1998) – seek to move away from system-level determinism and incorporate unit-level variables, such as state objectives, into the analysis. At the same time, they acknowledge that a country’s foreign policy is driven first and foremost by its place in the international system and by the relative distribution of capabilities, largely consistent with Thucydides’ famous saying that “the strong do what they can and the weak suffer what they must” (Strassler 1996, p. 352, cited in Rose 1998, p. 147).

Regardless of whether they belong to the classical, neoclassical or neorealist camp, realists do share a number of basic assumptions: First, they all adhere to the assumption that states are the most important actors on the world scene. Second, they consider that anarchy is a central feature of the international system.³ Third, they take for granted that states seek to maximise their security or their power.⁴ Fourth, they assume that state behaviour, for the most part, is shaped by the nature of the international system. Fifth, they assume that states adopt instrumentally rational policies in their pursuit of power or security. Sixth, they assume that states rely on military force to enhance their security and shape or gain control over their environment (Frankel 1996, pp. xiv–xviii, Rose 1998, p. 152, Ripsman *et al.* 2016, pp. 179–180).

The sixth assumption – that force has not lost its utility as an instrument of foreign policy – implies that “the relative power position of a state matters” (Frankel 1996, p. xviii), at the global as well as at the regional level. Furthermore, as noted by Buzan (2016 [1991], p. 241), “[i]t clearly makes a big difference to the system whether the revisionist states are strong or weak powers”. A country like Albania may be highly revisionist, but it does not really matter as long as the country does not have the power to challenge the status quo in its neighbourhood. Conversely, in the Black Sea region, Russia is at the top of the power hierarchy and clearly capable of challenging the status quo and reshaping the regional order in a manner that fits its interests.

In the classical and neoclassical realist literature, the definitions of revisionism and status-quo seeking can be divided into two main categories (Davidson 2006, p. 12). One strain of research (Morgenthau 1948, p. 51, Kydd 1997, p. 115, Schweller 1998, p. 15) draws the line based on whether the state in question seeks power or security. Simply put, states that seek to maximise their power are revisionist (or “imperialist” in Morgenthau’s terminology), and states that seek to maximise their security are status quo-oriented. As noted by Davidson (2006, p. 13), there are several problems with this

definition, not least that it is difficult to justify the claim that security-seeking can be abandoned for the sake of power-seeking, or vice versa.

Another strain of research builds on Arnold Wolfers' (1962, pp. 90–92) assertion that revisionist states have policy objectives expressing a demand for “values not already enjoyed”, whereas status quo states seek the “maintenance, protection, or defense of the existing distribution of values”, that is, the preservation of what they already have. “Values”, also referred to as “goods”, are in Wolfers' book understood as valued or desired things, such as territory, markets, (expansion of) ideology and the creation of change of international law and institutions. Davidson's (2006, p. 14) definition, which is largely based on Wolfers', states that revisionist states are “states that seek to change the distribution” of goods such as those mentioned above, whereas status-quo seeking states are “states that seek to maintain the distribution” of them. Of the five “goods” listed in Wolfers' and Davidson's definition, number one, two, four and five are of special interest to the case of this study. The “ideological change” dimension is more relevant to other historical cases, as Davidson also demonstrates in his book.

Turning to the region of this study and the question of how and why Russia seeks to dominate it at the expense of its southwestern neighbours, it may be helpful to reflect a little on what kind of region we are dealing with, and how it is to be delineated. As observed by Oleksandr Pavliuk (2015, p. 7), the Black Sea region is “one of the most heterogeneous and complex areas in wider Europe”. Since ancient times, it has been a crossroads for different ethnic groups, civilisations, empires and nation states. The Black Sea has served as a natural barrier or buffer zone, hampering the region's civilizational development along the North–South axis. At other times, cooperative cross-sea relationships have been formed, North–South as well as East–West, to the benefit of regional stability and the economic well-being the coastal states.

The Black Sea is currently surrounded by six coastal states – Bulgaria, Romania, Ukraine, Russia, Georgia and Turkey (see [Figure 1](#)). Three of them – Bulgaria, Romania and Turkey – are members of NATO, whereas Ukraine and Georgia have voiced aspirations to become NATO members. In addition to the six Black Sea coastal states, six more states are included in the 12-member Black Sea Economic Cooperation (BSEC)⁵ – Albania, Armenia, Azerbaijan, Greece, Moldova and Serbia. These countries seem to have less of a Black Sea identity than the six coastal states. Partly because of this, the BSEC and other regional cooperation arrangements established in the 1990s and 2000s have only been moderately successful, and Russia's 2014 interventions in Crimea and the Donbas seem to have further complicated interstate relationships in the region, particularly between Russia and Ukraine.

