Parliamentary Assembly
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Resolution 2259 (2019)[1]

The escalation of tensions around the Sea of Azov and the Kerch Strait and threats to European security

Parliamentary Assembly

1. The Parliamentary Assembly is deeply concerned about the escalation of tensions between the Russian Federation and Ukraine in the region of the Sea of Azov and the Kerch Strait, which culminated on 25 November 2018 when three Ukrainian warships were manoeuvring from Odessa, on the Ukrainian Black Sea coast, to the city of Mariupol on the Sea of Azov.

2. The border service of the Russian Federal Security Service opened fire on the above-mentioned vessels, seized them and captured 24 Ukrainian servicemen, three of whom were wounded. The incident took place in the Black Sea, near the entrance to the Kerch Strait. There is, however, disagreement between Ukraine and Russia about the exact location of the incident and its specific legal status. The Ukrainian servicemen are currently being detained in Russia. The Assembly condemns the use of military force by the Russian Federation against Ukrainian warships and their crews.

3. On 26 November 2018, martial law was introduced in several regions of Ukraine, for thirty days, by a directive "on extreme measures to ensure the national sovereignty and independence of Ukraine". The Assembly welcomes the lifting of martial law in Ukraine on 26 December 2018.

4. The Assembly underlines that the Russian Federation and Ukraine are members of the Council of Europe and have committed themselves to its Statute (ETS No. 1), according to which the pursuit of peace based on justice and international co-operation is vital for the preservation of human society and civilisation. They have both committed themselves to solving their conflicts peacefully.

5. Referring to the Treaty between the Russian Federation and Ukraine on Cooperation in the Use of the Sea of Azov and the Kerch Strait, signed in December 2003 and ratified by both countries in April 2004, the Assembly notes that, according to Article 2.1 of the treaty, the free passage of merchant vessels and warships of both the Russian Federation and Ukraine in the Sea of Azov and the Kerch Strait, which are shared territorial waters, must be respected and freedom of passage ensured.

6. The Assembly therefore urges the Russian Federation to:

6.1. immediately release the Ukrainian servicemen and ensure they are granted the necessary medical, legal and/or consular assistance in accordance with relevant provisions of international humanitarian law such as the Geneva Conventions;

6.2. ensure freedom of passage in the Sea of Azov and the Kerch Strait in accordance with the above-mentioned treaty and any other mutually agreed procedures, and to respect the United Nations Convention on the Law of the Sea;

6.3. refrain from violence in the case of differing opinions about alleged border violations and rather follow the above-mentioned and other international procedures for dispute solutions.

1. *Assembly debate* on 24 January 2019 (7th Sitting) (see Doc. 14811, report of the Committee on Political Affairs and Democracy, rapporteur: Mr Andreas Nick). *Text adopted by the Assembly* on 24 January 2019 (7th Sitting).

7. The Assembly calls on the authorities of the Russian Federation and of Ukraine to:

7.1. respect both the Treaty on Cooperation in the Use of the Sea of Azov and the Kerch Strait and the agreed regulations for navigation through the canal;

7.2. refrain from any further steps which might aggravate the legal disputes between Ukraine and the Russian Federation, escalate the conflict and threaten security in the wider region. It fully supports the efforts made through diplomatic channels and legal procedures of both sides concerned.

8. For its part, the Assembly:

8.1. reiterates its commitment to the sovereignty and territorial integrity of Ukraine within its internationally recognised borders and recalls in this respect Resolution 1990 (2014) on the reconsideration on substantive grounds of the previously ratified credentials of the Russian delegation, Resolution 2034 (2015) on the challenge, on substantive grounds, of the still unratified credentials of the delegation of the Russian Federation, Resolution 2063 (2015) on the consideration of the annulment of the previously ratified credentials of the delegation of the Russian Federation (follow-up to paragraph 16 of Resolution 2034 (2015)), and Resolution 2132 (2016) on the political consequences of the Russian aggression in Ukraine;

8.2. expresses great concern about the construction by Russia of the bridge over the Kerch Strait, which it considers illegal and another breach of Ukraine's sovereignty, as well as about Russia's policy regarding the selective search of Ukrainian and international ships, which hinders navigation to and from the Sea of Azov;

8.3. supports the proposal by the European Parliament that the mandate of the Special Monitoring Mission to Ukraine of the Organization for Security and Co-operation in Europe (OSCE) – which covers the entire territory of Ukraine, including maritime areas – should also cover the new area of tensions in and around the Sea of Azov;

8.4. supports the proposal, made by Germany and France, that third-country observers monitor shipping traffic and guarantee freedom of navigation in the Kerch Strait;

8.5. urges Council of Europe member States to do everything in their power to avoid a further escalation of violence with potentially dangerous consequences for security in the wider region;

8.6. calls on the international bodies which have competence in the field, such as the International Committee of the Red Cross and the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), to visit the Ukrainian servicemen in prison, pending their release, and supports any diplomatic action taken by member States aimed at their release.