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Challenges to Black Sea Governance. Regional Disputes, Global consequences?

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***Abstract:** The Black Sea is a strategic crossroad between Europe, Middle East and Asia, but it is also an area dense with frozen and “defrost” conflicts. In recent years, the coastal states have faced numerous difficulties involving sovereignty, annexation, exploitation of resources and armed conflicts. The states are also members of different organisations and positioning towards the European Union and NATO has not been constant, especially with the added pressure of the current global situation.*

***Key words:** security, maritime delimitations, straits regime*

1. An overview of key features of the region

The Black Sea coastal States are Russia, Ukraine, Romania, Bulgaria, Turkey and Georgia. However, some authors consider that the “Black Sea region” is broader than the six riparian States and should include the Republic of Moldova, Armenia, Azerbaijan and Balkan countries (ex-Yugoslavian States and Greece).¹

Since Crimea War (1856) to the end of Cold War (1990), Russia clearly dominated the Black Sea. During the communist regime in Europe, Ukraine was part of the USSR. Bulgaria and Romania were also under Russian influence, as Member States of the Warsaw Pact and of the Council for Mutual Economic Assistance.² Since 1952, Turkey’s membership in the North Atlantic Treaty Organization (NATO) was a way to counterbalance Russian influence on the region. Romania and Bulgaria became NATO

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¹ Doru Cojocariu, *Géopolitique de la Mer Noire*, ed. l’Harmattan, 2007, pp. 70-111.

² The two international organisations were dissolved in 1991.

members in 2004 and, since 2007, they are also members of the European Union (EU). On the Northern side of the Sea, we have, on one hand, the states of Russia and Ukraine, which are in an armed conflict, and, on the other hand Russia and Georgia, whose relations are marked by the frozen conflicts in Abkhazia and South Ossetia.

Ukraine and Georgia have also declared their aspirations to NATO membership. At the 2008 Bucharest Summit, based on NATO's "*open door policy*", the Allies agreed that Georgia and Ukraine would become members of NATO in future¹. On the other side, Russia has always seen a security threat in NATO's enlargement after the Cold War. Despite a certain progress Russia-NATO relationship after 1997,² the cooperation was suspended in March 2014, after Russia's aggressive actions against Ukraine.

Currently, Russia pleads that NATO enlargement after 1997 and the Alliance's "*open doors policy*" applied to Georgia and Ukraine (since 2008) are threats to Russia's national security. On the other hand, the international community - especially NATO and EU Member States, is constantly accusing Russia of violating sovereignty, undermining institutions and destabilising economies of states in the region.

The annexation of Crimea in 2014 by Russia was the moment when dialogue between Russia, on one side, NATO and EU, on the other side, turned into a long list of accusations and mutual sanctions. In January 2022, tensions between Russia and Ukraine have raised again, after Russia having concentrated military forces at eastern Ukrainian borders - in Russia, Belarus and Crimea. In reaction to Russia's actions, NATO has send troops in regional Member States.

Security in the Black Sea region is therefore the most controversial subject of the moment. On the Black Sea coast, Ukraine and Georgia are the States the most affected by Russia's "unorthodox" foreign policy. In this regard, NATO's secretary general, Jens Stoltenberg, had declared in January 2022 that there was "*a real risk for a new armed conflict in Europe*", while the Russian deputy defence minister, Alexander Fomin had confirmed that relations with the alliance are at "*critically low level*".³

¹ https://www.nato.int/cps/en/natolive/topics_49212.htm

² In 1997, NATO and Russia signed the Founding Act on Mutual Relations, Cooperation and Security, creating the NATO Russia Permanent Joint Council. In 2002, this was upgraded, creating the NATO-Russia Council (NRC), https://www.nato.int/cps/en/natohq/topics_111767.htm

³ <https://www.theguardian.com/world/2022/jan/12/nato-chief-warns-of-real-risk-of-conflict-as-talks-with-russia-over-ukraine-end>

On 24st of February 2022, Russia initiated a “*special military operation*” in Ukraine,¹ which turned into a real military invasion. Recently, the UN General Assembly has adopted a Resolution to condemn Russia’s acts of aggression,² while an important number of States and international organisations (e.g. CoE,³ EU⁴) are already applying political and economic sanctions against Russia.

2. Russia-Ukraine old and new conflicts

Ukraine is situated at the crossroads between NATO zone and Russia. It presents interest to both NATO and European Union in the perspective of accession, which would significantly diminish Russian influence in Eastern Europe and would cut off access to the Black Sea. Some Ukrainian regions– Crimea Donetsk and Luhansk districts are no longer under its effective control.

One of the situations that have had a lasting impact on the area is represented by the annexation of Crimea. In 2014, Russia justified its intervention in the region by invoking the right to secession. The spark that gave the opportunity to the conflict were the protests held in 2013, generated by president Yanukowych refuse to sign an EU association agreement.⁵ At that time, despite Ukraine’s rapprochement with the EU after the Orange Revolution of 2004, the country was divided between the European economic integration project and a competing Russian proposal for a customs union. In Kyiv, spontaneous pro-European protests took place in the Independence Square, or “Maidan”, which gave its name to the movement. At the beginning of 2014, violent clashes between demonstrators and governmental forces had dramatic consequences. Finally, president Yanukowych leaved the county and demonstrators negotiated an early presidential election. The events were qualified by President Putin as “a

¹ https://www.mid.ru/en/foreign_policy/news/1800154/

² GA/12407, [Ukraine: Vote on Draft “Uniting for Peace” Resolution* : What's In Blue : Security Council Report](#)

³ https://www.coe.int/en/web/kyiv/home/-/asset_publisher/Pur4r4szNjUn/content/citing-ukraine-pace-renews-sanctions-against-russian-delegation-including-suspension-of-voting-rights?inheritRedirect=false

⁴ <https://www.consilium.europa.eu/en/policies/sanctions/restrictive-measures-ukraine-crisis/>

⁵ <https://www.kyivpost.com/article/content/ukraine-politics/yanukowych-confirms-refusal-to-sign-deal-with-eu-332493.html>

coup d'état” and Russia declared its intention to “use all available options, including force as a last resort”.¹

Afterwards, independence was proclaimed by the Autonomous Republic of Crimea and the city of Sevastopol. It was maintained by the Sevastopol City Council that they were a sovereign state.² Subsequently, independence was recognised by Russia and the two concluded The Treaty on Accession of the Republic of Crimea to Russia, which gave way for the Russian troops that were stationed in Crimea to ensure the control over the territory. The use of force was authorized by the Russian Council.³ While military troops in Crimea were continually claimed to be local self-defence units,⁴ Ukrainian press reported the presence of Russian soldiers,⁵ using Russian material resources (weapons, vehicles etc), although not sporting the official symbols of the army.⁶