In previous studies dealing with the Russian annexation of Crimea, it has been discussed whether it “can be explained by reference to Russia's greatly enhanced sense of regional entitlement and a revisionist view of international legal order” (Allison 2017, p. 521), and whether “Russia's underlying motivations can be understood through neo-classical realist assumptions of foreign policy-making and grand strategy formation” (Becker *et al.* 2016, p. 113). Both of these interpretations make sense, and I will argue that they apply not only to the Crimean peninsula, but also to the adjacent maritime areas, referred to above as the “third front” of the Russo-Ukrainian conflict.

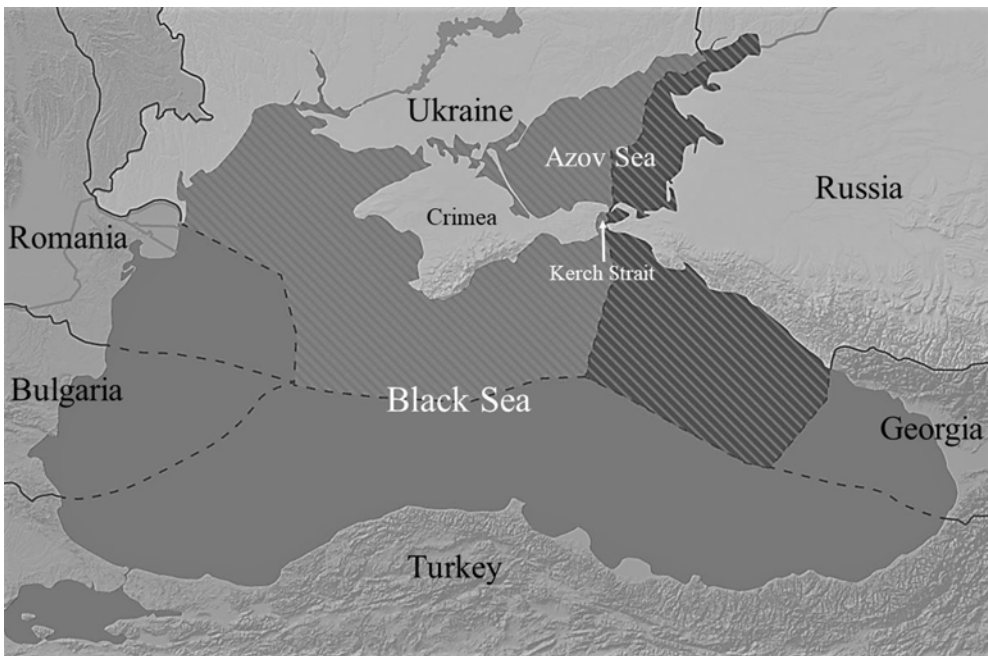


Figure 1. The Black Sea region.

Note: Map prepared by the author based on data from, inter alia, the Lamont-Doherty Earth Observatory of Columbia University.

The legal dimension

Russia's post-2014 quest for regional dominance in and around the Black Sea basin has been – and remains – a multidimensional endeavour. Backed by military and economic power, efforts have been made to replace the previously functioning legal order of the region with a new order, defined and enforced by Russia. Russia does not share what seems to be the prevailing view among Western scholars and political leaders, namely that the country's 2014 annexation of Crimea was “unlawful and therefore invalid” (Bothe 2014, p. 99). Exercising *de facto* authority over the peninsula, Russia claims that a legal transfer of the territory has taken place, implying that Crimea is no longer a part of Ukraine, and that the legal status of the maritime zones off the coast of the peninsula has changed because of this.

Given that the primary focus of this study is on the maritime parts of the Black Sea region, I will not attempt to cover all legal aspects of Russia's 2014 intervention in Ukraine, which are thoroughly discussed in recent scholarly works such as Grant (2015) and Sayapin and Tsybulenko (2018). Instead, I would like to offer a few thoughts on the legality – or lack thereof – of Russia's exercise of coastal state jurisdiction in the maritime and shelf areas located off the coast of Crimea, as well as in the Kerch Strait. This has affected neighbouring states, most notably Ukraine, in a number of ways. Russia's attempt to redefine the legal order of the Azov-Black Sea basin has in recent years become an increasingly prominent aspect of the Russian-Ukrainian (and Russian-Western) conflict.

