



RESOLUTION

The Escalation of Tensions around the Sea of Azov and the Kerch Strait and threats to European Security

Adopted at the YEPP Council Meeting in Prague, 23.02.2019

Recognising that:

- On March 18th, 2014 the Russian Federation illegally annexed Crimea, which is violation of international law, including the UN Charter, the Helsinki Final Act, the 1994 Budapest Memorandum and the 1997 Treaty of Friendship, Cooperation and Partnership between the Russian Federation and Ukraine;
- On March 27th, 2014 the UN General Assembly adopted Resolution A/RES/68/262 "Territorial Integrity of Ukraine", calling on States, international organizations and specialized institutions not to recognize any alteration to the status of the Autonomous Republic of Crimea and the City of Sevastopol and to refrain from any actions or steps that could be interpreted as recognition of any such altered status;
- On December 17th, 2018 the UN General Assembly adopted Resolution A/73/L.47 "Problem of the militarization of the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, as well as parts of the Black Sea and the Sea of Azov", calling upon the Russian Federation to refrain from impeding the lawful exercise of navigational rights and freedoms in the Black Sea, the Sea of Azov and the Kerch Strait in accordance with applicable international law, in particular provisions of the 1982 United Nations Convention on the Law of the Sea;
- The situation in the Sea of Azov was addressed by the bilateral agreement of 2003 between Ukraine and Russia, which defines these territories as internal waters of the two states and gives both parties the power to inspect suspicious vessels; whereas both the 2003 agreement and UN Convention on the Law of the Sea provide for the freedom of navigation;
- On May 15th, 2018 the statement by the European External Action Service (EEAS) Spokesperson has shown a strong position against construction the Kerch Bridge to the Crimean Peninsula without Ukraine's consent, which constitutes another violation of Ukraine's sovereignty and territorial integrity by Russia;
- On 25 November 2018 three Ukrainian warships were manoeuvring from Odessa, on the Ukrainian Black Sea coast, to the city of Mariupol on the Sea of Azov. The Russian Border Service of the Federal Security Service opened fire on these vessels, seized them and captured 24 Ukrainian servicemen, three of whom were wounded;
- On 26 November 2018, martial law was introduced in several regions of Ukraine, for 30 days, by a directive "on extreme measures to ensure the national sovereignty and independence of Ukraine". PACE welcomed the lifting of martial law in Ukraine on 26 December 2018;

- Currently, the Ukrainian servicemen are being detained in Russia, all of them declared the investigation of being prisoners of war

Acknowledging that:

- 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, 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;
- The Kerch Bridge limits the size of ships that can reach the Ukrainian ports on the Sea of Azov, which has made it impossible for over 20 % of all ship traffic before the construction, to enter the Sea of Azov;
- Russia frequently and in an abusive manner blocks and inspects ships going through the Kerch Strait sailing to or from Ukrainian ports; whereas these procedures cause delays of up to one week and result in a decrease in cargo flows and tangible financial losses for the local economy in Ukraine and merchants whose vessels are subject to this regime; whereas according to Ukrainian Government sources more than 200 vessels had to undergo this excessive procedure by the end of September 2018, including over 120 ships registered in the EU, while ships under the Russian flag were exempt from such controls;
- Pattern of violating the territorial waters of European countries or blocking maritime transport has already been exercised by Russia in the Baltic Sea, in particular against the Baltic States and Poland (Vistula Lagoon);
- The progressive militarization of Crimea by the Russian Federation as the occupying Power is taking place: transfers of weapon systems, including nuclear-capable aircraft and missiles, weapons, ammunition and military personnel to the territory of Ukraine.

YEPP calls on:

- The EU Commission, the EU Member States to take all necessary measures by applying new and strengthening existing sanctions against Russia should the conflict in the Azov Sea escalate further;
- The EU member states, to demand from the Russian Federation to release immediately the vessels and Ukrainian prisoners of war;
- 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 prisoners of war in jail, pending their release.