

CRISIS MEANS OPPORTUNITY- A SECOND CHANCE FOR NATO AND THE U.S. IN THE BLACK SEA

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Abstract. The Black Sea, as the center of the larger Black Sea Region, is of strategic security importance for both Russia and the NATO Alliance. Nevertheless, there has been a disproportionate military buildup from Moscow's side, resulting in the establishment of a formidable anti-access/area denial (A2AD) umbrella and robust naval presence, which have dominated the Black Sea since the Russian 2014 annexation of Crimea and has continued to be a major security threat even after two and a half years of attrition since the beginning of the war in Ukraine. The paper addresses the cumulative effect of this discrepancy and the limitations of the Montreux Convention, resulting in a negative impact on the freedom of navigation in the Black Sea since the beginning of Russia's full-scale invasion of Ukraine, in 2022. The paper argues that the war in Ukraine and the resulting challenges for the defense of Bulgaria and Romania, as well as the threats to merchant shipping in the Black Sea, present an opportunity for the U.S. and NATO to bolster their presence in the region by transitioning to an active maritime posture, aiming to deter further Russian aggression at sea.

Keywords: Black Sea; Tailored Forward Presence; Montreux Convention;

1. Introduction

The freedom to operate in the Black Sea, as the center of the larger Black Sea Region, is strategically important for the security of the NATO Alliance, including the U.S.,¹ as well as for the Russian Federation (Lancaster, 2023, 6,12-13). For more than a decade, the region has been the focus of Moscow's defense capability development and modernization programs, resulting in the establishment of a formidable anti-access/area denial (A2AD) umbrella and robust naval presence, which have dominated the Black Sea since the Russian 2014 annexation of Crimea (Savitz et al., 2023, 3). In stark contrast with the Kremlin's approach, the Black Sea was, in reality, neglected by the U.S. and NATO and only started gaining a more prominent spot on the radar of Western decision-makers after the beginning of Russia's full-scale invasion of Ukraine (Lancaster, 2023, 5,11).

This paper argues that the war in Ukraine and the resulting challenges for the defense of Bulgaria and Romania, as well as the threats to merchant shipping in the Black Sea, present an opportunity for the U.S. and NATO to bolster their presence in the region by transitioning to an active maritime posture, aiming to deter further Russian aggression at sea. First, the current situation, featuring restricted access through the Bosphorus and the Dardanelles (the Straits) and denial of large maritime areas in the Black Sea by the Russian Federation, should catalyze a substantial reshaping of the U.S. and NATO approach. The new approach must be proactive, challenging the status quo in the Black Sea and transitioning from sporadic to systematic and, if

feasible, permanent maritime presence in the region. Second, reliance on regional formats for resolving the safety and security challenges in the Black Sea should be abandoned in favor of a NATO-based approach. Third, an enhanced NATO naval presence in the Black Sea should not be considered in isolation but must be part of a comprehensive approach towards a balanced and consolidated southeastern flank of the Alliance by integrating it with the existing Allied forward presence on land and in the air and by increasing the NATO Force Structure (NFS) footprint in the region. Additionally, this paper addresses the plausible concerns that an increased NATO maritime presence in the Black Sea could provoke Russian overreaction and potentially lead to an unintended escalation of the conflict.