In order to lay claim to offshore continental shelves or exclusive economic zones (EEZs), states must be in possession of an adjacent land territory and coastline. In International Law, it is a well-established principle that “the land dominates the sea”, or in the words of the International Court of Justice (1969, p. 52), that “[t]he land is the legal source of the power which a State may exercise over territorial extensions to seaward”. Interstate conflicts may arise, and occasionally do arise, over both land territories and related maritime entitlements. Such cases are referred to in the literature as “mixed disputes” (Dupont 2018, p. 32, Klein 2019, p. 264). As the cases of Northern Cyprus, Somaliland and Western Sahara illustrate (Dupont 2018, p. 33), a state’s *de facto* control over a land area does not necessarily imply *de jure* rights in the area’s adjacent maritime zones. If brought before an international court or tribunal dealing with maritime disputes, the judges’ initial instinct is often to encourage the claimants to resolve the sovereignty issue first, before it can make a judgement on the legal status of the maritime zones in dispute.

Russia’s unilateral land grab in February–March 2014, codified in a March 18 treaty between the Russian Federation and the Republic of Crimea, implied that Russia’s Black Sea coastline *de facto* tripled in length from 421 to approximately 1200 kilometres (Urcosta 2018, p. 29). As for the legal status of the adjacent maritime areas, the Russian-Crimean “accession treaty” stated that “[t]he delimitation of the maritime spaces of the Black Sea and the Sea of Azov will be implemented on the basis of the Russian Federation’s international agreements and the norms and principles of International Law” (President of Russia 2014). It soon became clear what this meant in practice:



Figure 2. Legal order of the Black Sea region since March 2014, as imposed by Russia.

Note: Map prepared by the author based on data from, inter alia, the Lamont-Doherty Earth Observatory of Columbia University. Similar maps, showing the extent of Russia’s *de facto* maritime jurisdiction areas in the Black Sea and the Sea of Azov, have been published in prominent Russian newspapers. See, for instance, Kolesnichenko (2016).

Russia would acquire and start enforcing coastal state jurisdiction in most of the maritime spaces southwest, south, southeast and northeast of Crimea, leaving Ukraine with only a fraction of its former EEZ in the northwestern corner of the Black Sea, as illustrated in [Figure 2](#). As a result of this move, Ukraine lost control of a maritime area of approximately 100,000 square kilometres (Ustyenko 2020).

West of Crimea, Russia's illegally claimed EEZ became directly adjacent to the EEZ of Romania. In this area, Ukraine and Romania had only five years earlier agreed on a maritime boundary, established with the help of the International Court of Justice. In Ukraine's view, the 2009 delimitation agreement with Romania is still in force, and Ukraine still holds a legal claim to this and other parts of its pre-2014 EEZ. This position is also in line with the assessment made Grant (2015, p. 94):

It would seem that, if Crimea were to be annexed lawfully by a third state, then the Black Sea maritime boundary would remain as indicated in 2009. This would be consistent with the principle that boundaries and territorial regimes [at sea] survive a succession of States; the principle being reflected, for example, in Articles 11 and 12 of the 1978 Vienna Convention and widely applied in practice. The point as yet has not arisen, the reason being that a lawful succession of States as yet has not occurred.

East of Crimea, Russia has since March 2014 been in control of both sides of the Kerch Strait. This has made it easier for Russia to impose restrictions on the commercial ship traffic between the Black Sea and the Sea of Azov through the Kerch Strait, which is an important export route for Ukrainian coal, steel and agricultural products. The economic consequences of this policy will be discussed in greater detail in the next section. As demonstrated during the "Kerch Strait clash" in November 2018, Russia has also taken forcible measures to restrict Ukrainian naval vessels' ability to transit the strait. Thus, the transit restrictions in this area has clearly also become a security issue for Ukraine.

It needs to be pointed out that the legal status of the Sea of Azov is different from that of the Black Sea, where it has long been recognised that UNCLOS regulations apply. At the time of Russia's annexation of Crimea, Russia and Ukraine had not agreed on a definite maritime border in the Sea of Azov (Skaridov 2014, p. 222). Two bilateral agreements signed in 2003 – the "Agreement on Cooperation on the Use of the Sea of Azov and the Kerch Strait" (Verkhovna Rada of Ukraine 2004a) and the "Treaty Between Ukraine and the Russian Federation on the Ukrainian-Russian State Border" (Verkhovna Rada of Ukraine 2004b) – left the delimitation question to the future and reconfirmed the previous understanding that this maritime area was to be regarded as "historically internal waters of Russia and Ukraine". Regardless of whether one today considers the Sea of Azov and the Kerch Strait to be part of a "shared internal waters" regime under customary law, or subject to UNCLOS, Ukraine undoubtedly enjoys inviolable passage and coastal state rights in this commercially and strategically important area.⁶

In an effort to counteract Russia's "might makes right" approach to the issues mentioned above, vindicate its rights as a coastal state and restore the pre-2014 legal order of the Black Sea, the Sea of Azov and the Kerch Strait, Ukraine took the step in late 2016 to institute arbitration proceedings against the Russian Federation under Annex VII of the Law of the Sea Convention. As expected, Russia argued that the arbitral tribunal of the Permanent Court of Arbitration in The Hague had no jurisdiction in the matter

(Permanent Court of Arbitration 2018). Ukraine, for its part, argued that the tribunal had “full authority to hear Ukraine’s case”, which was motivated by a desire to put an end to “Russia’s unlawful exploitation of Ukraine’s sovereign resources” and “Russia’s unlawful usurpation of Ukraine’s right to regulate its own maritime areas” (Ministry of Foreign Affairs of Ukraine 2018b).