After Crimea has declared itself independent, President Vladimir Putin stated that work must be done in order to ensure the return of Crimea to Russia.⁷ Shortly afterwards, the Russian military openly took over the peninsula. Both states are party to the UN Charter and therefore under the obligation to respect state territorial integrity and the prohibition of use of force. Even more, these obligations were reiterated in the 1997 Treaty concluded between the two states.⁸ With regard to the breaching of these dispositions, Russia maintained the fact that, through the Declaration of Independence, a new state has emerged and it cannot be bound by any previous treaties. On the other side, events in Ukraine could also be qualified as an internal revolution, which does not imply State succession.⁹

¹<https://www.france24.com/en/europe/20220228-from-the-maidan-protests-to-russia-s-invasion-eight-years-of-conflict-in-ukraine>

²<https://www.consilium.europa.eu/en/press/press-releases/2022/02/25/ukraine-declaration-by-the-high-representative-on-behalf-of-the-eu-on-the-illegal-annexation-of-crimea-and-sevastopol/>

³ ITAR-TASS Press Report, Putin’s Letter on Use of Russian Army in Ukraine Goes to Upper House, 1.3.2014.

⁴ Vladimir Putin Answered Journalists’ Questions on the Situation in Ukraine, Kremlin Press Conference, 4.3.2014, <http://en.kremlin.ru/events/president/news/20366>

⁵ <https://ua.krymr.com/a/schodennyk-okkupatsyi-krymy-2-bereznnya/29799832.html>

⁶<https://www.rferl.org/a/from-not-us-to-why-hide-it-how-russia-denied-its-crimea-invasion-then-admitted-it/29791806.html>

⁷ Vladimir Soldatkin, *Putin says plan to take Crimea hatched before referendum*, available at <https://www.reuters.com/article/us-ukraine-crisis-putin-crimea-idUSKBN0M51DG20150309>

⁸ Treaty on Friendship, Cooperation, and Partnership between Ukraine and the Russian Federation, signed 31.5.1997, Article 3.

⁹ Andreas Zimmermann, *State Succession in Treaties*, MPEPIL, November 2006, par. 1.

Two types of arguments were used in order to justify Russian interference in Crimea, respectively those to protect nationals in the peninsula and that the intervention was requested.

Regarding the first, Russia upheld that the Russian minority living in Crimea and the military based in Sevastopol along with the Black Sea Fleet was in grave danger.¹ The hypothesis of saving nationals abroad stated by Russia to fall under the scope of self-defence as defined by the UN Charter² is not convincing, as state practice has not been uniform regarding the matter. An interesting theory was that, since population is an element of statehood,³ an armed attack against nationals of a state could amount to an armed attack against the state itself. Nevertheless, State practice has also been inconsistent with treating the saving of nationals abroad as a potential exception from the prohibition of use of force.⁴ Some authors considered it a new custom of international law, as long as the intervention is limited to humanitarian purposes, but international practice has not confirmed their optic.⁵ Regardless, the burden of proof lies with Russia, which failed to persuade that there was any danger for the lives of its nationals abroad and that Ukraine was not taking sufficient measures to ensure their protection.

In what concerns the invitation to intervene, former president Yanukovich has confirmed that, after his removal from office, he requested Russia to employ countermeasures in Ukraine.⁶ It is arguable whether this consent to intervene could have been legitimately expressed by a former president. Another aspect that must be considered when analyzing the relationship between the two states is the fact that in 2010 the Black Sea Fleet Status of Forces Agreement was extended until 2042.⁷ This implies

¹<https://ecfr.eu/publication/waves-of-ambition-russias-military-build-up-in-crimea-and-the-black-sea/>

²Art. 51 the Charter of the United Nations.

³ Art. 1, Montevideo Convention on the Rights and Duties of States (1933).

⁴According to ILA's 2018 report on aggression and the use of force: *"The rescue of nationals abroad has long presented a challenge to the application of the rules on use of force. It is the subject of a long list of contrasting opinions, numerous cases with inconsistent state practice, and ambiguous case-law."*

⁵ Independent International Fact-Finding Mission on the Conflict in Georgia, available at https://www.mpil.de/files/pdf4/IIFFMCG_Volume_III.pdf.

⁶ Louis Charbonneau, Russia: Yanukovich asked Putin to use force to save Ukraine, available at: <https://www.reuters.com/article/us-ukraine-crisis-un-idUSBREA2224720140304>.

"In this context, I appeal to the President of Russia Vladimir V. Putin to use the armed forces of the Russian Federation to re-establish the rule of law, peace, order, stability and to protect the people of Ukraine"

⁷<https://www.loc.gov/item/global-legal-monitor/2014-04-03/russia-ukraine-legislature-adopts-law-on-dissolution-of-black-sea-fleet-treaties/>.

that Russia has the naval facilities in Crimea and access to them must be assured.

The annexation of Crimea has been condemned by states and international organizations, with the UN¹ and NATO issuing a statement calling upon Russia to bring an immediate end to all violations and abuses in illegally annexed Crimea.² Also, whilst addressing the Summit, the Deputy Secretary General of NATO stated that Crimea is the territory of Ukraine,³ position which was strengthened by the Secretary General.⁴

Further, the Venice Commission analyzed the compatibility with constitutional principles of the decision taken by the Supreme Council of the autonomous Republic of Crimea in Ukraine to organise a referendum on becoming a constituent territory of the Russian federation, or restoring Crimea's 1992 constitution. Regarding the first, the Venice Commission stated that there are several provisions in the Ukrainian Constitution prohibiting for the object of a referendum to be the secession of a part of its territory.⁵ Concerning the return to the 1992 Crimean constitution, offered as an alternative to secession, this cannot maintain validity on its own and could only be regarded as consultative.⁶ Furthermore, the context of the referendum connotes an incompatibility with international standards, given the absence of Ukrainian legislation regarding referendums, the massive presence of military and paramilitary forces in the area, the concerns regarding freedom of expression and the short time between announcing the referendum and the actual act.

¹ Resolution adopted by the General Assembly on 17 December 2018, *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*, available at: <https://undocs.org/en/A/RES/73/194>; Resolution adopted by the General Assembly on 9 December 2019 - *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*, available at: <https://undocs.org/en/A/RES/74/17>; Resolution adopted by the General Assembly on 7 December 2020 - *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*, available at: <https://undocs.org/pdf?symbol=en/A/RES/75/29>.