2. Rethinking the fundamentals of NATO's naval posture in the Black Sea

Persistent flawed assumptions and disagreements among the NATO allies in the last two decades resulted in significantly limited NATO and U.S. maritime options in the Black Sea since the beginning of the War in Ukraine (Drapak, 2023, 6). There is a growing consensus that before the start of the full-scale conflict, the maritime portion of the Black Sea region - the Black Sea itself, was largely overlooked by the U.S. and NATO, despite its stated importance (Flanagan et al., 2020, 1; Santora et al., 2023; Lancaster, 2023, 5-6; Isachenko et al., 2023). Before 2022, naval vessels from non-riparian NATO countries used to enter the Black Sea independently or as part of the Standing NATO Maritime Groups (Ivanov, 2021). Even though their visits were always coordinated in advance and were usually aligned with the national exercises of the Black Sea allies and partners, such naval presence had more sporadic than systematic character (Lancaster, 2023, 6). Even after the Russian aggression in Georgia in 2008 and Moscow's annexation of Crimea in 2014, the Black Sea continued to be at a significant disadvantage in competing for the attention of the NATO and U.S. decision-makers, compared to the Baltics (Flanagan et al., 2020). The approach started to change a few months into Russia's full-scale invasion of Ukraine when the importance of the Black Sea was officially recognized by NATO and the U.S. at their respective strategic and legislative levels. Both the U.S. and NATO declared (again) their intent to establish a tangible maritime presence in the region and to uphold freedom of navigation in the Black Sea (Lancaster, 2023, 11-13; House, 2023). The recent decisions, in essence, echo the more general language of NATO declarations from 2016 and 2018, which listed "reinforcing allied maritime posture" in the region as one of the set of adopted forward presence measures in response to Russia's annexation of Crimea (Horrel et al., 2022). However, the Alliance missed the opportunity to establish a visible command and control naval footprint in the region at an early stage, both after Moscow's annexation of Crimea and later after the beginning of Russia's full-scale invasion of Ukraine. Instead, the NATO naval presence in the Black Sea was left to be coordinated by a fit for a purpose Regional Maritime Coordination Function hosted by the NATO Maritime Command in the UK (MARCOM) (Isachenko et al., 2023).

The War in Ukraine and the resulting reaction of Türkiye highlight the challenges for implementing the concept of enhanced naval presence in the region in practical terms and for the U.S. and NATO's freedom to operate in the maritime domain in the Black Sea region as a whole. It also raises relevant questions about the maritime security and defense of the newest NATO allies in the Black Sea, Bulgaria, and Romania. Due to restrictions imposed by Türkiye, the "bolstered naval forces," which were supposed to operate in the Black Sea, in line with NATO's decisions for allied forward presence, currently limit their presence to the Mediterranean only (NATO, 2024). Shortly after the beginning of the full-scale conflict, in an unexpected move unseen since World

War II, Türkiye invoked the 1936 Montreux Convention and closed the Straits for warships of the belligerent countries, Russia and Ukraine (Eckstein et al., 2022; Zanotti et al. 2022).² In addition, Ankara also “warned” all other non-riparian countries not to send warships through the Straits, implying that such access would be denied if attempted (Pedrozo, 2022).³

Türkiye holds in high regard the implementation of the 1936 Montreux Convention, considering it “the bedrock of security and stability in the Black Sea” and an indispensable leverage in Türkiye’s role as “the gatekeeper of the Black Sea” (Coskun, 2024). Experts have speculated, however, that Türkiye issued the warning to the non-riparian countries “as a political expediency to temper adverse repercussions from Moscow” (Pedrozo, 2022). No matter the rationale, more than two and a half years since the beginning of the full-scale conflict, the warning still holds, and no NATO warship from a non-riparian country has entered the Black Sea through the Straits.

Concurrently, both Bulgaria and Romania rely heavily on NATO Article 5 security guarantees to counterbalance possible aggression from Russia, which they consider “the most significant and direct threat to Allies’ security,” as per the latest NATO Strategic Concept (NATO, 2022, 4). Since Russia’s illegal annexation of Crimea in 2014, Romania and Bulgaria have repeatedly raised the issue of Black Sea security in different NATO forums (Garding, 2024; Jones et al., 2023, 11). Due to their proximity to Russia and with the force ratio not being in their favor, both countries are particularly vulnerable to surprise attacks by air and sea (Jones et al., 2023, 5,14). Given their current sizes and capabilities, the two countries’ navies and air forces, even combined, are no match to the Russian Black Sea Fleet and the Russian Air Force in the region, despite the attrition of the latter since the beginning of the war (Clough, 2024).

