



Russia pays no price for piracy in Kerch Strait

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It would be easy to dismiss Russia's latest ploy: The recent actions of Russian brigands and pirates masquerading as sailors, FSB troops, and air forces on the high seas, in the tiny Kerch Strait.

Why should the Europeans or Americans care about this small parcel of water? It connects the Black Sea and the Sea of Azov, separating the Kerch Peninsula of Crimea in the west (which is internationally recognized as part of Ukraine) from the Russian Taman Peninsula in the east. Why should the rest of the world care about Russia breaching another treaty — one that ensures the strait and Azov Sea are shared territorial waters of both Ukraine and Russia? Why get involved in yet another “food fight” between those pesky Ukrainians and bulldozing Russians?

The reason is actually quite simple — even if nothing Russia does these days is simple, insignificant or without major implications for every country that still lives by the rule of law. Russia's latest attempt to tighten the proverbial noose around Ukraine, to deny access to major ports like Mariupol that are vital to Ukraine's economy, affect not just the people of Ukraine, but the interests of any country which abides by freedom of navigation on the high seas, one of the oldest recognized “international rights” of passage.” In other words, Moscow — like Beijing and Tehran — is deliberately trying to undermine all principles of international order.

In this case, Russia, like China in the South China Sea, and like Iran in the Persian Gulf and Gulf of Oman, has thrown down a marker that freedom of navigation is under attack anew and in very dangerous ways. Policymakers must grasp that our actions, or lack thereof, in one part of the world have consequences for our policy in other parts of the world. China watches how we react to Russian aggression and Russia watches how we react to Chinese aggression while Iran and North Korea are “dining out” on all of it.

Giving Russia a pass in the Kerch Strait equates to giving Putin a veto over where you can and cannot sail; in effect daring you to take him on. Seizing vessels and kidnapping sailors are actions more akin to the 18th century than the 21st, it is piracy plain and simple.

What makes Russia's latest outrage even more pernicious is the company Russia chooses to keep. It has entered the provenance of non-state actors, Somali Pirates and State actors, North Korea and Iran who have little compunction about doing, and have done the same. While it may be simpler and more convenient to pretend this one never happened, doing so would not just be a tactical mistake, but a strategic blunder.

Moreover, the deafening European and American silence about the Kerch Strait incidence will tempt China and Russia to undertake new encroachments in the belief that they can do so with impunity. China has already again probed the East China Sea against Japan.

Meanwhile, Russia has announced new rules for the Northern Sea route (NSR) in the Arctic that contravene international law. Today, foreign warships may sail the Arctic without notifying anyone. As part of its claim that the NSR belongs to it and that it can unilaterally close this sea to foreign warships in peacetime despite international law, Moscow has now decreed that foreign warships must give it notice if they are traveling in the Arctic.

Russia's posturing emulates China's demands concerning the South China Sea and is nothing more than a unilateral decree aiming to make the Arctic like the Black Sea, a Russian lake and a closed sea, much as China is doing in the South China Sea.

Putin's standard routine has been flouting these international “rules of law” that have governed the behavior of others for years. Putin's signature on a treaty is what the Imperial German government in 1914 called “a scrap of paper.” It is merely a meaningless scribble on a page, a box checked saying that he will do the right thing, knowing full well that Russia fully intends to cheat, deceive and lie since he knows it will pay no price for doing so.

Moreover, further sanctions alone and the occasional “Open Skies” flight and even more occasional freedom of navigation operation are unlikely to yield better Russian behavior.

If the United States Navy, the greatest Navy in the world, and the naval assets of our NATO Allies cannot be bothered to act and counter this threat to international law and order, then the vacuums we create will continue to be filled by countries for whom rules are mere suggestions.

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