²[NATO - News: Statement by the North Atlantic Council on Crimea, 18-Mar.-2019.](#)

³[NATO - News: NATO Deputy Secretary General: Crimea is Ukraine , 23-Aug.-2021.](#)

⁴[NATO - Opinion: Keynote interview with NATO Secretary General Jens Stoltenberg at Reuters Next event , 01-Dec.-2021.](#)

⁵ "However, in its *Report on Self-determination and secession in constitutional law* quoted above, the Venice Commission concludes that self-determination is understood primarily as internal self-determination within the framework of the existing borders and not as external self-determination through secession"

⁶[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2014\)002-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2014)002-e).

Since 2014, Russia also sustained separatist movements in the eastern Ukrainian region of Donbas. Recently, on the 15th of February 2022, the Russian Parliament *"decided to send an appeal to the president"* to recognise as independent the two separatist-held areas - Donetsk People's Republic (DPR) and Luhansk People's Republic (LPR.)¹ Duma's decision was considered a breach of Minsk Agreements of 2014 and 2015: *"Kremlin approval of this appeal would amount to the Russian government's wholesale rejection of its commitments (...), which outline the process for the full (...) reintegration of those parts of Ukraine's Donbas region controlled by Russia-led forces and political proxies"*.² On 21st of February 2022, president Putin signed the decree recognising the independence of the two separatist republics and initiated a *"special military intervention"* in Ukraine in the early morning of February 24.

Moreover, Russian president constantly declared that certain actions in Donbas war zone could be qualified as genocide. This reference to genocide was in fact a way to prepare public opinion for a new Russian military intervention in Ukraine.³ In reaction, international community rejected Russian argument related to the "humanitarian purposes" and "self-defence" of the military intervention. A large number of states and the most important international organisations have already condemned Russia for having again used force against its neighbour and applied unprecedented tough sanctions against it.⁴

3. The frozen conflict in Abkhazia and South Ossetia

Although the Republic of Georgia is a small nation of approximately four million people,⁵ its placement along the Black Sea, and close to Russia, Armenia, Azerbaijan, and Turkey has given it substantial strategic importance. Like Ukraine, Georgia is confronted with separatist actions in two regions –South Ossetia and Abkhazia. Situated on the Black Sea board, Abkhazia is a strategic point for Russia's security policy in the Black Sea.

In 2008, Russia recognized the independence of Abkhazia,⁶ upon secession from Georgia. In international law, the right to remedial secession

¹[Russian MPs urge Putin to recognise two separatist-held areas in eastern Ukraine as independent | Euronews](#)

² <https://ua.usembassy.gov/russian-duma-resolution-on-eastern-ukraine/>.

³ See Ukraine's application against Russia before the ICJ.

⁴ <https://www.bbc.com/news/world-europe-59599066>.

⁵ <https://www.worldometers.info/world-population/georgia-population/>.

⁶ http://press.tsu.ge/data/image_db_innova/socialur_politikuri/nikoloz_samkharadze.pdf.

is restricted to very narrow situations. However, the parties disagreed to the degree of misrepresentation of the Abkhaz people.¹ Russia initially participated in the conflict as a mediator, only to progress to an involvement in internal affairs. Afterwards, the Russian Government started to offer citizenship to the Abkhazians.²

Given the fact that the Parliament of Russia authorized the intervention of the military under any circumstance, it was only natural for the dependence of the Abkhaz to grow continually³ and continues to the present day. The Georgian Parliament has stated that Russia was “*directly involved in the initiation of conflicts in Abkhazia, first through an intensive delivery of arms to conflicting sides, and later through direct participation of its military personnel serving in Gudauta military base, in military actions against Georgia.*”⁴

Georgia holds Russia accountable for the perpetuation of the conflict. The political, economic, and military support of the government in Abkhazia prompted the Georgian Parliament to adopt a resolution on July 17 resolution, through which it authorised the Government to start procedures and suspend the peacekeeping operation of Russia, since they remain the major obstacle in the way of solving the conflicts peacefully.⁵ In absence of Russian support, Abkhazia as a state would not exist. The Abkhaz and Russian economies are intertwined, and so are other state structures. Russia represents about 90% of Abkhazia’s exports. Further, 99% of Abkhazia’s foreign direct investment comes from Russia⁶. The railway and air travel is Russian owned and the Russian military patrols the border with Georgia. President Vladimir Putin stated that that he would be financing the defence modernisation of the country.⁷

¹ Pål Kolstø, (2019). Biting the hand that feeds them? Abkhazia-Russian client-patron relations. *Post-Soviet Affairs* available from <https://doi.org/10.1080/1060586X.2020.1712987>.

² International Crisis Group, Europe report No. 176, pp. 9-10.

³ <https://jamestown.org/program/russia-declares-new-initiatives-to-modernize-army-of-breakaway-abkhazia/>.

⁴ Parliament of Georgia, Some Facts of Russian Policy Towards Georgia, http://www.parliament.ge/index.php?lang_id=GEO&sec_id=63&info_id=13323.

⁵ http://www.crisisgroup.org/library/documents/europe/caucasus/179_abkhazia_ways_forward.pdf.

⁶ Thomas Ambrosio, & William A. Lange, (2015). The architecture of annexation? Russia’s bilateral agreements with South Ossetia and Abkhazia. *The Journal of Nationalism and Identity*. [online]. 44(5), pp. 673-693. available at: <https://doi.org/10.1080/00905992.2016.1203300>.

⁷ Paul Pryce, (2020). Why is Russia Modernizing Abkhazian Forces?. available at <https://www.offiziere.ch/?p=37289>.

Since the independence of Georgia from the USSR the relationship between the two states has often oscillated, especially since Georgia is leaning towards the west. The election of a Russian member of Parliament sparked anti-Russian protests in Tbilisi.¹ Moreover, the Georgian President stated that Abkhazia is “*under a form of gangster occupation which hopes the international community will lose interest and reward the results of ethnic cleansing*” and “[*the*] painful, but factual truth is that these regions are being annexed to the Russian Federation.”²

In recent developments, Russia plans to strengthen its forces in Abkhazia,³ fuelling further conflicts within the area and it does not seem the situation will change in the near future.

4. Turkish authoritarian regime

After the *coup d'état* from 2016, the ruling regime deepened its authoritarian characteristics. The president in office has brought forth a new constitutional interpretation of law and has assumed the power to denounce treaties without additional conditions, aspect that is relevant to international law. The first treaty denounced through this mechanism was the Istanbul Convention on preventing and combating violence against women and domestic violence.⁴

Under the constitutional law of Turkey, withdrawal from such agreements must follow specific rules: Turkey's parliament must first pass a law announcing the exit from the convention before President Erdogan can act on the law. Regardless, the executive power that the president wields is

¹ <https://agenda.ge/en/news/2020/291>.

² Reuters AlertNet, Georgia Demands Removal of Russian “Peacekeepers,” REUTERS, Sept. 22, 2006, <http://www.alertnet.org/thenews/newsdesk/N22174158.htm>.

