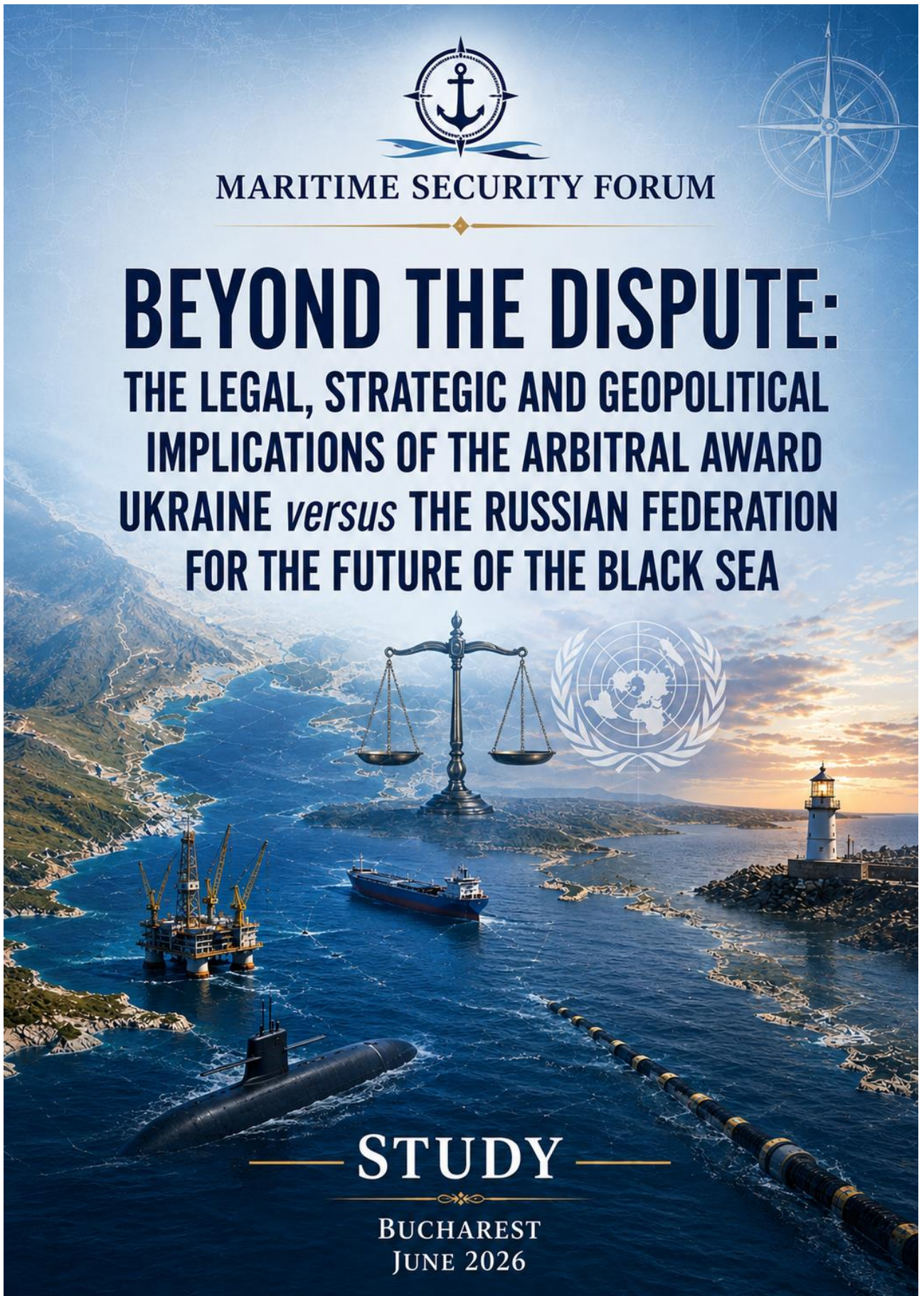




MARITIME SECURITY FORUM

BEYOND THE DISPUTE:

THE LEGAL, STRATEGIC AND GEOPOLITICAL
IMPLICATIONS OF THE ARBITRAL AWARD
UKRAINE *versus* THE RUSSIAN FEDERATION
FOR THE FUTURE OF THE BLACK SEA



STUDY

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BEYOND THE DISPUTE: THE LEGAL, STRATEGIC AND GEOPOLITICAL IMPLICATIONS OF THE ARBITRAL AWARD IN THE CASE OF UKRAINE v. THE RUSSIAN FEDERATION FOR THE FUTURE OF THE BLACK SEA

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MARITIME SECURITY FORUM -STUDY-

Authors' Note

The arbitral award analysed in this study produces binding legal effects exclusively between the parties to the dispute, namely Ukraine and the Russian Federation, in accordance with the legal regime applicable to arbitral proceedings conducted pursuant to Annex VII to the United Nations Convention on the Law of the Sea (UNCLOS). Consequently, the tribunal's findings do not create direct legal obligations for other states and do not automatically alter their rights or obligations. However, the significance of such an award clearly extends beyond the strictly bilateral framework of the dispute. Through the interpretations it offers regarding the jurisdiction of UNCLOS, the relationship between territorial disputes and the law of the sea, obligations to protect the marine environment, due diligence standards and the duty of cooperation between coastal states, the decision contributes to the development of international case law and to the clarification of norms likely to influence the behaviour of other states and international organisations. From this perspective, its legal effects are limited, but its doctrinal, strategic and geopolitical implications are considerably broader.

This analysis aims to identify and assess the main legal and strategic consequences of the ruling for the Russian Federation, Ukraine, Romania, the Black Sea region, NATO and the European Union. However, given the recent nature of the ruling, the complexity of the regional situation and the ongoing evolution of the geopolitical context, this study should be regarded as a preliminary assessment. It is possible that certain legal, political, economic, energy or security implications will only become apparent in the coming years, as states, international organisations and other jurisdictions begin to apply and interpret the tribunal's findings.

Consequently, this study does not claim to provide an exhaustive identification of all the potential effects of the judgment. It represents an attempt at an integrated analysis of the most relevant implications observable at the time of writing, in the belief that subsequent developments in international practice and the regional security environment will enable the conclusions set out here to be supplemented and further explored.

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1. Introduction

On 22 April 2026, the Arbitral Tribunal established pursuant to Annex VII to the United Nations Convention on the Law of the Sea (UNCLOS) delivered its award in the case *Dispute Concerning Coastal State Rights in the Black Sea, the Sea of Azov and the Kerch Strait (Ukraine v. the Russian Federation)*, one of the most complex and significant maritime arbitration proceedings conducted over the past two decades. The dispute, initiated by Ukraine on 16 September 2016, took place against an exceptional geopolitical backdrop, marked by the transformations that have taken place in the Black Sea region since 2014 and by the disputes arising from the exercise of effective control over the Crimean Peninsula.

Although the case was frequently perceived in international public discourse as a legal extension of the Russian-Ukrainian conflict, a careful analysis of the proceedings and the award reveals a far more complex reality. The arbitral tribunal was not called upon to rule on sovereignty over Crimea, nor on the legality of the territorial changes that took place after 2014. Instead, it was seized of a series of claims relating to the exercise of coastal state rights, the protection of the marine environment, freedom of navigation, the exploitation of natural resources and the protection of underwater cultural heritage in the Black Sea, the Sea of Azov and the Kerch Strait.

The significance of the case, however, extends beyond the strictly bilateral framework between Ukraine and the Russian Federation. In a region where international law, maritime security,

energy infrastructure and strategic competition are deeply intertwined, the ruling represents one of the most significant legal landmarks regarding the interpretation and application of the Convention on the Law of the Sea in situations of conflict and disputed territorial control.

For Romania, this ruling is of particular relevance. Romania is a Black Sea littoral state, a member of NATO and the European Union, has significant economic and energy interests in the region, and actively participates in the security architecture of the Euro-Atlantic eastern flank. Consequently, any development in case law that influences the interpretation of the law of the sea in the Black Sea basin must be analysed not only from a legal perspective, but also in terms of its strategic, economic and security implications.

This analysis is based on the premise that the main value of the judgment lies not exclusively in the specific rulings handed down by the tribunal, but also in the clarifications it provides regarding the relationship between the law of the sea, territorial disputes, obligations to protect the marine environment and the exercise of coastal state rights in a maritime area at the heart of one of the most significant contemporary geopolitical confrontations.

Research methodology

This study employs an interdisciplinary approach situated at the intersection of international law of the sea, security studies, strategic analysis and maritime geopolitics.

The legal analysis is based primarily on the arbitral award delivered on 22 April 2026 by the Tribunal established pursuant to Annex VII to the United Nations Convention on the Law of the Sea in the case *Dispute Concerning Coastal State Rights in the Black Sea, Sea of Azov and Kerch Strait (Ukraine v. Russian Federation)*. This is supplemented by an examination of the procedural documents of the case, the UN Convention on the Law of the Sea, the relevant case law of the International Tribunal for the Law of the Sea and the International Court of Justice, as well as specialist literature on the law of the sea and maritime security.

The strategic component aims to assess the implications of the judgment for the regional balance of power, maritime security in the Black Sea, critical infrastructure and the interests of the littoral states, with a particular focus on Romania.

Methodologically, the research combines normative analysis with prospective analysis, examining both the immediate legal effects of the ruling and its impact on the future development of the regional maritime order.

Scope of the study

This study was prepared within a relatively short timeframe following the publication of the arbitral award of 15 June 2026, with the primary objective of identifying and explaining the main legal findings, maritime implications and strategic consequences relevant to the Black Sea region. In these circumstances, the analysis is predominantly introductory and explanatory in nature.

The research does not seek to provide an exhaustive examination of all the procedural and jurisdictional arguments put forward by the parties throughout the arbitration proceedings, which began in 2016. The focus is on the key elements necessary for understanding the significance of the award.

The study does not analyse in detail all the separate, concurring or dissenting opinions of the arbitrators, where these exist, but focuses on the majority reasoning of the tribunal.

The long-term implications of the award for state practice, for the interpretation of the United Nations Convention on the Law of the Sea (UNCLOS) and for future maritime disputes cannot be definitively assessed at this stage; it will be necessary to monitor subsequent developments in case law and international practice.

Furthermore, this analysis does not aim to provide a comprehensive assessment of the political and military dimensions of the Russian-Ukrainian conflict, but rather to examine exclusively the legal and strategic-maritime consequences arising directly from the arbitral award.

Given the recent nature of the decision, the specialist literature on this award is still limited, which calls for a degree of caution in drawing definitive conclusions regarding its systemic impact on the international maritime legal order.

Last but not least, the information regarding the operational and strategic effects of the award is assessed on the basis of the situation as at the date of drafting this study; it is possible that subsequent developments in the conflict and in the security environment in the Black Sea may alter some of the conclusions drawn.

CHAPTER 1

THE ARBITRAL TRIBUNAL'S AWARD IN THE CASE OF UKRAINE v THE RUSSIAN FEDERATION: CONTEXT, JURISDICTION AND SIGNIFICANCE FOR THE MARITIME ORDER IN THE BLACK SEA

1. The legal nature and effects of the arbitral award

Before assessing the implications for Romania and the Black Sea region, it is necessary to clarify the legal nature of the award rendered by the Arbitral Tribunal.

According to Article 296(1) of the United Nations Convention on the Law of the Sea, any award rendered by a court or tribunal having jurisdiction under the procedures provided for in the Convention is final and binding on the parties to the dispute. Similarly, Article 11 of Annex VII to UNCLOS enshrines the final and binding nature of the arbitral award for the States participating in the proceedings.

From this perspective, the direct legal effects of the award are limited to the relations between Ukraine and the Russian Federation. The Tribunal does not create new legal obligations for third States and does not directly alter the legal position of other Black Sea littoral States, including Romania.

This conclusion is based on one of the fundamental principles of international law, namely the relative effect of judicial and arbitral awards. Unlike treaty or customary rules, which may have general effects, an international arbitral award produces binding effects only between the parties to the dispute.

However, reducing the significance of an international award solely to its binding effects would be an inadequate approach. In contemporary international law practice, international courts and tribunals contribute significantly to the development and clarification of legal norms. The interpretations they provide influence the conduct of states, guide the practice of international institutions and serve as important benchmarks for future disputes.

This interpretative function is all the more important in the field of the law of the sea, where the development of international case law has played a decisive role in clarifying concepts such as maritime delimitation, the rights of the coastal State, obligations to protect the marine environment, freedom of navigation, and the legal regime governing maritime zones.

From this perspective, the judgment under consideration should not be viewed solely as a judicial decision intended to resolve a bilateral dispute. It also represents an important interpretative benchmark for all states bordering the Black Sea, as it examines key issues relating to the exercise of coastal state rights, the exploitation of natural resources, the protection of the marine environment, and the relationship between territorial disputes and the application of UNCLOS provisions.

For Romania, the relevance of the ruling does not stem from the existence of direct legal obligations, but from the influence it exerts on the legal and strategic environment of the Black Sea. In a region where maritime security, the exploitation of offshore energy resources and freedom of navigation are major national interests, the interpretations set out by the tribunal must be viewed with caution, as important elements of future legal and political debates.

2. The geopolitical and strategic determinants of the dispute

To understand the significance of the case, it must be situated within the context of the geopolitical transformations that have affected the Black Sea region since 2014.

The Black Sea is one of Europe's most important maritime areas. It connects Central and Eastern Europe with the Caucasus, Central Asia and the Middle East, and constitutes a strategic route for the transport of goods, energy and natural resources. At the same time, the Pontic Basin is a point where the strategic interests of the Russian Federation, NATO, the European Union and the littoral states intersect.

Crimea's geographical position confers exceptional importance on this peninsula. Situated at the heart of the Pontic Basin, Crimea enables control over key maritime routes and provides direct access to the Kerch Strait, the only link between the Black Sea and the Sea of Azov.

Since 2014, the Russian Federation has massively strengthened Crimea's military and civilian infrastructure. The modernisation of the naval base at Sevastopol, the deployment of new air defence and anti-ship systems, the expansion of logistical infrastructure and the construction of the Kerch Bridge have profoundly altered the strategic configuration of the region.

At the same time, Ukraine considered that numerous activities carried out by the Russian Federation were affecting its maritime rights and decided to use the jurisdictional mechanisms provided for under UNCLOS to challenge them.

On 16 September 2016, Ukraine initiated arbitration proceedings pursuant to Article 287 and Annex VII of the Convention, thereby giving rise to PCA Case No. 2017-06. In its notification and statement of claim, Ukraine argued that the Russian Federation had infringed its maritime rights in the Black Sea, the Sea of Azov and the Kerch Strait through a series of activities relating to navigation, the exploitation of natural resources, the protection of the marine environment and underwater cultural heritage.

Consequently, the case unfolded against a backdrop in which the legal and strategic dimensions were inseparable. Although the tribunal was tasked with interpreting and applying UNCLOS, the dispute simultaneously reflected the significant changes in the security environment in the Black Sea region.

3. The subject matter of the dispute and Ukraine's main claims

Although the legal dispute was frequently associated with the status of Crimea, the formal subject matter of the arbitration was considerably broader.

Ukraine requested the tribunal to examine the legality of a significant number of activities carried out by the Russian Federation in the maritime areas adjacent to Crimea and in the Sea of Azov. These activities concerned the exercise of coastal state rights, the exploitation of natural resources, fishing, marine scientific research, the protection of the marine environment, underwater cultural heritage and the regime governing navigation through the Kerch Strait.

In short, Ukraine sought confirmation that the Russian Federation was unlawfully exercising powers and rights which, in its view, belonged to Ukraine as a coastal State.

A first set of claims concerned the exploitation of natural resources and maritime economic activities. Ukraine argued that the Russian Federation was carrying out activities to explore and exploit natural resources located in maritime areas over which Ukraine continued to claim jurisdiction and sovereign rights.

A second set of claims concerned offshore drilling platforms and other maritime economic installations, including the well-known 'Boyko Towers' platforms, over which Ukraine alleged that the Russian Federation was exercising unlawful control.

The dispute also included claims relating to the exploitation of biological resources, fishing activities and marine scientific research, with Ukraine arguing that the Russian Federation was impeding the exercise of its rights in these areas.

A separate aspect of the case concerned underwater cultural heritage. Ukraine argued that the Russian Federation had failed to fulfil its obligations under Article 303 of UNCLOS regarding the protection of archaeological and historical objects on the seabed.

Finally, a significant part of the proceedings was devoted to the protection of the marine environment and activities carried out in connection with the Kerch Bridge, submarine cables and other infrastructure projects. Ukraine argued that the Russian Federation had failed to carry out adequate environmental impact assessments and had not complied with the obligations of cooperation and transparency set out in the Convention.

4. The issue of jurisdiction and the limits of the tribunal's competence

One of the most difficult legal issues throughout the proceedings concerned the jurisdiction of the arbitral tribunal.

From the very outset of the proceedings, the Russian Federation challenged the tribunal's jurisdiction, arguing that examining Ukraine's claims would inevitably require an assessment of the status of Crimea and the territorial rights associated with it.

The Russian argument was relatively straightforward: if the tribunal were to determine to whom certain maritime rights belonged, it would first be obliged to determine to whom the territory giving rise to those rights belonged. However, such an analysis would have exceeded the limits of the jurisdiction conferred by UNCLOS.

This objection constituted one of the most significant legal challenges of the proceedings. The Tribunal had to strike a balance between its obligation to apply the Convention and the impossibility of resolving territorial disputes.

The solution adopted was a particularly cautious one. The Tribunal reaffirmed that it had no jurisdiction to rule on sovereignty over Crimea and that it could not examine issues which would, directly or indirectly, entail such a determination. Consequently, all claims that would have required a ruling on the territorial status of Crimea were excluded from its jurisdiction.

This conclusion represents one of the most significant contributions of the award to contemporary international jurisprudence. It confirms that the jurisdictional mechanisms provided for under UNCLOS cannot be used for the indirect resolution of territorial disputes and that the law of the sea retains its functional autonomy from disputes concerning territorial sovereignty.

5. Analysis of the arbitral tribunal's rulings on the main categories of claims made by Ukraine

Understanding the true significance of the award rendered by the Arbitral Tribunal requires a detailed analysis of how each category of claims put forward by Ukraine was examined and resolved. A mere reading of the operative part may give the impression of a legal victory for one of the parties, but a thorough analysis of the tribunal's reasoning reveals a far more nuanced situation.

In reality, the Tribunal made a rigorous distinction between those issues that could be examined exclusively under the Convention on the Law of the Sea and those that inevitably led to the fundamental issue of sovereignty over Crimea. This method of analysis had a decisive influence on the rulings handed down in each category of claim.

5.1. Claims concerning natural resources and the exercise of sovereign rights over maritime areas

One of the most important elements of Ukraine's claim concerned the activities carried out by the Russian Federation in relation to the natural resources in the Black Sea and in the maritime areas adjacent to Crimea.

Ukraine contended that the Russian Federation had unlawfully exercised powers specific to a coastal State by authorising and carrying out hydrocarbon exploration and exploitation activities, by managing biological resources, and by exercising exclusive powers in maritime areas over which Ukraine continued to claim jurisdiction under UNCLOS.

From Ukraine's perspective, these activities constituted a direct violation of its sovereign rights over the continental shelf and the exclusive economic zone. Essentially, Kyiv sought a finding that the Russian Federation was unlawfully exercising rights reserved exclusively for the coastal State.

The Tribunal, however, approached the issue from a different perspective. It considered that examining many of these claims would have required a preliminary analysis of the holder of the rights arising from Crimea and its associated maritime areas. Such an analysis would inevitably have led to the question of sovereignty over the peninsula, a matter falling outside its jurisdiction.

Consequently, although the tribunal affirmed its jurisdiction over certain procedural aspects of the dispute, Ukraine did not secure a favourable finding regarding the exercise of sovereign rights over natural resources. In practical terms, this conclusion significantly limited the scope of the legal success sought by Kyiv.

The significance of this ruling, however, extends beyond the bilateral framework of the dispute. The Tribunal implicitly reaffirmed that maritime rights cannot be analysed in isolation from the territorial basis that gives rise to them, and that the jurisdiction established under UNCLOS cannot be used to indirectly resolve difficult territorial disputes.

5.2. Offshore drilling platforms and the 'Boyko Towers' case

A separate chapter of the dispute was devoted to the offshore drilling platforms known in the public domain as the 'Boyko Towers'.

These installations acquired particular strategic importance after 2014, both due to their economic value and their geographical position in the north-western Black Sea. In the period following the annexation of Crimea, control over these platforms became a matter of dispute between the two states.

Ukraine argued that the Russian Federation had unlawfully seized and used these installations and asked the tribunal to find that there had been breaches of the Convention.

The tribunal, however, adopted a cautious stance. It considered that it had no jurisdiction over matters relating to the seizure and actual takeover of the platforms, as examining these issues would have gone beyond the legal framework of the Convention and would have involved questions of sovereignty and territorial control.

Instead, the tribunal held that certain aspects relating to their re-registration and use could fall within its jurisdiction. Nevertheless, Ukraine did not obtain any substantial remedies, nor any finding leading to the return of the platforms or the award of compensation.

From a strategic perspective, this outcome highlights one of the fundamental limitations of UNCLOS jurisdiction. The Convention may regulate the use of maritime spaces and the exercise of certain maritime rights, but it does not provide an effective mechanism for resolving disputes concerning physical control over assets located in a disputed area.

5.3. Claims relating to fishing and the exploitation of living marine resources

Ukraine also argued that the Russian Federation had interfered with the exercise of its rights concerning the management and exploitation of marine biological resources.

These claims were of particular importance because fishing activities represent one of the main manifestations of the exercise of economic jurisdiction over a maritime area. Control over biological resources involves not only economic benefits but also the assertion of the coastal State's authority over a particular maritime area.

However, the Tribunal did not uphold these claims.

Its reasoning was similar to that used in the analysis of claims concerning natural resources. Determining the exclusive holder of rights over biological resources would inevitably have required an assessment of the fundamental issue of the ownership of the territory from which those maritime rights arise.

Consequently, Ukraine did not obtain legal recognition of the exclusivity of its rights over fishery resources in the disputed areas.

From a regulatory perspective, this is relevant to all Black Sea littoral states, as it highlights the difficulty of applying maritime jurisdictional mechanisms in circumstances where the distinction between maritime rights and territorial disputes becomes difficult to draw.

5.4. Marine scientific research

Another area addressed in the dispute was that of marine scientific research.

Ukraine argued that the Russian Federation had carried out marine research activities without its consent and in breach of its rights as a coastal State. These activities were aimed at both collecting data on the marine environment and gathering information on natural resources and the geological characteristics of the maritime area.

Traditionally, UNCLOS grants the coastal state significant powers regarding the authorisation and regulation of scientific research carried out in certain maritime areas.

However, the tribunal did not rule in Ukraine's favour on the merits of these claims. These were among the claims rejected in the final award.

The ruling confirms once again the difficulty of separating purely maritime issues from the question of territorial control and the wider dispute between the two states.

5.5. Underwater cultural heritage

The protection of underwater cultural heritage was one of the most interesting and least analysed aspects of the dispute.

Ukraine argued that the Russian Federation had failed to fulfil its obligations under Article 303 of UNCLOS and had permitted activities incompatible with the protection of underwater cultural heritage.

The issue was of particular importance because the Black Sea region contains numerous archaeological and historical sites of exceptional value (including shipwrecks), dating from different historical periods and representing a significant part of the region's cultural heritage.

The Court examined this category of claims in detail but found no violation of Article 303 of the Convention and dismissed the applications lodged by Ukraine.

From a legal perspective, this ruling demonstrates the high standard of proof that the Tribunal has set for establishing a breach of obligations relating to underwater cultural heritage.

From a regional perspective, the conclusion is also relevant to Romania, which possesses numerous historical and archaeological remains within its maritime zone and which seeks to strengthen mechanisms for the protection of underwater cultural heritage.

5.6. Protection of the marine environment – the cornerstone of Ukraine's legal success

Of all the claims put forward by Ukraine, those relating to the protection of the marine environment were the only category in which the tribunal explicitly found that there had been breaches of the Convention on the Law of the Sea. For this reason, an analysis of this aspect is crucial to understanding the overall outcome of the arbitration proceedings and its significance for the development of international law on the marine environment.

Ukraine argued that the Russian Federation had breached a number of obligations under UNCLOS through the manner in which it designed, authorised and implemented the works associated with the Kerch Bridge, the submarine cables and other infrastructure developed in the area under its control. According to Ukraine's arguments, the Russian Federation failed to carry out adequate environmental impact assessments, failed to communicate the results of these assessments, and failed to cooperate appropriately with Ukraine with a view to protecting the shared marine environment.

In examining these claims, the tribunal first found a breach of Article 206 of UNCLOS. It held that the environmental impact assessments carried out for the Kerch Bridge, the submarine power cables and the submarine pipelines did not meet the standards required by the Convention. The Tribunal did not dispute the formal existence of impact assessments, but concluded that they had been carried out in a manner incompatible with the requirements of due diligence under international law of the marine environment.

A second breach was identified in relation to Articles 205 and 206 of the Convention. The Tribunal found that the Russian Federation had failed to publish and properly communicate the results of the impact assessments to the relevant international organisations or to the Ukrainian party, thereby breaching the obligations of transparency and cooperation established by UNCLOS.

Finally, the Tribunal held that these procedural shortcomings had also given rise to a breach of more general obligations laid down in Articles 123, 192 and 194 of the Convention. These provisions enshrine the obligation of States to cooperate in semi-enclosed seas, the general obligation to protect and conserve the marine environment, and the obligation to take the necessary measures to prevent, reduce and control pollution of the marine environment.

From a doctrinal perspective, this part of the judgment is probably the tribunal's most significant contribution to the development of contemporary international law. It confirms the consolidation of a trend also observable in other international jurisdictions, whereby procedural obligations relating to prevention, monitoring, notification and cooperation are becoming central elements of the concept of due diligence. Consequently, international liability is no longer associated exclusively with the occurrence of material harm, but may also arise from a failure to fulfil procedural obligations designed to prevent such harm from occurring.

For the Black Sea littoral states, including Romania, this conclusion is of particular practical importance. The development of offshore projects, subsea energy infrastructure and major port investments will need to take into account the high standards of assessment and cooperation reaffirmed by this judgment.

5.7. The Kerch Bridge and the limits of infrastructural control over maritime space

The Kerch Bridge was one of the most visible and controversial elements of the dispute. Its construction after 2014 was perceived by Ukraine not merely as an infrastructure project, but also as a means of consolidating Russian control over Crimea and access to the Sea of Azov.

Ukraine argued that the design, construction and operation of the bridge had infringed its maritime rights and had adverse effects on navigation and the marine environment. In its arguments, Kyiv linked the existence of the bridge to the restriction of access for certain categories of vessels and to the alteration of the legal and operational regime of the Kerch Strait.

The Tribunal carefully examined these arguments but adopted a cautious approach. It did not find any breaches of the legal regime governing navigation, nor did it order the modification, suspension or removal of the infrastructure that had been built. With regard to the Kerch Bridge, the

only breaches found were those relating to procedural obligations concerning environmental protection.

This ruling is significant as it demonstrates the tribunal's reluctance to turn a dispute concerning the application of UNCLOS into a vehicle for challenging infrastructure projects with strategic and geopolitical implications. At the same time, it confirms that major maritime projects are not exempt from compliance with environmental and cooperation obligations.

For Romania, this conclusion is relevant in the context of the future development of energy and logistics infrastructure in the Black Sea. The ruling suggests that the legitimacy of such projects will depend not only on their technical and economic feasibility, but also on compliance with legal standards regarding the protection of the marine environment.

5.8. Freedom of navigation and the regime governing the Kerch Strait

One of the most sensitive aspects of the dispute concerned freedom of navigation and access to Ukrainian ports in the Sea of Azov.

Ukraine argued that the Russian Federation had exercised excessive controls over commercial vessels, restricted maritime traffic and impeded access to Ukrainian ports by using the Kerch Strait in a manner incompatible with international law. These arguments were central to Kyiv's legal strategy, as they addressed one of the most significant economic consequences of the changing situation in the region.

However, the Tribunal did not uphold these claims. It did not find that there had been any breaches of the navigation regime that would justify the granting of remedies in favour of Ukraine. Consequently, the tribunal did not uphold Ukraine's argument that the Russian Federation had breached the provisions of UNCLOS concerning freedom of navigation and access to ports in the Sea of Azov.

This conclusion represents one of the most significant limitations on the legal success achieved by Ukraine. From a strategic perspective, it confirms that the tribunal refused to turn the dispute into a general assessment of the existing balance of power in the region and preferred to focus exclusively on matters clearly falling within its jurisdiction.

5.9. The pollution incident near Sevastopol

During the arbitration proceedings, Ukraine also raised an incident of pollution that occurred near Sevastopol, arguing that the Russian Federation had failed to fulfil its obligations regarding monitoring, notification and cooperation as set out in UNCLOS.

This aspect of the case was significant as it gave the tribunal the opportunity to examine not only the preventive obligations but also how they operate in specific cases of marine pollution.

After examining the evidence submitted by the parties, the tribunal concluded that the Russian Federation's response had not breached the obligations set out in Articles 123, 192, 194, 198, 199, 204 and 205 of the Convention. Consequently, these claims were dismissed in their entirety.

This ruling is significant because it demonstrates that the tribunal did not automatically adopt a favourable approach to the environmental arguments put forward by Ukraine. On the contrary, it applied a rigorous standard of proof and clearly distinguished between situations where the Convention's obligations had been breached and those where the evidence presented did not justify such a conclusion.

5.10. Alleged aggravation of the dispute

Ukraine argued that the Russian Federation had deliberately aggravated the dispute during the arbitral proceedings and requested the tribunal to find that there had been a breach of the obligation not to aggravate the dispute.

Such arguments are common in complex international proceedings and are generally intended to limit the adoption of measures likely to affect the legal position of one of the parties during the proceedings.

However, the tribunal did not uphold these claims and did not find that an autonomous obligation had been breached in this regard.

From a normative perspective, this highlights the cautious and restrictive approach adopted by the Tribunal. It refrained from extending the scope of the Convention to matters not expressly regulated by its provisions and preferred to limit its analysis to the obligations clearly set out in UNCLOS.

5.11. The regime of compensation and the limits of the remedies awarded

The final major component of the judgment concerns the issue of remedies and reparations.

Ukraine sought not only a finding of violations, but also the cessation of the unlawful conduct, guarantees of non-repetition and the payment of compensation for the damage suffered.

The Tribunal, however, adopted a particularly cautious stance. It held that the mere finding of the identified violations constituted a sufficient form of legal redress and refused to order any further measures. Consequently, no compensation was awarded, no measures to put an end to the violations were ordered, and no guarantees of non-repetition were imposed.

This is an outcome that reflects a practice frequently encountered in international case law where the violations found are predominantly procedural and where the tribunal considers that an official declaration of the existence of the violation is sufficient to restore legality.

From a political and strategic perspective, this conclusion limits the immediate impact of the judgment on the Russian Federation's conduct. In the absence of compensation or specific enforcement obligations, the main effect of the decision remains legal and reputational. However, even in this form, the judgment contributes to the consolidation of a more rigorous interpretation of the obligations regarding the protection of the marine environment and cooperation between coastal states, a factor which may influence the future development of the law of the sea and state practice in the Black Sea region.

CHAPTER 2

THE LEGAL SIGNIFICANCE OF THE JUDGMENT FOR THE MARITIME ORDER IN THE BLACK SEA

2.1. The limits of UNCLOS jurisdiction in the context of armed conflicts and territorial disputes

One of the most significant contributions of the judgment in the case of *Ukraine v. Russian Federation* lies not in the specific rulings adopted on the various claims, but in the clarification of the limits of the jurisdiction established by the United Nations Convention on the Law of the Sea in situations characterised simultaneously by the existence of an armed conflict, a territorial dispute and competing maritime claims.