Bulgaria and Romania have increased their defense spending in recent years and have started various programs for acquiring new or second-hand naval vessels as well as other land and air platforms, potentially capable of delivering some deterring effects at sea in the foreseeable future (Lancaster, 2023, 13). However, even in a few years, when these vessels and other platforms achieve full operational capability, they will still be unable to substantially alter the force ratio compared to the Russian Black Sea Fleet. Under the current status quo, isolated from the rest of the NATO forces at sea, if attacked, the Bulgarian and Romanian naval fleets could potentially survive and continue to fight only if reinforced by the full strength of the Turkish Navy (Gavin, 2023). However, given Türkiye’s security issues in the Mediterranean, particularly the often troubled relations with Greece, such “just-in-time” reinforcement seems highly unlikely (Zanotti et al., 2023). In the past, out of security and defense concerns, NATO allies and the U.S. have attempted to convince Ankara to loosen the regime of the Straits, but to no avail (Kucera, 2016). The current situation proves that such fears have not been unsubstantiated and showcases, in reality, how unfavorable the 1936 Montreux Convention is to the security interests of the U.S. and the rest of the NATO allies, particularly Bulgaria and Romania (Zanotti et al., 2023; Lancaster, 2023, 17).

The status quo favors the Russian Federation. It supports the attainment of Moscow’s strategic objectives to control the Black Sea, as a perceived vital prerequisite for Russia’s great-power status, and to reclaim former Soviet Union territories while at the same time eroding the NATO Alliance (Jones et al., 2023, 11). The Kremlin can turn the legal requirements of the Montreux Convention to its advantage, particularly when Russia is the aggressor and the factor of surprise is on Moscow’s side. Russia can anticipate and, if needed, boost its naval capabilities in the Black Sea by transferring vessels from other Russian Fleets. That was the case a couple of weeks before the full-scale invasion of Ukraine when six Russian landing ships and a submarine

entered the Black Sea through the Straits (Pedrozo, 2022). Even isolated in times of war, the Russian Black Sea Fleet can still be reinforced by state-of-the-art vessels from Moscow's Caspian Flotilla and the Baltic Fleet, respectively through the Volga-Don Canal and the Volga-Baltic Waterway, which are under exclusive Russian control. In addition, Russia can continue to ship material loaded on Russian commercial ships through the Straits, as Moscow has done during the current conflict (Jones et al., 2023, 5). Moscow has invested heavily in developing a formidable A2AD umbrella covering the whole Black Sea region and beyond, and even after the heavy attrition of two and a half years of war, the modernized Black Sea fleet continues to be a formidable threat (Lancaster, 2023, 6). No matter the outcome of the War, currently, change in the Russian ambitions on the Black Sea is considered as highly unlikely (Lancaster, 2023, 16).

Unchallenged by the presence of a credible NATO force in the Black Sea and with no one to contest Moscow's illegal territorial waters claims and intrusive area denials, the Russian Black Sea Fleet plays by its own rules and can operate freely when out of range of Ukrainian drones and missiles (Dupay, 2023; Lancaster, 2023, 10). For instance, after Russia's withdrawal from the Black Sea Grain Initiative, in July 2023, the Kremlin announced that any ship bound for or leaving a Ukrainian port would be considered a legitimate target (Gavin, 2023). Shortly after, Russia declared a significant portion of the Bulgarian and Turkish Exclusive Economic Zones (EEZ) as an exercise area (Socor, 2023). Despite the Bulgarian protests, Russia maintained a systematic naval presence there for more than two months and even fired warning shots at and boarded a merchant ship traveling to a Romanian port (Faulconbridge, 2023; Dobrev, 2023).