Senator John McCain has expressed concern that RF President Vladimir Putin is “trying to re-establish the Russian empire.” William Mulgrew, McCain Talk Possible Presidential Bid, More In Philadelphia Visit, BULLETIN, Dec. 4, 2006, <http://theeveningbulletin.com/>.

³ <https://jamestown.org/program/russia-declares-new-initiatives-to-modernize-army-of-breakaway-abkhazia/>.

⁴ The Turkish government’s withdrawal from the Istanbul Convention entered into force on 1 July 2021, <https://www.euronews.com/2021/07/01/istanbul-convention-turkey-officially-withdraws-from-treaty-protecting-women>.

based on a presidential circular,¹ which has no basis in Turkish Law. The resident states that the decision of unilateral denouncing of the treaty is not an attribute of Parliament.²

This matter is relevant to the present paper, given the fact that the current situation in Turkey is not stable in terms of rule of law, or even in the independence of the judiciary.³ Therefore, one must question what would happen if the president of the country would decide to simply denounce the treaties referring to the Black Sea and exploitation of its resources. Given the fact that the context described places the country's leadership in an unpredictable conduct, the Turkish political regime constitutes an alarming factor to the future of its international relations.

5. Bulgarian and Romanian political situation

Political changes seem to persist among the coastal states of the Black Sea, Bulgaria and Romania being no exception. The year 2021 marked an unprecedented status, with Bulgaria having organized three general elections and Romania having established a much controverted left-right government coalition. This type of political conduct naturally stems in the way international relations between states are maintained and evolved.⁴

The two countries' interaction is related to delimitation of the Danube frontier, the Romanian minority in Bulgaria and the construction of

¹ EŞİK - Women's Platform for Equality, "Presidential decision on the Istanbul Convention is Non-Existent, the Convention is in Force," EŞİK - Women's Platform for Equality Website (March 20, 2021), <https://esikplatform.net/sozlesme-yururluktedir/>; EŞİK - Women's Platform for Equality, "Urgent Appeal to the Council of Europe."; Çali, "Withdrawal from the Istanbul Convention by Turkey: A Testing Problem for the Council of Europe.

² "No legal problem in withdrawal from Istanbul Convention: Erdoğan," Hurriyet Daily News (March 26, 2021), <https://www.hurriyetaidailynews.com/no-legal-problem-in-withdrawal-from-istanbul-convention-erdogan-163455>.

³ "Turkey's Judicial Council: Guarantor or Annihilator of Judicial Independence?," Stockholm Center for Freedom Website (March 2021), <https://stockholmcf.org/wp-content/uploads/2021/03/Turkish-Judicial-Council-HSK-Report.pdf>.

⁴<https://nova.bg/news/view/2021/12/11/349695/%D1%84%D1%80%D0%B0%D0%BD%D1%81-%D0%BF%D1%80%D0%B5%D1%81-%D0%B1%D1%8A%D0%BB%D0%B3%D0%B0%D1%80%D0%B8%D1%8F-%D0%BF%D1%80%D0%B5%D0%B6%D0%B8%D0%B2%D1%8F%D0%B2%D0%B0-%D0%B5%D0%BF%D0%B8%D0%BB%D0%BE%D0%B3%D0%B0-%D0%BD%D0%B0-%D0%BF%D0%BE%D0%BB%D0%B8%D1%82%D0%B8%D1%87%D0%B5%D1%81%D0%BA%D0%B0%D1%82%D0%B0-%D0%BA%D1%80%D0%B8%D0%B7%D0%B0/>.

bridges. Regarding the delimitation of maritime areas in the Black Sea, the process has slowed down in recent years because political instability sets back decisions on the subject until new elections. We can add the fact that the region is highly important in terms of resources, which alongside the other issues makes the decision even harder to make. As a preliminary conclusion, it is difficult for the parties to reach an agreement, fact proven by the four years of negotiations, which have proven to no avail.

6. Settled and pending maritime disputes in the region

Decision-making process at domestic level is essential for maritime delimitations. Nevertheless, State's foreign affairs agenda priorities are different, difficult to harmonise and changing from an electoral cycle to another. Regarding the Black Sea coastal States, we must also take into account that the necessary time to make and implement a decision can be variable. While slow decision processes are specific to democratic regimes - according to the rule of law standards, totalitarian regimes have the "advantage" of rather accelerated decision-making.

The Black Sea has only three established delimitations up to this point, which generally followed the equidistance principle. The most known one is between Romania and the Ukraine, giving the dispute settlement by the ICJ in the case.¹

The second one is the delimitation between Turkey and Bulgaria², which has been registered with the United Nations. This delimitation line has a few points pinned down: P1-P2-P3 etc. The last delimitation segment, P9-P10, contains a mention regarding its flexible nature, subject to further negotiations. The reality of the situation is that segment P9-P10 is also relevant for an eventual delimitation between Romania and Turkey. Therefore, the strict application of the equidistance rule would in turn generate a Romanian-Turkish segment.

The oldest is represented by the delimitation between the USSR and Turkey,³ settled by agreement in 1986, which initially was applicable to the continental shelf, but was extended via notifications to be applicable to the economic exclusive zone. As mentioned above, the final section of the continental shelf boundary to the tripoint with Romania and the entire

¹ <https://www.icj-cij.org/en/case/132>.

² <https://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/TUR-BGR1997MB.PDF>.

³ <https://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/RUS-TUR1987EZ.PDF>.

exclusive economic zone boundary remain to be negotiated.¹ After URSS dissolution, Russia's succession of the USSR's treaty obligations was not questioned. Ukraine and Georgia were also considered successors to the maritime boundary delimitation treaties, taking into account they had established objective legal regimes. Moreover, in 1997, Turkey and Georgia re-confirmed maritime borders established by the above-mentioned treaties.²

Regarding the delimitation between Ukraine and Romania, it is important to mention that, after Crimea annexation, Russia's EEZ illegally claimed became directly adjacent to the EEZ of Romania. Moreover, on 25 February 2022, Russia took control over Ukrainian Snake Island, situated very close to Romania and Ukraine coasts. Overall, Ukraine considers that the 2009 delimitation agreement with Romania is still in force. Even if Crimea were to be annexed lawfully by a third state, the rule provided by Articles 11 and 12 of the 1978 Vienna Convention and widely applied in State's practice is that boundaries and territorial regimes, including for maritime zones, survive a succession of States.³

Some delimitations are left to be made, but the one between Romania and Bulgaria might be the only likely to be solved jurisdictionally or via agreement. With regard to the other states, as far as sovereignty claims are still being disputed, we contend that the delimitation of their continental shelf is not possible in the near future. Regarding Romania and Bulgaria, there is no indication as to what will be the next move of the parties - the tendency seems to be a joint exploitation front.⁴ It is only a supposition, since the parties have kept all information confidential. The last rounds of negotiations that took place in March 2017 have been followed by a total silence.⁵

¹ <https://www.state.gov/wp-content/uploads/2019/12/LIS-109.pdf>.