Over the last thirty years, the development of the jurisdictional mechanisms provided for by UNCLOS has given rise to a doctrinal trend suggesting that the law of the sea could serve as a tool for legal solutions, even in extremely difficult geopolitical situations. Disputes concerning maritime delimitations, resource exploitation rights or the regime governing navigation have demonstrated that international courts and tribunals can help to reduce tensions between states and clarify controversial legal situations.

The case between Ukraine and the Russian Federation, however, represented a particular test for this approach. The Tribunal found itself faced with a situation in which most of Ukraine's claims were linked, to a greater or lesser extent, to the legal consequences of the change in control over Crimea. Any in-depth analysis of issues such as the exploitation of natural resources, fishing or the exercise of maritime jurisdiction risked inevitably leading to the fundamental issue of territorial sovereignty.

Through the ruling it adopted, the tribunal reaffirmed a fundamental distinction between the law of the sea and territorial law. UNCLOS governs the exercise of maritime rights, but does not determine who holds legal title to the territory from which those rights arise. Consequently, when the resolution of a maritime dispute requires the prior determination of a territory's ownership, the jurisdiction of tribunals established under the Convention encounters a legal limit that is difficult to overcome.

This conclusion has significant implications for the entire Black Sea region. It confirms that the law of the sea cannot be used as an instrument for the indirect resolution of territorial conflicts and that disputes concerning sovereignty remain within the general sphere of international law, being subject to examination by other courts or through other legal and diplomatic mechanisms.

For coastal states, this interpretation strengthens the predictability of the maritime legal order. Had the tribunal agreed to indirectly examine the issue of sovereignty over Crimea, it would have set a precedent likely to extend the jurisdiction of UNCLOS beyond its conventional limits. Instead, the ruling reaffirms the specialised nature of the mechanisms established by the Convention and helps to maintain a clear distinction between the various branches of international law.

From a strategic perspective, the conclusion is equally significant. It demonstrates that even in the context of a large-scale armed conflict, international law does not abandon the logic of the distribution of jurisdictional powers. Conflict does not suspend the application of the law of the sea, nor does it transform UNCLOS into a universal mechanism capable of resolving all dimensions of a geopolitical dispute.

For Romania, this clarification is of particular practical value. The experience gained in the maritime delimitation dispute with Ukraine, settled by the International Court of Justice in 2009, demonstrates the importance of a clear distinction between the various categories of international disputes. The 2026 arbitral award confirms that the stability of the regional maritime order depends, *inter alia*, on respect for these jurisdictional boundaries.

2.2. The relationship between de facto control and the exercise of maritime rights

Perhaps the most interesting conceptual issue raised by this case concerns the relationship between effective control over a territory and the exercise of the maritime rights arising from it.

In contemporary international law, *de facto* control and legal title do not always coincide. Numerous conflicts demonstrate the existence of situations in which a state exercises effective control over a territory without this situation being recognised by the international community. In such circumstances, the question inevitably arises as to the exercise of the rights associated with that territory, including maritime rights.

The arbitral tribunal's award does not provide an explicit and definitive answer to this issue. However, an analysis of the award allows for the identification of some important conclusions.

Firstly, the tribunal avoids treating de facto control as a sufficient criterion for validating maritime rights. The mere exercise of effective control over a territory does not automatically lead to the recognition of all the legal consequences associated with it.

Secondly, the tribunal implicitly acknowledges that the exercise of effective control produces legal effects that cannot be completely disregarded. Many of the activities examined in the case – the exploitation of resources, the administration of infrastructure, and the management of maritime space – took place in a context in which the Russian Federation exercised effective control over Crimea. The Tribunal could not ignore this factual reality, nor could it treat its existence as legal confirmation of sovereignty.

This position represents one of the fundamental characteristics of contemporary international law, namely the ability to operate simultaneously with different legal and factual realities.

From a strategic perspective, the conclusion is highly relevant to the Black Sea region. It suggests that exercising control over a territory can yield significant operational and strategic advantages without automatically conferring full legal legitimacy. At the same time, the legal challenge to such control does not necessarily lead to a change in the existing situation on the ground.

This duality between fact and law is one of the central characteristics of the current geopolitical configuration in the Black Sea. The arbitral award does not eliminate this tension, but it does make it more visible and contributes to an understanding of how international law seeks to manage it.

For Romania, this conclusion is relevant not only in relation to the Russian-Ukrainian conflict, but also from the perspective of the region's overall stability. It confirms the importance of maintaining a rules-based legal order and of avoiding the normalisation of situations created solely through the use of force.

2.3. The evolution of due diligence obligations in the law of the sea

Whilst issues concerning jurisdiction and sovereignty highlight the limitations of UNCLOS, the section on the protection of the marine environment demonstrates the Convention's capacity to evolve and adapt to new challenges.

The judgment forms part of a broader trend observable in recent international case law, characterised by the expansion and deepening of due diligence obligations. In the past, international liability was primarily associated with the causing of identifiable and demonstrable harm. The emphasis was on the result and on the existence of a material breach.

Over the last two decades, attention has gradually shifted towards the conduct of the state. It is no longer sufficient for a state merely to avoid causing harm. It must demonstrate that it has taken the reasonable measures necessary to prevent foreseeable risks.

The arbitral award contributes to consolidating this development. The Tribunal did not find that there had been massive pollution or that an environmental disaster had occurred. Instead, it identified shortcomings regarding environmental impact assessment, the provision of information and cooperation with other interested states.

The significance of this approach should not be underestimated. It indicates that procedural obligations acquire legal value in their own right and are no longer merely ancillary instruments to substantive obligations.

This transformation reflects the nature of contemporary risks. In the maritime sector, numerous threats – cross-border pollution, damage to ecosystems, deterioration of subsea infrastructure – can cause irreversible effects before the damage becomes fully apparent. In such circumstances, prevention becomes more important than remediation.

For Romania, this development is particularly relevant in the context of the development of offshore projects in the Black Sea. The exploitation of energy resources, the development of subsea infrastructure and the expansion of maritime economic activities will require ever-higher standards of assessment, monitoring and cooperation.

Indirectly, the ruling contributes to the consolidation of a legal culture of anticipation and prevention, in which the state's obligation does not begin when damage occurs, but much earlier, at the stage of identifying and managing risks.

2.4. The duty of cooperation in semi-enclosed seas: from a policy recommendation to a legal requirement

One of the most interesting aspects of the judgment concerns the interpretation of the duty of cooperation between states bordering semi-enclosed seas.

The Black Sea is a classic example of a semi-enclosed sea within the meaning of Article 122 of UNCLOS. Its geographical and ecological characteristics give rise to an inevitable interdependence between the riparian states. The activities carried out by one state frequently have effects that extend beyond the limits of its national jurisdiction.

Traditionally, the duty of cooperation set out in Article 123 has been interpreted with relative caution. Many scholars have regarded it as a duty that is more programmatic than operational in nature, closely aligned with the principles of good neighbourliness and political cooperation.

The arbitral award, however, helps to change this perception. By linking the duty of cooperation to obligations concerning the protection of the marine environment and environmental impact assessment, the tribunal suggests that this duty can give rise to concrete legal consequences.

Under this interpretation, cooperation is no longer merely a desirable political option. It appears to be an integral part of the standard of conduct required of coastal states.

This conclusion has particularly significant implications for the future of the Black Sea region. Issues relating to energy security, subsea infrastructure, environmental protection and freedom of navigation can no longer be managed exclusively through unilateral approaches. Regional interdependence makes cooperation a prerequisite for stability.

For Romania, this development is in line with its long-term strategic interests. As a state that promotes regional stability, respect for international law and Euro-Atlantic cooperation, Romania can use this interpretation to support the development of more effective regional mechanisms for maritime cooperation, environmental protection and the management of critical infrastructure.

Overall, the arbitral tribunal's award demonstrates that, whilst it does not alter the geopolitical realities of the Black Sea, it contributes to redefining the legal framework within which these realities are assessed and contested. It is precisely this influence on the applicable rules and standards that explains its importance for the future development of the regional maritime order.

CHAPTER 3

THE IMPLICATIONS OF THE AWARD FOR THE RUSSIAN FEDERATION: BETWEEN PARTIAL LEGAL SUCCESS, REPUTATIONAL COSTS AND THE CONTINUATION OF STRATEGIC ADVANTAGE

3.1 A victory or a defeat? The need for a nuanced assessment

One of the first questions that arises after reading the arbitral award in the case of *Dispute Concerning Coastal State Rights in the Black Sea, Sea of Azov and Kerch Strait (Ukraine v. Russian Federation)* is whether the Russian Federation can be regarded as the winner or the loser of the proceedings. The simple answer to this question is that neither of these characterisations adequately captures the complexity of the outcome. The award cannot be framed within a binary 'win-lose' logic,

as its legal, political and strategic effects are unevenly distributed across the various dimensions of the dispute.

This conclusion is important because public analysis of major international disputes is often dominated by the temptation to oversimplify. The media, political actors and even some academic commentary tend to reduce the outcomes of international proceedings to concise formulations that quickly identify a winner and a loser. In reality, international law rarely operates in such terms. International rulings produce multiple and often contradictory effects, and their assessment depends on the level of analysis employed.

In the present case, the Russian Federation has achieved several legal outcomes of considerable significance. At the same time, however, it has incurred legal, reputational and normative costs that cannot be ignored. From a strategic perspective, the situation is even more complex, as some of the legal advantages gained by Russia coexist with the persistence of certain long-term vulnerabilities.

The first point to note is that the Russian Federation's most significant success does not lie in an explicit finding that its conduct was lawful, but rather in the significant narrowing of the scope of the dispute. The Tribunal accepted the fundamental argument that it cannot examine claims which necessarily require the prior resolution of the dispute over sovereignty over Crimea. This conclusion, however, had significant implications for the structure of the case.

A significant proportion of Ukraine's claims thus became inadmissible or fell outside the Tribunal's jurisdiction. The dispute was reduced to those aspects that could be examined independently of the territorial issue. From a legal perspective, this undoubtedly represents one of the most significant achievements of the Russian defence.

The significance of this conclusion is amplified by the fact that it concerns the very architecture of the dispute. In many international proceedings, success is determined not solely by the final ruling on the merits, but also by a party's ability to influence the boundaries within which the jurisdictional analysis takes place. From this perspective, the Russian Federation has succeeded in achieving one of its main procedural objectives.

However, the narrowing of the scope of the dispute must not be confused with legal validation of the Russian position on Crimea. The Tribunal did not recognise the Russian Federation's sovereignty over the peninsula, nor did it legally legitimise the situation that arose after 2014. It merely stated that it lacked jurisdiction to rule on this issue within the framework of proceedings based on UNCLOS.

This distinction is essential.

From Moscow's perspective, a ruling that explicitly recognised the validity of its territorial claims would have represented a major legal success. However, no such conclusion is contained in the decision. Consequently, the Russian Federation has secured protection for its legal position against scrutiny in these proceedings, but has not obtained international confirmation of that position.

This distinction explains why the assessment of the outcome must be nuanced.

On the other hand, the Russian Federation has not succeeded in entirely avoiding judicial scrutiny of its maritime activities. The Tribunal examined and found breaches in areas such as the protection of the marine environment and certain procedural obligations associated with activities carried out in the region. It is worth noting that these findings do not carry the same strategic weight as the issue of Crimea, but they are of undeniable legal and reputational significance.

In particular, the conclusions regarding environmental obligations are significant as they form part of a broader trend in contemporary international law. The protection of the marine environment is no longer treated as a secondary concern, but as a central component of the legality of states' conduct. In this context, a finding of violations has effects that extend beyond the scope of the dispute and influence the international perception of the conduct of the state concerned.

For the Russian Federation, these findings entail costs that are not necessarily immediate, but which contribute to the consolidation of international case law and practice that is critical of certain activities carried out in the region.

The assessment becomes even more complex when the strategic dimension is analysed.

Despite certain unfavourable findings, the Russian Federation continues to enjoy the advantages resulting from the effective control it exercises over areas of major strategic importance. The arbitral award does not alter this reality. The Tribunal has no means of altering the existing strategic configuration, nor can it change the actual distribution of control over the relevant territories and infrastructure.

This situation gives rise to one of the most interesting features of the case. From a legal perspective, the Russian Federation does not obtain full validation of its positions. From a strategic perspective, however, many of its material advantages remain unaffected.

This discrepancy between the legal outcome and the strategic reality reflects one of the fundamental features of contemporary international law. International rulings influence behaviour, legitimacy and perceptions, but do not automatically alter the existing balance of power on the ground.

At the same time, the strategic advantage should not be overestimated either. Effective control yields immediate benefits, but does not eliminate the associated legal uncertainties. As long as certain fundamental issues remain contested, the legal and reputational costs continue to exist. It is worth noting that these costs are relevant to future developments involving investment, international cooperation or participation in regional projects.

Consequently, the outcome of the proceedings for the Russian Federation can be described more as a defensive legal success than as a complete victory. Moscow has succeeded in preventing the extension of the tribunal's jurisdiction to the issue of Crimea and in considerably limiting some of the claims made by Ukraine. However, it did not secure legal confirmation of its fundamental positions, nor did it entirely avoid a finding of breaches of its obligations under the Convention.

This combination of gains and costs explains why the judgment cannot be simplistically classified as a victory or a defeat. It represents a classic example of a mixed outcome, in which procedural success coexists with persistent legal vulnerabilities, and strategic advantages coexist with normative and reputational costs that will continue to influence the Russian Federation's position in the region and within the international legal order.

3.2. The Russian Federation's legal costs: the finding of breaches of UNCLOS and the consolidation of unfavourable case law

Whilst the limitation of the Tribunal's jurisdiction represents the Russian Federation's main legal gain, an analysis of the judgment cannot ignore the existence of significant legal costs arising from the findings on the claims that remained within the Tribunal's jurisdiction. These costs do not alter the existing strategic situation, nor do they produce immediate consequences comparable to those associated with a ruling on territorial sovereignty. Nevertheless, they contribute to the consolidation of international case law that limits states' freedom of action in maritime areas and extends the scope of obligations associated with the exercise of sovereign rights.

To understand the significance of these conclusions, it is necessary to move beyond the traditional perspective according to which international disputes are assessed solely in terms of sanctions or compensation. In contemporary international law, one of the most important functions of international courts is to provide normative clarification. Even when the immediate material effects are limited, a finding of a breach helps to define the standards of conduct applicable in the future and influences how states' behaviour is perceived within the international community.

From this perspective, the Russian Federation has incurred a real legal cost as a result of the tribunal's finding that it had breached certain obligations under the Convention, particularly in the field of marine environmental protection and the procedural obligations associated with activities carried out in the region.

These findings are significant as they form part of a broader development in international law of the sea. Over the past two decades, international case law has paid increasing attention to obligations relating to the protection of the marine environment, environmental impact assessment,

the exchange of information and cooperation between states. Gradually, these obligations have ceased to be regarded as mere recommendations or good administrative practices and have become essential components of international law.

The judgment under consideration contributes to the consolidation of this trend.

The Tribunal reaffirms that states are not merely obliged to avoid causing serious and visible damage to the marine environment. They are also obliged to establish appropriate procedures for assessment, monitoring and prevention. In this context, legality is no longer analysed solely in relation to the final outcome of an activity, but also in relation to how the state manages the risks associated with it.

For the Russian Federation, this approach is relevant because it limits the possibility of relying on arguments based solely on the failure to demonstrate direct material damage. The Tribunal suggests that a breach of procedural obligations may, in itself, give rise to international liability.

This conclusion has implications that go beyond the scope of the present dispute.

In the long term, it contributes to the development of a more stringent legal standard regarding the exercise of coastal State rights. States engaged in the exploitation of marine resources, the development of offshore infrastructure or the implementation of projects likely to affect the marine environment are subject to increasing obligations of transparency and due diligence.

Consequently, the judgment does not affect the Russian Federation alone. It helps to shape the rules that will govern the conduct of all states in similar situations. However, for Russia, this development is relevant because its maritime activities in the Black Sea region and other maritime areas will continue to be assessed in the light of these standards.

Another important aspect concerns the cumulative effect of international case law.

Taken in isolation, a finding of a breach may appear to have limited impact. In reality, however, each judgment adds to a body of case law that is constantly evolving. As international courts and tribunals reaffirm similar obligations, they acquire ever-greater interpretative authority.

The ruling on the Black Sea forms part of a series of developments in case law, including the advisory opinion of the International Tribunal for the Law of the Sea on climate change and the marine environment, the case law of the International Court of Justice on environmental impact assessments, and numerous other decisions emphasising the importance of obligations of prevention and cooperation.

From this perspective, the Russian Federation is confronted not merely with the effects of a single ruling, but with its integration into a broader normative trend.

There is also an institutional dimension to the issue.

Although the Russian Federation did not actively participate in all stages of the proceedings, the tribunal continued its examination of the case and delivered a reasoned judgment. This reaffirms the capacity of the mechanisms established under UNCLOS to function even in the absence of full cooperation from the respondent State.

For Moscow, this conclusion has certain legal and political implications. It demonstrates that non-participation or limited participation in proceedings does not necessarily prevent the development of case law and the formulation of conclusions regarding a state's conduct.

Another significant legal implication stems from the strengthening of the relationship between the law of the sea and international environmental law.

The judgment reflects an increasingly evident trend towards the integration of environmental norms into the interpretation and application of UNCLOS. In the past, the law of the sea was perceived primarily as a law of jurisdiction and resource utilisation. Today, it is increasingly interpreted through the prism of sustainability and environmental responsibilities.

This development reduces the margin of discretion available to states in certain areas and heightens the legal requirements associated with the development of maritime projects. For the Russian Federation, which carries out extensive maritime activities in the Black Sea, the Arctic and other regions, this trend is particularly relevant.

The finding of violations contributes to the creation of an international legal record that can be used in future contexts. Even if the judgment does not automatically produce immediate material

consequences, its conclusions may be invoked in other proceedings, in diplomatic debates and in assessments of whether states' conduct complies with their international obligations.

This effect is characteristic of contemporary international law. The power of a judgment lies not solely in the measures it imposes, but also in its ability to influence subsequent interpretations and to contribute to the definition of applicable legal standards.

Consequently, the legal costs borne by the Russian Federation should not be measured in terms of direct sanctions or immediate consequences for the control exercised in the region. They must be assessed in relation to the normative impact of the judgment. The Tribunal has reinforced obligations regarding the protection of the marine environment, cooperation and due diligence on the part of States, identified breaches of the Convention and incorporated these findings into a body of international case-law that is constantly evolving.

For this reason, even though the Russian Federation achieved a significant procedural victory on the issue of jurisdiction, the judgment cannot be regarded as devoid of legal consequences. On the contrary, it contributes to the consolidation of a regulatory framework that progressively limits states' freedom of action in maritime areas and which will continue to influence the legal assessment of the Russian Federation's conduct long after the conclusion of the present dispute.

3.3. The reputational and political costs of the judgment: strengthening normative pressure on the Russian Federation

Whilst the legal implications of the judgment must be analysed in the light of the rules and obligations enshrined in the United Nations Convention on the Law of the Sea, the reputational and political effects must be assessed in a different context. In contemporary international law, a state's legitimacy is not determined solely by its ability to protect its strategic interests or to maintain control over territories and resources. It is increasingly influenced by the international community's perception of whether its conduct complies with existing legal and institutional norms.

In this context, one of the significant consequences of the arbitral award is that it contributes to the consolidation of an international legal narrative linking the Russian Federation's activities in the Black Sea region to breaches of certain obligations under the law of the sea. Even though the tribunal did not rule on territorial issues and did not examine the legality of the situation in Crimea, the mere fact that it identified breaches of the Convention has effects that go beyond the strictly legal dimension of the dispute.

These effects are significant because international reputation is now a strategic asset. In an international system characterised by economic, technological and institutional interdependencies, the perception of compliance with norms influences states' ability to build partnerships, attract investment, participate in multilateral projects and exert influence within international organisations.

For the Russian Federation, the reputational issue is all the more significant as the ruling comes against an international backdrop already marked by numerous legal and political controversies. The dispute over maritime rights in the Black Sea is not viewed in isolation by the international community. It is perceived as part of a broader picture that includes the dispute over Crimea, the conflict in Ukraine and numerous other disagreements between Russia and Western actors.

Consequently, the tribunal's conclusions tend to be interpreted not merely as technical assessments concerning the application of UNCLOS, but also as factors contributing to the overall assessment of the Russian Federation's conduct on the international stage.

This dynamic is characteristic of contemporary international law. In many situations, the impact of a ruling does not derive exclusively from the obligations it establishes, but also from the way in which it is integrated into a broader international discourse on the legality and legitimacy of states' conduct.

From this perspective, the reputational costs generated by the judgment are real, even if they cannot be directly quantified.

The Tribunal did not impose sanctions nor did it make any political assessments. However, the finding of breaches of obligations relating to the protection of the marine environment and compliance with certain procedural standards contributes to reinforcing the perception that the activities carried out by the Russian Federation in the region are not fully compatible with contemporary legal requirements.

This perception may have long-term effects.

Firstly, it influences the Russian Federation's position in international debates on maritime governance. States that promote restrictive interpretations of environmental obligations or cooperation obligations face greater difficulties when international case law establishes more stringent standards. In such situations, the authority of legal arguments is undermined by the existence of rulings indicating previous breaches.

Secondly, reputational effects influence the process of building international alliances and partnerships. In contemporary international relations, states are assessed not only in terms of their economic and military power, but also in terms of the predictability of their legal behaviour. International judgments contribute to the formation of this perception.

Thirdly, there is an important symbolic dimension. For many states, compliance with international law is a central element of their external identity and diplomatic legitimacy. When an international tribunal finds breaches of treaty obligations, even in the absence of immediate material consequences, additional pressure inevitably arises on the external image of the state concerned.

In the case of the Russian Federation, this pressure is amplified by the current geopolitical context. The judgment is not analysed in a political vacuum. It is interpreted within an international environment in which many states and international organisations are closely monitoring legal developments relating to the Black Sea region and the Russian-Ukrainian conflict.

However, there is another dimension that must be taken into account.

Reputational costs do not affect all categories of international actors in the same way. Large states, which possess considerable economic, military and diplomatic capabilities, are often more resilient in the face of such pressures than small and medium-sized states. The Russian Federation benefits from this reality. Its ability to influence regional and global developments is not determined solely by its legal reputation.

However, resilience does not mean immunity.

Even for great powers, the accumulation of reputational costs can gradually erode diplomatic manoeuvring room and the ability to shape international norms. Particularly in areas such as environmental protection, maritime security and global governance, normative legitimacy is becoming an important element of international influence.

A particularly relevant aspect is that the ruling helps to reinforce a form of pressure that can be described as normative pressure. This does not operate through direct coercion or immediate sanctions. It works by reaffirming legal standards and integrating them into the international discourse on acceptable state behaviour.

In many situations, this form of pressure produces cumulative effects. A single ruling may have a limited impact. However, when its conclusions are added to other decisions, resolutions, reports and official positions, a normative framework is gradually formed that influences international perceptions and behaviour.

The ruling on the Black Sea forms part of such a process.

It does not alter the regional strategic balance, nor does it directly affect the Russian Federation's control over certain territories or infrastructure. Instead, it contributes to the consolidation of a normative assessment that limits Moscow's ability to present certain activities as fully compatible with its international obligations.

Consequently, whilst the Russian Federation's main gain from this procedure was of a jurisdictional nature, the main political and reputational cost lies in the intensification of the normative pressure exerted on its international behaviour. This cost is less visible than the immediate strategic advantages and more difficult to quantify than a sanction or a financial obligation. However, in the contemporary international order, where legal legitimacy and the perception of compliance

with norms play an increasingly important role, its effects may continue to be felt long after the conclusion of the arbitration proceedings.

3.4. The impact on the Russian Federation's strategic position in the Black Sea

Whilst an analysis of the legal and reputational implications of the award reveals significant costs for the Russian Federation, an assessment of the strategic dimension leads to more complex conclusions. In reality, one of the defining characteristics of this case is that the legal outcome and the strategic outcome do not necessarily coincide. From this perspective, the award provides a relevant example of the limits of international jurisdictions in relation to existing geopolitical and military realities.

At the time of the judgment, the Russian Federation continues to enjoy significant strategic advantages in the Black Sea region. The Tribunal does not have the necessary tools to alter the control exercised over existing territories, infrastructure and military positions. Consequently, even though certain activities were deemed incompatible with the obligations under the Convention, the fundamental structure of the regional balance of power was not directly affected.

This observation is important for understanding the actual impact of the judgment.

In many international disputes, there is a tendency to assume that legal success automatically translates into a strategic advantage. However, the experience of the Black Sea region demonstrates that the relationship between these two dimensions is far more complex. The law can influence legitimacy and alter the normative environment, but it does not replace effective control over geographical positions and infrastructure of strategic importance.

From this perspective, the Russian Federation's main advantage remains its control over a geographical area that decisively influences the strategic configuration of the entire region.

Crimea occupies a central position in the Black Sea's security architecture. Geographically, the peninsula allows for the surveillance of extensive maritime areas and facilitates the projection of power over key maritime routes. From a military perspective, it provides access to naval, air and logistical infrastructure that has been developed and modernised over the past decade. From a political perspective, control over Crimea continues to represent one of the Russian Federation's most important strategic objectives in the Black Sea region.

The arbitral award does not alter any of these elements.

Moreover, by limiting the tribunal's jurisdiction to matters relating to the status of Crimea, the decision indirectly helps to maintain the separation between the legal dispute and the existing strategic reality. This does not amount to legal recognition of the situation, but it does allow for the continuation of a strategic configuration that remains favourable to Moscow in terms of effective control.

At the same time, the impact on the Russian Federation's strategic position must also be analysed in relation to the infrastructure developed in the region.

The Kerch Bridge is probably the most obvious example. Beyond the legal controversies and the tribunal's findings regarding certain effects on the marine environment and navigation, this infrastructure continues to fulfil important logistical, economic and symbolic functions for the Russian Federation. It facilitates territorial connectivity and contributes to the region's integration into the transport and supply systems controlled by Moscow.

Furthermore, the energy and logistics infrastructure developed in the Black Sea region has strengthened the Russian Federation's ability to influence regional dynamics. Even though certain projects have been affected by sanctions, conflict and changes in international energy markets, the infrastructure remains a major factor in strategic influence.

However, there is also a less obvious dimension to the impact of the ruling.

Although the Russian Federation retains its material and geographical advantages, the decision contributes to increasing the costs associated with managing these advantages. In the past, territorial and military control was often perceived as sufficient to ensure regional influence.

Nowadays, however, the exercise of control is accompanied by increasingly complex legal, economic and reputational requirements.

This development is particularly significant in the maritime domain.

Contemporary maritime spaces are characterised by economic, energy and technological interdependencies that make it difficult to completely separate power from legitimacy. A state may control a particular area and project military power within it, but fully capitalising on those advantages depends increasingly on the ability to attract investment, develop infrastructure and participate in international economic and institutional networks.

From this perspective, the Russian Federation's strategic advantage is accompanied by limitations that cannot be ignored.

The arbitral award helps to consolidate a legal environment in which activities carried out in the region will continue to be analysed in the light of international obligations. Even if this does not immediately alter the balance of power, it imposes additional constraints on how strategic advantages can be utilised and capitalised upon.

Another relevant aspect concerns the changing nature of strategic competition in the Black Sea.

In the period immediately following 2014, numerous analyses focused on territorial control and conventional military capabilities. At present, regional competition is increasingly influenced by factors such as energy security, the protection of critical infrastructure, logistical connectivity and economic resilience.

This transformation partially diminishes the significance of purely military advantages and heightens the relevance of economic and institutional factors. In such a context, the arbitral award may indirectly contribute to limiting the Russian Federation's ability to convert certain tactical advantages into long-term strategic benefits.

For Moscow, the fundamental challenge lies precisely in this distinction between control and influence.

Effective control over key geographical positions continues to exist. However, lasting regional influence requires more than control. It necessitates legitimacy, legal predictability and the ability to participate in the development of stable economic and institutional networks.

In this regard, one of the most important conclusions arising from the analysis is that the ruling does not diminish the Russian Federation's immediate strategic advantage, but it does contribute to increasing the costs associated with maintaining and capitalising on it.

Viewed as a whole, the tribunal's decision has a paradoxical effect. It does not alter the existing strategic architecture nor does it directly affect the control exercised by the Russian Federation in the region. At the same time, however, it reinforces a normative environment that progressively limits the freedom of action of state actors and amplifies the importance of legal legitimacy in the assessment of international behaviour.

Consequently, the impact on the Russian Federation's strategic position must be understood in terms of continuity and adjustment, rather than radical transformation. Moscow retains its main geopolitical and military advantages in the Black Sea, but these will continue to be exercised within an increasingly demanding legal and political context, in which effective control is no longer sufficient to ensure the full consolidation of regional influence.

CHAPTER 4

IMPLICATIONS OF THE RULING FOR UKRAINE: BETWEEN NORMATIVE VICTORY, JURISDICTIONAL LIMITS AND THE CONSOLIDATION OF ITS INTERNATIONAL POSITION

4.1. Victory in the field of marine environmental protection: transforming the ecological argument into an effective legal instrument

Whilst Ukraine's main jurisdictional gain lay in upholding the applicability of the Convention on the Law of the Sea despite the dispute over Crimea, the clearest and most concrete legal victory achieved by Kyiv in the arbitration proceedings concerns the protection of the marine environment. In this regard, the tribunal did not confine itself to abstract considerations regarding jurisdiction or the interpretation of the Convention, but examined specific activities and found that there had been breaches of the obligations set out in UNCLOS.

From Ukraine's perspective, this part of the award represents the most obvious legal success of the entire proceedings.

Its significance stems not only from the specific conclusions reached by the tribunal, but also from the transformation of an issue which, for many years, was perceived primarily as a technical or scientific concern into a legal argument of strategic relevance. Traditionally, maritime disputes were dominated by issues such as the delimitation of jurisdictions, the exploitation of resources and freedom of navigation. Nowadays, however, the protection of the marine environment is becoming one of the main components of international law in the maritime sphere.

The arbitral award reflects and reinforces this transformation.

In analysing the activities carried out in the region, the tribunal paid particular attention to obligations regarding the conservation of marine ecosystems and the protection of biological resources. In this context, one of the most important conclusions concerned the effects of these activities on areas of exceptional ecological value, including protected habitats and species.

This approach is significant because it shifts the focus of the analysis from the issue of control over maritime space to that of responsibility associated with its use.

Traditionally, maritime disputes have been dominated by the question 'who has the right to exercise jurisdiction?'. The judgment under consideration, however, highlights a complementary and increasingly important question: 'how should this jurisdiction be exercised?'. The Tribunal suggests that the existence of maritime rights does not exempt states from their obligations regarding environmental protection and the responsible management of natural resources.

For Ukraine, this conclusion is of particular legal and political significance.

Firstly, it allows part of the international debate to shift away from the realm of geopolitical confrontation towards an area where legal norms are clearer and less susceptible to divergent political interpretations. Issues concerning the protection of marine ecosystems, the conservation of biodiversity and environmental impact assessments enjoy a high level of consensus in contemporary international law.

Secondly, the environmental argument has the advantage of transcending the strictly bilateral logic of conflict. The degradation of the marine environment does not affect solely the state making the claim. It impacts the entire regional ecosystem and, in certain situations, the interests of the international community as a whole. For this reason, a finding of environmental violations has a broader normative impact than many other categories of claims.

A particularly important aspect of the judgment concerns the strengthening of procedural obligations.

The Tribunal did not focus exclusively on the existence of material environmental effects. It paid significant attention to obligations regarding environmental impact assessment, the monitoring of activities likely to have environmental effects, and the exchange of relevant information.

This approach reflects one of the most important developments in contemporary international law.