Shortly after the “Kerch Strait clash” in November 2018, Ukraine brought a new case before the International Tribunal for the Law of the Sea (ITLOS), stating that “Russia breached its obligations to accord foreign naval vessels complete immunity under arts 32, 58, 95 and 96 of UNCLOS and in detaining the 24 crewmembers and initiating criminal charges against them” (ITLOS 2019a). The Tribunal’s provisional judgement, issued on 25 June 2019, ordered Russia to “immediately release” the detained vessels and crewmen and return them to Ukraine, and to “refrain from taking any action which might aggravate or extend the dispute” (ITLOS 2019b). The order was passed by 19 against one vote, the dissenting judge being Roman Kolodkin of Russia, who argued that the tribunal lacked jurisdiction in the case, which in Russia’s view was a matter of domestic “law enforcement” (ITLOS 2019c). The detained Ukrainian sailors were returned to Ukraine as part of a prisoner exchange in September 2019 and the captured vessels were returned in November 2019. This was an important symbolic victory for Ukraine, even though Russia continued to infringe on Ukraine’s navigational and coastal state rights in the region.

The economic dimension

In the seven years that have passed since the annexation, the Crimean peninsula has been a net drain on the Russian economy, rather than an economic asset. The annual Russian subsidies to the peninsula have varied between 1 and 2.7 billion dollars (Bershidsky 2019). In addition comes the Crimean Bridge (3.7 billion dollars) and other costly infrastructure projects. However, when it comes to the adjacent maritime areas, the picture is more nuanced, and more favourable to Russia’s long-term economic interests in the region. Russia’s territorial expansionism and redrawing of maritime boundaries in the Black Sea region seem to have been motivated not only by Soviet nostalgia, but also by an expectation of economic gains. The sectors of oil and gas, fisheries and maritime trade deserve special attention in this regard.

Getting access to petroleum deposits on the Ukrainian continental shelf may, as noted by Maksim Bugriy (2016), have been “an important strategic objective” for the Kremlin. By annexing Crimea, tripling the length of its Black Sea coastline, expropriating Chornomornaftogaz (the Crimean arm of Ukraine’s state-owned oil and gas company Naftogaz) and pushing Russia’s maritime boundaries well into the Black Sea, Russia has been able to significantly increase its economic potential in the region and deal a devastating blow to Ukraine’s hopes for energy independence (Broad 2014).

Prior to March 2014, Ukrainian authorities and Chornomornaftogaz were manoeuvring to turn the Black Sea into a viable petroleum-producing region. The country’s long-standing maritime delimitation dispute with Romania in the eastern part of the Black Sea had been settled through an ICJ judgement in 2009 (Grant 2015, p. 94), and in 2012–2013, Ukraine had signed production-sharing agreements (PSAs) with ENI, Shell and Chevron

to develop gas resources on the Ukrainian continental shelf (Bugriy 2016). In March 2014, Chronomornaftogaz owned 17 hydrocarbon fields, including 11 natural gas fields, 4 gas condensate fields and 2 oil fields, along with 13 offshore platforms in the Black Sea and the Sea of Azov (Daly 2014). Two of the company's most modern drilling rigs in the region, "Petro Hodovanets" and "Ukraine", both of which had been purchased from Singapore in 2012, were in operation at the Odesa gas field, located some 120 kilometres south of the city of Odesa.

Following the Russia-instigated "referendum" on 16 March 2014 and the signing of the Crimean-Russian "accession treaty" two days later, most of the assets mentioned above fell into Russian hands. The treaty had, as noted above, included a brief reference to the role of "norms and principles of International Law" in the redrawing of maritime boundaries in the Black and Azov Seas (President of Russia 2014, Article 4, Section 3). It soon became clear, however, that Russia now considered itself the rightful owner of the natural resources in the 200-nautical-mile zone outside Crimea, and that the Russian Coast Guard would start enforcing coastal state jurisdiction in said maritime areas.

The Ukrainian jack-up rigs at the Odesa field, worth close to 800 million dollars, were seized by Russian special forces on 19 March 2014 and later towed to a location closer the shore (Bugriy 2016). The rigs were renamed and put into production in a nearby part of Ukraine's *de facto* EEZ, flying Russian flags. The total volume of gas produced at the Odesa field since March 2014 was in 2019 estimated at 10 billion cubic metres (Klymenko 2019). The Ukrainians have since 2014 not been able to approach these and other offshore installations without being intercepted by Russian naval or coast guard vessels.