² <https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/TUR-GEO1997BS.PDF>.

³International Court of Justice, Reports of Judgments, Advisory Opinions And Orders, Case Concerning The Gabčíkovo-Nagymaros Project (Hungary/Slovakia), Judgment Of 25 September 1997, para. 123, available at: <https://www.icj-cij.org/public/files/case-related/92/092-19970925-JUD-01-00-EN.pdf>; see also Bogdan Aurescu, Ion Gâlea, Elena Lazăr, Ioana Oltean, *Drept International Public, Scurta culegere de jurisprudenta pentru seminar*, Editura Hamangiu 2018, p. 135; see also Kristian Atland, Redrawing borders, reshaping orders: Russia's quest for dominance in the Black Sea region, *European Security*, vol. 30, 2021, Issue 2, pp. 305-324, available at <https://www.tandfonline.com/doi/full/10.1080/09662839.2021.1872546>.

⁴ <https://www.consilium.europa.eu/en/press/press-releases/2016/12/12/baltic-sea-quotas/>.

⁵ http://stiri.tvr.ro/litigiu-romano-bulgar-pentru-un-perimetru-strategic-de-17-kilometri-patrati--in-dreptul-cadrilaterului_817130.html#view.

In 2021, announcements were made by Turkey¹ regarding the uncover of great gas resources in its continental shelf, the reserve being placed around 5 km from the P9-P10 segment and could potentially be part of the disputed area between Romania and Bulgaria. An interesting aspect to remember is that the delimitation lines between Turkey and Bulgaria, Romania-Ukraine and Turkey-USSR potentially meet in one single point, but since their negotiators have left the lines free, they currently do not meet. In the hypothesis in which the delimitation line between Romania and Bulgaria would strictly follow the equidistance line, it is possible to reach the P9-P10 segment mentioned earlier, which implies that Romania would have territorial contact and delimitation with Turkey. If the parties decide to deviate from this delimitation, the process would be interesting to follow, since it would produce unpredictable results.

To sum up, existing delimitations can affect third parties rights: Russia-Turkey Agreement can interfere with a future Romania-Bulgaria delimitation if the equity method is applied. Romania-Bulgaria delimitation is likely to occur in the future (even though it is not a top priority for any of the two state), while Russia – Ukraine and Russia –Georgia delimitations are impossible, as long as sovereignty on Crimea and Abkhazia is controversial.

It is also important to remember that criminality and dysfunctional state institutions in separatist regions by the Black Sea constantly affect Georgia and Ukraine. The consequences are that in the areas where there are ongoing territorial disputes, the possibilities for international companies to exploit local resources seem implausible. However, the potential resolve of the Romanian-Bulgarian conflict could be the impulse needed by concession companies to advance their exploitation in the region. Overall, the delimitations in the area will produce massive impact on exploitation, since the exact configuration of the perimeters is unknown and would clearly be taken into consideration by companies.

7. The Black Sea straights

The Black-Sea is a semi-enclosed sea, related to Azov Sea at East through Kerch Strait and to Marmara Sea at West through Bosphorus Strait.

Since March 2014, Russia has been in control of both sides of the Kerch Strait, which made it easier for Russia to impose restrictions on the

¹<https://www.worldoil.com/news/2021/6/3/turkey-expected-to-announce-new-black-sea-natural-gas-discoveries>.

commercial ship traffic between the Black Sea and the Sea of Azov, which is an important export route for Ukrainian coal, steel and agricultural products.¹ Ukraine did not miss the opportunity to address to the International Tribunal for the Law of Sea (ITLOS) in relation with an incident that took place in the Kerch Strait in November 2018. In May 2019, the Tribunal prescribed provisional measures and ordered Russia to release the three Ukrainian naval vessels and their crewmembers involved in the incident.

The ITLOS based its competence on art. 290 (5) of Montego Bay Convention from 1982 (UNCLOS), according to which the ITLOS has jurisdiction only for provisional measures, while the principal jurisdiction belongs to an arbitration tribunal formed according to Annex VII of UNCLOS. The most difficult issue was the determination of the *prima facie* jurisdiction, as both Ukraine and the Russian Federation made reservations according to art. 298 (1) b) of UNCLOS, excluding the settlement mechanisms related to “*disputes concerning military activities*”. ITLOS admitted that the incident comprised use of force in the context of a law enforcement operation. Nevertheless, it did not try to give a definition of the “*military activities*” exception (in order to include what appears to be a mixed law enforcement and military activities operation), but decided to “*increase the margin of the determination of the prima facie jurisdiction.*”²

Bosphorus Strait transit is controlled by Turkey, since it is a part of its territory. However, the regime of the straits is governed by the Montreux Convention Regarding the Regime of the Straits from 1936. The Convention derogates from the customary law and prescribes a favourable regime to Turkey. Under the treaty, Turkey agreed to free passage of civilian and trade vessels, but settled a strict control of warships access. Moreover, non-riparian warships have a very restricted access to the Black Sea - they must notify Turkey 15 days in advance, while riparians war vessels must give 8-days notification.³ Civil aircraft can be transited along routes authorised by

¹ <https://www.tandfonline.com/doi/full/10.1080/09662839.2021.1872546>.

² Ion Gâlea, *The Interpretation of “Military Activities”, as an Exception to Jurisdiction: the ITLOS Order of 25 May 2019 in the Case Concerning the Detention of Three Ukrainian Naval Vessels*, RRDI 21/2019.

³ <https://cil.nus.edu.sg/wp-content/uploads/formidable/18/1936-Convention-Regarding-the-Regime-of-the-Straits.pdf>.

the Turkish government. According to Reuters, Ankara also applies the restrictions on the passage of aircraft carriers.¹

It is public information that the president of Turkey is willing to construct the Istanbul Canal, in order to offer an alternative to the Bosphorus straight transit.² Istanbul Canal will theoretically fall outside of the Convention. However, since the Istanbul straight will short-circuit the Bosphorus straight and not Dardanelle, the regime established by the Montreux Convention will not automatically be affected.