In the past, state liability was analysed primarily in relation to damage that had already occurred. Today, the emphasis is gradually shifting towards obligations of prevention and anticipation. States are required not only to avoid causing damage, but also to demonstrate that they have taken the necessary measures to identify and manage risks.

For Ukraine, this development is favourable as it broadens the scope of available legal arguments. Rather than being obliged to prove solely the existence of concrete and quantifiable environmental damage, it may also invoke a breach of procedural obligations associated with the management of activities affecting the marine environment.

From a doctrinal perspective, this represents one of the most significant contributions of the judgment.

The Tribunal is part of a broader trend observable in recent international case law, including in the opinions and judgments handed down by the International Tribunal for the Law of the Sea, the International Court of Justice and other international courts. All these developments point towards the consolidation of the concept of environmental *due diligence* and the extension of states' obligations regarding environmental protection.

In this context, Ukraine's success extends beyond the specific dispute.

Kyiv is not merely securing a ruling on certain activities carried out in the Black Sea. It is helping to consolidate an interpretation of UNCLOS that emphasises the importance of marine environmental protection and makes environmental obligations a central element of maritime law.

There is also an important strategic dimension.

In the 21st century, environmental arguments have gained considerable influence in international relations. Climate change, the protection of biodiversity and the management of natural resources occupy a central place on the global agenda. Consequently, states that succeed in integrating environmental arguments into their legal and diplomatic strategies benefit from additional legitimacy in the eyes of the international community.

Ukraine has successfully seized this opportunity.

By placing the environmental dimension at the heart of the dispute, it has succeeded in transforming part of the dispute from a confrontation over control of maritime areas into a debate concerning compliance with obligations widely recognised by the international community. This shift in perspective facilitated the attainment of favourable findings and amplified the international significance of the ruling.

Furthermore, the tribunal's findings may have implications extending beyond relations between Ukraine and the Russian Federation. They contribute to the development of case law that will influence future disputes concerning the protection of the marine environment, offshore infrastructure and the exploitation of maritime resources.

Thus, one of Ukraine's most significant achievements is that it has succeeded in transforming the marine environment from a secondary element of the dispute into one of its main legal foundations.

Viewed as a whole, this part of the ruling represents Kyiv's clearest legal victory. It demonstrates that environmental arguments can serve as effective instruments of legal protection under contemporary law of the sea and confirms that the protection of the marine environment is no longer a peripheral concern of UNCLOS, but one of its central components. In this respect, Ukraine's success lies not only in the finding of specific breaches, but also in its contribution to the consolidation of a new paradigm in the law of the sea, in which the conservation of marine ecosystems and the duty of precaution occupy a place just as important as the traditional rights of the coastal state.

4.2. Strengthening Ukraine's position in future international disputes: the multiplier effect of the arbitral award

One of the most significant consequences of the arbitral award for Ukraine is not to be found solely in the conclusions regarding the activities examined by the tribunal, but in the decision's

capacity to influence other legal, diplomatic and institutional proceedings that will continue to unfold in the coming years. In contemporary international law, the significance of an award is determined not only by its direct effects on the parties, but also by the role it plays in building a broader body of legal arguments and international legitimacy.

From this perspective, one of Ukraine's most significant gains lies in the strengthening of its position in future international disputes and proceedings. The ruling does not mark the end of a legal strategy, but rather a stage in a broader process through which Kyiv is seeking to utilise the instruments of international law to advance its interests in various judicial and diplomatic forums.

To understand the significance of this, it should be noted that the dispute between Ukraine and the Russian Federation is not taking place within a single legal framework. Since 2014, and to an even greater extent since 2022, the two states have been engaged in a multitude of international proceedings involving different jurisdictions, different legal regimes and different objectives. The International Court of Justice, the European Court of Human Rights, various arbitral tribunals and other international mechanisms have been seized of distinct aspects of the conflict.

In this context, each new ruling becomes part of a broader legal framework.

The ruling on the rights of the coastal state in the Black Sea cannot be analysed in isolation. It adds to a growing body of international legal documents examining various dimensions of relations between the two states. From Ukraine's perspective, this process is of major strategic importance, as it allows for the gradual construction of a body of mutually reinforcing legal arguments.

A primary effect of the ruling is to strengthen the credibility of Ukraine's legal arguments.

The Tribunal did not accept all the claims put forward by Kyiv, but found that there had been breaches of the obligations set out in the Convention and confirmed the applicability of UNCLOS in relation to certain activities carried out in the region. These conclusions enable Ukraine to demonstrate that an independent international court has identified instances of non-compliance with the obligations assumed by the Russian Federation.

The significance of this finding is amplified by the judicial nature of the ruling. In international law, the arguments put forward by states carry greater weight when supported by findings arising from judicial or arbitral proceedings. Even though each jurisdiction operates within the limits of its own competence, the existence of judicial findings helps to strengthen the credibility of a party's position in other contexts.

Secondly, the judgment may influence future proceedings concerning compensation and redress for damages.

Although the tribunal has separated the issue of liability from that of quantifying any compensation, the findings regarding the breach of international obligations create the necessary legal basis for subsequent discussions on the consequences of such breaches. In international law, establishing the existence of a breach is often the first step in a broader process that may lead to claims for reparations or other forms of redress.

For Ukraine, this aspect is particularly important as the numerous harms associated with the conflict have significant economic, environmental and institutional dimensions. Even if the present arbitration does not fully resolve these issues, it contributes to building the legal foundation upon which further claims can be developed.

Another effect concerns the evidential and argumentative value of the award.

In many international disputes, decisions handed down by other jurisdictions are not formally binding, but are frequently invoked as persuasive sources of interpretation. International case law often operates through the accumulation of converging arguments that mutually reinforce one another and contribute to the progressive development of the law.

In this regard, the Black Sea ruling can be used by Ukraine to support interpretations concerning obligations to protect the marine environment, procedural obligations and standards of conduct applicable to states in the exercise of their maritime rights. Even in different legal contexts, these conclusions may carry significant persuasive weight.

There is also an important diplomatic dimension.

In the contemporary world, legal and diplomatic processes are often intertwined. International rulings help to define the framework within which political negotiations take place and to shape the positions adopted by states and international organisations.

For Ukraine, the existence of a ruling confirming certain violations of the Convention provides an additional tool in its dialogue with international partners. It can be used to demonstrate that certain concerns expressed by Kyiv are not mere political assertions, but have been analysed and validated within an international judicial framework.

This aspect is particularly relevant in relations with the European Union, NATO and other international organisations that attach considerable importance to compliance with international legal norms.

Moreover, the ruling contributes to the consolidation of a discernible trend in Ukraine's legal strategy: the simultaneous use of multiple instruments and jurisdictions to address the various components of the conflict.

This approach reflects a sophisticated understanding of how contemporary international law operates. No single jurisdiction can resolve all aspects of a complex conflict. Instead, each procedure can help to clarify specific elements. By building on these outcomes, a broader legal framework is gradually taking shape.

The arbitral award fits perfectly within this logic.

It does not provide a comprehensive solution to all the issues between Ukraine and the Russian Federation. However, it helps to consolidate a legal basis that can be utilised in other proceedings and in other international contexts.

From a doctrinal perspective, this phenomenon can be described as the multiplier effect of international case law. An award has direct effects in the case in which it is rendered, but it also generates indirect effects by influencing subsequent interpretations, state practice and the legal strategies developed by various actors.

For Ukraine, this dimension is perhaps more important than certain immediate effects of the judgment. In a protracted conflict, the ability to accumulate legal arguments, build international legitimacy and integrate different procedures into a coherent strategy represents a significant advantage.

Consequently, one of the most important implications of the ruling for Kyiv lies in the strengthening of its position in future international disputes. The award not only provides solutions to the issues examined by the tribunal, but also forms part of a broader process of building legal and normative capital that will continue to influence legal, diplomatic and political developments in the Black Sea region for many years to come.

4.3. The limits of victory: what Ukraine did not achieve through the arbitral award

Any rigorous assessment of the ruling's implications for Ukraine must resist the temptation to adopt an exclusively triumphalist interpretation. Although the tribunal's decision grants Kyiv significant legal, reputational and diplomatic gains, it equally highlights the limitations of international judicial instruments in managing conflicts that combine territorial, military and geopolitical dimensions. It is precisely these limitations that allow for a more realistic understanding of the value and actual effects of the award.

Firstly, Ukraine has not achieved what has been, since 2014, the central objective of its international legal policy: a judicial ruling on the status of Crimea. The Tribunal refused to examine the issue of sovereignty and consistently reaffirmed that this matter falls outside the jurisdiction conferred by the United Nations Convention on the Law of the Sea. From the perspective of international jurisdictional law, this decision is entirely logical and consistent. From the perspective of Ukraine's strategic interests, however, it represents the most significant limitation on the outcome achieved.

For Kyiv, the maritime dispute and the territorial dispute have always been interdependent. Rights over marine resources, the exercise of jurisdiction over certain maritime areas and control of strategic infrastructure are directly linked to the status of the Crimean peninsula. Consequently, the tribunal's inability to address this fundamental issue has inevitably reduced the scope of the legal effects that the ruling could have produced.

This limitation has a deeper significance. It demonstrates that not even one of the most elaborate international legal regimes, such as UNCLOS, can replace the mechanisms designed to resolve territorial disputes. The law of the sea can clarify maritime rights and obligations, but it cannot resolve sovereignty conflicts that fall within other areas of international law.

Ukraine has not secured legal recognition of its rights across the full range of disputed activities in the region.

A significant portion of the claims set out in the 2016 arbitration notice was not examined on its merits. The Tribunal concluded that these claims are inseparable from the dispute concerning Crimea and, therefore, cannot be examined under the UNCLOS procedure. From a legal perspective, this conclusion is a direct consequence of the limits of the Tribunal's jurisdiction. In practical terms, however, it means that numerous issues which Ukraine considered essential have remained unresolved.

This is particularly evident in the field of natural resource exploitation. One of Kyiv's constant concerns has been the use of marine and energy resources in areas associated with Crimea. The Tribunal was unable to examine these issues in full as they required a prior determination of the holder of the maritime rights arising from the peninsula. Consequently, Ukraine did not obtain the legal clarifications it sought in this regard.

The ruling does not alter the existing strategic situation in the Black Sea.

This is perhaps the most significant practical limitation of the outcome achieved. Although the tribunal identified breaches of the Convention and reaffirmed the applicability of certain international obligations, it lacks both the powers and the tools to alter the existing geopolitical realities.

Effective control over territories, infrastructure and strategic positions remains outside the sphere of influence of the arbitral tribunal's jurisdiction. Consequently, the award does not alter the current distribution of power in the region and has no direct impact on the strategic balance in the Black Sea.

This reality highlights one of the fundamental characteristics of contemporary international law. Courts and tribunals can influence legitimacy and clarify legal obligations, but they do not replace the political and strategic processes that determine effective control over disputed territories.

Ukraine has not achieved a comprehensive resolution of the issues associated with the Sea of Azov and the Kerch Strait.

These areas have been among the most sensitive aspects of the dispute. From Ukraine's perspective, they are essential for economic security, access to seaports and freedom of navigation. However, the complexity of the legal relationships and their direct link to the territorial dispute have considerably limited the tribunal's ability to provide exhaustive answers.

Consequently, numerous questions regarding the future legal regime of these areas remain unresolved. The judgment helps to clarify certain international obligations, but does not provide a comprehensive solution to all the issues associated with maritime access and the use of these areas.

Ukraine has not, through these proceedings, **secured** an immediate mechanism for redressing the harm suffered.

Although the tribunal found certain breaches of the Convention, the issue of compensation and reparations remains a separate and complex matter. In international law, a finding of a breach does not automatically lead to effective redress. There is often a long and difficult process between the legal recognition of a breach and the implementation of remedial measures.

For Ukraine, this reality is significant because the numerous harms associated with the conflict go far beyond the strictly maritime dimension examined by the tribunal. The judgment helps to

strengthen the legal basis for any future claims, but does not provide an immediate and comprehensive solution in this regard.

There is also a more general limitation concerning the very function of international law in contemporary conflicts.

The ruling demonstrates that international courts can help to clarify norms and strengthen legal legitimacy, but cannot, on their own, bring about major political and strategic changes. In the case of Ukraine, legal success does not automatically translate into geopolitical success. It creates opportunities and strengthens positions, but it does not replace the diplomatic, military and political processes that will continue to shape the region's future.

This conclusion does not diminish the importance of the ruling. On the contrary, it precisely defines its true value.

Ukraine has achieved a significant legal victory, but not a complete resolution of the disputes that gave rise to the proceedings. It has reinforced the applicability of international law, but has not altered the strategic configuration of the region. It has gained legitimacy and legal arguments, but has not obtained answers to all the fundamental issues associated with Crimea, the Sea of Azov and its maritime relations with the Russian Federation.

In this sense, the true significance of the ruling lies not in what it has definitively resolved, but in what it has made possible for the future. It does not end the dispute, but rather redefines the legal framework within which it will continue to be managed. It is precisely this combination of success and limitation that explains why Ukraine's victory must be understood as an important legal victory, yet one that is inevitably incomplete given the complexity of the conflict that gave rise to the dispute.

4.4. Impact on Ukraine's maritime strategy: reconstruction, security and Euro-Atlantic integration

Beyond its immediate legal effects and its value as a precedent, the arbitral award has significant implications for the way in which Ukraine will shape its maritime strategy in the post-conflict period. In reality, one of the most significant implications of the decision concerns not the past, but the future. The Tribunal was not called upon to design the future security architecture of the Black Sea, but its conclusions indirectly contribute to defining the regulatory framework within which Ukraine will rebuild its maritime capabilities, port infrastructure and regional position.

This aspect is particularly important because the war has profoundly altered Ukraine's relationship with the maritime domain. Prior to 2014, and again prior to 2022, Ukraine was a major maritime actor in the region, benefiting from access to extensive port infrastructure, a favourable geographical position and strong integration into Black Sea trade flows. The conflict has affected all these aspects. Destroyed or damaged ports, disrupted logistics infrastructure, sea mines, navigation restrictions and widespread insecurity have profoundly altered the strategic environment in which Ukraine carries out its maritime functions.

In this context, the arbitral award takes on a significance that goes beyond merely establishing breaches of the Convention. It helps to define the legal principles that will influence the process of reconstruction and modernisation of Ukraine's maritime sector.

A first consequence concerns the reaffirmation of the importance of the maritime dimension for Ukraine's economic future.

The war has demonstrated that access to the sea is not merely a commercial issue, but one of national security. Agricultural exports, energy supplies, logistical links and integration into the European economy depend to a significant extent on the functioning of maritime infrastructure. Consequently, Ukraine's reconstruction will inevitably involve rebuilding its role as a regional maritime power.

The arbitral award provides indirect support for this process by reaffirming that the rights and obligations associated with the maritime space continue to be governed by international norms. At a

time when investors, financial institutions and international partners will be assessing Ukraine's development prospects, the existence of a clear and predictable legal framework represents a significant advantage.

A second implication concerns the security of maritime infrastructure.

The conflict has demonstrated that ports, energy terminals, offshore installations, submarine cables and logistics corridors can become strategic targets of the highest order. Consequently, Ukraine's future maritime strategy will need to incorporate the infrastructure security dimension much more thoroughly than before the war.

In this regard, the arbitral award is relevant as it emphasises the obligations to protect, monitor and manage maritime activities responsibly. It helps to consolidate an approach in which security and legal governance are no longer separate domains, but complementary elements of maritime space management.

This trend is evident throughout the Black Sea region and is likely to become one of the defining features of European maritime policies over the next decade.

Another important dimension concerns the development of Ukraine's naval capabilities and its concept of maritime security.

The war has demonstrated that naval superiority is no longer determined solely by the size of the fleet. The use of maritime drones, autonomous systems, satellite intelligence and digital technologies has profoundly altered the nature of maritime competition. Ukraine has become one of the testing grounds for this transformation.

Consequently, the post-war maritime strategy is likely to focus less on rebuilding traditional naval structures and more on developing flexible, distributed and technology-driven capabilities. This approach is consistent with trends observable within NATO and among the major contemporary maritime powers.

The arbitral award does not directly address these issues, but it helps to maintain a legal framework within which maritime security must be exercised in accordance with international norms. This aspect will be important as Ukraine develops new defence instruments and new forms of maritime presence.

Perhaps the most important strategic consequence, however, concerns Euro-Atlantic integration.

In the post-conflict period, the development of Ukraine's maritime sector will be closely linked to its relationship with the European Union and NATO. Maritime safety standards, environmental protection, the security of critical infrastructure and institutional interoperability will become central components of the reconstruction process.

From this perspective, the arbitral award has a favourable effect for Ukraine. It reaffirms the importance of complying with international norms and strengthens the convergence between the UNCLOS regime and the principles promoted by Euro-Atlantic institutions. Indirectly, this facilitates Ukraine's future integration into a regional system based on common rules and institutionalised cooperation mechanisms.

This aspect is particularly relevant in the context of developing a new European policy for the Black Sea.

As the region takes on increasing strategic importance for the European Union, it is likely that Ukraine's maritime infrastructure will be integrated into continental connectivity projects, logistics corridors and energy networks of European significance. For this integration to be possible, a predictable legal and institutional framework is required.

The ruling contributes to the consolidation of such a framework.

There is also an important symbolic dimension.

For decades, Ukraine has been perceived primarily as a landlocked state, despite its geographical position and the importance of its access to the sea. Recent developments, however, demonstrate that its economic and strategic future is inseparable from its maritime future. Post-war reconstruction will highlight this reality and is likely to transform maritime policy into one of the central pillars of the national strategy.

In this process, the arbitral award plays a role that goes beyond the technical aspects of the law of the sea. It reaffirms that Ukraine's maritime space continues to be governed by international norms and that its future development must be based on the principles of cooperation, responsibility and the protection of common interests.

Viewed as a whole, one of the most significant implications of the decision is that it provides Ukraine not only with arguments regarding the past, but also with legal foundations for the future. It does not rebuild ports, remove sea mines or restore trade flows. However, it contributes to strengthening the regulatory framework that will enable their reconstruction. In this sense, its impact on Ukraine's maritime strategy may be more significant in the long term than many of its immediate legal effects, as it influences the way in which Ukraine will redefine its role as a maritime actor in the Black Sea in the coming decades.

4.5. Ukraine as a player in the new maritime order in the Black Sea

Beyond specific issues concerning jurisdiction, the protection of the marine environment, freedom of navigation or the exploitation of resources, the arbitral award has a deeper and more lasting consequence for Ukraine: it helps to consolidate its status as an indispensable actor in the future maritime order of the Black Sea. This conclusion may seem obvious from a geographical perspective, but its legal and strategic significance is far broader. In reality, one of the fundamental issues at stake in the dispute was not merely the analysis of breaches of the Convention, but also the reaffirmation of the role that Ukraine continues to play in the regional architecture, despite the geopolitical transformations that have taken place since 2014 and 2022.

To understand the importance of this development, it should be noted that the war has given rise to numerous analyses that have viewed Ukraine exclusively through the prism of its vulnerabilities. Infrastructure destruction, economic losses, military pressures and the difficulties associated with reconstruction have often dominated assessments of the country's future. The arbitral award, however, offers a different perspective. It demonstrates that, from a legal and institutional standpoint, Ukraine is not merely an object of regional transformations, but an active participant in shaping them.

This observation is crucial because the maritime order that will characterise the Black Sea in the coming decades will not be shaped exclusively by military power dynamics. It will be the result of the interplay between legal, economic, energy, institutional and security factors. In all these areas, Ukraine will continue to play a central role.

From a geographical perspective, this conclusion is almost inevitable. Ukraine has one of the longest coastlines in the region and occupies a position that directly influences connectivity between Central Europe, the Black Sea and the wider Pontic region. No major regional project concerning transport, energy, food security or environmental protection can be conceived without taking Ukraine's role into account.

The arbitral award helps to reinforce this reality by reaffirming that the rights and obligations associated with Ukraine's maritime zone continue to be recognised and protected under international law.

This aspect is important because legal legitimacy is one of the essential conditions for participation in regional reconstruction and governance processes. States and international organisations that invest in the development of maritime infrastructure, logistics corridors and energy projects in the region will pay particular attention to the existence of a stable and predictable regulatory framework. By helping to clarify certain legal obligations and principles, the ruling facilitates Ukraine's integration into these processes.

However, there is also a deeper political dimension.

In recent decades, the Black Sea has often been perceived as a region dominated by competition between the great powers and the balance of power among the main military actors. The Russian-Ukrainian conflict has amplified this perception. Nevertheless, recent developments show

that the region's future will depend increasingly on the ability of the littoral states to participate in building mechanisms for regional cooperation and resilience.

In this context, Ukraine possesses considerable potential.

The experience gained in managing unprecedented maritime challenges, the development of new concepts of naval security, and its progressive integration into European and Euro-Atlantic structures have placed it in a position that goes beyond the traditional status of a mere coastal state. Ukraine is gradually emerging as one of the actors capable of influencing the norms and practices that will define the region's future.

The arbitral award supports this development by strengthening the legal legitimacy of Ukraine's positions.

Moreover, the decision contributes to Ukraine's integration into a broader trend in contemporary international law: the transformation of maritime spaces into areas of multilateral cooperation and shared responsibility. Issues relating to the protection of the marine environment, the security of critical infrastructure, the management of natural resources and the safety of navigation can no longer be addressed exclusively at the national level. They require complex forms of regional and international coordination.

In all these areas, Ukraine has the opportunity to become not only a beneficiary of existing mechanisms, but also an active contributor to their development.

This prospect is particularly relevant in the context of the European integration process.

As relations between Ukraine and the European Union deepen, Ukraine's maritime space will become increasingly integrated into European policies on energy, transport, environmental protection and the security of critical infrastructure. In this regard, the Black Sea will gradually cease to be perceived solely as an external border of Europe and will become one of the functional components of the European system of connectivity and security.

The arbitral award facilitates this development as it reaffirms the importance of the international rules and obligations that underpin modern maritime cooperation.

There is also a symbolic dimension worth highlighting.

In many respects, the dispute under consideration reflects the transition from a classical conception of the law of the sea, centred on delimitation and jurisdiction, to a new one, oriented towards governance, resilience and shared responsibility. In this transformation, Ukraine appears not merely as a party to a dispute, but as a participant in the development of new case law and legal standards concerning the management of maritime spaces.

This contribution will continue to have an impact long after the conclusion of the arbitration proceedings.

Viewed in retrospect, the award will not only be significant for what it established in relation to the Russian Federation. It will also be significant for having strengthened Ukraine's role as a relevant legal and institutional actor in the Black Sea region. Against a backdrop where the regional order is undergoing one of the most profound transformations in its modern history, this consolidation of legitimacy and capacity for participation represents one of the most valuable long-term outcomes for Kyiv.

Consequently, the true strategic significance of the ruling for Ukraine lies not only in its findings regarding the past, but also in its contribution to shaping the future. The ruling does not make Ukraine an immediate strategic winner, nor does it in itself alter the geopolitical realities of the region. It does, however, consolidate Ukraine's status as an indispensable actor in the new maritime order in the Black Sea – an order that will be shaped not only by control of the maritime space, but also by the ability to participate in shaping the rules, institutions and mechanisms that will govern the region in the coming decades.

CHAPTER 5

IMPLICATIONS OF THE DECISION FOR ROMANIA: MARITIME SECURITY, ENERGY AND THE RECONFIGURATION OF THE STRATEGIC ORDER IN THE BLACK SEA

Introduction

For Romania, the significance of the arbitral award extends far beyond the scope of the dispute between Ukraine and the Russian Federation. Although Romania was not a party to the proceedings, a number of conclusions reached by the tribunal directly influence the legal and strategic environment in which Romania exercises its maritime rights, develops its offshore energy projects and formulates its security policy in the Black Sea region. Among these, the most significant are the reaffirmation of the limits of UNCLOS jurisdiction in the context of territorial disputes, the strengthening of obligations regarding the protection of the marine environment and due diligence, the emphasis on the obligation to cooperate in semi-enclosed seas, and clarifications regarding the relationship between maritime infrastructure and the procedural obligations of states. These elements contribute to the shaping of a new regulatory and strategic framework that directly influences Romania's interests in the fields of maritime security, energy and regional governance.

5.1. Romania in the new strategic equation of the Black Sea

From the perspective of regional security, one of the tribunal's most important conclusions is that the existence of effective control over a territory or maritime areas does not automatically equate to the legal validation of that situation. The distinction between *de facto* control and legal legitimacy, which runs throughout the ruling, has direct implications for Romania, as it confirms that *de facto* changes to the regional strategic environment do not automatically bring about changes to the international legal order. For the NATO states on the Black Sea, this conclusion helps to uphold the principle that regional security must be built on the basis of international norms and not exclusively on the basis of the balance of power.

An analysis of the implications of the Arbitral Tribunal's Award in the case of *Dispute Concerning Coastal State Rights in the Black Sea, Sea of Azov and Kerch Strait (Ukraine v. Russian Federation)* cannot be limited to its direct legal effects. Such an approach would ignore the fact that the real significance of an international decision is determined not solely by the obligations it creates for the disputing parties, but also by its capacity to influence state behaviour, to shape the interpretation of legal norms and to contribute to shaping the strategic environment in which states pursue their national interests.

From this perspective, Romania finds itself in a unique position. Although it did not participate in the arbitration proceedings and is not the direct addressee of the legal effects of the award, it is one of the states most affected by the changes that led to the dispute and by its strategic consequences. This situation can be explained by the fact that Romania occupies a unique geographical and geopolitical position in the Black Sea region, situated at the intersection of Euro-Atlantic interests, regional trade flows and the new energy configurations taking shape in the Pontic basin.

Over the past three decades, the strategic perception of the Black Sea has undergone a profound transformation. Following the end of the Cold War, the attention of the main Western security organisations focused primarily on the Baltic region, the Balkans and the expansion of Euro-Atlantic institutions into Central and Eastern Europe. During this period, the Black Sea was often perceived as an important but peripheral region, situated on the fringes of the continent's main security concerns.

The events of 2008, with the Russo-Georgian conflict, and especially those of 2014 and 2022, have radically altered this perception. The Black Sea has become one of the main arenas of strategic competition between the Russian Federation and the Euro-Atlantic community. This transformation is not solely the result of the Russia-Ukraine conflict, but reflects a deeper evolution of the

international environment, characterised by the resurgence of geopolitical rivalries, the militarisation of certain maritime areas, and the growing importance of critical infrastructure and energy resources.

For Romania, this paradigm shift has fundamental implications. The Romanian state can no longer be analysed solely through the prism of its membership of NATO and the European Union. It is becoming one of the key actors in regional stability, and its security is increasingly closely linked to developments in the Black Sea maritime space.

This reality is evident across all dimensions of the national interest. From a military perspective, Romania hosts some of the North Atlantic Alliance's most important strategic facilities on its eastern flank. From an economic perspective, the Port of Constanța has become one of Europe's main logistics hubs and the primary transit point for a significant proportion of Ukrainian exports. From an energy perspective, the exploitation of offshore resources in the Black Sea is transforming Romania into a regional player with the potential to influence European energy security. From a diplomatic and legal perspective, the experience gained in the field of the law of the sea and international maritime disputes lends it significant credibility in debates concerning the future legal regime of the region.

In this context, the arbitral award must be viewed as part of a broader process of redefining the maritime order in the Black Sea. It does not alter the existing balance of power nor does it bring about territorial changes. However, it contributes to strengthening the legal framework within which regional strategic competition takes place. For Romania, this aspect is particularly important as its interests are closely linked to the existence of a predictable, rules-based regional environment.

In the specialist literature, the concept of 'maritime order' is used to describe the set of norms, institutions, practices and power relations that govern the use of maritime spaces. A stable maritime order does not imply the absence of conflicts, but rather the existence of mechanisms capable of managing differences without leading to the destabilisation of the entire regional system. From this perspective, one of the main contributions of the arbitral award is the reaffirmation of the role of international law in a context characterised by intense geopolitical tensions.

For Romania, this reaffirmation is of particular strategic importance. The entire framework of Romanian foreign and security policy since 1989 has been based on support for an international order grounded in rules, institutions and legal mechanisms. The success achieved in the case concerning the maritime delimitation with Ukraine, settled by the International Court of Justice in 2009, has already demonstrated the advantages of such an approach. The 2026 arbitral award confirms that international law continues to be a relevant instrument for managing maritime disputes, even in extremely tense geopolitical contexts.

At the same time, the tribunal's decision also highlights the limitations of legal instruments. It demonstrates that international law can influence behaviour, generate reputational costs and help clarify the applicable rules, but it cannot replace existing strategic and military realities. This conclusion is essential for Romania, as it underlines the need for an integrated approach to security. International law, diplomacy, defence, critical infrastructure and energy policy must not be viewed as separate domains, but as complementary elements of the same national strategy.

Another relevant dimension of the new strategic equation in the Black Sea region concerns Romania's transformation from a beneficiary of collective security into a provider of regional security. In the first two decades following accession to NATO and the European Union, the main objective of Romanian security policy was to integrate and consolidate the guarantees offered by these organisations. Today, the context is different. Romania is no longer merely a state benefiting from the protection of the alliances to which it belongs, but also an actor called upon to contribute actively to regional security.

This responsibility is evident in the military sphere, through participation in NATO's deterrence and defence measures. It is evident in the economic sphere, through the role played by Romania's logistical infrastructure in maintaining regional trade flows. It is evident in the energy sphere, through its contribution to the diversification of Europe's supply of natural resources. And it is evident in the legal and diplomatic spheres, through support for the principles of international law and mechanisms for the peaceful settlement of disputes.

From this perspective, one of the most significant indirect implications of the arbitral award is that it highlights the strategic maturation of Romania's position in the region. The Black Sea no longer represents for Romania merely a geographical area adjacent to its national territory. It is becoming a defining space for the security, prosperity and influence of the Romanian state in the 21st century.

Consequently, any analysis of the ruling's implications for Romania must start from this fundamental premise: the significance of the decision does not lie in the legal effects it produces on the Romanian state, but in the fact that it confirms the transformation of the Black Sea into a central strategic space for Romania's future and for the stability of the entire Euro-Atlantic region. This transformation provides the framework within which all other implications concerning maritime security, energy, the economy, NATO and the European Union must be understood.

5.2. Implications for Romania's maritime security

The ruling is also significant for its findings regarding the procedural obligations associated with large-scale maritime projects. In its analysis of the Kerch Bridge's impact on the marine environment, the tribunal paid particular attention to obligations concerning environmental impact assessment, monitoring and cooperation. For Romania, which is developing offshore energy projects of strategic importance, this approach sets out the legal standards that will apply in future to marine operations and their associated infrastructure. Sovereign rights over natural resources remain protected under UNCLOS, but their exercise is increasingly conditional upon compliance with procedural and environmental obligations.

Whilst the first major implication of the arbitral award for Romania concerns its position within the new strategic architecture of the Black Sea, the second concerns the very essence of Romanian maritime security. From this perspective, the significance of the case *Ukraine v. Russian Federation* goes far beyond the legal dimension of the dispute and provides insight into how maritime security is being redefined in the 21st century.

For a long time, maritime security was associated almost exclusively with the military dimension. Naval power was measured by the number of warships, the capacity to control maritime space and the ability to project power at a distance. Whilst this approach remains relevant, it is no longer sufficient to explain the current challenges facing the Black Sea region.

The Russian-Ukrainian conflict and the legal disputes associated with it demonstrate that contemporary maritime security is the result of the interaction between military, economic, legal, technological and informational components. At present, control of a maritime space is no longer determined exclusively by the presence of military vessels, but also by the ability to protect critical infrastructure, control trade flows, ensure the functioning of energy systems and maintain freedom of navigation.

For Romania, this transformation has direct and profound implications.