On the mainland, Chornomornaftogaz and all of its holdings, including offshore fields, were cut off from Naftogaz of Ukraine, "nationalised" and handed over to Gazprom in March 2014. Naftogaz has later brought a case before the Permanent Court of Arbitration in The Hague, seeking compensation for the unlawfully expropriated assets in and around Crimea, the commercial value of which is estimated at eight billion dollars (Elliott 2020). Russia and Gazprom have so far rejected all compensation claims put forth by Naftogaz, and are expected to do so also in the future, even in the case of an unfavourable arbitration court ruling.

Since the Russian annexation of Crimea, Ukraine has lost access to 80 percent of its offshore petroleum deposits (Ukrinform 2019) and is currently unable to assert its coastal state rights in a maritime area three times the size of the Crimean landmass (Broad 2014). The maritime border between Ukraine and NATO member Romania, settled in 2009, has now – *de facto* – become a Russian-Romanian border (Blockmans 2015, p. 183). In significant parts of the Black and Azov Seas, including along the Donbas coast east of Mariupol, Ukraine has also lost access to living marine resources that the country was previously able to exploit (Losh 2017). This is due not only to the Russian annexation of Crimea, but also to the still on-going war in the Donbas.

Ukrainian fishermen in the region are struggling to make a living in the post-2014 environment. Key problems in this regard are the lack of access to fishing grounds and land-based infrastructure, and frequent inspections, harassment and/or arrests by the Russian Coast Guard. Russian fishermen, for their part, seem to be expanding their activity in the Black and Azov Seas. Before the occupation of Crimea, the annual volume of Russia's catches in the Azov-Black Sea basin constituted approximately 30,000 tonnes, as it had been in the preceding six to seven years. In the course of 2014, the Russian

catches grew to 51,000 tonnes in 2014, and doubled to 102,000 tonnes in 2015, before flattening out at a level of 103,000 tonnes in 2016 and 90,000 tonnes in 2017 (Mikhnenko 2018). The growing Russian catches and the influx of fishermen from other regions, including the North Caucasus, have raised concerns about the long-term sustainability of the Black and Azov Sea fisheries.

When it comes to the issue of maritime trade routes, the consequences of Russia's assertive conduct since 2014 are even more dramatic, particularly as relates to the Kerch Strait and the Sea of Azov. This shallow maritime area, which includes the narrow passage between Crimea and the Russian mainland, plays an important role in the maritime economies of both Russia and Ukraine. Significant cargo volumes pass through the Kerch Strait on their way to and from the Russian Azov Sea ports of Taganrog and Rostov-on-Don, and the Ukrainian ports of Mariupol and Berdyansk. Mariupol has traditionally been an important hub for shipments of steel, coal, iron ore, and metallurgical products. Berdyansk has traditionally handled agricultural cargoes, particularly grain. Prior to 2014, these two ports counted for approximately one quarter of Ukraine's maritime exports (Hurska 2019).

In the period between 2014 and 2020, Russia has – in incremental steps – tightened its grip on the ship traffic that goes through the Kerch Strait, with significant negative consequences for Ukraine's maritime foreign trade. The first step was Russia's seizure of Crimea and "unilateralisation" of the Kerch Strait passage in March 2014 (Pifer 2018). The second step was the additional security measures that were introduced in connection with the building of the Crimean Bridge (Kabanenko 2018), which started in 2016. The third step was the enhanced Russian inspection regime that was implemented in the spring of 2018 (Klymenko 2019), particularly after the Ukrainian Border Guard's arrest of a Russian fishing vessel ("Nord") in the Azov Sea (Mikhnenko 2018). Thus, the "Kerch Strait clash" in November 2018 may be seen as a culmination of tensions resulting from Russia's increasingly excessive enforcement measures in the period between 2014 and 2018.

On the Ukrainian side, the developments described above have been characterised as "a slow strangulation" (Shulzhenko and Laurenson 2019) of Ukraine's Azov Sea ports and the country's foreign trade opportunities in the region. According to Ukraine's Minister of Infrastructure, Volodymyr Omelian, the economic losses caused by the artificial delays amount to hundreds of millions of dollars (112UA 2019). The previously busy port of Mariupol has been forced to reduce activity and switch to a four-day workweek, due to falling cargo volumes (Mikhnenko 2018).