The Montreux Convention is an objective treaty, opposable *erga omnes*, which has provided substantial stability to the area for almost a century. It could be taken into consideration whether or not president Erdogan will choose to apply the denunciation powers he has recently manifested in order to denounce the Montreux Convention, which has a complex regime regarding renegotiation and denouncement. A representative for the Justice and Development Party, or A.K.P., told a television presenter that the president had the power to do so if he wanted.³ Recently, the President has stated publicly that the Montreux Convention is an important achievement for the country, but he has not denied a future possibility of renouncing the treaty.⁴

Assuming that the Montreux Convention is denounced according to its own provisions, assuming renegotiation is not possible, then international customary regime of straits will be applicable: the right of free passage through straits, as codified by the Montego Bay Convention. In these circumstances, customary international law is unfavourable to Turkey. Russia would also suffer great losses if the treaty is changed, giving the size of its fleet and constant battle to secure access to the Black Sea.

On 24 February 2022, immediately after Russia having invaded Ukraine, the traffic of vessels in the Black Sea was seriously perturbed. A Turkey-controlled commercial bulker was hit by a shell or missile while

¹ <https://www.reuters.com/world/europe/pact-gives-turkey-oversight-warship-transit-russia-ukraine-2022-02-22/>.

² "The statement issued the previous night is an act entirely outside this framework. The connection between Canal Istanbul and the Montreux (Convention) is fundamentally incorrect."

³ <https://yetkinreport.com/en/2021/04/04/turkey-rolls-into-yet-another-coup-debate-out-of-the-blue/>.

⁴ "Despite everything, we consider the Montreux (Convention's) achievements to our country important and maintain our commitment to this contract until we have the opportunity for better (...). This is our struggle for sovereignty. Are we sovereign on the Bosphorus right now? Unfortunately (no). In other words, Canal Istanbul is a project that will strengthen our claim to sovereignty in the Bosphorus."

sailing in the Black Sea.¹ Few days before, the Ukrainian Foreign Ministry had also issued a protest over Russian actions, who blocked access to the Black Sea and to the Sea of Azov. According to the Ukrainian protest, Russian maneuvers in the sea “*make navigation in both seas virtually impossible*”, being an “*open disregard for international law, including the UN Charter, UN General Assembly resolutions, and the UN Convention on the Law of the Sea.*”²

After Ukraine’s request for Turkey to close the Bosphorus and Dardanelles straits to Russian ships, President Tayyip Erdogan has declared Turkey will do what is necessary as a NATO ally if Russia invades, without any further details. It is useful to remember that, in 2008, when Russia recognised the independence Abkhazia and Ossetia, Turkey did not agree to let USA warships pass the straits. Turkey’s position towards Russia is delicate, since the country relies on Russia for tourism and has developed a close cooperation with Moscow on energy and defence. Nevertheless, Turkey has recently sold drones to Ukraine, called the Russian actions against Ukraine unacceptable³ and voted for the UN Resolution condemning Russian invasion in Ukraine.⁴

Even if Turkey does not yet apply economic sanctions against Russia, on February 28 it decided to close the Straits for Russian vessels, by using “*the authority given by the Montreux Convention on ship traffic in the straits in a way that will prevent the crisis from escalating.*”⁵

8. Regional instruments and bodies

The regional instruments and bodies (intergovernmental cooperation and NGOs) in the Black Sea area are numerous, but not quite effective. Some authors explained their lack of success by the absence of a regional identity⁶, due to the constant pressure put by Russia on its neighbours. It is beyond doubt that, Russia has constantly claimed its influence position on the region, even after the cold war. In 1997, ex-soviet republics Georgia,

¹<https://www.maritime-executive.com/article/turkish-controlled-bulker-reportedly-hit-by-shell-in-the-black-sea>.

²<https://mfa.gov.ua/en/news/statement-ministry-foreign-affairs-ukraine-decision-russian-federation-block-parts-black-sea-and-sea-azov-and-kerch-strait>

³ <https://www.reuters.com/world/europe/pact-gives-turkey-oversight-warship-transit-russia-ukraine-2022-02-22/>.

⁴ <https://www.jpost.com/breaking-news/article-699136>.

⁵<https://edition.cnn.com/2022/02/28/middleeast/mideast-summary-02-28-2022-intl/index.html>.

⁶Doru Cojocariu, *op. cit.*

Ukraine tried to counterbalance Russian influence, together with Azerbaijan and Moldova, by establishing the Organisation for Democracy and Economic Cooperation (GUAM). Romania and Bulgaria succeeded in their adhesion to NATO and EU, while Turkey stood at an equal distance between Russian and Western influences. Black Sea coastal States, excepting Russia, are therefore rather “followers” than “trend-setters” for the region’s dynamic¹ and the regional instruments they have created rarely had a real impact on it.

One of the most ambitious and important initiatives of regional development and cooperation is the Organization of the Black Sea Economic Cooperation (BSEC), formed in 1992 and with its Charter signed in 1999. The BSEC currently has 13 members, the most recent of which is North Macedonia.² The BSEC performs its activities through working groups, operating in a wide array of fields such as Education, Combating Crime, Tourism, Transport or Banking and Finance. Therefore, the Black Sea Trade and Development Bank (BSTDB) was established in 1997 to serve the eleven member founding countries of the BSEC. It supports economic development and regional cooperation by providing loans, guarantees, and equity for development projects and trade transactions for both public and private enterprises in member countries. It does not attach political conditionality to its financing.

The Three Seas Initiative is a forum comprised of 12 EU Member States geographically located on a North-South axis connecting the Baltic Sea, the Adriatic Sea and the Black Sea (Estonia, Latvia, Lithuania, Poland, Czechia, Slovakia, Austria, Hungary, Slovenia, Croatia, Romania and Bulgaria). The initiative was called ‘a new concept’ designed to promote unity, cooperation and cohesion among the States,³ by seeking to develop the infrastructure of these countries in terms of digital, energy and transport systems, in order to ‘catch up’ with the rest of the Europe.⁴

As of December 2021, six summits have been held. A total number of 81 priority projects are developed by the Three Seas Initiative (2 of which already marked as completed, both in Croatia), the majority of which (52%)

¹ Elisabeth Sieca-Kozłowski, Alexandre Toumarkine, *Géopolitique de la Mer Noire*, ed. Kartala, 2000, p.6.

² <http://www.bsec-organization.org/member-states>.

³ <https://www.president.pl/news/minister-szczerski-three-seas-initiative-to-boost-european-unity--36389>.