The Black Sea is the country's only maritime outlet and the main route through which it connects to global trade, energy and communications networks. For this reason, maritime security cannot be viewed as a sectoral component of defence policy, but as a central element of national security.

The arbitral award indirectly highlights this reality. Although the tribunal did not rule on issues of military security, the entire case demonstrates how closely legal, infrastructural and strategic aspects are intertwined in the contemporary maritime environment.

Freedom of navigation and Romania's maritime interests

One of the first lessons Romania can draw from this case concerns the importance of freedom of navigation.

Under international law, freedom of navigation is one of the fundamental principles governing the use of the seas. In practice, however, the exercise of this freedom is influenced by the balance of power in a given region and by states' ability to ensure the security of maritime routes.

The dispute over the Kerch Strait has demonstrated that access to certain maritime areas can rapidly become a strategic and economic issue of the highest order. Even though the tribunal did not find any breaches of the regime governing navigation as alleged by Ukraine, the case highlighted the vulnerability of trade routes and their dependence on regional stability.

For Romania, this conclusion is of particular importance. The Romanian economy depends to a significant extent on free and uninterrupted access to international markets. The Port of Constanța, the maritime terminals and the connections to the Danube are essential elements of this economic architecture.

In the current context, the security of navigation in the Black Sea is no longer merely a commercial issue. It has become a matter of national security. Any major disruption to maritime flows can have economic, energy and logistical consequences that directly affect Romania's interests.

Moreover, the experience of recent years shows that threats to freedom of navigation do not stem exclusively from conventional military operations. Sea mines, administrative restrictions, hybrid activities and threats to port infrastructure can generate comparable effects without formally leading to the outbreak of an open conflict.

From this perspective, one of the indirect implications of the ruling is the reaffirmation of the importance of maintaining a predictable, rules-based maritime regime, an essential condition for the functioning of Romania's maritime economy.

Critical maritime infrastructure and the new geography of vulnerabilities

Perhaps the most significant transformation in the Black Sea security environment, however, concerns critical infrastructure.

The tribunal's findings regarding environmental protection and due diligence obligations demonstrate that maritime infrastructure is no longer assessed solely in terms of its economic or strategic functionality. It is increasingly subject to more complex legal standards, which include the analysis of cumulative effects, ongoing monitoring of impact, and the obligation to cooperate with potentially affected states. For Romania, this development is relevant in the context of the development of infrastructure associated with offshore operations, submarine cables and future energy projects in the Black Sea.

The arbitral award, through its analysis of the projects associated with the Kerch Bridge and the obligations regarding environmental protection, indirectly demonstrates that maritime infrastructure can no longer be separated from security considerations.

For Romania, this conclusion is particularly relevant.

Over the next decade, a significant proportion of the country's energy and logistical capacity will depend on the operation of infrastructure located in the maritime environment. The vulnerability of such infrastructure can no longer be assessed solely in terms of technical risks or industrial accidents.

5.3. Implications for Romania's energy security

Whilst maritime security represents the most visible aspect of the implications arising from the arbitral award, energy security is likely to be the aspect with the most profound long-term strategic consequences for Romania. In recent years, the Black Sea basin has become not only an arena for military and legal competition, but also one of the most important emerging centres of European energy security. In this context, any development that influences the legal regime governing the maritime space, the obligations of cooperation between littoral states, or the standards applicable to the exploitation of offshore resources takes on direct relevance to Romania's national interests.

Viewed from this perspective, the Arbitral Tribunal's award indirectly contributes to defining the strategic environment in which Romania will develop its maritime energy projects over the coming decades. Although the case does not concern Romanian operations and does not impose direct obligations on the Romanian state, the tribunal's interpretations regarding the protection of the marine

environment, environmental impact assessment and regional cooperation have the potential to influence the legal and operational standards applicable to the entire Black Sea basin.

Romania and its transformation into a regional energy player

To fully understand the significance of this development, it must be viewed within the context of the energy transitions taking place at European level.

For decades, Romania's energy security was analysed primarily through the prism of reducing external vulnerabilities and diversifying supply sources. The main objective was to mitigate the risks associated with energy dependence and to strengthen national strategic autonomy.

Today, the outlook is different.

The discovery and development of hydrocarbon resources in Romania's Black Sea sector, particularly through the Neptun Deep project, are fundamentally altering Romania's position in the regional energy equation. The Romanian state is no longer merely a consumer of energy security, but is beginning to take on the characteristics of a regional provider of energy security.

This transformation has significant geopolitical implications.

Firstly, it strengthens Romania's strategic relevance within the European Union. In a context characterised by concerns regarding security of supply and the diversification of energy sources, a Member State's ability to contribute to regional natural gas production takes on considerable importance.

This development alters the nature of Romania's national interests in the Black Sea. Whereas previously the focus was mainly on the safety of navigation and the protection of the coastline, today Romania's interests also include the protection of offshore infrastructure, the security of energy production and the resilience of the associated transport systems.

Thirdly, the development of offshore resources places Romania within a more complex arena of strategic competition, in which economic, legal and geopolitical considerations become inseparable.

From this perspective, one of the main lessons of the *Ukraine v. Russian Federation* case is that the exploitation of maritime resources cannot be separated from the strategic environment in which it takes place.

Neptun Deep and the new energy geography of the Black Sea

The significance of the Neptun Deep project goes far beyond its economic dimension.

In the literature on energy security, certain projects are regarded as 'transformative strategic assets', as they have the capacity to alter not only a state's economic balance but also its geopolitical position. Neptun Deep falls into this category.

Given the scale of its estimated reserves and its potential for integration into European energy networks, the project could transform Romania into one of the most important natural gas producers in the European Union. This prospect brings significant opportunities, but also new responsibilities.

The arbitral award under consideration demonstrates that modern offshore activities are no longer assessed solely in terms of economic viability or technical efficiency. They are also analysed in terms of their environmental impact, cooperation obligations and due diligence standards.

In this regard, the tribunal's decision can be interpreted as a signal regarding the future development of the legal framework applicable to offshore energy projects. The focus is gradually shifting from the mere exploitation of resources to the manner in which this is carried out.

For Romania, this development may prove to be an advantage. The relatively recent development of offshore projects allows for the integration, right from the initial stages, of the legal and technical standards that are taking shape at international level. At the same time, however, it entails additional costs and a greater focus on procedural obligations.

The vulnerability of offshore energy infrastructure

Perhaps the most important strategic implication for Romania concerns the vulnerability of maritime energy infrastructure.

In the past, the main threats to energy security were associated with supply disruptions, price fluctuations or political instability in producing regions. Nowadays, however, the infrastructure itself is becoming subject to increasingly complex risks.

Subsea pipelines, offshore installations, associated communications cables and energy terminals are high-value strategic targets. They are difficult to monitor continuously, are located in complex operational environments and can be affected by a wide range of threats.

Recent experiences in other maritime regions, including incidents involving energy infrastructure in the Baltic Sea, demonstrate that the vulnerability of subsea systems can no longer be treated as a theoretical issue.

From this perspective, one of the indirect conclusions of the case analysed is that the protection of energy infrastructure must become an integral part of national maritime security.

For Romania, this entails developing enhanced capabilities for maritime surveillance, monitoring of subsea infrastructure and inter-institutional cooperation. Furthermore, the energy sector needs to be integrated into strategic national security planning to a far greater extent than in the past.

Due diligence, environmental protection and the legitimacy of energy projects

Another important aspect highlighted by the arbitral award concerns the evolution of the concept of due diligence.

The Tribunal paid particular attention to procedural obligations regarding environmental impact assessment, transparency of information and cooperation between riparian states. From a legal perspective, this approach reflects the contemporary trend towards strengthening preventive obligations.

For Romania, this development has direct implications.

As the exploitation of offshore resources intensifies, the legitimacy of energy projects will not depend solely on their compliance with national legislation. It will also depend on the ability of authorities and operators to demonstrate compliance with international standards on environmental protection and risk management.

This trend is consistent with broader developments in international environmental law and global energy governance. In future, the competitiveness of energy projects will be influenced not only by production costs, but also by the ability to demonstrate environmental responsibility and legal compliance.

From this perspective, the arbitral award can also be seen as foreshadowing the standards that will characterise the future development of the offshore energy sector.

Energy as an instrument of strategic influence

A final important conclusion concerns the relationship between energy and power.

In classical geopolitical literature, energy resources were analysed primarily as sources of wealth and economic development. However, developments over the last two decades demonstrate that energy also represents an instrument of strategic influence.

The capacity to produce, transport and distribute energy resources generates advantages that go beyond the economic sphere. It influences diplomatic relations, regional positioning and a state's ability to contribute to the stability of the international system.

In Romania's case, the development of Black Sea resources can help to strengthen its role in South-Eastern Europe and the wider Black Sea region. This opportunity, however, comes with the responsibility to protect the associated infrastructure and to ensure that activities carried out comply with constantly evolving legal and environmental standards.

Overall, the energy implications of the arbitral award go far beyond the issues directly analysed by the tribunal. The decision contributes to the consolidation of a regulatory and strategic framework in which energy security, maritime security and environmental protection become elements of the same equation. For Romania, this convergence represents one of the most significant challenges and, at the same time, one of the most important strategic opportunities of the coming decade.

Recent experiences in the Baltic Sea have shown that subsea infrastructure can become a target for sabotage, clandestine operations or hybrid attacks. Consequently, its protection must be integrated into national strategic planning.

From this perspective, the case study offers an important lesson: in the contemporary maritime environment, infrastructure is both an economic resource and a strategic vulnerability.

Hybrid threats and maritime security

Another conclusion relevant to Romania concerns the evolution of hybrid threats.

The conflict in the Black Sea region has demonstrated that the boundary between peace and conflict is becoming increasingly difficult to identify. Numerous actions likely to affect maritime security take place below the threshold of armed conflict and seek to exploit the grey areas of international law.

These activities may include: interference with navigation systems; cyber operations against port infrastructure; monitoring and mapping of subsea infrastructure; the use of maritime drones; disinformation campaigns regarding maritime incidents; and disruption of logistics chains.

The arbitral award does not directly address these phenomena. However, the dispute demonstrates that the maritime domain is becoming an arena for multidimensional competition in which legal, economic and technological instruments are employed simultaneously.

For Romania, this development necessitates an expansion of the traditional concept of maritime security. The protection of the coastline and military vessels remains important, but is no longer sufficient. It is necessary to develop integrated capabilities that enable the identification and countering of hybrid threats before they have a significant impact.

5.4. Economic and commercial implications: Romania between strategic opportunity and systemic vulnerability

Whilst the energy dimension represents one of the most visible consequences of the Black Sea's transformation, the economic dimension is likely to have the most far-reaching and lasting effects on Romania. In reality, the economic significance of the arbitral award does not lie in the legal solutions handed down by the tribunal, but in the fact that it highlights the profound relationship between the legal stability of the maritime space and the functioning of regional economic mechanisms.

In recent decades, the maritime economy has been viewed primarily through the prism of shipping, port activities and international trade. Recent developments, however, demonstrate that the contemporary maritime economy is a far more complex system, in which critical infrastructure, energy security, logistics chains, financial flows and international legal norms are deeply interconnected. Within this system, any change in the strategic environment can generate economic effects that extend far beyond the geographical area in which it occurs.

For Romania, this reality is particularly important because a significant part of its prospects for economic development is linked to the functioning and stability of the Black Sea basin. The country's geographical position gives it the advantage of controlling one of the main maritime gateways to Central and Eastern Europe, but this advantage can only be capitalised on to the extent that the regional environment remains sufficiently stable and predictable.

The arbitral award indirectly contributes to this predictability. Even if it does not alter the existing strategic balance, it reaffirms the importance of the legal rules governing the use of maritime space and helps to reduce legal uncertainty in a region characterised by persistent geopolitical tensions. From an economic perspective, this represents a significant contribution, as investment, trade and the development of logistics infrastructure depend fundamentally on the existence of a predictable regulatory framework.

The Port of Constanța and its transformation into a strategic European hub

Although the tribunal did not uphold all of Ukraine's arguments regarding freedom of navigation, the analysis carried out confirms the strategic importance of maritime routes and uninterrupted access to port infrastructure. For Romania, whose economic and strategic position depends significantly on the operation of the Port of Constanța and on regional maritime connectivity, any development affecting the predictability and safety of navigation in the Black Sea basin has direct consequences for national interests.

No analysis of the economic implications for Romania can ignore the role of the Port of Constanța.

In recent years, Constanța has outgrown its status as Romania's main port and has begun to function as one of Europe's most important logistics hubs. The conflict in Ukraine has accelerated this transformation in a way that few analysts had anticipated prior to 2022.

The closure or restriction of operations at certain Ukrainian ports has led to significant volumes of goods being redirected to Romanian infrastructure. Agricultural exports, industrial products and various categories of goods have increasingly begun to utilise Romanian port facilities. This development has demonstrated not only the capacity of Romanian infrastructure to absorb additional trade flows, but also Romania's strategic importance to the functioning of the regional economy.

From this perspective, one of the indirect conclusions of the case under analysis is that the stability of the legal and strategic regime of the Black Sea has direct economic effects on the operation of the Port of Constanța. Freedom of navigation, the predictability of maritime routes and the existence of clear rules governing the use of maritime space contribute to strengthening its role as the main regional logistics hub.

At the same time, this transformation also gives rise to new responsibilities. As the port's importance grows, so does its strategic vulnerability. Port infrastructure is becoming a critical element not only for Romania's economy, but also for the functioning of regional and European logistics chains. Consequently, economic security and maritime security are becoming increasingly difficult to separate.

The Danube and the strategic link between Central Europe and the Black Sea

Romania's economic importance in the region is not limited to its direct access to the sea. A unique strategic advantage is its position at the intersection of the Danube and Pontic basins.

The Danube is one of Europe's most important transport corridors. It connects the economies of Central Europe to the Black Sea and, through it, to global markets. In a context characterised by geopolitical uncertainties and the need to diversify trade routes, this function is taking on ever-greater strategic value.

The arbitral award indirectly reaffirms the importance of maintaining stable and secure maritime and river transport routes. Even though the tribunal did not directly analyse regional trade corridors, the entire rationale behind its decision is consistent with the idea that economic development and trade stability depend on the existence of a maritime environment governed by rules and cooperation mechanisms.

For Romania, this means that the geographical advantage offered by the Danube–Black Sea connection can become one of the main instruments of its regional economic influence. However, capitalising on this advantage requires ongoing investment in infrastructure, digitalisation and security.

Investment and the issue of legal predictability

From an investor's perspective, one of the most significant effects of any international dispute is its impact on perceptions of a region's legal stability.

Major investments in infrastructure, energy or logistics are long-term projects. Their profitability depends not only on economic conditions, but also on investors' ability to anticipate developments in the legal and political environment.

In this respect, the arbitral award sends a mixed message. On the one hand, it confirms the existence of persistent geopolitical tensions and demonstrates that disputes over the use of maritime space can give rise to complex and protracted litigation. On the other hand, it reaffirms the existence of functional legal mechanisms and standards capable of providing a certain degree of predictability.

For Romania, this second aspect is essential. The development of port infrastructure, offshore energy projects and logistics networks requires investments running into billions of euros. Attracting such investments depends to a large extent on perceptions regarding the region's stability and compliance with international norms.

Consequently, strengthening the maritime legal order in the Black Sea is not only a foreign policy or security objective, but also one of economic development.

The maritime economy and the competition for connectivity

Another important implication concerns the evolution of the concept of the maritime economy.

Nowadays, the maritime economy can no longer be reduced to shipping and port activities. It encompasses energy infrastructure, submarine communications, integrated logistics services, technology industries and digital connectivity networks.

The Black Sea is gradually becoming an arena of competition for connectivity. States and regional organisations are seeking to develop trade, energy and digital corridors that will reduce strategic dependencies and create new economic opportunities.

In this competition, Romania has significant advantages: a favourable geographical position; direct access to the Black Sea; a connection to the Danube; membership of NATO and the European Union; and growing energy potential.

However, geographical advantages do not automatically translate into economic influence. They must be underpinned by investment, strategic planning and the ability to integrate national infrastructure into regional and European networks.

The maritime economy and national resilience

Perhaps the most important conclusion arising from the analysis of the economic implications is that the maritime economy and national resilience are becoming inseparable.

Recent experiences have shown that disruptions in the maritime domain can have rapid effects on the national economy. Restrictions on shipping, attacks on infrastructure, logistical bottlenecks or supply chain disruptions can simultaneously affect trade, energy and financial stability.

In these circumstances, the development of the maritime economy cannot be viewed solely as an economic objective. It must be integrated into a broader strategy for national resilience.

For Romania, this conclusion is particularly relevant. The future of its economic prosperity is increasingly linked to the functioning of the Black Sea as a space for trade, energy and connectivity. Consequently, maritime security, economic policy and infrastructure development are no longer distinct areas, but components of the same strategy to consolidate Romania's position within the new regional order.

5.5. Implications for Romania's position within NATO: from a border state to a strategic point on the eastern flank

Whilst the legal, economic and energy dimensions of the arbitral award highlight the transformations taking place in the Black Sea region, its implications for Romania's position within NATO must be analysed from a broader perspective that goes beyond the dispute between Ukraine and the Russian Federation. In reality, the main significance of the decision does not lie in altering the military ' ' balance of power in the region, but in confirming that the security of the Black Sea has become one of the essential components of Euro-Atlantic security.

In the period immediately following Romania's accession to NATO, the country's strategic role was defined primarily by its geographical position and by its contribution to extending Euro-Atlantic stability towards South-Eastern Europe. Today, the context is fundamentally different. Developments in the Black Sea region have transformed Romania into an indispensable actor for the functioning of the Alliance's deterrence and defence system on its eastern flank.

This transformation is not solely the result of the conflict in Ukraine. It reflects a deeper trend towards the reconfiguration of the European strategic environment, in which the Black Sea occupies a position comparable, in many respects, to that of the Baltic region. In both cases, the Alliance faces the challenge of maintaining freedom of action, the credibility of deterrence and regional stability in an environment characterised by intense strategic competition.

The arbitral award must be understood in this context. It demonstrates that regional security is not determined exclusively by military capabilities, but also by the existence of legal norms, cooperation mechanisms and maritime governance capable of reducing the risks of escalation. For NATO, this is significant from a normative perspective as it highlights the complementarity between the military and the legal-institutional dimensions of security.

Romania as the main allied stronghold in the western Black Sea

At present, Romania is NATO's main support point in the western part of the Black Sea. This position is not the result of a short-term political decision, but the consequence of a combination of geographical, strategic and institutional factors.

Its geographical position affords Romania direct access to the Black Sea and the mouth of the Danube, one of Europe's most important transport routes. Membership of NATO and the European Union transforms Romanian territory into an extension of the Euro-Atlantic security area into the Black Sea region. At the same time, Romania's institutional stability and consistent strategic orientation lend it credibility in the eyes of its allies and partners.

The arbitral award does not alter this position, but it does indirectly contribute to reinforcing its significance. By reaffirming the relevance of international law and the obligations of cooperation between riparian states, the decision highlights the fact that regional stability depends not only on military presence, but also on the existence of a functional regulatory framework.

For Romania, this conclusion is particularly relevant as it enables the country to capitalise on both its military capabilities and the legal and diplomatic experience it has accumulated in the field of maritime affairs.

From territorial defence to the protection of critical infrastructure

One of the most significant transformations in Euro-Atlantic security doctrine concerns the broadening of the concept of defence.

During the Cold War, defence was primarily associated with the protection of territory and the repulsion of a conventional military attack. Today, threats are far more diverse and affect a wide range of strategic objectives.

The arbitral award is relevant precisely because it highlights the importance of maritime infrastructure in the regional strategic equation. Even though the tribunal analysed these issues from the perspective of environmental and cooperation obligations, its conclusions demonstrate that maritime infrastructure can no longer be treated exclusively as an economic objective.

For NATO and for Romania, this means that the protection of critical infrastructure must be integrated into strategic planning on a par with the defence of national territory.

In Romania's case, this challenge is compounded by the development of offshore energy projects and the increasingly important role of the Port of Constanța in regional logistics.

Maritime Domain Awareness and information control of the maritime domain

Another aspect indirectly highlighted by developments in the Black Sea is the importance of *maritime domain awareness*.

In the contemporary strategic environment, superiority is no longer determined solely by the ability to deploy naval forces. It depends equally on the ability to collect, integrate and analyse information regarding activities carried out in the maritime domain:

- Monitoring of naval traffic.
- Surveillance of underwater infrastructure.
- Detection of unusual activities.
- Identifying hybrid threats.
- Cross-referencing information from military and civilian sources.

These activities are becoming essential for regional security.

For Romania, the development of advanced maritime surveillance capabilities represents not only a national necessity but also an important contribution to NATO's efforts in the region. In the current context, information is becoming a strategic resource comparable to military force itself.

The arbitral award, through its emphasis on obligations of transparency and cooperation, indirectly confirms the importance of information-sharing and the monitoring of maritime activities.

NATO and regional maritime governance

The award reaffirms the importance of the obligation to cooperate in semi-enclosed seas, as provided for in Article 123 of UNCLOS. Even though the tribunal does not transform this obligation into a collective security mechanism, its interpretation confirms that coastal states have shared responsibilities regarding the management of the marine environment and activities carried out in the region. For NATO, this conclusion highlights the need to develop regional mechanisms for cooperation in the fields of maritime security, the protection of critical infrastructure and the exchange of information.

One aspect often overlooked in regional security analysis is the relationship between military power and maritime governance.

The arbitral award demonstrates that many maritime tensions cannot be managed exclusively through military means. Issues concerning environmental protection, infrastructure use, regional cooperation and risk management require the existence of functional institutional and legal mechanisms.

For NATO, this conclusion is important because it shows that regional stability cannot be ensured solely through the deployment of forces. It also requires the strengthening of norms, cooperation and institutional resilience.

Romania is well placed to contribute to this dimension of regional security. Its expertise in international law, its dual membership of NATO and the European Union, and its geographical position enable it to act as a facilitator of regional maritime cooperation.

Romania and the future of the Eastern Flank

Viewed as a whole, the arbitral award confirms a broader strategic trend: the importance of the Black Sea for Euro-Atlantic security will continue to grow. This development amplifies Romania's role within NATO and transforms the eastern flank into a space where the military, energy, economic and legal dimensions are deeply interconnected.

In these circumstances, Romania can no longer be viewed solely as a beneficiary of the security guarantees offered by the Alliance. It is becoming one of the key players in the functioning of the regional security system. Its contribution will be measured not only by the military capabilities it makes available, but also by its ability to support legal stability, the resilience of critical infrastructure and regional cooperation in the Black Sea region.

This is probably the most significant indirect implication of the ruling for Romania's position within NATO: the confirmation that the security of the eastern flank can no longer be separated from the security of the Black Sea, and that the security of the Black Sea can no longer be separated from Romania's strategic role.

5.6. Implications for the European Union and Romania's role in shaping European maritime policy for the Black Sea

An analysis of the implications of the arbitral award for Romania cannot be complete without examining the European dimension of the issue. Although the dispute was between Ukraine and the Russian Federation within the framework of the mechanisms provided for by the United Nations Convention on the Law of the Sea, its consequences go beyond the bilateral framework and form part of a broader shift in the way the European Union perceives the strategic importance of the Black Sea.

For a long time, European policy towards the Black Sea was characterised by a certain degree of fragmentation. The region was addressed through various instruments – neighbourhood policy, energy policy, transport policy, security and defence policy – without the existence of a truly integrated strategic vision. In practice, the attention of the European institutions has often focused on other areas considered more important for the Union's security, such as the Mediterranean, the Baltic region or the Arctic.

However, developments over the last decade have shown that this approach is no longer sufficient. The conflict in Ukraine, competition for energy resources, the vulnerability of undersea infrastructure and the growing importance of trade corridors crossing the Pontic Basin have transformed the Black Sea into an area of direct strategic interest for the European Union.

In this context, the arbitral award must also be understood as part of the process of Europeanising the Black Sea issue. Even though the European Union was not a party to the dispute, numerous aspects analysed by the tribunal – protection of the marine environment, regional cooperation, infrastructure security and regulatory stability – coincide with the strategic priorities of contemporary European policies.

One of the most significant contributions of the award to European Union policies is the reinforcement of the concept of due diligence. The tribunal confirms the trend, also observable in other international jurisdictions, whereby states are assessed not only on the basis of the results of their activities, but also on the basis of the preventive measures adopted to manage risks. This approach is consistent with the European Union's general policy direction in the fields of the environment, energy and critical infrastructure.

For Romania, this convergence creates significant opportunities for influence and initiative.

The Black Sea as a strategic frontier of the European Union

One of the most significant changes in recent years has been the shift in how the Black Sea is perceived at European level.

In the past, it was viewed primarily as an external border of the European Union. The focus was on managing relations with neighbouring states, on economic cooperation and on stabilising the region.

Today, the picture is far more complex.

The Black Sea is simultaneously: an external border of the Union; a strategic energy corridor; a commercial transit route; an area of interest for global food security; a connectivity hub between Europe, the Caucasus and Central Asia; and a region of geopolitical competition.

This proliferation of strategic functions is bringing about a paradigm shift.

The Black Sea is no longer on the periphery of the European Union, but one of the regions that directly influences European security and prosperity.

The arbitral award indirectly contributes to this shift in perception. It demonstrates that disputes over the use of maritime space can affect economic, energy and security interests that extend far beyond the borders of the states involved.

For Romania, this development is particularly important as it gives the country the opportunity to turn its geographical position into a political and strategic advantage at European level.

Strengthening the maritime dimension of European policies

Another indirect effect of the case under consideration concerns the strengthening of the maritime dimension of European Union policies.

Over the past two decades, the Union has developed numerous instruments dedicated to the marine environment, the blue economy and maritime security. However, their application in the Black Sea region has often been limited by political differences between the littoral states and the lack of a common strategic approach.

The arbitral award highlights precisely the need for such an approach.

The issues examined by the tribunal demonstrate that the protection of the marine environment, energy infrastructure, scientific research and regional cooperation are interdependent elements. None of these can be managed effectively through isolated sectoral policies.

For the European Union, this conclusion supports the case for an integrated maritime policy for the Black Sea, capable of combining the dimensions of security, energy, transport and environmental protection.

For Romania, such a development would be beneficial as it would enhance the importance of its maritime expertise and increase its relevance in the European decision-making process.

European energy security and Romania's role

Probably the most important aspect of European interest in the region is energy.

Since 2022, energy security has become one of the European Union's central priorities. Diversifying supply sources, reducing vulnerabilities and developing new energy corridors have become major strategic objectives.

In this context, Romania occupies a privileged position.

The exploitation of offshore resources in the Black Sea affords the European Union the opportunity to benefit from energy resources produced on the territory of a Member State, within a stable and predictable legal framework.

The arbitral award is also relevant from this perspective. The tribunal's emphasis on environmental protection obligations and inter-state cooperation helps to consolidate the legal standards that will govern the future development of offshore energy projects.

For Romania, this means that the success of energy projects will not depend solely on production capacity, but also on their compliance with constantly evolving European and international standards.

At the same time, Romania's position as a provider of European energy security may give it greater influence in debates on the future of the Union's energy policy.

European critical infrastructure and the Black Sea

Another important lesson from the case under consideration concerns the protection of critical infrastructure.

In recent years, the European Union has paid increasing attention to the resilience of critical infrastructure. Pipelines, submarine cables, energy terminals and ports are regarded as indispensable to the functioning of the European economy and security.

The Black Sea is gradually becoming an area where some of this critical infrastructure is concentrated.

For Romania, this process creates both opportunities and responsibilities. As the energy and logistics infrastructure developed on its territory takes on European significance, its protection ceases to be exclusively a national issue and becomes one of common European interest.

The arbitral award indirectly contributes to this development by reaffirming the importance of states' obligations to cooperate and their responsibility in managing activities that have an impact on the maritime space.

Romania as a promoter of a European policy for the Black Sea

Perhaps the most important strategic implication for Romania, however, concerns the opportunity to become the main champion of a more coherent European policy for the Black Sea.

Within the European Union, few Member States combine the legal expertise, geographical position and strategic interests that Romania possesses in this region.

Romania has: direct access to the Black Sea; relevant experience in international maritime disputes; logistics infrastructure of European significance; offshore energy potential; simultaneous membership of NATO and the EU; and solid institutional relations with Ukraine and the Republic of Moldova.

These factors enable it to put forward initiatives and contribute to defining a more ambitious European vision for the region.

The arbitral award provides further arguments in support of such an approach. It demonstrates that the issues facing the Black Sea are not exclusively regional and that their management affects the interests of the entire European Union.

From beneficiary of European policies to influential actor

Viewed as a whole, the significance of the award for Romania within the European Union goes far beyond the legal dimension of the dispute.

The court's decision confirms that the Black Sea is becoming one of the key strategic regions for Europe's future. At the same time, it highlights Romania's increasingly important role in addressing the challenges associated with this region.

In these circumstances, Romania has the opportunity to move beyond its traditional status as a beneficiary of European policies and become one of the actors actively contributing to their definition. The ability to promote an integrated vision of maritime security, energy, critical

infrastructure and regional cooperation can transform Romania into one of the main architects of European policy for the Black Sea.

This is perhaps the most significant indirect implication of the arbitral award in relation to Romania's position within the European Union: the confirmation that the strategic future of the Black Sea and that of the European Union are increasingly intertwined, and that Romania lies at the heart of this convergence.

From Romania's perspective, the most significant aspect of the award lies not in the resolution of specific claims, but in the confirmation of a broader transformation of the regional maritime order. The Tribunal indicates that the future of the Black Sea will be characterised by the growing importance of due diligence obligations, the protection of the marine environment, regional cooperation and the security of critical infrastructure. In this new context, maritime security can no longer be analysed solely through the prism of military relations, but must be understood as the result of the interaction between law, energy, technology, the environment and governance.

CHAPTER 6

THE IMPLICATIONS OF THE JUDGMENT FOR THE EVOLUTION OF THE LAW OF THE SEA AND INTERNATIONAL MARITIME GOVERNANCE

6.1. Beyond the Black Sea: a ruling with systemic relevance for the international maritime order

At first glance, the dispute between Ukraine and the Russian Federation concerning the rights of coastal states in the Black Sea, the Sea of Azov and the Kerch Strait may be perceived as a regional dispute arising from exceptional circumstances and closely linked to the geopolitical developments of the past decade. Such an interpretation only partially captures the true significance of the case. In reality, the award handed down by the Arbitral Tribunal extends far beyond the geographical scope of the Pontic Basin and forms part of a broader process of redefining the relationship between the law of the sea, international security, environmental protection and strategic competition.

The significance of an international award is not determined solely by its direct legal effects on the parties to the dispute. Some decisions are relevant only to the specific circumstances of the case, whilst others help to clarify fundamental issues of the international legal order. The case between Ukraine and the Russian Federation falls into the latter category. The Tribunal was faced with a series of questions that go beyond the specific context of the Black Sea and concern the functioning of the entire system established by the United Nations Convention on the Law of the Sea.

Essentially, the arbitration proceedings raised the issue of the capacity of the law of the sea to function in a context characterised simultaneously by armed conflict, territorial dispute, strategic competition and economic interdependence. This combination of factors increasingly reflects contemporary realities. Maritime areas are no longer merely zones intended for navigation and resource exploitation. They have become environments where energy, commercial, military, technological and environmental interests intersect. Consequently, modern maritime disputes tend to transcend the traditional boundaries of the law of the sea and intersect with other branches of international law.

The judgment under analysis is one of the first major international decisions handed down in such a context. It reflects the difficulties faced by legal mechanisms when called upon to operate in a deeply contested strategic environment. At the same time, it demonstrates that the existence of conflict and geopolitical rivalry does not negate the relevance of legal norms. On the contrary, it is

precisely in such situations that international law is subjected to the most severe test of its ability to provide a framework for the conduct of states.