In the spring and summer of 2020, the number of Russian at-sea inspections and the average length of artificial delays in the Kerch Strait and the Sea of Azov fell to their lowest levels since June 2018 (Klymenko *et al.* 2020). This temporary decline was primarily due to concerns related to the COVID-19 pandemic and should not be interpreted as an indication that Russia is prepared to loosen its grip on the commercially and strategically important waterway.

The security dimension

Compared to the Russian Navy's other theatres of operation – the Northern, the Baltic, the Caspian and the Pacific – the Black Sea is the one that has undergone the most profound

and dramatic changes in recent years. Shortly after the annexation of Crimea in March 2014, Russia established an extensive military presence on the occupied peninsula and in the adjacent waters, infringing not only on Ukraine's territorial integrity, but also on Ukraine's coastal state rights in the northern part of the Black Sea. As a result of this, the security situation in the region has deteriorated sharply, and the Black Sea has become a major source of concern for Western defence planners.

Since 2014, Russia's military capabilities in the Black Sea region, on land as well as at sea, have been significantly strengthened. Much like in the economic sector, Moscow has pursued a policy aimed at ensuring Russian dominance over regional adversaries, above all Ukraine, and reducing the ability of outside actors, including the U.S. and NATO, to challenge Russia's position in the region. Russia's security policy moves in the region have been aimed at establishing a multi-layered anti-access/area denial (A2/AD) zone around the Crimean peninsula, encompassing most of the Black Sea (Gorenburg 2018), and enhancing Russia's ability to project power into the Eastern Mediterranean (Kofman 2019). Russia has since 2014 made significant progress in its efforts to take control of the region's maritime environment and reshape previously established regional security arrangements.

In the late 1990s and early 2000s, the Black Sea coastal states – Bulgaria, Georgia, Romania, Russia, Turkey and Ukraine – were able to establish regional cooperation arrangements in the field of maritime security. The joint activities included search and rescue missions, clearing of sea mines, environmental protection measures and concerted efforts to address regional security challenges such as smuggling and human trafficking. The idea of creating a joint naval force was first launched in 1996, and in 2001, the "Black Sea Naval Co-Operation Task Group" was established at the initiative of Turkey and with the participation of all of the Black Sea coastal states (Petrovich 2012). Three years later, in 2004, the navies of Black Sea coastal states joined forces in the fight against terrorism and asymmetric threats in the region, within the framework of operation "Black Sea Harmony" (Costura and Danila 2009, pp. 35–36). From 2007 on, Russia also regularly participated in NATO's "Active Endeavour" operation in the Mediterranean Sea (Lutterbeck and Engelbrecht 2009, p. 394).

The maritime security cooperation in the Black Sea started to fall apart after the Russo-Georgian war in August 2008, and even more so after Russia's occupation and annexation of Crimea in March 2014 (Gorenburg 2018). In the Black Sea, as in the East Mediterranean, previous Russian-Western partnerships were replaced by a rapidly growing rivalry (Lutterbeck and Engelbrecht 2009, p. 394), and an increasingly assertive Russian naval policy. Russia moved rapidly to consolidate its territorial gains in the region and change the balance of forces in its own favour. In the autumn of 2019, the Chief of the Russian General Staff, General Valery Gerasimov, noted that "everything" had changed, and that Turkey could no longer be considered the "master" (*khozyain*) of the Black Sea region (TASS 2019).

Roughly two-thirds of the Ukrainian military units previously stationed in Crimea were integrated into the Russian Black Sea Fleet's 22nd Army Corps (Kofman 2019), which was established in 2016. Ukraine lost most of its navy as a result of the annexation, including 75 percent of its personnel and 70 percent of its ships and shore-based infrastructure (Chuter 2020). Some of the vessels were able to escape and relocate to Odesa prior to the annexation, whereas others – mostly small and obsolete ones – were returned by

Russia afterwards. Some of the Crimea-based Ukrainian aircraft were also returned. But the country's military, and especially naval, capabilities were severely degraded.

Simultaneously, Russia started the process of turning Crimea into a "fortress" (Sukhanin 2017). More than 60,000 troops were deployed to the peninsula in the period between 2014 and 2017 (Zerkalo Nedeli 2017). This was five times more than Russia had kept in Crimea before the annexation. Russia's naval infantry units were strengthened and modernised, and new coastal defence units were formed. The Black Sea Fleet's land component received modern attack and transport helicopters, tube and rocket artillery as well as several batteries of the newest short- to medium-range air defence system, "Pantsir". New coastal defence missile systems, such as "Bastion" and "Bal", have also been deployed and put in operation, and Russia's long-range air defence capability on the peninsula was strengthened through the deployment of "S-300" and "S-400" units (Kofman 2019). Today, the Russian A2/AD zone extends well into the ocean and airspace off the coast of Crimea.