⁴ <https://3seas.eu/>.

being in the transport sector, 33% in the energy field and 15% in the field of digitalization and digital infrastructure.¹

A very ambitious projects considered by the Three Seas Initiative is the so-called 'Rail-2-Sea', which aims to modernize, upgrade and develop a 3,663 km long continuous railway connecting the Polish port of Gdańsk at the Baltic Sea to the Romanian port of Constanța at the Black Sea.² The railway is considered for both civil and military use, with NATO itself expressing full support for the project, as it connects two of its closest Eastern-front allies, Poland and Romania.³ The Initiative's projects are supported by a Fund, founded by Romanian and Polish banking institutions, but also joined by other countries as well as supported by third countries such as the United States.⁴

In December 2016, the Eurasia Tunnel was opened in Istanbul. The Tunnel crosses underneath the Bosphorus Strait, separating the Black Sea from the Sea of Marmara and therefore one of the most important strategic points in the region and in the world. The Tunnel, which was financed by, among others, the European Bank for Reconstruction and Development, by the European Investment Bank and by other foreign actors such as Deutsche Bank,⁵ was also widely seen as a milestone in opening the way for Turkey's future infrastructure projects in a major private-public partnership framework.⁶

The Baku-Tbilisi-Kars railway, which was opened in October 2017, connects Azerbaijan, Georgia and Turkey, providing an alternative rail route from China, via Central Asia, towards Europe. The main geopolitical and economic advantages of the railway were to connect Europe and Asia, by bringing the Caspian and the Black Seas closer, while, according to some commentators intentionally bypassing Armenia altogether.⁷ The European

¹ <https://projects.3seas.eu/report>.

² <https://www.railwaypro.com/wp/gdansk-constantia-rail-route-proposed-under-the-three-seas-initiative/>.

³ <https://universul.net/rail-2-sea-and-via-carpathia-the-us-backed-highway-and-rail-links-from-the-baltic-to-the-black-sea/>.

⁴ <https://www.atlanticcouncil.org/news/press-releases/us-commits-1-billion-dollars-to-develop-central-european-infrastructure/>.

⁵ https://web.archive.org/web/20160120170635/http://events.unicredit-cib.eu/uploads/media/Presentation_Basar_Arioglu_Yapi_Merkezi_Insaat.pdf.

⁶ <https://www.ebrd.com/news/2012/new-bosphorus-tunnel-in-istanbul-will-connect-europe-and-asia.html>.

⁷ <https://web.archive.org/web/20110707162755/http://www.armtown.com/news/en/azg/20050901/2005090101/>.

Union deemed the railway a ‘major step’ in improving infrastructure and transport links between Europe and Central Asia.¹

Finally, yet importantly, the Commission on the Protection of Black Sea Against Pollution (BSC) deserves to be mentioned, as environmental issues are of common interest for all six coastal states. It was established by the riparian states in 1992 to deal with the following key sectors: environmental and safety aspects of shipping, pollution monitoring and assessment, control of pollution from land-based sources, development of common methodologies for integrated coastal zone management, conservation of biological diversity, environmental aspects of fisheries and other marine living resources, information and data management. BSC is also involved in the assessment of climate change implication on Black Sea biodiversity, via various projects on integrated coastal zone management and climate change.²

9. The influence of global and regional players on the energy market infrastructure

The Black Sea region, as the world’s second-largest source of natural oil and gas and, moreover, as an essential node for the transfer thereof, has grown to be an important focus for the energy policies of the key players in the field. In truth, the Black Sea functions as a transfer bridge between suppliers (Russia, Azerbaijan, Turkey) and consumers (Central and Western Europe).

According to projections, more than 25% of all European gas and oil comes from Russia, with countries such as Latvia and Estonia being 100% dependent on Russian gas, while Austria and Hungary are only 60% dependent.³ From the perspective of the Western countries, the best alternative for shaking off at least partially their dependence on Russia would be to appeal to the gas resources of Turkmenistan or Iran, which would realistically be hindered by Russia and/or the United States.⁴ In order to combat the growing presence of the United States in Europe’s gas markets (via the LNG supply), Russia has already announced an increase in

¹https://eeas.europa.eu/delegations/azerbaijan_en/34825/EU%20Statement%20on%20opening%20of%20the%20Baku-Tbilisi-Kars%20railway.

² <http://www.blacksea-commission.org/>.

³Tim Marshall, *Prisoners of Geography: Ten Maps That Explain Everything About the World*, Scribner, New York, 2016, p. 36.

⁴ NATO Parliamentary Assembly, Economics and Security Committee, Sub-Committee on Transition and Development, ‘The Black Sea Region: Economic and Geo-Political Tensions’, 035 ESCTD 20 E rev.2 fin, 20 November 2020, para. 35.

its own LNG production and export¹, with President Putin offering LNG from the Arctic as “green fuel” in order to ‘decarbonise Europe’.²

Russia’s most powerful weapons, used for political reasons as much as for economic ones, are gas and oil, which Russia uses to its advantage as fully as possible, being the most important gas supplier to Western Europe (with 80% of Russian gas exports eventually passing through the Black Sea region). This strategy is part of its larger policy of interests and development in the Black Sea region. According to commentators, the Russian military policy in the Black Sea is intended to mirror those in the Baltic and Barents Seas (besides even having already declared the Azov Sea as an ‘internal waterway’).³

The Baltic Sea is crossed by Russia’s Nord Stream route connecting directly to Germany (as well as the proposed Nord Stream 2, which as of December 2021 seems unlikely to move forward due to the major opposition of Germany and the USA to Russia’s manoeuvres in Ukraine),⁴ moving further South. The Blue Stream pipeline (the deepest in the world) transports gas from Russia to Turkey underneath the Black Sea, bypassing third countries and enhancing the reliability of gas supplies.⁵ These two projects, albeit located separately from a geographic point of view, can only be regarded together, by viewing them as an integral part to Russia’s energy policies.

Another abandoned project, the South Stream, was supposed to use almost the same route as Blue Stream - it would have branched off from Bulgaria both towards Serbia-Hungary-Austria and towards Italy. The South Stream project, which was deemed non-compliant with EU legislation,⁶ but which was supposed to be Russia’s backup route to Europe in case of a dispute with Ukraine, was eventually abandoned in 2014.⁷ This reflects

¹<https://www.hellenicshippingnews.com/russia-to-increase-lng-production-to-140-mln-tonnes-per-year-by-2035-says-putin/>.

² <https://thebarentsobserver.com/en/arctic-lng/2021/05/putin-ready-decarbonise-europe-lng-arctic>.

³ NATO Parliamentary Assembly, Economics and Security Committee, Sub-Committee on Transition and Development, ‘The Black Sea Region: Economic and Geo-Political Tensions’, 035 ESCTD 20 E rev.2 fin, 20 November 2020, para. 8.

⁴ <https://www.reuters.com/markets/commodities/us-has-understanding-with-germany-shut-nord-stream-2-pipeline-if-russia-invades-2021-12-07/>.

⁵ <https://www.gazprom.com/projects/blue-stream/>.

⁶ Indra Overland, *The Hunter Becomes the Hunted: Gazprom Encounters EU Regulation*, in Svein Anderson, Andreas Goldthau, Nick Sitter (eds.), *Energy Union: Europe’s New Liberal Mercantilism?*, Palgrave Macmillan, London, 2017, pp. 115-130.