One of the most interesting aspects of the judgment is that it does not attempt to provide exhaustive solutions to all the problems arising from the conflict between the parties. The Tribunal does not transform the law of the sea into a universal instrument for the settlement of international disputes, nor does it seek to replace other legal or political mechanisms. On the contrary, it operates within the limits of its jurisdiction and reaffirms the specialised nature of the legal regime established by UNCLOS. This approach may seem cautious, but it is precisely this that contributes to strengthening the stability and credibility of the system.

From this perspective, the ruling is an example of institutional maturity. At a time when numerous international legal regimes are under increasing pressure, the tribunal resists the temptation to expand its jurisdiction and prefers to safeguard the coherence of the existing legal order. The significance of this choice extends far beyond the specific case of Crimea and the Black Sea.

The systemic relevance of the ruling becomes even more evident when analysed in the context of other maritime regions of the world. The South China Sea, the Eastern Mediterranean, the Arctic and certain areas of the Indian Ocean are characterised by different combinations of the same factors: competing territorial claims, competition for resources, the development of energy infrastructure and the growing importance of trade routes. In all these areas, the same fundamental question arises: to what extent can the law of the sea provide a stable regulatory framework when maritime issues are inseparable from broader geopolitical rivalries?

The arbitral award does not provide a complete answer to this question, but it does offer some key insights. It demonstrates that the law of the sea can continue to function even in conditions of conflict and that its norms remain relevant for assessing the behaviour of states. At the same time, it shows that its effectiveness depends on respecting institutional boundaries and avoiding its transformation into a substitute for other mechanisms of international law.

Another dimension of the ruling's systemic relevance concerns the changing nature of contemporary maritime disputes. In the 20th century, most maritime disputes centred on the delimitation of maritime zones or access to natural resources. Nowadays, they increasingly involve critical infrastructure, environmental protection, energy security and the management of cross-border risks. The dispute between Ukraine and the Russian Federation perfectly reflects this development.

Bridges, submarine cables, pipelines, offshore energy installations and environmental impact assessments have taken centre stage in the tribunal's analysis. This suggests that the future of the law of the sea will be increasingly shaped by issues relating to infrastructure and technological interdependencies. The maritime domain is progressively becoming a space of global connectivity, and safeguarding this connectivity will be one of the main legal challenges of the coming decades.

At the same time, the case highlights the growing importance of the environmental dimension of the law of the sea. Whilst in the past environmental protection was often perceived as a secondary concern compared to economic and strategic interests, the ruling demonstrates that environmental obligations now occupy a central position in assessing the legality of states' conduct. This development is consistent with broader transformations in contemporary international law, in which prevention, risk management and the protection of the commons are taking on ever-greater importance.

Last but not least, the judgment has systemic relevance as it reflects the ongoing tension between power and law. The case demonstrates that the existence of effective control over a territory or a maritime area does not automatically lead to legal validation, and that international law continues to operate on the distinction between fact and legitimacy. This conclusion is particularly important at a time characterised by repeated challenges to international norms and attempts to redefine the relationship between force and legality.

Viewed as a whole, the arbitral award is not merely a stage in the legal conflict between Ukraine and the Russian Federation. It serves as a benchmark for understanding how the law of the sea is seeking to adapt to the realities of the 21st century. It is precisely this capacity to reflect and

influence the broader transformations of the international maritime order that explains its systemic relevance and justifies its analysis beyond the geographical boundaries of the Black Sea.

6.2. Reaffirming the limits of UNCLOS jurisdiction: strengthening the functional specialisation of the law of the sea in the context of contemporary geopolitical disputes

One of the most significant contributions of the arbitral award in the case of *Dispute Concerning Coastal State Rights in the Black Sea, Sea of Azov and Kerch Strait* lies in the reaffirmation of the jurisdictional limits of the system established by the United Nations Convention on the Law of the Sea. Although this conclusion may at first glance appear to be a mere question of jurisdiction, in reality it has profound implications for the stability and coherence of the entire international legal order.

In any complex legal system, the delineation of competences is one of the fundamental conditions for its functioning. Contemporary international law is characterised by the existence of a plurality of jurisdictions and specialised regulatory regimes, each designed to address specific categories of issues. The International Court of Justice, the International Tribunal for the Law of the Sea, the arbitral tribunals established under UNCLOS, the mechanisms of the World Trade Organisation, investment tribunals and regional human rights courts operate within distinct and complementary spheres of competence.

This specialisation is one of the defining characteristics of contemporary international law. It enables the development of in-depth legal expertise and contributes to the efficiency of jurisdictional mechanisms. At the same time, however, it gives rise to difficulties when a dispute simultaneously involves elements belonging to different areas of law.

The dispute between Ukraine and the Russian Federation is an almost perfect example of such a situation. Formally, the proceedings were initiated under the Convention on the Law of the Sea and concerned the exercise of maritime rights. In reality, however, many of Ukraine's claims were inextricably linked to one of the most complex territorial disputes of the early 21st century: the legal status of Crimea.

This overlap between the maritime and territorial dimensions created one of the most difficult challenges the tribunal faced. Accepting a full examination of Ukraine's claims would inevitably have required an assessment of a preliminary question: who, from a legal point of view, holds sovereignty over Crimea? Only after this issue had been clarified would it have been possible to determine the holder of the maritime rights arising from the peninsula.

The Tribunal, however, refused to follow this course.

This decision does not reflect an avoidance of the issue, nor a lack of judicial courage. On the contrary, it represents one of the most significant manifestations of institutional discipline in contemporary case law on the law of the sea.

In essence, the tribunal reaffirms that UNCLOS governs the rights and obligations of states in the maritime space, not the territorial ownership of the land from which these rights arise. Territorial sovereignty and maritime jurisdiction are distinct legal concepts, even though in practice they are closely interlinked.

This distinction is fundamental to the stability of the international legal system. Had the tribunal agreed to rule indirectly on the status of Crimea, it would have set a precedent likely to considerably expand the scope of maritime jurisdiction. Over time, such a development could have led to the transformation of the UNCLOS mechanisms into instruments for the indirect resolution of territorial disputes, thereby exceeding the purpose for which they were designed.

From this perspective, the ruling can be interpreted as a reaffirmation of the principle of the functional specialisation of international jurisdictions. Each jurisdictional mechanism must operate within the limits of its mandate and avoid assuming powers that belong to other institutions or other legal processes.

The significance of this conclusion extends far beyond the specific case of the Black Sea.

Many of the world's maritime regions are characterised by territorial disputes that influence maritime claims. The South China Sea is probably the best-known example. In this region, claims over islands and maritime features give rise to disputes concerning the delimitation of exclusive economic zones and the continental shelf. Similar situations exist in the Eastern Mediterranean, in certain areas of the Arctic and in various regions of the Indian Ocean.

The arbitral award sends a clear message for all these contexts. The law of the sea can help to clarify the legal regime governing maritime areas, but it cannot replace the mechanisms designed to resolve territorial disputes. This distinction helps to maintain the predictability and coherence of the international legal system.

At the same time, the award also highlights the inherent limits of international jurisdiction in the context of major geopolitical conflicts. One of the frequent expectations placed on international courts and tribunals is that they should provide comprehensive and definitive solutions to disputes between states. The case under consideration demonstrates, however, that the reality is more complex.

There are situations in which an international court can resolve only certain aspects of a dispute, leaving other elements outside its jurisdiction. This limitation does not necessarily represent a failure of international law. On the contrary, it reflects the recognition that complex international issues often require a combination of legal, diplomatic and political instruments.

Consequently, the judgment also helps to clarify the relationship between law and politics in the contemporary international order. The Tribunal demonstrates that the law can provide relevant answers even in tense geopolitical contexts, but cannot, by itself, eliminate all dimensions of a conflict.

Another important consequence of this approach concerns the legitimacy of the UNCLOS system. There are ongoing debates in legal literature regarding the risk that international courts may progressively expand their powers through creative interpretations of their own mandate. Such a phenomenon may yield short-term benefits, but risks undermining states' confidence in the impartiality and predictability of judicial mechanisms.

By refusing to rule on matters falling outside its jurisdiction, the tribunal helps to strengthen the institutional legitimacy of the law of the sea system. It sends a message to states that the UNCLOS jurisdiction remains faithful to the objectives and limits set out in the Convention and that it does not seek to artificially expand its own scope of jurisdiction.

From a broader perspective, this approach is consistent with recent trends in international case law. International courts and tribunals are showing an increasingly strong concern for respecting jurisdictional limits and avoiding conflicts of jurisdiction between different legal regimes. The judgment under consideration is part of this trend and contributes to the consolidation of a culture of jurisdictional self-restraint.

This contribution is particularly important for the future development of the law of the sea. As maritime areas become increasingly strategically significant and disputes over resources, infrastructure and security multiply, the pressure on jurisdictional mechanisms will continue to grow. Maintaining a clear distinction between what can and cannot be resolved under UNCLOS will be one of the essential conditions for preserving the credibility and effectiveness of the system.

In this regard, the arbitral award does not merely provide a solution to a specific dispute. It reaffirms one of the fundamental principles of the contemporary international legal order: the effectiveness of a jurisdiction does not depend solely on its ability to answer as many questions as possible, but also on its ability to recognise the limits of its own competence. It is precisely this combination of authority and restraint that explains the systemic importance of the award for the future development of the law of the sea.

6.3. The rise of procedural obligations and the transformation of the concept of *due diligence* in the law of the sea

Whilst the reaffirmation of the limits of UNCLOS jurisdiction represents one of the most important institutional contributions of the arbitral award, the consolidation of procedural obligations is probably its most significant doctrinal contribution. Beyond the specific aspects of the dispute between Ukraine and the Russian Federation, the tribunal has provided a clear picture of the direction in which the law of the sea is evolving in the 21st century: from an approach centred predominantly on redressing harm to one geared towards prevention, anticipation and risk management.

This transformation is not unique to the law of the sea. It can be observed in numerous other areas of contemporary international law. Environmental law, international human rights law, recent climate case law and even certain developments in international investment law reflect the same trend: the emphasis is gradually shifting from reacting to harm that has already occurred to the obligation to prevent it from occurring in the first place.

Traditionally, international liability was linked to the existence of an identifiable unlawful result. To establish a state's liability, it was necessary to demonstrate a breach of an obligation and the existence of legally relevant consequences. This approach was appropriate for an era in which most international risks were relatively easy to identify and define. Accidental pollution, the violation of a maritime boundary or the capture of a vessel were concrete events that could be analysed retrospectively.

Contemporary challenges, however, are different. Many of the threats affecting the maritime domain do not manifest themselves as isolated incidents, but as cumulative and complex processes. The degradation of marine ecosystems, the effects of climate change, the impact of offshore infrastructure, pressures on biodiversity and the risks associated with maritime industrial activities are developing progressively and producing effects that may become irreversible before the damage is fully apparent.

In this context, simply reacting after the damage has occurred is no longer sufficient. International law must adapt to a reality in which prevention is becoming more important than remediation.

The arbitral award fits perfectly within this trend.

A particularly relevant aspect is that the tribunal did not base its findings of breaches on the existence of massive ecological damage or the occurrence of an environmental catastrophe. On the contrary, its analysis centred on obligations relating to environmental impact assessment, the disclosure of relevant information and cooperation between states.

This approach is significant because it transforms procedural obligations from mere auxiliary instruments into autonomous elements of international law.

Essentially, the tribunal asserts that a state is not merely obliged to avoid causing harm. It is obliged to demonstrate that it has taken the reasonable measures necessary to identify, assess and manage the risks that could lead to such harm.

This shift in perspective reflects the evolution of the concept of *due diligence*.

In its classical form, *due diligence* was associated with the state's obligation to exercise a reasonable degree of care and attention in the performance of its duties. In contemporary international law, the concept has taken on a much more sophisticated meaning. It includes obligations to monitor, assess, ensure transparency, cooperate and respond proportionately to the risks identified.

The arbitral award contributes to the consolidation of this broader interpretation.

From the tribunal's perspective, the mere formal completion of an impact assessment is not sufficient. What is relevant is the quality of the assessment, its ability to identify the potential effects of the project, and the extent to which its results are made available to interested parties. Similarly, the duty of cooperation is not fulfilled by mere formal diplomatic contacts, but requires an effective exchange of information and a genuine commitment to managing shared risks.

This approach brings the law of the sea closer to the standards developed in other areas of international environmental law.

In the recent case law of the International Court of Justice, the International Tribunal for the Law of the Sea and other international courts, there is a consistent trend towards strengthening procedural obligations. Environmental impact assessment has evolved from being a matter of good

practice to a legal obligation. Consultation and the exchange of information have become essential components of responsible state conduct. Gradually, transparency is beginning to be perceived not merely as a political principle, but also as a legal obligation.

The judgment in the case of *Ukraine v. the Russian Federation* contributes significantly to this trend.

At the same time, it offers an interesting perspective on the relationship between procedural and substantive obligations. In classical international law, procedural obligations were regarded as ancillary to substantive obligations. In the new paradigm, they acquire a value in their own right. Their breach may give rise to international responsibility even in situations where the existence of material harm is not fully demonstrated.

This development is particularly important for the future of maritime governance.

The contemporary maritime domain is characterised by an unprecedented density of human activity. The exploitation of offshore energy resources, the development of subsea infrastructure, the expansion of maritime transport and increasing pressures on the marine environment generate risks that can no longer be managed exclusively through reactive mechanisms.

In this context, procedural obligations become tools for managing uncertainty.

They enable the early identification of risks, facilitate cooperation between states and help reduce the likelihood of major harm occurring. From this perspective, their function goes beyond the traditional legal dimension and aligns with the logic of preventive governance.

The arbitral award is also significant because it reflects a more profound transformation in the way state responsibility is understood.

In the past, responsibility was analysed primarily in terms of behaviour and consequences. Today, it is also beginning to be analysed in terms of the state's institutional capacity to anticipate and manage risks.

A responsible state is not merely one that avoids breaching international norms. It is also one that has adequate monitoring mechanisms, effective assessment procedures and the capacity to cooperate with other actors to prevent harm.

This shift is particularly relevant to the maritime domain, where interdependence between states is inevitable. Pollution, energy infrastructure, biodiversity and navigation are areas in which a state's actions almost always have effects that extend beyond the limits of its national jurisdiction.

Consequently, the judgment contributes to the consolidation of a conception of the law of the sea centred on shared responsibility and collective risk management.

Viewed as a whole, its doctrinal contribution goes well beyond the specific circumstances of the dispute. It marks yet another stage in the transition from an international law predominantly geared towards sanctioning past acts to an international law of anticipation and prevention. In this new paradigm, procedural obligations are no longer mere administrative formalities. They become the legal expression of a new conception of state responsibility in a world characterised by growing interdependencies, complex risks and shared vulnerabilities.

6.4. Governance of maritime infrastructure and the emergence of a new category of risks: the award's contribution to shaping the law on critical maritime infrastructure

One of the most contemporary and, perhaps, least analysed aspects of the arbitral award concerns the issue of maritime infrastructure. Although the dispute between Ukraine and the Russian Federation was framed in the traditional terms of coastal state rights, the protection of the marine environment and the exercise of maritime jurisdiction, a significant part of the debate actually centred on a category of issues that will define the law of the sea in the coming decades: the governance of critical infrastructure located in the maritime domain.

From this perspective, the case under consideration represents a turning point between the law of the sea of the 20th century and that of the 21st century.

The United Nations Convention on the Law of the Sea was negotiated at a time when the dominant concerns centred on the delimitation of maritime zones, freedom of navigation, fishing and the exploitation of natural resources. Although the text of the Convention contains provisions on the laying of submarine pipelines and cables, maritime infrastructure occupied a relatively secondary position at that time compared with other aspects of the law of the sea.

The contemporary reality, however, is fundamentally different.

The maritime domain has become one of the main physical pillars of the global economy. Beneath the surface of the seas and oceans lies a dense network of energy pipelines, communications cables, offshore installations, production platforms, logistics terminals and monitoring systems. These infrastructures are not merely technical elements. They are essential components of the functioning of the global economy, energy security and global digital connectivity.

In this context, the dispute over the Kerch Bridge takes on a significance that goes far beyond the specific circumstances of the case.

Although the tribunal was not called upon to develop a general theory of maritime infrastructure, its analysis highlights the fact that the development and use of such structures give rise to complex legal issues that can no longer be addressed exclusively through the traditional conceptual tools of the law of the sea.

Essentially, the judgment marks the emergence of a new category of legal and strategic risks: those associated with critical maritime infrastructure.

These risks have distinct characteristics compared to those that have dominated the law of the sea in the past.

Firstly, they are profoundly cross-border in nature. Infrastructure located in a particular maritime zone can have an impact on navigation, the environment, the economy and the security of a large number of states. Bridges, pipelines and submarine cables do not operate solely for the benefit of a single actor, nor do they produce consequences limited to that actor's jurisdiction.

Secondly, they are characterised by a high degree of interdependence. In the past, many maritime activities could be analysed individually. Today, infrastructure forms integrated systems in which the disruption of one component can affect the functioning of the whole.

Thirdly, these risks combine economic, technological, environmental and security dimensions in a way that makes it difficult to separate them legally.

The arbitral award indirectly reflects this transformation.

The tribunal's analysis of the Kerch Bridge's effects on the marine environment demonstrates that maritime infrastructure can no longer be assessed solely in terms of its economic or strategic utility. It must also be analysed in relation to its effects on marine ecosystems, on the use of maritime space by other actors, and on international obligations regarding cooperation and information-sharing.

This approach contributes to the development of an integrated perspective on maritime infrastructure.

Traditionally, infrastructure was perceived as an expression of a state's sovereignty and its capacity to exploit the resources under its jurisdiction. In the new paradigm, infrastructure is also understood as a source of international responsibility.

The greater the importance of a piece of infrastructure, the more complex the obligations associated with its development and management become.

This conclusion is particularly relevant to the future of global maritime governance.

In the coming decades, maritime areas will host an ever-increasing number of critical infrastructure facilities. The development of offshore energy, the expansion of submarine communications networks, hydrogen transport projects and the installation of new energy systems will amplify this trend.

Consequently, international law will have to address questions that go beyond the traditional framework of the law of the sea.

What are states' obligations in relation to infrastructure likely to have cross-border effects?

What standards of due diligence must be applied in the design and operation of such infrastructure?

How should the risks associated with failure, sabotage or misuse of maritime infrastructure be managed?

What does the obligation to cooperate entail when infrastructure affects the interests of several states?

The judgment under consideration does not provide comprehensive answers to these questions, but it contributes to the formulation of the conceptual framework within which they will be addressed.

Another important aspect concerns the relationship between maritime infrastructure and international security.

Over the last two decades, there has been a significant shift in the way states perceive critical infrastructure. Whereas previously such infrastructure was regarded primarily as an economic asset, today it is also analysed as a component of national and international security.

This development is evident in many regions of the world. Submarine pipelines, communication cables and offshore energy installations have become strategic targets capable of influencing regional and global balances of power.

From this perspective, the Black Sea case stands out as one of the first major international disputes to highlight this transformation.

The Kerch Bridge is not merely a transport infrastructure. It is simultaneously an economic asset, a political symbol, a logistical tool, an element of strategic competition and a factor with an impact on the marine environment. It is precisely this multiplicity of functions that explains the difficulty of its legal assessment and its relevance to the development of international law.

The judgment thus suggests that the law of the sea is entering a new phase of development, in which maritime infrastructure is becoming an indirect legal actor within the international order. Although such infrastructure is not a subject of law, its effects are significant enough to influence the interpretation and application of legal norms.

This trend is amplified by the digital transformation of the global economy.

It is estimated that the majority of international data communications are transmitted via submarine cables. A significant part of Europe's energy security depends on offshore infrastructure. Global trade is organised around complex maritime logistics networks.

Consequently, the protection of maritime infrastructure is no longer merely a matter of the law of the sea. It has become a matter of economic security, societal resilience and international stability.

Viewed as a whole, the judgment's contribution to this development is significant. Without creating a new legal regime or formulating revolutionary principles, the tribunal highlights the fact that maritime infrastructure has become one of the main challenges of contemporary maritime governance. In this respect, the case between Ukraine and the Russian Federation can be interpreted as one of the first major judgments of the era of critical maritime infrastructure, anticipating the legal and strategic issues that will dominate the law of the sea in the coming decades.

CHAPTER 7

THE FUTURE OF MARITIME ORDER IN THE BLACK SEA: SCENARIOS, RISKS AND PROSPECTS FOLLOWING THE ARBITRAL AWARD

7.1. The arbitral award as a turning point in the region's development

When analysing major international rulings, there is often a tendency to assess their impact solely in terms of the immediate effects they have on the existing situation. However, such an approach is insufficient in the case of the dispute between Ukraine and the Russian Federation concerning the rights of the coastal state in the Black Sea, the Sea of Azov and the Kerch Strait. Viewed strictly from the perspective of its direct effects, the ruling does not alter the control exercised over Crimea, does not change the military balance of power in the region, and does not bring about an immediate transformation of the existing geopolitical configuration. Nevertheless, its significance should not be measured by what it changes instantly, but by what it reconfigures at the normative, conceptual and strategic levels for the future of the region.

In this sense, the ruling can be interpreted as a genuine turning point in the evolution of the maritime order in the Black Sea. It marks the transition from a phase in which regional debates were dominated almost exclusively by the issue of territorial control and military balance to a phase in which international law, environmental protection, critical infrastructure and obligations to cooperate are becoming central elements of the discussion on regional security.

The significance of this shift should not be underestimated. For more than a decade, debates concerning the Black Sea have been dominated by the strategic dimension of the conflict between the Russian Federation and Ukraine. Analyses have focused primarily on issues relating to militarisation, the deployment of naval forces, control of maritime routes and the implications for NATO and the European Union. These aspects undoubtedly remain essential. However, the arbitral award demonstrates that the region's future will not be determined solely by the balance of power, but also by the ability of regional and international actors to build and maintain a functional normative framework.

This observation is all the more relevant given that the Black Sea is currently undergoing one of the most profound transformations in its contemporary history. The region can no longer be described solely as an arena of military competition. It has simultaneously become an energy corridor, a logistics hub, a space for critical infrastructure, a strategic frontier for the European Union and NATO, and a testing ground for new forms of maritime governance. Consequently, any forward-looking analysis must move beyond the traditional paradigm of inter-state confrontation and incorporate the new dimensions of regional interdependence.

The arbitral award contributes precisely to this shift in perspective. Although the tribunal was not called upon to draw up a strategy for the region, its conclusions indicate that the numerous challenges facing the Black Sea cannot be addressed exclusively through military or diplomatic means. The protection of the marine environment, the development of offshore infrastructure, energy security and freedom of navigation require forms of cooperation and coordination that go beyond the traditional logic of geopolitical rivalry.

Paradoxically, one of the most significant consequences of the ruling is that it reaffirms the relevance of international law at a time when many observers have questioned its ability to influence the behaviour of states. In recent years, numerous analyses have suggested that the resurgence of competition between the great powers would diminish the importance of legal norms and favour a return to the logic of power politics. The case under consideration, however, presents a more nuanced picture.

The Tribunal did not resolve the conflict. It did not alter the existing strategic realities, nor did it eliminate the differences between the parties. Nevertheless, it has clarified legal obligations, established standards of conduct and reinforced certain interpretations of the Convention on the Law of the Sea. These elements contribute to shaping the normative environment within which regional actors will continue to operate, regardless of how the political and military situation develops.

From this perspective, the ruling can be compared to other international decisions which did not bring about immediate changes but profoundly influenced the subsequent development of international law and relations. Their significance lay not in their ability to instantly alter reality, but in their ability to define the parameters within which that reality would evolve.

For the Black Sea region, the effects can be observed in several areas. Firstly, the ruling helps to strengthen standards on the protection of the marine environment and the procedural obligations associated with projects having a cross-border impact. Secondly, it reaffirms the importance of cooperation in the management of shared maritime areas and infrastructure affecting several states. Thirdly, it clarifies the limits of maritime jurisdiction and the relationship between maritime rights and territorial disputes. Fourthly, it contributes to the development of a new understanding of states' responsibility in relation to the risks posed by critical maritime infrastructure.

All these elements have the potential to influence the future behaviour of regional actors. Even in situations where states are unwilling to change their policies immediately, the existence of clarified legal standards affects strategic calculations, reputational costs and the way in which certain actions are assessed at the international level.

Another reason why the ruling can be regarded as a turning point concerns the transformation of the very nature of the regional maritime order. For many decades, the order in the Black Sea has been structured around concepts such as delimitation, control and access. Now, new concepts are emerging: resilience, critical infrastructure, interdependence, connectivity and sustainability. These concepts reflect a more profound shift in the way states perceive the maritime space.

The sea is no longer merely a frontier or a transit zone. It is becoming a space where energy resources, digital networks, logistical infrastructure and ecosystems of strategic importance are concentrated. In such a context, the maritime order can no longer be reduced to territorial control or freedom of navigation. It must include mechanisms for managing interdependencies and shared vulnerabilities.

From this perspective, the arbitral award stands out as one of the first major legal documents to reflect this transformation. It does not abandon the traditional concepts of the law of the sea, but supplements them with concerns specific to an era characterised by global connectivity and systemic risks.

For coastal states, including Romania, the significance of this development is considerable. The future of regional influence will not depend solely on military capability or geographical position, but also on the ability to participate in defining and implementing the norms that will govern the new maritime order. In this respect, the ruling helps to shape a framework in which power and law are not mutually exclusive, but interact constantly.

Viewed as a whole, the tribunal's decision does not mark the end of a controversy, but rather the beginning of a new phase in the region's evolution. It does not bring the debate on the future of the Black Sea to a close, but provides the legal and conceptual benchmarks around which this debate will unfold in the coming years. This is precisely why it can be regarded as a turning point: not because it immediately alters the strategic reality of the region, but because it influences the way in which this reality will be understood, managed and contested in the future.

7.2. The future legal regime of the Sea of Azov and the Kerch Strait: between the continuity of facts and the uncertainty of law

Whilst the arbitral award may be regarded as a turning point for the maritime order in the Black Sea, one of the most difficult questions it leaves unresolved concerns the future legal regime of the Sea of Azov and the Kerch Strait. No other maritime area in the region better illustrates the tension between strategic reality, effective control and the norms of international law. At the same time, no other area more clearly reflects the difficulty of adapting the law of the sea to situations where territorial disputes, security interests and freedom of navigation overlap almost completely.

Prior to 2014, the legal regime governing the Sea of Azov and the Kerch Strait was built around a framework of bilateral cooperation between the Russian Federation and Ukraine. The 2003 Agreement on Cooperation in the Use of the Sea of Azov and the Kerch Strait had established a unique formula, distinct from the solutions found in most international maritime areas. The two states

classified these waters as historic shared inland waters, administered on the basis of cooperation and mutual use. Even though interpretations regarding the practical application of the agreement were not always identical, the existence of a functional bilateral legal regime allowed for the maintenance of a certain level of predictability.

The events following 2014 fundamentally altered this situation. The change in control over Crimea had a direct impact on the entire legal and strategic architecture of the region. Inevitably, any analysis of the regime governing the Sea of Azov and the Kerch Strait has become dependent on the broader issue of Crimea's status, which has exacerbated the existing legal and political difficulties.

The arbitral award does not resolve this issue. The Tribunal refrained from ruling on territorial matters and, consequently, does not provide a definitive solution regarding the future legal regime of the two maritime areas. Nevertheless, its decision allows for some important observations to be made regarding possible future developments.

The first conclusion to emerge from the analysis is that a return to the situation that existed prior to 2014 seems unlikely, at least in the short to medium term. Even though, from a legal standpoint, many states continue to regard Crimea as part of Ukraine, the strategic reality in the region has changed profoundly. The infrastructure developed over the last decade, the administrative changes and the region's integration into the logistical and economic systems controlled by the Russian Federation have created a situation that cannot be ignored in any realistic assessment of the future.

This observation does not imply legal recognition of a particular territorial situation. It merely reflects the fact that the future maritime order will have to take into account both legal norms and existing strategic realities. The history of international law demonstrates that sustainable solutions rarely emerge through the complete disregard of either of these dimensions.

In this context, one of the main challenges concerns the regime governing navigation through the Kerch Strait. From a geographical perspective, the strait is the only link between the Sea of Azov and the Black Sea. From an economic perspective, it is a vital artery for commercial activities in the region. From a strategic perspective, it controls access to ports and infrastructure of major importance.

This concentration of functions explains why the legal regime governing the strait will continue to be one of the most sensitive issues in regional security.

In international law of the sea, freedom of navigation occupies a central position. It is one of the fundamental conditions for the functioning of international trade and global economic stability. However, applying this principle in an area characterised by territorial disputes and security concerns poses considerable difficulties.

The arbitral award highlights precisely this tension. On the one hand, there is the legitimate interest of states in ensuring the security of infrastructure and territories under their control. On the other hand, there is the interest of the international community in preventing strategic transit points from being turned into instruments of economic or political coercion.

In the coming years, this tension will continue to influence the development of the legal regime governing the Kerch Strait. It is unlikely that the issue will be resolved exclusively through legal means. Rather, solutions will depend on the development of political relations and on any agreements that may accompany the process of regional stabilisation.

Another important aspect concerns the future of the Sea of Azov as an economic and logistical hub. Before the conflict escalated, the region played a significant role in maritime transport and in the industrial activities associated with the coastal ports. The conflict has profoundly affected these functions and considerably reduced the volume of economic activity in the area.

In the long term, the region's economic reconstruction will depend on the existence of a legal framework that is sufficiently predictable to allow for the resumption of investment and infrastructure development. Investors, port operators and shipping companies attach particular importance to legal stability and freedom of access. In the absence of these, economic recovery will be difficult, regardless of political developments.

In this regard, the arbitral award sends an important message. It reaffirms that the use of maritime spaces must be conducted in accordance with legal norms and international obligations,

even in contexts characterised by political and military tensions. This reaffirmation helps to maintain a minimum level of regulatory predictability, which is essential for any future process of economic reconstruction.

Prospective analysis suggests that the future legal regime of the Sea of Azov and the Kerch Strait may evolve in several directions. One scenario envisages the long-term continuation of the current situation and the transformation of the region into an area characterised by a persistent legal conflict, with no definitive resolution. A second scenario would involve the emergence of pragmatic arrangements for technical and economic cooperation, capable of functioning even in the absence of a comprehensive political solution. A third scenario, less likely in the short term, would involve integrating the issue into a broader agreement on regional security and stability.

Regardless of which scenario materialises, it is clear that the Sea of Azov and the Kerch Strait will continue to occupy a central place in debates on the future of the regional maritime order. They represent one of the most complex contemporary examples of the interplay between the law of the sea, international security, critical infrastructure and territorial disputes.

For this reason, their significance extends beyond the regional context. The way in which the international community manages these issues may influence the approach to similar situations in other maritime regions of the world. Precisely for this reason, the future legal regime of the Sea of Azov and the Kerch Strait is not merely a matter of relations between Ukraine and the Russian Federation, but also a test of international law's capacity to respond to situations in which legal norms and geopolitical realities are locked in a protracted tension.

7.3. The militarisation of the Black Sea and the limits of international law: between strategic deterrence and legal governance

One of the most important lessons to be drawn from the analysis of the dispute between Ukraine and the Russian Federation is that the future of the Black Sea will continue to be influenced simultaneously by two distinct yet interdependent logics. The first is the logic of power, expressed through military control, naval capabilities and strategic relations between regional and global actors. The second is the logic of law, expressed through the legal norms governing the use of maritime spaces, environmental protection, freedom of navigation and cooperation between states. The arbitral award demonstrates that these two logics coexist permanently and that neither can completely eliminate the influence of the other.