With the direct corridor to the Straits no longer available, Ukraine has started shipping its grain using an alternative route that hugs the Black Sea's West Coast (Coskun, 2024). The new route goes through the territorial waters of Ukraine and the NATO riparian allies (Zanotti et al., 2023). Nevertheless, Russia continues to threaten and harass merchant shipping by occasionally throwing aerial glide bombs in the direction of the new sea route and is also suspected of dropping bottom mines by air platforms in the approaches to the Ukrainian harbors (The Economist, 2024; Nakamura, 2024). Anti-ship missiles which were a major threat to merchant ships in Ukrainian ports at the beginning of the Russian full-scale invasion continue to be an issue (Bush, D., 2022). A Turkish-operated grain ship was hit by a Russian anti-ship missile in the Romanian EEZ, in September 2024 (Sutton, 2024). In addition, floating sea mines, which have been a constant threat since the beginning of the full-scale conflict, continue to endanger the safety of navigation for merchant ships and navy vessels in the maritime spaces of the riparian NATO allies. No less than five merchant ships and one Romanian naval vessel have been struck by mines since the beginning of the war, and reportedly there have been civilian casualties (Jankowicz, 2024; Ozberk, 2022). According to conservative estimates, out of the roughly four hundred mines floating in the Black Sea, only around 10% have been neutralized (Rothchild et al., 2023). It seems now well understood that the new shipping corridor cannot be considered entirely secure without robust international engagement and naval escort (The Economist, 2024/1).

As some remarked in February 2022, "If there were ever a body of water well suited for bullying your neighbor, it would be the Black Sea" (Eckstein et al., 2022). To make things worse, chances are slim for rapid support at sea from the rest of the NATO Alliance. As Commander Gavin Clough (US Navy), a fellow at the Atlantic Council wrote: "The Black Sea is the only body of international waters that the US Navy is unable to access at will" (Clough, 2024). By extension, this is also true for the navies of all the other non-riparian NATO allies. Challenged by the current events, the claim that the 1936 Montreux Convention is an indispensable tool for assuring security

and stability in the Black Sea rings hollow. It may serve the narrow security interests of Türkiye and the great-power ambitions of Moscow, but it does not serve the interests of the rest of the NATO Alliance and the U.S.

In the foreseeable future, the maritime security situation in the region is expected to deteriorate. According to Ukraine's President Volodymyr Zelensky, "Crimea and the connected battle in the Black Sea will become the war's center of gravity" (The Economist, 2024/2). The deteriorating security situation in the Black Sea and the ensuing negative consequences for the defense of Bulgaria and Romania and the safety of merchant shipping must catalyze a substantial reshaping of the U.S. and NATO approach by actively challenging the status quo in the Black Sea and transitioning to systematic and, if feasible, permanent maritime presence in the region.

3. Regional formats in the Black Sea do not deter Russia

For the U.S. and NATO, the disadvantage of implementing the 1936 Montreux Convention is exacerbated by the absence of a comprehensive Allied strategy for the Black Sea. The issue is not new and continues to be the case today. It has been raised repeatedly since the NATO Istanbul Summit in 2004 when Bulgaria and Romania were voted in as members of the Alliance. After the end of the Cold War, due to Moscow's concerns and the preferences of Türkiye, and with the tacit concurrence of the rest of the NATO Alliance, the responsibility for the security of the Black Sea was left in the hands of the Black Sea countries (Sanders, 2007, 67-68).

With the leading role of Türkiye and the active support of Russia, a few regional formats were created that were supposed to be adequate substitutes for a robust Allied naval presence advocated by the U.S. (Isachenko et al., 2023). For instance, in 2001, Türkiye led the establishment of the so-called Black Sea Naval Cooperation Task Force (BLACKSEAFOR), which was meant to contribute to maritime security in the Black Sea through common training and exercises. Another example is Operation Black Sea Harmony, which was launched nationally by Turkey in 2004 and opened for participation by other riparian countries as a substitute for a possible widening of the area of responsibility of the NATO Active Endeavor maritime security operation in the Mediterranean, proposed by the U.S. Russia has been an active participant in the two formats (Sanders, 2007, 68).⁴

These regional maritime initiatives and other regional formats at a higher level in which Russia has participated have not delivered what they had promised.⁵ For instance, the destruction of the Georgian Navy during the Russian-Georgia war in August 2008 took place at the time of the eleventh activation of the BLACKSEAFOR.⁶ Subsequently, all these initiatives failed to prevent Russian aggression and the almost complete annihilation of the Ukrainian Navy, both in 2014 and in 2022.