⁷ <https://www.reuters.com/article/us-russia-gas-gazprom-pipeline-idUSKCN0JF30A20141201>.

Russia's determination of reducing as much as possible its need to transport gas towards Europe through Ukraine, as well its intention to use the project in order to put pressure on Ukraine.¹

The alternative embraced by Russia was to reach out to Turkey with a new project, the Turk Stream pipeline, inaugurated in January 2020 as a joint project between Gazprom and Botaş Petroleum after the abandonment of Russia's South Stream. It consists in fact of two parallel pipelines connecting Russia and Western Turkey (in the regions adjacent to Bulgaria and Greece).²

Another Black Sea riparian, Bulgaria, is seeking to increase its regional importance by becoming a strategic gas distributor centre through the development of the Balkan Stream project.³ This pipeline, functioning as an extension of the Turkish Stream pipeline, is intended to allow more Russian gas to flow towards the Western Balkans and from there to Central Europe. The project also grants Russia more leverage against Ukraine and Belarus by completely avoiding their region. The same day that the Serbian section of the Balkan Stream pipeline was opened, Bulgaria also started receive Azerbaijani gas through the Trans-Adriatic Pipeline, which crosses Greece, Albania and eventually reaches Italy.

Sources consider that the next country after Bulgaria to establish itself as a supplier in the Black Sea region is Romania.⁴ The BRUA pipeline (standing for "Bulgaria-Romania-Hungary-Austria"), the first phase of which was recently completed in 2021⁵ (ensuring the security of the Bulgarian and Romanian gas supplies), is intended to lessen Romania's dependence on Russian gas and energy supply, while providing the country with an opportunity to further export natural gas exploited in the Black Sea to European markets.⁶

Such projects developed by relatively new actors in the Black Sea energy field, such as Bulgaria and Romania, which have seen an increase in

¹ NATO Parliamentary Assembly, Economics and Security Committee, Sub-Committee on Transition and Development, 'The Black Sea Region: Economic and Geo-Political Tensions', 035 ESCTD 20 E rev.2 fin, 20 November 2020, para. 36.

² Ibid., para. 33.

³<https://globalriskinsights.com/2021/02/the-pipeline-no-ones-celebrating-balkan-streams-operability-and-the-future-of-europes-energy-security/>.

⁴ <https://intellinews.com/balkan-stream-countries-hope-to-avoid-worst-of-international-gas-crisis-223382/>.

⁵<https://www.energynomics.ro/en/transgaz-opens-brua-phase-1-with-capacity-reservation-on-the-hungarian-route/>.

⁶<https://www.agerpres.ro/english/2021/08/04/brua-gas-pipeline-project-phase-1-completed-with-21-pct-economy-over-value-auctioned-transgaz--758833>.

recent years, are meant to ensure a higher degree of market demand, higher predictability and better energy security. Several projects exist in order to increase the region's independence from Russian gas supply, such as the Romanian project to connect the Black Sea shore at Amzacea to the Romanian national system at Podișor west of Bucharest, as part of the larger BRUA agreement,¹ which is expected to be completed by the end of 2023.

The European Union has constantly noted that the increased Russian military presence in the Black Sea has a negative impact on the strategic infrastructure, affecting not only the relationship between Russia and the NATO Alliance, but also the commercial shipping. Moreover, EU has already insisted for Russian infrastructure projects sponsored by Gazprom to comply with the Third Energy Package, a framework designed especially for ensuring fair competition.²

Conclusion

EU and NATO enlargement, energy transport corridors from Caspian Sea to Western Europe or international control over maritime illegal traffic³ are exogenous factors with a great influence on regional dynamic. In the same time, the historical heritage and the transition process to democratic institutions and capitalism also had a great impact on coastal States capacity to create and adhere to international cooperation instruments and bodies.

As it was observed, there are a number of ongoing or paused conflicts between the coastal states. These conflicts imply disputed sovereignty relating to the territories involved and have an obvious impact on the security and cooperation in the Black Sea area, but also on the exploitation and delimiting of resources. Even assuming that the ongoing war in Ukraine will not last, still bilateral relations Russia-Ukraine and Russia-Georgia would not have a good evolution in the near future. Moreover, NATO membership of Turkey, Romania and Bulgaria will probably continue to be considered by Russia a threat to its national security.

The security problems in the Black Sea region are not isolated from the wider regional and international context after the cold war. NATO's

¹https://www.transgaz.ro/sites/default/files/uploads/users/admin/information_leaflet_for_black_sea-podisor_project_v2.pdf

²<https://www.euractiv.com/section/energy/opinion/russias-trojan-stream-under-the-black-sea/>

³ Doru Cojocariu, *op cit.*, p. 112.

intervention in Balkans conflict in the '90s was qualified by Moscow as an USA and NATO attempt to weaken the role of UN Security Council in the international decision processes for peacekeeping.¹ In the same time, in order to legitimate its own military interventions in Georgia and Ukraine, Russia itself did not hesitate to use the same controversial theories that NATO had invoked in relation to Kosovo (a wide interpretation of humanitarian intervention and people's right to self-determination).

On the other side, Georgia and Ukraine (ex-soviet republics) are both looking for closer ties with the EU and NATO. Certain authors considered that fact a proof of Moscow's inability to create attractive regional cooperation alternatives for its neighbours.² Therefore, despite the significant number of existing Black Sea cooperation mechanisms, they do not offer effective solutions to problems that costal States are facing. Their effectiveness is weak, especially due to the colliding views on security issues.

Unstable security climate had an immediate consequence – a collapse of regional transports infrastructure, including maritime navigation. It will probably have long-term effects on the regional economy, including resource exploitation projects in the Black Sea. As mentioned above, some maritime delimitations in the Black Sea are impossible to be conceived in the near future. Moreover, investors are putting on hold ongoing projects and, in the near future, they will probably not take the risk to start them over or to initiate new ones. This situation has already a dramatic impact on the energy market and economists are not optimistic about its evolution.³

In a context of military invasion, border instability and territorial annexing, the entire regional dynamic will be disturbed, which is likely to have wide and long-lasting geopolitical, economic and social effects.

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¹ Peter Bonin, Janusz Bugajski, apud Doru Cojocariu, *op. cit.*, p. 110.

² Peter Bonin, apud Doru Cojocariu, *op. cit.*, p. 109.

³<https://www.theguardian.com/environment/2022/mar/10/oil-and-gas-companies-are-looking-at-a-bonanza-from-the-ukraine-war>; <https://www.cnbc.com/2022/03/02/russia-ukraine-war-lessons-for-global-energy-markets.html>.

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