In many respects, the Black Sea is today one of the most militarised maritime areas in the world. Developments since 2014 and, in particular, since 2022 have accelerated processes that were already evident in the region. Coastal states and external actors have invested in the modernisation of their naval forces, the development of military infrastructure, and the expansion of surveillance and ' ' control capabilities. At the same time, the maritime domain has become a key arena for strategic competition between the Russian Federation and the Euro-Atlantic community.

This militarisation should not be understood solely in terms of the number of ships or the deployment of weapon systems. The defining feature of the current transformation is the changing nature of maritime power. Whilst in the 20th century control of the seas was mainly associated with surface fleets and conventional naval dominance, today it is influenced by a much broader spectrum of capabilities.

The war in Ukraine has demonstrated that maritime drones, autonomous systems, electronic warfare, satellite surveillance, cyber capabilities and information infrastructure can have an impact comparable to, or even greater than, that generated by certain traditional naval platforms. The Black Sea has thus become one of the first maritime areas in which a new paradigm of naval conflict is taking shape.

This development raises fundamental questions for international law.

The United Nations Convention on the Law of the Sea was conceived in an era when maritime threats had a relatively clear profile. Military ships, submarines and aircraft were the main instruments

for projecting naval power. Nowadays, however, many activities relevant to maritime security are carried out by means that do not easily fit into traditional legal categories.

Autonomous maritime drones are a relevant example. These systems can carry out surveillance, reconnaissance, electronic warfare or even attack operations without being clearly covered by existing legal regimes. This raises questions regarding their legal status, the rights and obligations of the states using them, and the limits to the application of the classical rules of the law of the sea.

Similarly, cyber operations affecting maritime infrastructure, port systems or navigation networks have significant effects without involving the use of force in the traditional sense of the term. These activities often take place below the threshold of armed conflict and exploit the grey areas between peace and war.

The arbitral award does not directly address these issues. However, it indirectly highlights one of the main challenges of the future: the ability of international law to remain relevant in a rapidly changing strategic environment.

This challenge is exacerbated by the proliferation of hybrid operations.

The Black Sea provides numerous examples of how military, economic, informational and legal instruments are used simultaneously to achieve strategic objectives. In such situations, the distinction between civilian and military activities becomes increasingly difficult to draw. Energy infrastructure, ports, submarine cables and even scientific research projects can take on a strategic significance that goes beyond their original functions.

This reality profoundly influences how maritime security must be understood.

In the past, security was mainly associated with the defence of territory and maritime borders. Today, it also encompasses the protection of critical infrastructure, the resilience of supply chains, energy security and the integrity of information systems. International law is thus compelled to operate in an environment where risks are more diffuse, more complex and more difficult to attribute.

The issue of sea mines perfectly illustrates this transformation.

The conflict in the Black Sea region has demonstrated that mines continue to pose one of the most persistent threats to maritime security. Even when not used for direct offensive purposes, they affect freedom of navigation, increase commercial costs and pose risks to maritime infrastructure. Furthermore, their effects persist long after hostilities have ceased, affecting the process of economic reconstruction and the resumption of normal maritime activities.

This situation highlights one of the fundamental limitations of international law. Legal norms can regulate behaviour, clarify obligations and help prevent certain risks. However, they cannot eliminate the material consequences of militarisation, nor can they replace deterrence mechanisms and the strategic balance.

The arbitral award is relevant precisely because it illustrates this limitation.

The Tribunal can clarify rights and obligations. It can determine whether certain activities are compatible with the Convention on the Law of the Sea. It can contribute to the development of international case law. However, it cannot alter the distribution of military power in the region, nor can it eliminate the geopolitical rivalries that influence states' behaviour.

This observation should not be interpreted as a criticism of international law. On the contrary, it highlights the actual function of legal norms within an international system characterised by pluralism and competition. Law does not replace politics or strategy. It provides the framework within which they operate.

In the case of the Black Sea, this function is particularly important.

As the militarisation of the region continues, the risk of incidents occurring increases. Interactions between military vessels, aircraft, autonomous systems and critical infrastructure are becoming ever more frequent. In such circumstances, the existence of clear legal norms helps to reduce uncertainty and limit the risks of unintended escalation.

Another relevant aspect concerns the relationship between militarisation and freedom of navigation.

Traditionally, freedom of navigation has been regarded as one of the fundamental principles of the international maritime order. In the current context, however, the exercise of this freedom is increasingly influenced by security considerations. Military exercise zones, temporary navigation restrictions, surveillance activities and concerns regarding the protection of critical infrastructure inevitably alter the way in which maritime space is used.

This development compels international law to strike a new balance between states' legitimate security interests and the need to maintain the open nature of maritime spaces. The arbitral award does not provide a definitive solution to this issue, but it highlights its importance for the region's future.

Viewed as a whole, the militarisation of the Black Sea represents one of the most significant challenges to the regional maritime order in the coming decades. It demonstrates that international law operates in an environment where technology, strategic competition and geopolitical transformations often evolve more rapidly than legal norms. At the same time, however, it shows that clear rules remain essential for managing these transformations.

For this reason, the region's future will not depend exclusively on the military capabilities of the actors involved, nor exclusively on the development of international law. Stability will result from the interaction between these two dimensions. It is precisely this relationship between power and law, between deterrence and legal governance, that will continue to define the evolution of the Black Sea long after the arbitral award analysed in this study has been delivered.

7.4. The future of critical maritime infrastructure: the new centre of gravity for security and governance in the Black Sea

Whilst in the past competition for control of the maritime space was defined primarily in terms of territories, fleets and shipping routes, a new strategic reality is now emerging. Critical maritime infrastructure is progressively becoming the central element of regional and global security. In many respects, the future of the Black Sea will depend less on traditional legal boundaries and more on the ability of states to protect, manage and integrate the infrastructure that underpins the functioning of the modern economy, energy sector and communications.

The arbitral award under consideration indirectly anticipates this transformation. Although the tribunal did not expressly use the concept of critical maritime infrastructure, a significant part of the issues in dispute centred on objectives that now fall within this category. The Kerch Bridge, offshore installations, marine resource exploitation activities and their impact on navigation and the environment are manifestations of a broader reality: the maritime space has become the physical foundation of systems essential to the functioning of modern states.

This development is particularly evident in the Black Sea region. Over the past two decades, the Black Sea basin has transformed into an energy, logistics and technology hub of growing importance. Subsea pipelines, energy terminals, communications cables, offshore platforms and port infrastructure are no longer merely economic investments. They are structural elements of national and regional security.

This paradigm shift is also profoundly altering the nature of the risks.

In the past, threats to maritime security stemmed mainly from naval confrontations, blockades or disputes over maritime boundaries. Today, vulnerabilities are far more diverse. A disruption to submarine communications can have economic and strategic effects comparable to those of a military incident. An attack on offshore energy infrastructure can simultaneously affect energy security, economic stability and investor confidence. A disruption to the operation of a major port can have consequences for regional and global supply chains.

This proliferation of vulnerabilities transforms maritime infrastructure into targets of strategic importance.

The Black Sea already provides numerous examples of this. The development of offshore gas fields in the Romanian sector, the growing importance of the Port of Constanța for regional trade, the

role of energy infrastructure connecting Europe with the Caspian region, and the increasing reliance on submarine digital communications demonstrate that regional security is inseparable from the security of maritime infrastructure.

Consequently, one of the major challenges of the coming decade will be the development of a legal and institutional framework capable of responding to this reality.

The law of the sea was conceived at a time when maritime infrastructure was incomparably less complex. Today, however, technological development is giving rise to situations that were not anticipated at the time the 1982 Convention was negotiated. Offshore energy networks, offshore wind farms, high-capacity data cables and autonomous monitoring systems are giving rise to new types of legal relationships and new categories of obligations.

Inevitably, states will be called upon to address questions that are becoming increasingly urgent. What are a state's obligations to protect infrastructure under its jurisdiction? What level of due diligence is required to prevent incidents that could affect other states? How should risks associated with sabotage, terrorism or hybrid attacks be managed? To what extent can international liability be incurred for a failure to protect infrastructure with cross-border impact?

The arbitral award indirectly contributes to formulating these answers through the emphasis it places on obligations of prevention, assessment and cooperation. It suggests that the development of maritime infrastructure cannot be analysed solely through the prism of the coastal state's sovereign right. As the effects of such infrastructure extend beyond the limits of national jurisdiction, so too do the obligations associated with its management.

This conclusion is particularly important for Romania.

In the coming years, a significant part of the country's economic and strategic development will be linked to maritime infrastructure. The exploitation of energy resources in the Black Sea, the expansion of port facilities, the development of logistics links and integration into European energy corridors will amplify the importance of this infrastructure. At the same time, the responsibilities regarding their protection will also increase.

For Romania, this entails a shift in perspective. Maritime infrastructure can no longer be viewed solely as economic assets. It must be treated as a component of national and European security. Protecting it will require cooperation between civil and military authorities, the integration of advanced monitoring technologies, and participation in regional and Euro-Atlantic risk management mechanisms.

The importance of this transformation is amplified by the development of new technologies.

Artificial intelligence, autonomous systems, satellite monitoring and the digitalisation of maritime infrastructure will profoundly change the way maritime spaces are managed. These developments create significant opportunities, but also new vulnerabilities. The growing dependence on digital systems expands the attack surface for cyber operations and other forms of aggression below the threshold of armed conflict.

In this context, the traditional concept of maritime security must be redefined.

It is no longer sufficient to protect maritime borders and shipping lanes. It is now necessary to protect the entire infrastructure ecosystem that underpins the functioning of the maritime domain. This integrated approach requires cooperation between states, information sharing, common security standards and effective incident response mechanisms.

For the European Union and NATO, this development has major implications. The Black Sea is one of the regions where the convergence of energy security, digital security and military security is most evident. Consequently, maritime infrastructure will increasingly become the subject of common policies and collective protection mechanisms.

Viewed in perspective, it is possible that historians of international law will regard the beginning of the 21st century as marking the transition from the era of maritime delimitation to the era of maritime infrastructure. Whilst the previous century was dominated by disputes over borders and jurisdictions, the coming decades will be dominated by the question of how infrastructure that crosses and utilises maritime space can be protected and governed.

From this perspective, the arbitral award concerning the Black Sea appears as a legal document situated at the crossroads of two eras. It brings to a close a cycle dominated by the classic issues of the law of the sea and opens another, in which infrastructure security, the resilience of maritime systems and the management of complex risks will take centre stage. In this new context, the future of the regional maritime order will depend not only on control over maritime space, but also on the ability of states to protect and manage the critical networks that give that space its strategic value.

7.5. Post-war Ukraine and the reconstruction of the maritime order: from strategic survival to regional reintegration

In analysing the long-term implications of the arbitral award, one of the most important questions concerns Ukraine's future as a maritime state. Beyond the legal aspects of the dispute and its consequences for the interpretation of the Convention on the Law of the Sea, the true strategic significance of the decision will depend largely on how Ukraine manages to rebuild its position in the Black Sea region once the conflict has ended.

Before 2014, and then before the major escalation of the war in 2022, Ukraine was one of the region's key maritime players. Its ports were vital hubs for agricultural exports, the metallurgical industry and regional trade. The Black Sea and the Sea of Azov were not merely geographical areas adjacent to Ukrainian territory, but fundamental components of its economic development and strategic projection.

The conflict has radically altered this reality.

The damage caused to port infrastructure, the disruption of trade routes, the risks associated with sea mines, the degradation of ecosystems and legal uncertainties have profoundly affected Ukraine's ability to function as a maritime actor. At certain stages of the conflict, the very continuity of its access to international markets depended on the existence of special maritime corridors and on the diplomatic and military support of external partners.

In this context, post-war reconstruction cannot be reduced to the restoration of destroyed infrastructure. It entails the reconstruction of an entire national maritime order.

This observation is essential because Ukraine's maritime future will be influenced not only by material investment, but also by the state's ability to reintegrate the economic, legal, institutional and strategic components that have been affected by the conflict.

From this perspective, the arbitral award takes on a significance that goes beyond the issue of compensation or the finding of specific breaches. It helps to define the regulatory framework within which reconstruction will take place.

By reaffirming obligations regarding environmental protection, cooperation and the responsible exercise of maritime rights, the tribunal provides guidelines for the development of a new regional maritime architecture. These guidelines will be relevant not only to the Russian Federation and Ukraine, but also to the international actors involved in the reconstruction process.

A first major challenge concerns port infrastructure.

Before the conflict, Ukrainian ports were one of the country's main economic drivers. Odessa, Chornomorsk, Pivdennyi and other port facilities connected the Ukrainian economy to global markets and ensured the export of significant volumes of grain, industrial products and raw materials.

The reconstruction of this infrastructure will require investments running into billions of euros and a lengthy stabilisation period. However, the issue is not solely financial. Investors and economic operators will attach decisive importance to legal predictability and maritime security.

In this respect, the arbitral award indirectly contributes to rebuilding trust. It reaffirms that maritime activities must take place within a legal framework governed by international rules and obligations, not solely by the balance of power prevailing at any given time.

A second aspect concerns the safety of navigation.

The experience of the conflict has demonstrated just how vulnerable maritime trade can become in conditions of regional insecurity. Sea mines, logistical blockades, attacks on infrastructure and uncertainties regarding access to certain routes have affected not only Ukraine but also global markets.

Once the conflict has ended, one of the major priorities will be to restore confidence in the safety of navigation in the region. This process will involve complex mine-clearance operations, the development of monitoring mechanisms and the strengthening of cooperation between coastal states and international actors.

From this perspective, the future of Ukraine's maritime security will depend to a significant extent on its ability to integrate into regional and Euro-Atlantic risk management structures.

Another major challenge concerns access to maritime resources.

The Black Sea continues to offer considerable economic opportunities through its energy and biological resources. However, exploiting these resources requires an environment stable enough to attract investment and develop long-term projects.

In this context, Ukraine's economic reconstruction will be closely linked to the restoration of confidence in the legal framework governing the maritime domain. The arbitral award contributes to this process by strengthening standards on the responsible use of resources and the protection of the marine environment.

This aspect is particularly important as post-war reconstruction is likely to coincide with the acceleration of the European energy transition. Ukraine will have the opportunity to integrate the development of maritime resources into an economic strategy adapted to the continent's new energy and climate priorities.

At the same time, the reconstruction process will also have an institutional dimension.

The conflict has demonstrated that maritime resilience does not depend solely on infrastructure and military capabilities. It also depends on the effectiveness of the institutions responsible for maritime space management, environmental protection, risk management and international cooperation.

Consequently, Ukraine will need to invest not only in ports and infrastructure, but also in strengthening the administrative and legal capacity required to manage a complex and strategic maritime space.

This transformation will be significantly influenced by its relationship with the European Union.

The process of European rapprochement and integration entails the adoption of a considerable number of standards relating to environmental protection, navigational safety, infrastructure security and maritime governance. In practice, Ukraine's maritime reconstruction is likely to coincide with a comprehensive process of regulatory Europeanisation.

From this perspective, the future of Ukraine's maritime order is inseparable from the future of its relationship with the European Union.

Similarly, the security dimension will be influenced by its relationship with NATO.

Whatever form this relationship takes in the future, it is clear that Ukraine's maritime security will continue to be linked to the Euro-Atlantic security architecture. The lessons of the conflict have shown that Black Sea security cannot be addressed exclusively at the national level and that the region's stability depends on the existence of collective mechanisms for deterrence and risk management.

From a broader perspective, Ukraine's maritime reconstruction will represent one of the most ambitious regional reconstruction projects in contemporary Europe.

The success of this process will influence not only Ukraine's economic and strategic future, but also the development of the entire Black Sea region. A Ukraine capable of rebuilding its infrastructure, modernising its institutions and reintegrating into European trade and energy networks could become a major factor for regional stability. Conversely, incomplete or delayed reconstruction could perpetuate economic and strategic vulnerabilities with repercussions for the entire Black Sea basin.

In this context, the significance of the arbitral award becomes clearer. The tribunal's decision does not rebuild ports, remove sea mines or re-establish trade routes. It does, however, provide something equally important: a legal and regulatory framework that can underpin the reconstruction process. By reaffirming the principles of cooperation, responsibility and the peaceful use of maritime space, the award helps to lay the legal foundations for a future regional maritime order in which Ukraine can return not merely as a littoral state, but as a major maritime actor in the Black Sea.

7.6. Romania and the opportunity for a new regional maritime policy: from a littoral state to an architect of stability in the Black Sea

Few European states are as profoundly affected by the transformations taking place in the Black Sea as Romania. Beyond its geographical proximity to the Russian-Ukrainian conflict, Romania occupies a unique position at the crossroads of the Pontic region, the Danube basin, the European Union and NATO. This position confers upon it not only additional vulnerabilities and responsibilities, but also strategic opportunities that have not existed to the same extent in recent history.

The arbitral award under consideration does not have any direct legal effect on Romania. Nevertheless, it contributes to redefining the strategic environment in which the Romanian state will operate over the coming decades. In many respects, one of the most significant indirect consequences of the decision is that it highlights the need for a new vision of Romania's role in the region. Whilst in the past Romania's maritime policy was primarily geared towards the management of its own maritime space and integration into Euro-Atlantic structures, the new regional context calls for a more ambitious and proactive approach.

The Black Sea is undergoing a period of transformation comparable to that experienced by the Baltic Sea following the end of the Cold War. The region is simultaneously becoming a strategic frontier of the European Union, an area of major interest to NATO, an emerging energy hub and a logistics corridor of continental importance. In such a context, states that possess institutional stability, a favourable geographical position and international credibility can significantly influence the region's future architecture.

Romania finds itself precisely in such a position.

Unlike other neighbouring states, Romania is a member of both the European Union and NATO. It has direct access to the main European logistics corridors, controls one of the continent's most important maritime gateways and benefits from a geographical position that enables it to act as a link between Central Europe, the Balkans, the Caucasus and the Black Sea region.

However, these advantages do not automatically translate into strategic influence. They must be transformed into a coherent regional policy framework.

In this regard, the arbitral award provides further support for the development of a Romanian vision for the future of the Black Sea. The decision demonstrates that regional stability does not depend solely on military relations between the major powers, but also on the existence of functional legal norms, cooperation mechanisms and infrastructure capable of supporting economic development and collective security.

Romania has the capacity to contribute to all these aspects.

A key area concerns strengthening its role as a regional logistics hub.

In recent years, the Port of Constanța has undergone a profound transformation. Initially perceived mainly as a national infrastructure, it has gradually become a European logistics hub. The trade flows generated by the war in Ukraine have demonstrated its capacity to handle traffic volumes of continental significance and to function as a strategic alternative for the transport of goods in the region.

This development is not merely an economic opportunity. It also carries significant geopolitical implications.

Control over efficient logistics corridors generates strategic influence. States that facilitate regional connectivity acquire a key role in the functioning of economic and security systems. In this regard, Romania can become one of the main pillars of connectivity between Europe and the wider Black Sea region.

Another area concerns energy security.

Natural gas discoveries on the Romanian continental shelf and the development of offshore projects are significantly altering Romania's position in the region. For the first time in many decades, there is the prospect of Romania becoming not only a consumer but also a regional provider of energy security.

This transformation has implications that go beyond the economic sphere. In the current context, energy is an instrument of strategic stability. The ability to contribute to the diversification of European supply sources gives Romania a role that extends beyond the regional framework to the level of the entire European Union.

At the same time, the development of offshore energy infrastructure heightens responsibilities regarding environmental protection, the security of critical infrastructure and regional cooperation. It is precisely here that the indirect relevance of the arbitral award becomes apparent, as it reinforces legal standards concerning the responsible use of maritime space.

The growing importance of maritime diplomacy.

Traditionally, the foreign policy of the Black Sea littoral states has been dominated by security concerns and crisis management. In the future, there is likely to be a growing need for regional mechanisms dedicated to technical cooperation, environmental protection, infrastructure security and economic development.

Romania is well placed to become one of the promoters of such an agenda.

The experience it has gained within the European Union and NATO, its legal expertise and its geographical position enable it to act as an intermediary between various regional and international actors. In a region characterised by fragmentation and rivalry, the ability to facilitate dialogue can become a strategic advantage of the first order.

Another important aspect concerns the relationship between Romania and Ukraine's reconstruction.

In the post-war period, Romania will inevitably become one of the main partners in Ukraine's maritime reconstruction process. Ports, logistics infrastructure, trade corridors and energy projects will create unprecedented opportunities for cooperation.

This cooperation should not be viewed solely through the prism of economic benefits. It can contribute to the consolidation of a new regional architecture based on connectivity, resilience and positive interdependence.

Similarly, Romania has the opportunity to play a central role in developing a more coherent European policy for the Black Sea.

Over the past two decades, the European Union has engaged with the region through a variety of sectoral instruments, without always developing an integrated strategy comparable to those in place for other maritime areas. Recent developments, however, suggest that this situation is changing.

The region's energy significance, its role in global food security, the development of critical infrastructure and the implications of the conflict in Ukraine have led to a significant increase in European interest in the Black Sea.

In this context, Romania can become the main advocate for a European policy dedicated to the region. Not merely as a beneficiary of European initiatives, but as an actor capable of helping to shape them.

For many years, Romania's regional policy has been primarily geared towards integration into Western structures and the consolidation of its Euro-Atlantic status. These objectives have been achieved. The challenge for the coming period is a different one: transforming Romania from a consumer of security and stability into a provider of regional security and stability.

The arbitral award on the Black Sea indirectly highlights this opportunity. It shows that the region's future will depend on states capable of combining legal legitimacy, institutional capacity and strategic vision. Romania possesses all three elements.

From this perspective, the real challenge is not whether Romania can play a more significant role in the region, but whether it will succeed in developing a strategy coherent enough to capitalise on the opportunities created by the current transformations. If it succeeds in doing so, the next decade could mark its transition from the status of a major littoral state to that of a central actor in the new maritime order in the Black Sea.

7.7. Scenarios for the evolution of the maritime order in the Black Sea between 2026 and 2035

Any forward-looking analysis of the Black Sea's future must begin by acknowledging a fundamental fact: the region has entered a phase of structural transformation, the effects of which will be felt over several decades. The arbitral award under consideration is one component of this transformation, but it is not the sole determining factor. Military, economic, energy, technological and institutional developments will simultaneously influence the direction in which the regional order will evolve.

Under such circumstances, a forward-looking approach cannot aim to identify a single probable future, but must explore several possible scenarios. Scenarios are not predictions. They are analytical tools that enable an understanding of the main trends and an assessment of how different combinations of factors may shape the region's development.

In the case of the Black Sea, the analysis suggests the existence of four major scenarios that may influence the regional maritime order during the period 2026–2035.

Scenario I: Gradual stabilisation and reconstruction of the regional maritime order

The first scenario involves a gradual reduction in military tensions and the emergence of a process of regional stabilisation. Under this scenario, the conflict between the Russian Federation and Ukraine is not necessarily resolved in all its political and territorial dimensions, but the level of confrontation decreases sufficiently to allow for the resumption of certain forms of economic and technical cooperation.

In such a context, the Black Sea region could undergo a process comparable to that of other regions which have experienced prolonged periods of tension followed by a gradual return to normality. The reconstruction of Ukrainian port infrastructure, the revival of maritime trade and the development of offshore energy projects would become regional and international priorities.

A central element of this scenario would be the return of investment. Legal stability and a reduction in security risks would create favourable conditions for the development of large-scale projects in the fields of energy, logistics and critical infrastructure. The Black Sea could become one of the main hubs for connectivity between Europe, the Caucasus and Central Asia.

In this context, the arbitral award and other international legal instruments would take on greater practical relevance. Environmental protection standards, obligations to cooperate and freedom of navigation would serve as stabilising factors and help build trust among regional actors.

For Romania, this scenario would be the most favourable. The Port of Constanța and its associated logistics infrastructure would become central hubs for regional reconstruction, whilst offshore energy projects could be integrated into an expanded European energy system.

Scenario II: Frozen conflict and ongoing strategic competition

The second scenario is probably the one that most closely reflects current trends. It involves an end to major military confrontations without resolving the underlying issues that gave rise to the conflict.

In this situation, the region would enter a phase characterised by relative stability, but also by persistent uncertainty. De facto control over certain territories would remain, and legal and political disputes would continue to exist with no immediate prospect of resolution.

In such an environment, the Black Sea would remain heavily militarised. The littoral states and external actors would continue to invest in deterrence capabilities and security infrastructure. At the same time, trade and investment would continue to develop, but in a climate characterised by higher risks and additional costs.

This scenario would lead to a partial fragmentation of the regional maritime order. Cooperation would be possible in certain technical and economic areas, but would remain constrained by strategic mistrust between the actors.

For international law, this would mean an increase in the importance of legal mechanisms as tools for managing tensions. International disputes, arbitration and monitoring mechanisms would continue to play an important role in limiting the risks of escalation.

For Romania, this scenario would present both opportunities and challenges. Its strategic position would become even more important for NATO and the European Union, but the costs associated with security and resilience would continue to rise.

Scenario III: Escalation of regional competition and the transformation of the Black Sea into an arena of widespread strategic confrontation

The third scenario involves a deterioration in the security environment and an intensification of regional strategic competition.

Under this scenario, the Black Sea would become one of the main areas of confrontation between the Russian Federation and the Euro-Atlantic community. Militarisation would intensify, and critical maritime infrastructure would become central targets of strategic competition.

The main feature of this scenario would not necessarily be the emergence of conventional naval confrontations, but rather the proliferation of hybrid incidents. Attacks on energy infrastructure, cyber operations, interference with navigation systems and activities carried out using autonomous systems would become increasingly frequent.

In such a context, freedom of navigation would be indirectly affected by the proliferation of security measures and an increased perception of risk. Commercial costs would rise, investment would become more cautious, and regional economic development would slow down.

For international law, this scenario would represent a major test. Legal norms would continue to exist, but their practical effectiveness would depend increasingly on the ability of international actors to uphold them through political and strategic mechanisms.

For Romania, the implications would be significant. Its importance within NATO would increase considerably, but this increase would be accompanied by a rise in the vulnerabilities associated with its geographical position.

Scenario IV: Ukraine's accelerated Euro-Atlantic integration and the reconfiguration of the regional maritime order

The fourth scenario envisages the progressive and accelerated integration of Ukraine into European and Euro-Atlantic structures.

Under this scenario, the post-war reconstruction process is accompanied by a deep institutional rapprochement with the European Union and Western security mechanisms. Even whilst the political details of such a development are difficult to anticipate, its effects on the maritime order would be considerable.

The Black Sea would gradually become an area characterised by greater normative and institutional convergence. European standards on environmental protection, infrastructure security and maritime governance would exert greater influence across the entire region.

At the same time, economic and energy connectivity between the littoral states and the European Union would intensify. Logistics corridors, energy projects and critical infrastructure would be integrated into a more coherent regional architecture.

This scenario would likely bring about the most profound transformation of the maritime order in the region since the end of the Cold War.

For Romania, the implications would be predominantly positive. Its status as a NATO and EU member state, combined with its proximity to Ukraine and its logistics and energy infrastructure, would make it one of the main beneficiaries of the new regional configuration.

A region caught between uncertainty and transformation

None of these scenarios will materialise in their pure form. The region's actual development will likely incorporate elements drawn from several scenarios simultaneously. However, an analysis of these scenarios highlights a key point: regardless of the exact direction of development, the Black Sea will not return to the strategic configuration that existed prior to 2014, let alone that prior to 2022.

The arbitral award under consideration must be understood in this context. It does not single-handedly determine the region's future, but it does help to shape the legal and regulatory framework within which these scenarios will unfold. In this sense, its significance lies not only in the resolution of a dispute, but also in the influence it exerts on the broader process of transforming the maritime order in the Black Sea.

Between 2026 and 2035, the region will continue to be one of Europe's most dynamic and sensitive strategic areas. The ability of regional and international actors to manage this transformation will determine whether the Black Sea becomes primarily a space of cooperation and connectivity or one of competition and fragmentation. The arbitral award represents one of the legal milestones that will influence this choice.

7.8. General conclusions: between continuity and transformation in the new maritime order of the Black Sea

The arbitral award handed down in the dispute concerning the rights of coastal states in the Black Sea, the Sea of Azov and the Kerch Strait is one of the most significant legal decisions relating to the Black Sea region adopted since the end of the Cold War. Its significance lies not solely in the solutions it offers to the specific disputes between Ukraine and the Russian Federation, but above all in its ability to reflect and influence the profound transformations currently taking place in the contemporary maritime order.

At first glance, the effects of the ruling may seem limited. The Tribunal has not altered the geopolitical realities of the region, has not changed the existing balance of power, and has not resolved the fundamental issues underlying the conflict between the two states. Crimea remains at the centre of a major legal and political controversy, the Sea of Azov continues to be affected by the consequences of the conflict, and regional security is still influenced by factors that go beyond the scope of international law.

However, such an assessment captures only the immediate dimension of the ruling.

The true significance of the ruling becomes apparent when it is analysed from a broader perspective, one that goes beyond the specific circumstances of the dispute and considers the evolution of the international maritime order as a whole. From this perspective, the tribunal's decision appears as an expression of the transformations simultaneously affecting the law of the sea, maritime security, environmental protection and the governance of critical infrastructure.

A key finding arising from an analysis of the case as a whole is that the law of the sea is undergoing a process of adaptation to a strategic and technological reality that is profoundly different from that which existed at the time of the adoption of the United Nations Convention on the Law of the Sea. The dispute between Ukraine and the Russian Federation was not merely a dispute concerning the exercise of maritime rights. It reflected the impact that critical infrastructure, energy security, environmental protection and strategic competition have on the use of maritime space.

Consequently, the judgment contributes to consolidating a clear trend in recent international case law: the shift in the focus of the law of the sea from the traditional issues of delimitation and jurisdiction towards issues associated with risk management, the protection of ecosystems and the administration of infrastructure with cross-border effects.

This development is also evident in the way the tribunal approached procedural obligations. Whereas in the past the focus was primarily on damage that had already occurred, the judgment highlights the importance of obligations relating to assessment, monitoring, cooperation and

prevention. The state is assessed not only in terms of what it does, but also in terms of what it anticipates, manages and communicates.

In this respect, the case under consideration illustrates the shift from a 'reactive' law to a 'proactive' law.

This transformation is one of the most important characteristics of contemporary international law and is found in numerous other fields, from environmental law to climate jurisprudence and the protection of human rights. In the case of the Black Sea, it takes on particular relevance because the region is home to some of the most complex interdependencies between security, the economy and the environment.

The judgment also highlights another fundamental reality: the limits of international law must not be confused with its lack of relevance.

The Tribunal did not resolve the territorial dispute concerning Crimea, nor did it attempt to do so. On the contrary, one of its most important contributions lies in reaffirming the limits of UNCLOS jurisdiction and in safeguarding the functional specialisation of the law of the sea system. This exercise of judicial restraint is not a sign of weakness, but an expression of institutional maturity.

At a time characterised by trends towards fragmentation and the challenging of international norms, maintaining a clear distinction between the various legal regimes contributes to the stability of the entire international order. The judgment demonstrates that the effectiveness of international law does not depend on its ability to address all issues, but also on its ability to operate coherently within its own limits.

This conclusion is particularly relevant to the future of the Black Sea region.

The forward-looking analysis in the previous chapter suggests that the coming decade will be characterised by a complex interplay of strategic competition, economic reconstruction, regional integration and technological transformation. In this context, neither law nor power alone will be able to shape the region's future. Stability will depend on the interplay between the two.

Perhaps the most important lesson to be drawn from this is that the contemporary maritime order can no longer be understood exclusively through the traditional concepts of the law of the sea.

For much of the 20th century, the dominant concerns were the delimitation of maritime spaces, freedom of navigation and access to resources. These issues remain important, but they are no longer sufficient to explain current realities. Today, the maritime space is simultaneously a source of energy, a platform for digital infrastructure, a global logistics corridor, a vulnerable ecosystem and a theatre of strategic competition.

Consequently, the new maritime order is being built around different concepts.

Whilst the past was dominated by the issue of delimitation, the future is dominated by the issue of connectivity.