The current Mine Counter-Measures (MCM) Task Group, established by the three riparian NATO countries, aiming to deal with the floating mine threat in the Black Sea seems like more of the same futile regional approach. The MCM Task Group is "open" to participation from other non-riparian NATO countries, by invitation, but without vessels (due to the restrictions of the 1936 Montreux Convention) and does not sail under the NATO flag (Tringham, 2024). The MCM vessels are also vulnerable to Russian overt or covert attacks when operating independently (Kaushal, 2023). Concurrently, the present sea mine threat in the maritime spaces of the riparian NATO allies, along with the other challenges to the freedom of navigation, present NATO, with

the strong backing of the U.S., a sufficient argument for establishing a robust rotational or permanent Allied Naval Task Force in the Black Sea for the duration of the conflict and beyond. Naturally, the naval forces of the three NATO riparian countries would be the permanent core of such a task force.

4. This time, the answer must be comprehensive

An enhanced Allied naval presence in the Black Sea should not be considered in isolation. It must be part of a comprehensive strategy towards a balanced and consolidated southeastern flank of the Alliance by integrating it with the forward land and air presence and increasing the NATO Maritime Force Structure footprint in the region.

In response to Russia's annexation of Crimea in 2014, counterintuitive to the geographic focus of Moscow's aggression, NATO adopted an asymmetrical defense posture along its eastern borders with an underlined emphasis on the Baltic region and to the detriment of its southeastern flank and the Black Sea (Hodges et al., 2020). This unorthodox approach did not deter Russia from further escalating its invasion of Ukraine to a full-scale one in 2022. In response, NATO reinforced its southeastern flank with air and land forces, coordinated by the Multinational Division Southeast Headquarters- a NATO Force Structure entity established in Romania (Belkin, 2020). However, as argued already, the Black Sea remained a weak spot. Since 2016, Bulgaria has proposed hosting the Coordinating Function for the Allied naval presence in the Black Sea, currently at MARCOM in the UK (Isachenko et al., 2023). This would facilitate better alignment of the enhanced naval presence with the NATO air and land efforts and improve the optics of the NATO Force Structure distribution in the region. Bulgaria currently has a much smaller NATO footprint on its territory than its NATO neighbors. The lesser NATO footprint in Bulgaria is not lost on Russia and most likely plays in Moscow's calculus for destabilizing the region by hybrid means. NATO welcomed the Bulgarian proposal in theory. However, it remains on hold, blocked by Türkiye, in line with Türkiye's national policy advocating limited NATO maritime presence in the Black Sea (Isachenko et al., 2023).

Strong U.S. influence and leadership are indispensable to breaking the impasse in the Black Sea (Dupay, 2023). In the short term, similar to the recent case with Türkiye blocking Sweden's admittance to NATO, the U.S., with the support of its European allies, could leverage Ankara's transactional foreign policy and the flexibility of some of the stipulations of the Montreux Convention to secure Türkiye's consent for a tangible Allied naval presence in the Black Sea (Zanotti et al., 2023).⁷ In the long run, the 1936 Montreux Convention must be renegotiated to allow for a permanent Allied naval presence in the Black Sea and better security guarantees for the current and future riparian NATO allies. Granting Türkiye the opportunity to reenter the F-35 program to balance against Greece, membership in the EU, as well as support for Türkiye's faltering economy could all be utilized by the U.S. and its European allies as bargaining chips to secure Ankara's consent (Zanotti et al., 2023). The consent of the Russian Federation, as one of the signatories to the Montreux Convention, must also be secured. This may be done by including it as one of the clauses of a future Ukraine-Russia Peace Agreement, as a tangible guarantee for the Ukrainian sovereignty and rights in Kyiv's maritime spaces in the Black Sea. Subject to the actual situation in Russia at the end of the War, such concessions from Moscow may require some incentives from NATO and the EU.