It is also worth noting that the offensive capabilities of the Russian Black Sea Fleet have more than doubled since 2014. The fleet has been replenished with new surface ships and diesel-electric submarines. The new vessels include Krivak V-class frigates, improved Kilo-class submarines and Buyan-class corvettes. In the coming years, Russia plans to increase the total number of such vessels to 18. Almost all of them carry modern anti-ship and cruise missiles. The Fleet's new naval strike capabilities include Yakhont and Onyx anti-ship missiles, with ranges of 250–500 kilometres, and Kalibr cruise missiles, with a range of up to 2,000 kilometres (Kabanenko 2019, pp. 45–46).

Military developments such as those described above leave little doubt that Russia's political and military leaders attach great importance to the need for a strengthening of the country's southwestern frontier. General Staff Chief Gerasimov noted in 2016 that "the southwest strategic direction" had become a key priority for the country's armed forces (RIA Novosti 2016). Building a defensive perimeter around the Crimean peninsula, and pushing it towards the Turkish straits and the East Mediterranean, Russia may not only weaken the position of Ukraine and other Black Sea states. It may also enhance its freedom and ability to pursue foreign policy objectives in Syria, Libya and other parts of the Middle East and North Africa.

The Turkish straits are an important transport corridor for the Russian cargo and naval vessels that go in shuttle traffic between the Black Sea ports of Novorossiysk and Sevastopol and the Russian naval facility in Tartus. Russia's extensive military involvement in the Syrian civil war since 2015 would not have been possible without the logistical support of the Black Sea Fleet's auxiliary vessels and leased cargo ships, often referred to as "the Syrian express" (Klymenko 2019). The Russian Black Sea Fleet has also provided extensive fire support for the Syrian mission, launching cruise missiles against land targets from forward-deployed surface vessels and diesel submarines in the Mediterranean. A significant number of cruise missiles (44) have also been launched from Buyan-class corvettes in the Caspian Sea (Klymenko 2019). The fact that Russia is able to transfer Kalibr-armed corvettes between the Caspian Sea and the Black Sea, through the Volga and Don rivers, the Volga-Don Canal and the Sea of Azov, adds to the Russian Navy's operational flexibility in the region.

At the same time, Russia is concerned that the strategic arteries between the Mediterranean, the Black Sea and the Sea of Azov may be used as a gateway for Western

aggression against Russia's southwestern flank, including the Russian facilities and infrastructure in Crimea, or terrorist attacks against the Kerch Strait Bridge. Russia's military build-up in the region and the restrictive regime enforced by the Russian Coast Guard in and near the Kerch Strait are often portrayed by Russian authorities as "legitimate and justified" responses to external security threats (see, for instance, Ministry of Foreign Affairs of Russia 2018).

Ideally, Russia would have liked to reduce the presence of NATO warships in the Black Sea to a level below the limits of the 1936 Montreux Convention, particularly with regard to the time that non-Black Sea naval vessels may spend there during a deployment – currently 21 days (Goble 2019). Despite their rapprochement in recent years, Russia and Turkey have a number of conflicting interests in the Black Sea and the South Caucasus. During the Nagorno-Karabakh war in the autumn of 2020, they supported opposite sides, much like they did in the Syrian civil war, and the two countries still compete for influence in the Black Sea region. They do, however, seem to agree on the need to keep outside powers' naval presence in the Black Sea at a low level, and the Montreux Convention is an important instrument in this regard.

The U.S. and NATO, for their part, do not intend to cede control of the Black Sea to Russia. Since 2014, the U.S. and NATO have taken various measures to boost the allied presence in the region and strengthen the security of NATO's Black Sea member states and partner nations. A central element in these endeavours is the annual "Sea Breeze" exercise, which was held for the 20th time in July 2020, hosted by Ukraine (Woody 2020). U.S. and other NATO naval forces, including the Standing Maritime Group Two (SNMG2), have also routinely conducted patrols and training activity in the region in an effort to "show the flag" and strengthen interoperability between allies and regional partners. NATO's presence in the airspace near and above the Black Sea has also been strengthened, much to the dismay of Russia (Oprihory 2020).

In the coming years, NATO's southeastern flank may also be strengthened through the deployment of U.S. ground forces to Romania and/or Bulgaria, as indicated in a June 2020 statement by U.S. Secretary of Defense, Mark T. Esper (U.S. Department of Defense 2020). The main purpose of such a deployment would be to deter against further Russian expansionism and compensate for the "regional imbalance" caused by Russia's military build-up in the Black Sea region (Howard 2020).