Whereas the past was dominated by the issue of control, the future is dominated by the issue of resilience.

Whereas the past was dominated by the exploitation of resources, the future is dominated by risk management.

Whereas the past was dominated by reacting to incidents, the future is dominated by prevention and anticipation.

From this perspective, the arbitral award concerning the Black Sea can be seen as a transitional document between two eras of the law of the sea.

It symbolically brings to a close a period in which the main concerns were linked to delimitation and the exercise of jurisdiction, and ushers in a new phase in which critical infrastructure, obligations to cooperate, environmental protection and integrated maritime security become central elements of maritime governance.

For Romania, this transformation is particularly relevant. Its geographical position, membership of NATO and the European Union, the development of offshore energy projects and the growing role of the Port of Constanța provide it with the opportunity to play an active part in shaping the new regional architecture. In a context where influence is increasingly determined by the ability

to foster connectivity, stability and cooperation, Romania has the necessary foundations to become one of the key players in the future maritime order in the Black Sea.

Ultimately, the true significance of the ruling does not lie in the fact that it resolved a dispute. Its importance lies in the fact that it provides insight into the direction in which international law and the global maritime order are evolving. It demonstrates that, in a world characterised by geopolitical rivalries, technological transformations and shared vulnerabilities, the law of the sea continues to be one of the essential instruments through which the international community seeks to maintain a balance between sovereignty, cooperation and responsibility.

In this sense, the case concerning the rights of coastal states in the Black Sea, the Sea of Azov and the Kerch Strait transcends the status of a mere regional dispute. It becomes a reflection on the future of the international maritime order and on how the law seeks to respond to the challenges of a world in which the sea is no longer merely a geographical space, but one of the main centres of gravity for global security, the economy and governance.

CHAPTER 8

SYSTEMIC IMPLICATIONS OF THE RULING FOR THE BLACK SEA MARITIME ORDER

8.1. Impact on the maritime order of the Black Sea

The Arbitral Tribunal's award of 22 April 2026 has effects that go far beyond the legal relationship between Ukraine and the Russian Federation and influence the very normative structure of the maritime order in the Black Sea region. Although the tribunal did not alter maritime boundaries, redistribute jurisdictions or change the existing strategic configuration, it has clarified legal standards that will influence the way in which coastal states exercise their rights and obligations in the coming decades.

The first major consequence is the strengthening of the legal framework of regional maritime governance. The ruling confirms that the exercise of maritime rights cannot be analysed solely in terms of effective control or military capabilities. Activities carried out in maritime areas must comply with the obligations set out in the United Nations Convention on the Law of the Sea, including those relating to environmental protection, regional cooperation and the assessment of the impact of activities with transboundary effects. In this regard, the tribunal reaffirms the role of international law as a framework for regulating the conduct of states, even in a region characterised by intense strategic rivalries.

A second consequence concerns the strengthening of the environmental dimension of the regional maritime order. Through its interpretation of Articles 192, 194, 205 and 206 of UNCLOS, the tribunal makes the protection of the marine environment a central element of the legality of activities carried out in the Black Sea. In future, the development of offshore infrastructure, the exploitation of energy resources, the construction of new maritime installations or the implementation of regional connectivity projects will be assessed not only in terms of economic viability and strategic utility, but also in terms of their impact on marine ecosystems and compliance with monitoring and transparency obligations.

The ruling also contributes to strengthening the concept of regional maritime interdependence. The Black Sea is a semi-enclosed sea in which the activities carried out by one state

can have direct effects on the interests of the other littoral states. The Tribunal reaffirms the importance of cooperation and the exchange of information in managing such effects. Consequently, the regional maritime order is tending to evolve from an approach based exclusively on national jurisdictions towards one characterised by a higher level of coordination and mutual responsibility.

Another significant transformation concerns the status of maritime and subsea infrastructure. The judgment demonstrates that such infrastructure can no longer be viewed solely as economic or strategic assets. Subsea pipelines, power cables, communications systems and offshore installations are becoming elements of a regional infrastructure whose operation influences the region's energy security, economic connectivity and overall stability. In this context, the protection and management of such infrastructure take on a much more pronounced legal and strategic dimension.

The ruling also contributes to strengthening the role of scientific information and expertise in the management of maritime space. The Tribunal attaches considerable importance to environmental impact assessments, the monitoring of the effects of maritime activities and the use of scientific data in the decision-making process. This approach indicates that the future maritime order in the Black Sea will depend not only on states' military and economic capabilities, but also on their ability to generate, interpret and utilise specialist knowledge regarding the marine environment and critical infrastructure.

At the same time, the ruling confirms that the regional maritime order continues to be influenced by the separation between *de facto* control and legal legitimacy. The Tribunal did not recognise the territorial status of Crimea and did not legally validate the existing geopolitical realities. This position helps to maintain the distinction between the effective exercise of power and international legal recognition, one of the fundamental characteristics of the contemporary international order.

For littoral states, including Romania, the ruling sends a clear message: maritime security can no longer be addressed exclusively through the prism of naval presence and control of maritime space. Offshore energy, subsea infrastructure, environmental protection, information sharing, logistical resilience and regional cooperation are becoming components of the same strategic equation. The maritime order of the Black Sea is thus evolving towards a more complex model, in which law, security, the economy and the environment are deeply interconnected.

Viewed as a whole, the ruling does not bring about an immediate transformation of the balance of power in the region. It does, however, influence the regulatory framework within which this balance of power manifests itself and helps to define the principles that will govern the future development of the Black Sea. From this perspective, the decision represents not only the conclusion of a dispute that began in 2016, but also an important milestone in the evolution of the regional maritime order, offering valuable insights into the direction in which maritime governance is heading in the 21st century.

8.2. The historical significance of the ruling

Viewed from a historical perspective, the decision of 22 April 2026 falls into the category of rulings that do not immediately alter the geopolitical reality, but contribute to the gradual transformation of the international legal framework. Its significance lies not in altering existing power dynamics, but in clarifying the principles that will govern states' behaviour in the future.

Just as certain previous maritime rulings have influenced the development of the law on maritime delimitation or the regime governing exclusive economic zones, this decision may become a benchmark for the development of rules concerning the protection of the marine environment, critical infrastructure and the procedural obligations of states.

Consequently, its full impact will only be fully assessed in the coming years, as other international courts, states and organisations begin to apply and develop the interpretations set out by the tribunal.

Thus, the ruling represents not only the conclusion of a dispute that began in 2016, but also one of the first major legal milestones of the new maritime order taking shape in the Black Sea region, an order in which law, security, energy, the environment and technology are becoming increasingly interdependent.

8.3. Possible effects on future international maritime disputes

Another aspect worth highlighting in the analysis of the impact on the Black Sea maritime order concerns the influence that this ruling may exert on future international maritime disputes. Although each dispute has its own particularities, international courts and tribunals often pay considerable attention to the solutions and interpretations set out in previous cases, particularly where these concern key provisions of the United Nations Convention on the Law of the Sea.

In this context, the judgment in the case of *Ukraine v. the Russian Federation* has the potential to become an important benchmark for interpreting obligations relating to environmental impact assessments, the monitoring of the effects of maritime activities, and cooperation between states bordering semi-enclosed seas. Numerous future disputes concerning offshore infrastructure, the exploitation of energy resources, the development of submarine transport and communications corridors, or the protection of underwater cultural heritage may draw upon the arguments put forward by the Tribunal.

Furthermore, the decision may influence how future disputes concerning the relationship between the law of the sea and territorial conflicts are addressed. The tribunal firmly reaffirmed that UNCLOS cannot be used to indirectly resolve disputes over sovereignty. This conclusion is likely to continue to influence international case law in numerous regions characterised by competing territorial claims, including the South China Sea, the Eastern Mediterranean, the Arctic and other disputed maritime areas.

At the same time, the ruling contributes to the development of a body of case law geared towards risk management rather than merely the redress of harm. The emphasis on obligations relating to prevention, monitoring and assessment foreshadows a possible evolution of international law towards regulatory models more closely aligned with the logic of complex risk management. In this sense, the decision can be seen as part of a broader transformation affecting the entire system of contemporary international law.

8.4. Impact on the concept of maritime power in the Black Sea

The ruling also contributes indirectly to redefining the concept of maritime power in the Black Sea region. In traditional approaches, maritime power was primarily associated with naval capabilities, control of maritime lines of communication and access to resources. Contemporary developments, however, demonstrate that this perspective is insufficient.

Nowadays, a state's ability to influence the maritime environment also depends on control of energy infrastructure, access to information, the capacity to monitor the marine environment, the level of technological development, and the ability to operate within the framework of international legal norms. The tribunal's ruling reflects this transformation and suggests that 21st-century maritime power can no longer be measured solely by military indicators.

For the states bordering the Black Sea, this conclusion has direct implications. Investment in marine research, monitoring, subsea digital infrastructure, energy security and international legal expertise are becoming components of the same strategic equation. Consequently, regional competitiveness and influence will increasingly depend on states' ability to integrate these dimensions into a coherent strategy.

8.5. Forward-looking assessment

Looking ahead, the decision allows for a number of observations to be made regarding the likely direction of the region's development. Firstly, marine environmental protection is expected to take on an increasingly important role within maritime and energy policies. Secondly, subsea and offshore infrastructure will become priority strategic objectives, requiring increased investment in security and resilience. Thirdly, regional cooperation will become increasingly necessary to manage risks that exceed the individual capacity of states.

Finally, future maritime disputes are likely to be more complex than traditional ones. They will simultaneously involve issues of international law, security, technology, energy and environmental protection. The ruling of 22 April 2026 can be seen as one of the first major examples of this new generation of maritime disputes.

From this perspective, its impact on the maritime order in the Black Sea should not be assessed solely in terms of its immediate legal effects. The real significance of the decision lies in the fact that it provides a model for interpreting and managing the complex challenges that will define the region's future. It marks the transition from a maritime order centred predominantly on the control of space and the exploitation of resources to one in which security, the environment, technology, energy and international law function as interdependent elements of the same regional architecture.

The geo-economic dimension of the new maritime order in the Black Sea

A further dimension of the ruling's impact concerns the relationship between international law of the sea and the geo-economic transformations affecting the region. Over the past decade, the Black Sea has evolved from a space perceived predominantly through the prism of military security into a strategic hub for transport, energy, digital connectivity and critical European infrastructure. This transformation heightens the relevance of the legal rules governing the use of maritime space and increases the importance of legal predictability for economic actors.

The tribunal's ruling indirectly contributes to the consolidation of a stable framework necessary for long-term investment. The exploitation of offshore resources, the development of subsea energy infrastructure, the expansion of logistics corridors and the establishment of new digital connections all depend on the existence of clear and predictable rules. By clarifying the obligations regarding environmental impact assessment, monitoring of effects and the exchange of information, the tribunal is helping to define standards that will influence future economic projects in the region.

This development is particularly relevant for the Member States of the European Union, which are seeking to diversify energy routes and reduce the vulnerabilities associated with external dependencies. In this context, the Black Sea is becoming not only an area of security, but also one of economic competitiveness and strategic resilience.

Impact on regional energy security

From an energy security perspective, the ruling has significance that goes beyond the issues explicitly analysed by the court. Although the decision does not rule on the rights to exploit specific resources and does not alter the legal regime of the relevant maritime zones, it indirectly influences the conditions under which such activities will be carried out in the future.

Firstly, the ruling reinforces the idea that the development of offshore energy projects must be compatible with international obligations regarding environmental protection. Secondly, it confirms that infrastructure associated with the exploitation of natural resources is subject to obligations of transparency and assessment that cannot be disregarded in the name of economic or strategic considerations.

For Romania, this conclusion is particularly important. The development of offshore operations and their integration into the European energy system will depend not only on the economic viability of the projects, but also on the ability of the authorities and operators to demonstrate their compliance with international legal standards, which are undergoing a continuous process of consolidation.

Strengthening the concept of maritime liability

Another important consequence of the judgment is the strengthening of the concept of maritime liability. Traditionally, the law of the sea has been built around the idea of sovereign rights and maritime jurisdictions. Recent developments, reflected in this judgment, however, point to a

gradual shift towards an approach in which the exercise of rights is accompanied by increasingly complex obligations regarding environmental protection, cooperation and risk management.

This transformation is consistent with general trends in contemporary international law, where the emphasis is progressively shifting from the mere assertion of rights towards the responsible management of the consequences associated with their exercise. In the Black Sea region, this trend may contribute to the development of a legal and institutional culture based on responsibility, prevention and anticipation.

The Black Sea as a space where law, security and technology converge

The ruling also highlights a more profound transformation in the nature of the contemporary maritime space. The Black Sea can no longer be understood exclusively as an area of navigation, economic exploitation or military competition. It is becoming a space in which legal, energy, technological and strategic dimensions converge simultaneously.

Submarine cables carry data that is essential to the functioning of modern economies. Offshore pipelines and infrastructure influence the continent's energy security. Monitoring and surveillance systems generate considerable volumes of information of strategic value. At the same time, international legal norms seek to provide a regulatory framework for these increasingly complex activities.

Consequently, the ruling must also be analysed as an indicator of how international law is seeking to adapt to a maritime reality undergoing rapid technological transformation.

A forward-looking conclusion on the maritime order of the Black Sea

Whilst the period following the end of the Cold War was characterised by attempts to integrate the Black Sea into the European economic and political sphere, the current period appears to be marked by the construction of a new regional maritime order. This order will not be defined exclusively by maritime boundaries, naval presence or control over natural resources. It will depend equally on the resilience of critical infrastructure, the capacity of states to cooperate, the protection of the marine environment and the adaptation of legal norms to the technological and strategic challenges of the 21st century.

The ruling of the Arbitral Tribunal of 22 April 2026 represents one of the first major legal milestones of this transformation. Although it does not immediately alter the geopolitical realities of the region, it contributes to defining the rules that will govern competition, cooperation and development in the Black Sea in the coming years and decades. From this perspective, its significance extends beyond the scope of a dispute between two states and forms part of the broader process of reconfiguring the regional and international maritime order.

8.6. The main articles of UNCLOS interpreted by the Tribunal and their relevance to the Black Sea

The award of the Arbitral Tribunal of 22 April 2026 represents one of the most important contemporary interpretations of the United Nations Convention on the Law of the Sea. Although the dispute directly concerned relations between Ukraine and the Russian Federation, the Tribunal's analysis goes beyond the bilateral framework and contributes to clarifying certain key provisions of the Convention.

Article 123 of UNCLOS – Cooperation in semi-enclosed seas

Article 123 governs the obligation of states bordering semi-enclosed seas to cooperate in the management of resources, the protection of the environment and the coordination of activities carried out in these maritime areas. The Tribunal reaffirmed the relevance of this article to the Black Sea and to the Straits of Kerch, emphasising that a State's activities may produce effects extending beyond the limits of its national jurisdiction.

The Tribunal's interpretation does not transform Article 123 into an absolute obligation to cooperate, but it does confirm that a complete lack of coordination may constitute a relevant factor in assessing compliance with international obligations relating to the marine environment.

Article 192 of UNCLOS – The general obligation to protect and conserve the marine environment

The Tribunal confirms that Article 192 constitutes one of the fundamental norms of international law of the sea. The obligation to protect and conserve the marine environment is not merely declaratory, but produces concrete legal effects and may serve as a basis for assessing the conduct of States.

The judgment contributes to strengthening the contemporary trend towards integrating environmental protection into all maritime activities with a significant impact.

Article 194 of UNCLOS – Measures for the Prevention, Reduction and Control of Pollution

Article 194 occupies a central place in the tribunal's reasoning. It imposes on states the obligation to adopt appropriate measures to prevent and minimise adverse effects on the marine environment.

The tribunal's interpretation confirms that this obligation must be considered in conjunction with modern standards of due diligence, risk assessment and continuous monitoring.

Article 204 of UNCLOS – Monitoring of risks and impacts on the marine environment

The Tribunal attaches particular importance to the monitoring obligation set out in Article 204. States must not only identify the potential impact of their activities, but also continuously monitor the effects produced on the marine environment.

This interpretation gives monitoring a central role in contemporary maritime governance.

Article 205 of UNCLOS – Publication and communication of information concerning the marine environment

The judgment represents one of the most significant interpretations of Article 205 in UNCLOS case law. The Tribunal emphasises that the obligation to communicate and publish information on the marine environment is an autonomous legal obligation and not merely an administrative recommendation.

Consequently, transparency becomes an essential element of the legality of maritime activities.

Article 206 of UNCLOS – Environmental Impact Assessment

Article 206 lies at the heart of the Tribunal's findings. The judgment establishes that environmental impact assessment constitutes an effective and verifiable legal obligation.

The Tribunal concluded that the assessments carried out for the Kerch Bridge and associated infrastructure did not comply with the requirements of the Convention, thereby making Article 206 one of the most important legal instruments for the oversight of major maritime projects.

Article 303 of UNCLOS – Underwater cultural and archaeological heritage

The award provides one of the most comprehensive arbitral interpretations of Article 303. The Tribunal confirms that underwater cultural heritage enjoys international legal protection and that states have specific obligations regarding its conservation and management.

For the states bordering the Black Sea, this interpretation is particularly relevant in the context of the rich archaeological heritage found on the seabed.

CHAPTER 9

CONCLUSIONS AND OUTLOOK FOR MARITIME SECURITY IN THE BLACK SEA

9.1. What the award actually changes

At first glance, the arbitral award in the case of *Dispute Concerning Coastal State Rights in the Black Sea, Sea of Azov and Kerch Strait (Ukraine v. Russian Federation)* appears to have limited effects on the strategic realities of the region. It does not alter borders, transfer control over territories, redistribute resources or change the existing military balance of power in the Black Sea. It is precisely for this reason that there is a risk of underestimating its true significance. In reality, the importance of the ruling should not be assessed in terms of its immediate effects on the region's political geography, but rather in terms of its capacity to influence the legal and normative framework within which future maritime disputes will be conducted.

The first fundamental change brought about by the tribunal concerns the precise delineation of the relationship between territorial disputes and the application of the law of the sea. Prior to this ruling, there was a degree of doctrinal uncertainty regarding the applicability of UNCLOS mechanisms in situations where maritime areas are affected by complex territorial disputes. The Tribunal has established that the existence of a dispute over sovereignty over a territory does not automatically suspend the application of the Convention, nor does it transform the entire maritime area into a zone devoid of legal rules. Even if certain claims cannot be examined when they require the prior determination of territorial sovereignty, the obligations set out in the Convention continue to exist and to produce legal effects.

This conclusion is particularly important as it goes beyond the scope of the dispute between Ukraine and the Russian Federation. In many maritime regions of the world, there are territorial disputes that overlap with economic, energy and security interests. The South China Sea, the Eastern Mediterranean, the Persian Gulf and certain Arctic regions provide similar examples. Through its ruling, the tribunal sends a clear message: the existence of a territorial dispute does not automatically suspend states' maritime obligations, nor does it preclude the applicability of the rules of international law.

A second significant change concerns the strengthening of states' procedural obligations. Traditionally, legal scholarship has focused on maritime rights and the delimitation of jurisdictions. However, the judgment under consideration shifts the focus to the manner in which states exercise these rights. The Tribunal attaches particular importance to obligations relating to environmental impact assessment, notification of interested states, the exchange of information and regional cooperation.

This development reflects one of the most significant transformations in contemporary international law. In the past, legality was assessed primarily in relation to the final outcome of an action. Nowadays, the focus is gradually shifting towards the decision-making process and towards the obligation of states to demonstrate that they have analysed the risks, consulted the relevant stakeholders and taken reasonable measures to prevent harm. The Tribunal is helping to reinforce this trend and confirms that procedural obligations have become a central element of international legality.

The judgment thus brings about a subtle yet profound shift in the philosophy of the law of the sea. Whereas in the past the emphasis was on the question 'who has the right to act?', today the question 'how should that right be exercised?' has become equally important. This conceptual shift will inevitably influence future maritime disputes and the way in which states design and implement their maritime policies.

A third change concerns the strengthening of *due diligence* obligations. The Tribunal is part of a broader jurisprudential trend observable in the work of the International Court of Justice, the International Tribunal for the Law of the Sea and other international courts. Under this new paradigm, states are no longer assessed solely in relation to the actual damage caused, but also in relation to their ability to anticipate risks and adopt appropriate preventive measures.

This shift is highly relevant to the Black Sea region. In an area characterised by offshore energy activities, heavy maritime traffic, subsea infrastructure and security vulnerabilities, preventative obligations become just as important as traditional sovereign rights. The judgment helps to reinforce the idea that states' responsibility begins before damage occurs and not merely after it has occurred.

Another major change concerns the legal status of marine environmental protection. Although UNCLOS has contained provisions on environmental protection since its adoption, international practice has often been dominated by concerns relating to maritime delimitation, fishing or the exploitation of resources. In the case under consideration, the protection of the marine environment has become one of the central elements of the dispute and the only area in which Ukraine has secured a clear legal victory.

This development is no coincidence. It reflects the general trend towards the 'greening' of international law and the progressive integration of environmental considerations into all areas of global governance. The Tribunal confirms that marine ecosystems are no longer merely objects of legal protection, but are becoming essential elements of regional security and stability. Consequently, any major project carried out in the maritime domain will have to take its environmental implications into account to a much greater extent.

From a strategic perspective, one of the most significant changes brought about by the ruling is the strengthening of the concept of extended maritime security. Traditionally, maritime security was associated almost exclusively with the protection of navigation and the military dimension of the use of the maritime space. The Tribunal is indirectly contributing to a redefinition of this concept. Environmental protection, critical infrastructure, regional cooperation and risk management are becoming components of the same concept of security.

This development is particularly relevant for the Black Sea littoral states and for international organisations active in the region. Future maritime policies will need to simultaneously integrate legal, economic, environmental and security dimensions, moving beyond traditional approaches centred exclusively on military control of the maritime space.

The ruling also brings about changes in terms of international legitimacy. It demonstrates that international judicial mechanisms continue to function even in the context of major geopolitical conflicts. At a time characterised by challenges to many international institutions and the resurgence of great-power rivalry, the mere fact that an international tribunal has been able to examine such a sensitive dispute for nearly a decade represents an important reaffirmation of the role of international law.

Finally, perhaps the most significant change brought about by the ruling is of a conceptual nature. The tribunal contributes to the transition from a maritime order centred predominantly on control of the area to one in which responsibility for the management of the area becomes equally important. Maritime rights no longer appear as the absolute prerogatives of states, but as rights accompanied by complex obligations regarding environmental protection, cooperation and risk prevention.

From this perspective, the true significance of the ruling does not lie in altering the current strategic landscape of the Black Sea, but in shaping the way the region's future will be constructed. It does not change the political geography of the Pontic region, but it contributes to redefining the legal rules that will govern its use in the coming decades. In a region where competition for resources, security and influence will continue to be intense, this normative redefinition is perhaps the most significant consequence of the entire arbitration proceedings.

9.2. What the award does not change

Whilst the previous section analysed the legal and normative changes brought about by the arbitral award, a rigorous strategic assessment also requires the identification of its actual limitations. In many situations, the significance of an international decision is overestimated in relation to political expectations or its media symbolism. In the present case, it is precisely a clear understanding of what the award does not change that is essential for a correct assessment of its significance.

The first and most important limitation is that the Tribunal has not altered, nor could it alter, the territorial status of Crimea. This conclusion lies at the heart of the entire case and explains why, despite the scope of the proceedings, its practical effects on the strategic relations between the Russian Federation and Ukraine remain relatively limited. The Tribunal has consistently reaffirmed that it lacks the necessary jurisdiction to resolve disputes concerning territorial sovereignty and that UNCLOS cannot be used as an indirect instrument for adjudicating such matters.

Consequently, regardless of the conclusions reached regarding the protection of the marine environment or procedural obligations, the fundamental reality that gave rise to the dispute remains unchanged. Crimea continues to be the main point of contention between the two states, and its legal status continues to be contested at the international level. The judgment does not provide any clarification on this issue nor does it offer any mechanisms for its resolution.

This limitation has direct implications for the entire legal framework of the case. Many of Ukraine's claims were not rejected on the grounds that they were unfounded, but because they required the prior resolution of an issue over which the tribunal had no jurisdiction. Consequently, a significant proportion of the legal questions relating to the exploitation of resources, the exercise of maritime jurisdiction and the administration of certain marine areas remain unresolved.

Secondly, the ruling does not alter the balance of power in the Black Sea region.

This conclusion is particularly important for the defence and security sector. From a military perspective, the Russian Federation continues to hold the strategic advantages it has gained through its control of Crimea. The peninsula's geographical position, the naval infrastructure developed over recent decades and its capacity to project power into the Black Sea region are not affected by the tribunal's findings.

Similarly, Ukraine does not gain any direct military advantage from this ruling. The decision does not alter access to certain maritime areas, does not change control over strategic infrastructure, and does not affect the operational capabilities of the armed forces of the two states. From a military planning perspective, the region's basic strategic situation remains unchanged.

This highlights one of the fundamental characteristics of contemporary international law. Judicial rulings may influence legitimacy and clarify applicable norms, but they rarely have an immediate effect on a region's military balance. In the case of the Black Sea, the balance of power continues to be determined primarily by geopolitical, economic and military factors, not by the outcome of the arbitration proceedings.

Thirdly, the award does not resolve the issue of regional security.

The Black Sea remains one of Europe's most militarised maritime areas. The presence of naval forces, the vulnerability of critical infrastructure, competition for resources and the implications of the Russian-Ukrainian war continue to create a strategic environment characterised by instability and uncertainty.

The Tribunal was not designed to address such issues, nor does it have the necessary tools to directly influence regional security processes. It can clarify legal norms and identify breaches thereof, but it cannot reduce the risks of military escalation, nor can it replace the diplomatic and security mechanisms required to manage regional tensions.

From this perspective, the ruling should be viewed as an element of the regional stability architecture, not as a solution to the region's security problems.

Another significant limitation concerns the legal regime governing the Sea of Azov and the Kerch Strait.

These areas were among the most sensitive aspects of the dispute. They are of major strategic importance for maritime access, trade and the economic security of the region. However, the tribunal did not provide definitive answers to all the issues relating to the status and use of these areas.

In practice, numerous questions regarding the future regime of the Sea of Azov and the Kerch Strait remain unresolved. Their future will depend to a far greater extent on political and strategic developments than on the direct effects of the arbitral award.

Nor does the award alter the region's fundamental economic realities.

Trade corridors, export routes, energy infrastructure and logistical connections continue to be influenced primarily by security conditions and geopolitical developments. Although the legal clarifications provided by the tribunal are important for regulatory predictability, they cannot replace the political stability and security necessary for economic development.

This observation is also relevant to Romania. The ruling provides a clearer legal framework for maritime and offshore activities, but it does not eliminate the risks associated with the proximity of a major conflict, nor does it address the region's structural vulnerabilities.

Perhaps the most significant limitation of the ruling, however, concerns the capacity of international law to influence the behaviour of states in contexts of intense strategic competition.

The case demonstrates both the strength and the limits of international law. On the one hand, legal norms continue to provide a framework for assessing the behaviour of states and for managing complex disputes. On the other hand, their effectiveness depends to a large extent on the political and strategic context in which they operate.

The ruling cannot compel states to alter their fundamental security interests, nor can it eliminate the logic of geopolitical competition. It can, however, influence the way in which this competition is conducted and help to curb certain forms of behaviour that are incompatible with international norms.

Ultimately, what this ruling does not change is just as important as what it does change. It does not alter the strategic geography of the Black Sea, does not resolve the dispute over Crimea, does not change the military balance of power, and does not eliminate the root causes of regional instability. The Black Sea remains an arena of intense strategic competition, of major interest to the Russian Federation, Ukraine, NATO and the European Union.

The ruling changes the legal rules of the game, but it does not change the game itself. This distinction is essential for a proper understanding of its significance and explains why the value of the decision lies primarily in its long-term impact on the regional maritime order and less in its immediate effects on existing geopolitical realities.

9.3. The future of the maritime order in the Black Sea

Whilst the preceding sections have analysed what the arbitral award changes and what it does not change, the next natural question concerns how this decision may influence the future development of the region. In reality, the most significant aspect of the *Ukraine v. Russian Federation* case lies not in its immediate effects, but in its ability to foreshadow the characteristics of a new maritime order currently taking shape in the Black Sea.

The maritime order that characterised the region following the end of the Cold War was based on a series of assumptions that are now deeply contested. It was assumed that freedom of navigation was relatively stable, that maritime infrastructure did not constitute major strategic targets, and that international law could function in an environment characterised by relative political predictability. However, the events of the last decade have demonstrated the fragility of these assumptions. The conflict between the Russian Federation and Ukraine has transformed the Black Sea into a space where military, economic, energy and legal interests intersect in a manner unprecedented in the post-Cold War period.

In this context, the arbitral award can be seen as one of the first legal documents to reflect the profound transformation of the regional maritime order. It does not merely describe a dispute

concerning the rights of the coastal state, but captures the transition to a new phase of maritime governance, in which security, energy, technology and environmental protection become inseparable elements.

One of the main characteristics of the future maritime order in the Black Sea will be the growing importance of critical infrastructure. Whereas in the past control of maritime space was mainly associated with naval presence and freedom of navigation, today strategic value is progressively shifting towards the infrastructure that underpins the functioning of modern economies. Submarine pipelines, communication cables, offshore energy terminals, energy production facilities and logistics corridors are becoming essential elements of regional security.

This transformation is already evident. In recent years, subsea infrastructure has become a target of strategic interest for states and international organisations. Its vulnerability has been demonstrated in several regions of the world, and the Black Sea is no exception. Consequently, the future maritime order will be characterised not only by competition for control of the waters, but also by competition to protect and manage the critical infrastructure crossing these waters.

A second feature of the new maritime order will be the ever-deeper integration of the energy dimension into the regional security architecture.

Offshore hydrocarbon discoveries, the development of energy transport infrastructure and European efforts to diversify supply sources have transformed the Black Sea into an area of significantly greater energy importance than in the past. In this context, marine resources no longer represent merely an economic opportunity, but also a determining factor in strategic security.

For Romania, this development is particularly relevant. The exploitation of resources on the Romanian continental shelf and their integration into European energy systems enhance the region's importance and underscore the need to protect the associated infrastructure. At the same time, this development amplifies the role of international law as an instrument for managing risks and ensuring legal predictability.

The future maritime order will also be influenced by rapid technological transformation.

The use of maritime drones, autonomous systems, underwater sensors and artificial intelligence-based technologies is profoundly changing the way in which states exercise control over maritime space. The Russian-Ukrainian conflict has demonstrated that naval power is no longer determined solely by the size of fleets and the number of conventional military platforms. The ability to gather intelligence, monitor activities and integrate data from multiple sources is becoming just as important as the ability to project military force.

Consequently, the future maritime order in the Black Sea will be characterised by an ever-increasing interdependence between physical security and information security. The maritime domain will simultaneously become a theatre of military operations, an economic environment and a digital infrastructure.

Another major trend is the growing importance of marine environmental protection.

The arbitral award reflects this development and contributes to its consolidation. In the past, environmental protection was often perceived as a complementary objective of maritime policies. Today, it is becoming a central element of regional security. Climate change, the degradation of marine ecosystems and pressures on natural resources are transforming the environment into a strategic factor.

In the Black Sea region, this dimension is amplified by the basin's specific geographical and ecological characteristics. The vulnerability of ecosystems, the intensification of economic activities and increasing anthropogenic pressures mean that environmental protection has become inseparable from the concept of maritime security. The arbitral award contributes to this transformation by reaffirming the legally binding nature of the obligations regarding protection and cooperation.

The future maritime order will also be characterised by an expansion of the role of international actors.