5. Russia will be deterred, not provoked

Some argue that increased U.S. and NATO maritime presence in the Black Sea in the current crisis could provoke Russian overreaction and lead to an unintended escalation and widening of the War (Coskun, 2024; Santora et al., 2023). Indeed, Russia has traditionally viewed NATO and particularly the U.S. naval presence in the Black Sea with utmost suspicion (Sanders, 2007, 67). These frictions were the norm in the Black Sea during the Cold War when freedom of navigation operations by the U.S. Navy were met with harassment and direct confrontation by the Soviet Black Sea Fleet (Aceves, 1993). Confrontations of Russian Forces with the U.S. and other NATO member's vessels in the Black Sea have resumed again in the last decade, and harassment of other U.S. and Allied assets has increased since the beginning of Moscow's full-scale invasion (BBC, 2021; Lancaster, 2023, 12). On a broader scale, during the current War, Russia has repeatedly threatened nuclear escalation in response to proactive actions by the West in support of Ukraine (Jones et al., 2023).

Despite Moscow's rhetoric, the risk of conventional escalation against U.S. and NATO naval forces in the Black Sea is low, because it would entail drawing the Alliance into the War. This is a scenario Russia cannot afford, given Moscow's already overstretched military and financial resources (The Economist, 2024/1). It appears that the Kremlin understands the potential consequences and, accordingly, both before and after the full-scale invasion, has limited its hostile actions to harassment of vessels and the downing of unmanned systems but has consistently refrained from overtly attacking U.S. and NATO military personnel in the Black Sea region (Hodges, et al. 2020). The lack of Russian escalation in response to the increased number of NATO air policing and surveillance flights over the Black Sea's international waters since the withdrawal of Moscow from the Grain Initiative should serve as an indicator that the Kremlin is not ready to cross that threshold (Santora et al., 2023). It has been demonstrated time and again that the U.S. and NATO self-deterrence in the Black Sea fails to stop Moscow's aggression in the region. Furthermore, any asymmetry in NATO's response along its eastern border, like the gap in the Black Sea, signals vulnerability (Hodges, B., 2020). A robust NATO Naval Task Force bolstering the defense of Bulgaria and Romania from the sea and protecting the freedom of navigation in the maritime spaces of the riparian NATO allies would not provoke Moscow but would serve as a tangible deterrent against further Russian aggression in the region. Furthermore, counterbalancing the Russian Black Sea Fleet, a robust Allied naval presence firmly backed by the U.S., could potentially influence Moscow's strategic calculus towards de-escalation.

6. Conclusion

The current War in Ukraine can trigger long overdue strategic improvements and address obvious discrepancies in the U.S. and NATO maritime posture in the Black Sea region to reassure Bulgaria and Romania and protect the freedom of navigation. Actively challenging the status quo in the Black Sea, providing a NATO solution instead of attempting another regional one, and integrating the Black Sea in the overall enhanced NATO defense posture along the eastern border of the Alliance are indispensable steps towards such strategic change. Decisive U.S. leadership would be necessary initially to influence Türkiye and break the impasse in the Black Sea.

NOTES

1. Statistically and historically the U.S. has consistently been the one NATO non-riparian nation with the most significant naval presence in the Black Sea. Even though the U.S. is part of NATO, due to its peculiar status and where appropriate in this paper the U.S. is explicitly mentioned in addition to the overall Alliance.
2. As per the provisions of Article 19 of the 1936 Convention Regarding the Regime of the Straits.
3. Significantly, Turkey chose not to close the Straits for warships of non-riparian Black Sea states, by officially invoking Articles 20 and 21 of the 1936 Montreux Convention. Even though the Turkish “warning” was communicated by official political channels, it does not have legal power under the Convention.
4. BLACKSEAFOR has been effectively put on hold since the Russian illegal annexation of Crimea. The last activation was in 2013 (www.blackseavisits.ru).
5. See www.blackseavisits.ru, accessed 1 October 2024, http://blackseavisits.ru/BLACKSEAFOR/en/BZF_2008_en.html.
6. The Organization of the Black Sea Economic Cooperation (BSEC), which in addition to bolstering cooperation on economic issues, supposedly had to address security problems in the Black Sea as well; The Document on Confidence and Security Building Measures in the Black Sea Naval Area. The goal of this initiative, which was politically binding, was to bolster maritime security and trust via mutual cooperation between the navies of the Black Sea riparian countries (See Ivanov, 2021).
7. Some of the stipulations of the 1936 Montreux Convention allow a significant level of flexibility, based on the subjective threat perception of Turkiye.

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