Conclusion

Russia's violent interception and capture of three Ukrainian Navy vessels near the Kerch Strait in November 2018 may be interpreted as an illustration of the Kremlin's desire to assert dominance in the Black Sea region. Perceived in Kyiv as an act of armed aggression against Ukraine, the incident brought the international community's attention to the challenges caused by Russia's maritime expansionism in the Azov-Black Sea basin. In violation of international law and bilateral agreements, Russia has since 2014 pursued an increasingly assertive and revisionist policy aimed at taking control of the region's maritime spaces, including significant parts of Ukraine's EEZ and continental shelf and the commercially and strategically important transit routes that go through the Kerch Strait and the Sea of Azov. Ukraine's ability to exercise its navigational and coastal state rights in the waters south and east of Crimea has

been seriously hampered by this policy, and the country's economic losses are significant.

Since March 2014, Russia has used its *de facto* control over seven percent of Ukraine's land territory (Crimea and the eastern Donbas) as a springboard for regional power projection into the maritime domain. Through its large-scale military build-up on the Crimean peninsula and the increased naval and coast guard presence in surrounding waters, Russia has made significant progress in its efforts to tip the regional balance of power in its own favour. This has put Russia in a position to unilaterally redraw the maritime borders of the northern Black Sea and redefine the region's political and legal orders. Many of the treaty-based regimes and arrangements that were put in place in the 1990s and 2000s have in recent years been replaced by new ones, dictated and enforced by Russia.

Most of Ukraine's EEZ off the coast of Crimea, and numerous installations on the *de jure* Ukrainian continental shelf, have been expropriated by Russia. Much like the industrial facilities on the peninsula itself, many of the expropriated offshore installations were put into production shortly after the annexation, to the benefit of Russian companies and the Russian state. Russian fishermen were simultaneously given access to living marine resources in vast areas previously managed by Ukraine. Russia's "seize, hold and exploit" strategy in the northern part of the Black Sea has many similarities with the policy pursued in the eastern part of the Black Sea in the aftermath of the Russo-Georgian war in August 2008. Russia still controls 20 percent of Georgia's land territory, and Georgia's territorial waters and EEZ off the coast of Abkhazia have long been treated as an integral part of Russia's territorial waters and EEZ.

Russia's efforts to assert dominance in the Black Sea region seem to have been based on a dual-track strategy aimed at (1) gaining definitive military supremacy over regional adversaries, including Ukraine, and (2) reducing the ability of outside actors, such as the U.S., to interfere in regional affairs. Russia has sought to consolidate its territorial gains in the region through the deployment of land-based military assets, including long-range air defence systems and other A2/AD capabilities, and increased patrolling by naval and coast guard forces. Despite its extensive military modernisation since 2014, Ukraine is not, and will in the foreseeable future not be, in a position to challenge Russia's military dominance in the Black Sea region and successfully regain control of its occupied territories and maritime spaces through the use of military force.

NATO's member states in the Black Sea region and their allies and partners, including Ukraine and Georgia, have in recent years developed and started to implement political and military strategies to deal with the Russian challenge in the Black Sea region. Though not explicitly stated, the NATO strategies are increasingly "counter-revisionist" in nature and comprise elements such as an increased at-sea presence by U.S. and other NATO naval forces, an enhanced deterrent posture in the region, including on land, and the expansion of military assistance programs and joint training activities with partner nations Ukraine and Georgia. Whether and to what extent such measures will have a moderating effect on Russia's future behaviour in the region remains to be seen. Given the intensity with which Russia has pursued its revisionist objectives ambitions in the Black Sea region in recent years, the security challenges on NATO's southeastern flank are not likely to go away anytime soon.

Notes

1. Among the notable exceptions are Schatz and Koval (2019) and Klymenko (2019), which discuss, respectively, the situation in the Kerch Strait/Sea of Azov and the Black Sea.
2. In Russian military terminology (see, for instance, RIA Novosti 2016), the “Southwest Strategic Direction” refers to the Black Sea region and adjacent land and maritime areas, such as the North Caucasus and the Eastern Mediterranean. The other “strategic directions” are the Western, the Northern, the (Far) Eastern and the Southern.
3. It may be argued that regional security systems, such as that of the Black Sea region, may function as “miniature anarchies – in their own right” (Buzan 2016 [1991], p. 173). This is not to say that the power dynamics at the regional level are analogous to those at the global level. As pointed out by Lake and Morgan (1997, p. 9), global and regional systems differ in the sense that the former are to be seen as “closed” systems, whereas the latter are inherently “open”. Regional systems may be heavily penetrated by one or more extra-regional powers, if the extra-regional powers have the willingness and capability to bring their influence to bear at the regional level.
4. Defensive realists see states as “security maximisers”, whereas offensive realists see them as “power maximisers”.
5. The Black Sea Economic Cooperation (BSEC) was established in 1992 and achieved “organisation” status in 1999.
6. For a detailed discussion, see Skaridov (2014) and Schatz and Koval (2019).

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