In the coming period, NATO and the European Union will continue to play an increasingly important role in the region. For NATO, the Black Sea represents an essential component of its eastern flank and an area of direct strategic interest. For the European Union, the region is becoming an

energy and trade corridor of major importance. This convergence of interests is likely to lead to a more substantial involvement of both organisations in the fields of maritime security, the protection of critical infrastructure and regional resilience.

At the same time, the future maritime order is likely to be characterised by a combination of competition and cooperation.

On the one hand, geopolitical rivalries will continue to influence the behaviour of regional actors. On the other hand, numerous challenges – ranging from environmental protection and risk management to the security of subsea infrastructure – cannot be effectively addressed without at least some form of cooperation. This coexistence of competition and cooperation will be one of the defining features of the region in the coming decades.

From a legal perspective, the ruling suggests that the future maritime order will be characterised by the growing importance of preventative obligations. States will be assessed not only in terms of their formal compliance with the rules, but also by their ability to anticipate risks and adopt appropriate measures to protect common interests. This trend is already evident in international case law and will continue to gain ground.

Ultimately, the future of the maritime order in the Black Sea will not be determined solely by the balance of power between states. It will depend on the interplay between law, technology, energy, the environment and security. The arbitral award under consideration does not directly establish the shape of this emerging order, but it does provide important indications as to the direction in which it is evolving.

From this perspective, the most significant legacy of the decision lies not in the resolution of specific disputes, but in its contribution to defining the principles that will govern the region in the future. The Black Sea is moving towards a more complex, interdependent and vulnerable maritime order, in which control of the area will continue to be important, but in which the ability to protect infrastructure, manage risks and comply with international obligations will become equally relevant to regional stability and security.

9.4. Lessons for coastal states

The arbitral award in the case of *Ukraine v. Russian Federation* has implications that extend far beyond the legal relations between the two parties and offers a number of lessons relevant to all Black Sea littoral states. In a region characterised by strategic competition, energy vulnerabilities, technological transformations and pressures on the marine environment, the tribunal's conclusions amount to more than mere legal clarifications. They provide important insights into how states must adapt their maritime policies to the realities of the 21st century.

The first lesson is that maritime security can no longer be approached exclusively through a military lens. For decades, strategic analysis of the Black Sea has focused primarily on naval fleets, military bases and force projection capabilities. However, the ruling demonstrates that regional security is increasingly influenced by factors that go beyond the traditional military sphere. Marine environmental protection, the resilience of critical infrastructure, the safety of trade routes, energy security and the management of technological risks are becoming essential components of the same strategic equation.

For coastal states, this entails a paradigm shift. Investment in naval capabilities remains necessary, but it is no longer sufficient. Maritime security depends on states' ability to integrate legal, technological, economic and institutional instruments into a coherent strategy. In the future, the strategic advantage will not belong exclusively to those who control the maritime domain, but also to those who can efficiently manage the associated infrastructure, information and resources.

Another lesson concerns the growing importance of critical maritime infrastructure. The arbitral award comes against an international backdrop in which subsea pipelines, communication cables, energy terminals and offshore installations have become essential elements of national

security. In many respects, the vulnerability of such infrastructure can have consequences comparable to those resulting from attacks on conventional military targets.

For the states bordering the Black Sea, this reality necessitates the development of dedicated policies for protection and monitoring. The security of maritime infrastructure can no longer be treated as a purely technical or economic issue. It must be integrated into national strategic planning and regional cooperation mechanisms. In this regard, the fundamental lesson of recent years is that maritime infrastructure constitutes simultaneously economic assets, strategic targets and potential security vulnerabilities.

A third lesson concerns the central role of information and maritime situational awareness. The conflict in the Black Sea region has demonstrated that strategic superiority is no longer determined solely by the number of naval platforms or the size of fleets. The ability to collect, integrate and analyse information in real time is becoming a determining factor in maritime security.

Coastal states must invest in modern surveillance and monitoring systems capable of integrating information from naval, aerial, satellite and cyber sources. In an operational environment characterised by the use of drones, autonomous systems and digital technologies, maritime situational awareness is becoming one of the key strategic resources. The arbitral award does not directly address this technological dimension, but its implications regarding transparency, cooperation and the exchange of information are consistent with the same logic of maritime governance based on knowledge and prevention.

Another important lesson concerns the relationship between law and security. Traditionally, international law and security strategies have been treated as distinct fields. The award demonstrates, however, that this separation is becoming increasingly artificial. In the contemporary world, legal legitimacy is a strategic resource. A state's ability to demonstrate that its actions comply with international norms influences international cooperation, access to political support and its credibility within multilateral organisations.

For coastal states, this development implies the need to integrate legal expertise into strategic planning and security processes. International law is no longer merely a normative framework external to security policies, but is becoming an integral part of them. The arbitral award clearly illustrates this trend.

Perhaps the most important lesson offered by the decision, however, concerns the protection of the marine environment. For many decades, the environment was perceived as a secondary dimension of maritime policies. Today, this approach is no longer sustainable. The Tribunal confirms that the protection of marine ecosystems constitutes a legal obligation and that disregarding it may give rise to significant international consequences.

For the states bordering the Black Sea, this conclusion is particularly relevant. The Black Sea basin is characterised by high ecological sensitivity and a build-up of pressures generated by economic, energy and industrial activities. In these circumstances, environmental protection can no longer be separated from the concept of regional security. The degradation of marine ecosystems affects fisheries, transport, tourism, public health and economic stability. Consequently, environmental protection becomes a component of the strategic resilience of the littoral states.

The award also offers a lesson on the limits of unilateral action. Even states with significant resources and considerable capabilities face difficulties in managing issues that transcend national borders. Marine pollution, the safety of navigation, the protection of subsea infrastructure and the management of environmental risks are challenges that inevitably require forms of cooperation.

This is particularly crucial for the Black Sea region, where political tensions have significantly reduced the scope for regional cooperation. The arbitral award suggests that, despite existing differences, certain areas will continue to require a minimum level of coordination and information-sharing. Without these, shared vulnerabilities risk increasing.

Finally, the littoral states must understand that the region's future will be defined by interdependence. No single actor can any longer control all dimensions of maritime security on its own. Energy, the environment, trade, digital infrastructure and military security are interconnected in a way that makes it impossible to address them in isolation. The arbitral award reflects this reality

and provides a example of how international law seeks to respond to a world characterised by complexity and interdependence.

From this perspective, the most important lesson for the Black Sea littoral states is that future security will not depend solely on the ability to control the maritime space, but on the ability to manage all its associated resources, infrastructure and ecosystems responsibly and cooperatively. In this new, emerging maritime order, resilience, cooperation and respect for international norms will become just as important as military power and geographical control.

9.5. Lessons for NATO and the European Union

The arbitral award in the case of *Ukraine v. Russian Federation* has no direct legal effect on NATO or the European Union. However, its strategic implications extend beyond the framework of bilateral relations between Ukraine and the Russian Federation and offer a number of important lessons for the two organisations, which in recent years have become increasingly significant actors in the Black Sea region. In fact, one of the fundamental conclusions of this case is that European and Euro-Atlantic maritime security can no longer be conceived in isolation from developments in the Black Sea region.

For NATO, the first lesson stems from the changing nature of maritime threats. For decades, naval planning was dominated by concerns relating to maritime control, freedom of navigation and confrontation between conventional naval forces. Recent developments, however, demonstrate that maritime security has entered a new phase, characterised by the convergence of conventional, hybrid, cyber and economic threats.

The conflict in the Black Sea region has shown that subsea infrastructure can become prime strategic targets. Energy pipelines, communications cables and offshore systems are of comparable importance to traditional military targets. Their vulnerability affects not only energy security, but also the functioning of modern economies, the resilience of societies and the ability of states to respond effectively to crises.

In this context, NATO is faced with the need to extend the concept of collective defence beyond the traditional military dimension. The protection of critical subsea infrastructure is becoming an essential component of Euro-Atlantic security. The arbitral award indirectly contributes to this development by highlighting the legal and strategic importance of activities carried out in the maritime domain and by reinforcing the idea that infrastructure security and environmental protection are inseparable elements of contemporary maritime security.

Another lesson for NATO concerns the importance of the information domain and *maritime domain awareness*. Events in the Black Sea have demonstrated that operational success depends increasingly on the ability to integrate information from naval, aerial, space-based, cyber and commercial sources. In the future, strategic superiority will no longer be determined solely by the number of ships or firepower, but also by the ability to understand and anticipate developments in the maritime environment.

For the Alliance, this means developing integrated monitoring and analysis systems that enable the rapid identification of threats to critical infrastructure, freedom of navigation and regional stability. The Black Sea is thus becoming a testing ground for new maritime security concepts that will influence future Euro-Atlantic naval doctrine.

The ruling also offers NATO a lesson regarding the limits of military means. Although the region's security clearly depends on deterrence and defence capabilities, the dispute demonstrates that many contemporary challenges cannot be managed exclusively through military means. The protection of the marine environment, the management of risks associated with offshore projects and the regulation of maritime activities require complementary legal and institutional instruments. Consequently, maritime security in the future will require deeper integration between the military and legal dimensions.

For the European Union, the lessons are equally important, but manifest themselves in a different context.

The first of these concerns energy security. Against the backdrop of the transformations taking place in the European energy market after 2022, the Black Sea has acquired unprecedented strategic significance. The development of offshore resources, the diversification of supply sources and the construction of new energy corridors enhance the region's importance for Europe's economic security.

The arbitral award, however, highlights the fact that the development of these projects cannot be separated from legal obligations regarding environmental protection and regional cooperation. The European Union, which has built a significant part of its external identity on promoting rules-based governance, finds in this decision confirmation of the relevance of its normative approach. At the same time, the ruling suggests that the success of European energy projects will depend not only on their economic viability, but also on their ability to comply with international standards on environmental protection and risk management.

A second lesson for the European Union concerns the need to develop a more coherent maritime policy for the Black Sea region. Over the past two decades, the Union's strategic focus has centred mainly on the Mediterranean, the Atlantic and, more recently, the Indo-Pacific. Recent developments, however, demonstrate that the Black Sea must occupy a central place in European strategic thinking.

Its energy significance, the proximity of the Russia-Ukraine conflict, the vulnerability of its infrastructure and the region's role in European logistics chains make the Black Sea area a matter of direct interest for the Union's security and prosperity. The arbitral award helps to reinforce this perception and highlights the need for more substantial European involvement in regional maritime governance.

Furthermore, the European Union can draw important lessons from this case regarding the resilience of critical infrastructure. In recent years, the protection of submarine cables, energy networks and digital infrastructure has become a European strategic priority. The award demonstrates that these infrastructures must not be analysed solely from an economic perspective, but also from a legal and security perspective. The ability to protect them will become one of the fundamental conditions of European strategic autonomy.

Perhaps the most important lesson for both NATO and the European Union, however, concerns the role of international law in managing strategic competition.

In recent years, numerous analyses have suggested that international law is losing its relevance in the face of the resurgence of power politics. The case under consideration offers a more nuanced perspective. The judgement demonstrates that international law cannot eliminate conflicts, nor can it, on its own, alter geopolitical realities. Nevertheless, it continues to influence the behaviour of states, to provide standards of assessment and to contribute to maintaining a minimum level of predictability in a volatile strategic environment.

For NATO and the European Union, this conclusion is of particular importance. Both organisations base their legitimacy and external action on compliance with international norms and the promotion of a rules-based order. The arbitral award confirms that these norms continue to play a relevant role even in the most sensitive disputes of the day.

Looking ahead, the key lesson from this case for NATO and the European Union is that the future of maritime security will not be determined solely by the balance of power between states. It will depend on the ability to integrate the military, legal, technological, energy and environmental dimensions into a coherent strategy. The Black Sea today provides one of the clearest illustrations of this transformation, and the arbitral award represents one of the first legal attempts to respond to a strategic reality undergoing profound change.

From this perspective, the decision should not be viewed merely as a legal document concerning a specific dispute, but as an indicator of the direction in which European and Euro-Atlantic security is evolving in the 21st century.

FINAL CONCLUSIONS

The arbitral award rendered in the case of *Dispute Concerning Coastal State Rights in the Black Sea, Sea of Azov and Kerch Strait (Ukraine v. Russian Federation)* represents one of the most significant legal decisions concerning the Pontic region adopted in the post-Cold War era. Although formally the dispute centred on the rights of the coastal state and the interpretation of certain provisions of the United Nations Convention on the Law of the Sea, the analysis carried out in this study demonstrates that its implications extend far beyond the scope of a bilateral legal dispute. The award lies at the intersection of international law, maritime security, regional geopolitics, environmental protection and the profound transformations affecting the contemporary international order.

The issue of enforcing the arbitral award and the prospects for the Russian Federation's compliance

One of the central questions raised by the arbitral award rendered on 15 June 2026 in PCA Case No. 2017-06 concerns the practical effectiveness of the decision and the possibility of its implementation in relation to the Russian Federation. Although the arbitral tribunal found a number of breaches of the obligations undertaken by the Russian Federation under the United Nations Convention on the Law of the Sea (UNCLOS), the implementation of its findings depends essentially on the subsequent conduct of the states involved.

From a legal standpoint, the obligation to enforce the award cannot be called into question. According to Article 296 of UNCLOS, decisions rendered by the competent courts and tribunals under the Convention are final and binding on the parties to the dispute. Consequently, regardless of the political positions subsequently adopted by the parties, the ruling produces binding legal effects between Ukraine and the Russian Federation.

However, the binding nature of an international award must not be confused with the existence of an effective enforcement mechanism. The judicial system established by UNCLOS does not have coercive instruments similar to those existing in the domestic legal order. The arbitral tribunal cannot impose direct sanctions, cannot order coercive measures, and has no institutional means by which to compel a state to alter its conduct. Consequently, the practical effectiveness of the award depends to a large extent on the willingness of the state concerned to comply with the tribunal's findings.

In the case of the Russian Federation, this issue takes on particular significance due to the geopolitical context in which the dispute is set. The arbitration dispute is closely linked to the status of Crimea, control over the adjacent maritime area and the ongoing Russian-Ukrainian conflict. In these circumstances, the possibility of limited or selective compliance, or even explicit non-compliance with certain aspects of the award, cannot be ruled out. Such a situation would not be unprecedented in the practice of international relations, where there are numerous examples of states that have delayed, limited or refused to implement international judicial decisions.

However, failure to enforce an award does not affect its legal validity. The arbitral award continues to have normative and interpretative effects regardless of the parties' level of compliance. The tribunal's findings remain part of international case law on the interpretation of UNCLOS and may be relied upon in other disputes, diplomatic negotiations or maritime policy-making processes. From this perspective, the legal authority of the award is distinct from the extent to which it is implemented in practice.

Furthermore, any non-compliance may give rise to additional legal and political consequences. Legally, this may reinforce the finding that there is a continuing breach of the international obligations undertaken by the state in question. Diplomatically, Ukraine and third states may use the tribunal's findings within international organisations, multilateral negotiations or other

jurisdictional proceedings. Strategically, the award contributes to strengthening Ukraine's legal position and clarifying the status of the disputed maritime rights.

Beyond the bilateral relations between the parties, the significance of the decision extends beyond the strict framework of the dispute. The ruling reaffirms the principle that disputes concerning the exercise of maritime rights must be resolved through the instruments of international law and not through the effective control exercised over a territory or maritime space. In this regard, even in the event of incomplete implementation, the normative and jurisprudential value of the decision remains intact.

In conclusion, the main vulnerability of the award does not concern its legal force, but rather the capacity of the international system to translate the normative authority of an arbitral award into concrete effects on the conduct of states. In the present case, the practical effectiveness of the award is entirely dependent on the interplay between law, diplomacy, international pressure and future developments in the security environment in the Black Sea region. Thus, although the Russian Federation's full compliance cannot be regarded as certain, the award retains its relevance as a legal benchmark for the interpretation and application of UNCLOS in disputed maritime areas.

One of the study's key conclusions is that the ruling cannot be interpreted through the lens of a simplistic 'winner-takes-all' logic. The Tribunal did not award a complete victory to either Ukraine or the Russian Federation. Instead, it delivered a complex ruling, characterised by a balance between the jurisdictional limits imposed by UNCLOS and the need to maintain the applicability of international law in an area affected by conflict and territorial dispute.

The Russian Federation achieved a significant success in jurisdictional terms. The Tribunal refused to examine issues that would have required a preliminary determination of Crimea's status and confirmed that UNCLOS cannot be used as an indirect instrument for resolving territorial disputes. From this perspective, Moscow succeeded in considerably limiting the scope of the proceedings and in avoiding an international legal assessment of the most sensitive issues relating to Crimea.

At the same time, however, the Russian Federation did not secure legal legitimisation of its position regarding the peninsula. The Tribunal did not rule on sovereignty and did not validate the existing situation. Furthermore, the finding of breaches of the obligations set out in the Convention regarding the protection of the marine environment and procedural obligations entails legal and reputational costs that cannot be ignored.

For Ukraine, the ruling represents a significant but incomplete legal victory. Kyiv did not achieve its major strategic objective – a ruling that would indirectly affect the status of Crimea – and failed to turn the arbitration into a forum for challenging the existing territorial realities. Nevertheless, Ukraine has secured confirmation of the applicability of international law of the sea in the region, achieved significant successes in the field of environmental protection, and strengthened its legal and diplomatic position within the international community.

From the perspective of the development of international law, perhaps the most important contribution of the ruling lies in reaffirming that the existence of major conflicts does not automatically suspend the operation of international legal norms. The Tribunal sends an important message to the entire international system: even in the context of complex territorial disputes and high-intensity geopolitical confrontations, international law continues to provide a relevant framework for assessing the conduct of states.

At the same time, the case confirms one of the major trends in contemporary international law: the progressive expansion of *due diligence* obligations. States are no longer assessed solely in terms of the actual harm caused, but also in terms of their ability to anticipate risks, adopt preventive measures and manage responsibly the activities carried out in areas under their jurisdiction or control. This development is particularly significant for the maritime sector, where the interdependence between security, the environment and the economy is becoming increasingly evident.

The study also highlights the fact that the ruling reflects a profound transformation in the concept of maritime security. In the 21st century, maritime security can no longer be reduced to the protection of navigation or relations between military fleets. Subsea pipelines, communication cables,

offshore energy terminals, digital infrastructure and marine ecosystems have become components of the same strategic system. The vulnerability of any of these elements can have significant consequences for regional stability.

For the Black Sea region, this conclusion is particularly relevant. The Black Sea region is undergoing one of the most profound transformations in its contemporary history. The Russian-Ukrainian conflict, the development of offshore energy projects, the growing importance of submarine infrastructure and the intensification of geopolitical competition are transforming the region into one of the world's most sensitive maritime areas. In this context, the arbitral award provides not only answers to specific legal questions, but also insights into the direction in which the regional order is evolving.

For Romania, the significance of the decision is considerable. Although it is not a party to the dispute, Romania is at the centre of many of the transformations highlighted by this case. As a Black Sea littoral state, a member of NATO and the European Union, and an emerging energy player through the development of offshore resources, Romania has a direct interest in the region's legal and strategic stability.

The analysis carried out demonstrates that Romania's interests are served by the consolidation of a maritime order based on rules, cooperation and legal predictability. The judgment reaffirms the importance of marine environmental protection, the security of critical infrastructure and regional cooperation, all of which are compatible with the strategic objectives promoted by Bucharest in recent years. At the same time, it highlights the need to develop enhanced national capabilities for monitoring, protecting and managing the maritime domain.

For NATO and the European Union, the incident offers important lessons regarding the nature of future threats. It demonstrates that maritime security will be increasingly defined by the interplay between the military, legal, energy, technological and environmental dimensions. The protection of subsea infrastructure, energy resilience and the ability to respond to hybrid threats are becoming essential components of Euro-Atlantic security.

Looking to the future, the central conclusion of this study is that the ruling does not alter the strategic geography of the Black Sea, but it does contribute to redefining the rules that govern it. It does not alter the balance of power between states, nor does it resolve the root causes of regional conflicts. However, it does change the way in which the legal obligations associated with the use of maritime space are understood and applied, and it reinforces the trend towards a maritime order in which responsibility, cooperation and prevention become just as important as control and jurisdiction.

Ultimately, the real significance of the ruling lies not in what it says about the past, but in what it suggests about the future. It indicates that the emerging maritime order in the Black Sea will be characterised by unprecedented complexity, in which law, technology, energy, the environment and security will become increasingly interdependent. In such an order, the success of states will depend not only on their ability to control the maritime space, but also on their ability to manage its resources, infrastructure and associated risks responsibly.

From this perspective, the case of *Ukraine v. Russian Federation* should be viewed not merely as a dispute concerning the rights of the coastal state, but as a landmark in the evolution of contemporary maritime governance and as one of the first legal milestones of the new maritime order that is beginning to take shape in the Black Sea region.

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ANNEXES

APPENDIX 1

Background to the arbitration ‘Dispute Concerning Coastal State Rights in the Black Sea, Sea of Azov and Kerch Strait (Ukraine v. Russian Federation)’

1. Background to the dispute

The dispute between Ukraine and the Russian Federation has its origins in the events of 2014, when the Russian Federation assumed effective control over the Crimean Peninsula and the maritime areas adjacent to it. As a result of these developments, Russia began to exercise coastal state rights in the Black Sea, the Sea of Azov and the Kerch Strait, managing natural resources, fishing activities, marine scientific research and infrastructure projects in the region.

Ukraine considered that these activities infringed its rights under the United Nations Convention on the Law of the Sea (UNCLOS) and decided to invoke the compulsory dispute settlement mechanism provided for in Annex VII to the Convention.

2. Initiation of arbitration

On **16 September 2016**, Ukraine officially notified the Russian Federation of the initiation of arbitration and filed a **Notification and Statement of Claim**, requesting the constitution of an arbitral tribunal in accordance with Annex VII to UNCLOS.

The claim comprised several categories of claims concerning:

- the exercise of coastal State rights;
- the exploitation of natural resources;
- fishing;
- marine scientific research;
- underwater cultural heritage;
- protection of the marine environment;
- navigation through the Kerch Strait;
- development of maritime infrastructure.

The Permanent Court of Arbitration (PCA) in The Hague has been appointed to provide the registry services for the proceedings.

3. Constitution of the arbitral tribunal

The arbitral tribunal was constituted in accordance with the provisions of Annex VII to UNCLOS and comprised five independent arbitrators specialising in international law and the law of the sea.

During the proceedings, several procedural stages were organised concerning:

- the submission of written pleadings;
- raising preliminary objections;
- the taking of evidence;

- oral hearings;
- the submission of further observations.

4. Preliminary objections regarding jurisdiction

The Russian Federation challenged the tribunal's jurisdiction, arguing that most of Ukraine's claims presuppose the prior establishment of sovereignty over Crimea.

According to the Russian argument, UNCLOS does not confer on arbitral tribunals the jurisdiction to resolve territorial disputes, and Ukraine was indirectly seeking a ruling on the status of Crimea.

This issue became the central focus of the entire proceedings.

6. The Judgment on Jurisdiction (2020)

In **2020**, the tribunal delivered its award on the preliminary objections.

The tribunal confirmed that:

- it cannot resolve disputes concerning sovereignty over territories;
- it cannot examine claims that necessarily depend on determining the status of Crimea;
- it may, however, examine those issues that can be analysed exclusively through the interpretation and application of UNCLOS.

This decision significantly narrowed the scope of the dispute and limited the tribunal's jurisdiction.

7. Proceedings on the merits (2021–2025)

Following the resolution of the preliminary objections, the proceedings continued with the examination of the merits of the case.

At this stage, the following were examined:

- the exploitation of natural resources;
- fishing activities;
- marine scientific research;
- underwater cultural heritage;
- the construction and operation of the Kerch Bridge;
- impact on the marine environment;
- monitoring and reporting obligations;
- cooperation in semi-enclosed seas.

The proceedings included supplementary submissions, technical reports and numerous expert assessments concerning the marine environment and maritime infrastructure.

8. The final award of 22 April 2026

On **22 April 2026**, the arbitral tribunal delivered its final award.

The main conclusions were as follows:

- the tribunal maintained its position that it could not resolve the dispute concerning sovereignty over Crimea;
- most of the claims relating to natural resources and exclusive rights were dismissed on the grounds of lack of jurisdiction;
- claims relating to fisheries, scientific research and underwater cultural heritage were also dismissed;
- the tribunal found that the Russian Federation had breached its obligations regarding the protection of the marine environment and environmental impact assessment as set out in Articles 123, 192, 194, 205 and 206 of UNCLOS;

- No compensation was awarded and no specific remedial measures were ordered, as the court considered that the mere finding of a breach constituted a sufficient form of legal redress.

9. The significance of the arbitration

The Ukraine v. Russian Federation arbitration is one of the most complex disputes resolved under Annex VII of UNCLOS and one of the most significant examples of the relationship between international law of the sea and territorial disputes.

The award reaffirms that UNCLOS mechanisms cannot be used to indirectly resolve issues of sovereignty, but also demonstrates that obligations regarding the protection of the marine environment, environmental impact assessment and regional cooperation remain fully applicable even in contexts characterised by armed conflict and strategic competition.

From this perspective, the case constitutes a landmark in case law for the development of international law of the sea and for future disputes concerning the management of maritime areas, critical infrastructure and environmental protection in regions under geopolitical pressure.

ANNEX 2

The legal, strategic and operational implications of the Arbitral Tribunal's Award of 22 April 2026

The binding legal effects of the award apply exclusively to Ukraine and the Russian Federation. However, the tribunal's interpretations of Articles 123, 192, 194, 204, 205, 206 and 303 of UNCLOS have relevance beyond the bilateral framework and are likely to influence state practice in the future.

Implication No. 1: Consolidation of the limits of UNCLOS jurisdiction in the context of territorial disputes

Legal basis under UNCLOS: Article 288 of UNCLOS; Annex VII to UNCLOS.

References in the Judgment: The chapter on jurisdiction and admissibility; the conclusions regarding the impossibility of examining claims that require the prior resolution of the dispute over sovereignty over Crimea.

One of the most important conclusions of the judgment is the reaffirmation of the limits of the jurisdiction of the compulsory dispute settlement mechanisms provided for by the United Nations Convention on the Law of the Sea. The Tribunal held that it cannot examine those claims made by Ukraine which necessarily presuppose the prior determination of sovereignty over Crimea. Consequently, UNCLOS cannot be used as an indirect instrument for the resolution of territorial disputes.

The implications of this conclusion extend beyond the Black Sea and affect all maritime regions where territorial and maritime claims are interdependent. The ruling reinforces the trend in case law that maritime tribunals cannot substitute for mechanisms designed to resolve disputes concerning territorial sovereignty.

Implication No. 2. The distinction between de facto control and legal legitimacy

Legal basis under UNCLOS: Derives from the interpretation of the tribunal's jurisdiction and the application of Article 288 of UNCLOS.

References in the Judgment: The sections on jurisdiction and the delimitation of the subject-matter of the dispute.

The Judgment confirms one of the fundamental characteristics of the contemporary international legal order: the exercise of effective control over a territory does not automatically confer international legal validity. The Tribunal analysed the situation in the Crimea region without ruling on sovereignty and without transforming the factual realities into a legal recognition thereof.

This conclusion is particularly important as it demonstrates that international law continues to distinguish between the exercise of power and legal legitimacy. In strategic terms, the ruling confirms that the advantages gained through effective control do not automatically lead to international recognition.

Implication No. 3. Strengthening the general obligation to protect and conserve the marine environment

Legal basis under UNCLOS: Articles 192 and 194 of UNCLOS.

References in the Judgment: §§ 942–969; operative part of the judgment, paragraph 975(e).

The Tribunal reaffirms that the obligation to protect and conserve the marine environment constitutes one of the fundamental obligations laid down by the Convention. The analysis carried out demonstrates that this obligation is not merely declaratory or programmatic in nature, but gives rise to concrete obligations for States carrying out activities likely to affect the marine environment.

The judgment thus contributes to reinforcing a trend observable in contemporary international law, whereby environmental protection is becoming a central element of the legality of economic and strategic activities carried out in maritime areas.

For the states bordering the Black Sea, this conclusion implies the need to integrate environmental considerations into all major projects relating to energy, offshore infrastructure and maritime development.

Implication No. 4. Environmental impact assessment becomes an operational legal obligation

Legal basis under UNCLOS: Article 206 of UNCLOS.

References in the Judgment: §§ 861–907; operative part of the judgment, paragraph 975(b).

The Tribunal concluded that the environmental impact assessments carried out for the Kerch Bridge, the power cables and the gas pipelines did not comply with the requirements laid down in Article 206 of UNCLOS.

This conclusion has implications that extend beyond the specific dispute. The environmental impact assessment is no longer merely an administrative or technical formality, but an autonomous legal obligation, subject to scrutiny and verification by international courts.

For all states developing offshore projects, including Romania, this interpretation indicates that future maritime investments will need to be accompanied by rigorous, transparent assessments based on credible scientific data.

Implication No. 5. Strengthening the obligation to monitor and report on the marine environment

Legal basis under UNCLOS: Articles 204 and 205 of UNCLOS.

References in the Judgment: §§ 908–941; operative part of the judgment, paragraph 975(c).

The Tribunal held that the obligations to monitor the effects of activities on the marine environment and to report the results of such assessments are essential components of the legal regime established by UNCLOS.

Through this interpretation, environmental information acquires legal significance in its own right. States are not only obliged to collect data and monitor the effects of their activities, but also to communicate this information in a transparent and accessible manner.

This conclusion is particularly important for the Black Sea region, where the development of offshore operations and subsea infrastructure will require advanced monitoring and information-sharing systems.

Implication No. 6. Strengthening the obligation to cooperate in semi-enclosed seas

Legal basis under UNCLOS: Article 123 of UNCLOS, read in conjunction with Articles 192 and 194 of UNCLOS.

References in the Judgment: §§ 944–955; operative part of the judgment, paragraph 975(e).

The Tribunal reaffirms the importance of the duty of cooperation between States bordering semi-enclosed seas in the field of marine environmental protection and the management of activities likely to have transboundary effects.

Even though Article 123 is not interpreted as establishing an absolute and autonomous obligation to cooperate, the judgment confirms that States cannot ignore the regional dimension of activities carried out in such maritime areas.

For the Black Sea, this conclusion is particularly important as it provides an additional legal basis for the development of regional mechanisms concerning environmental protection, the exchange of information and the management of critical maritime infrastructure.

Maritime disputes and the evolution of the maritime order in the Black Sea.

Implication No. 7. Strengthening the concept of due diligence in international law of the sea

Legal basis under UNCLOS: Articles 192, 194, 205 and 206 of UNCLOS.

References in the Judgment: §§ 861–969; in particular, the analysis of the obligations to assess, monitor and cooperate.

One of the most significant legal consequences of the judgment is the consolidation of the concept of *due diligence* as a standard of conduct applicable to maritime activities. Although the Convention does not provide an explicit definition of the concept, a combined interpretation of the obligations regarding environmental protection, impact assessment and cooperation demonstrates that States must act in a prudent, informed and proactive manner.

The judgment confirms that the legality of a maritime activity is not assessed solely by reference to the existence or absence of actual damage. The Tribunal also examines the measures taken prior to the risk materialising, including the quality of impact assessments, the existence of monitoring systems and the availability of relevant information.

For the states bordering the Black Sea, this conclusion means that legal obligations are no longer purely reactive. They are progressively becoming obligations to anticipate and manage risks.

Implication No. 8. The legal relevance of the Kerch Bridge for future maritime infrastructure

Legal basis under UNCLOS: Articles 192, 194, 205 and 206 of UNCLOS.

References in the Judgment: §§ 861–975; analysis of the construction of the Kerch Bridge and associated infrastructure.

Although the tribunal did not declare the existence of the Kerch Bridge to be unlawful, nor did it order a change to its status, the analysis carried out sets an important precedent for all large-scale maritime projects.

For the first time in a dispute of this scale, a strategic piece of infrastructure has been assessed not only in terms of its economic and transport functions, but also in terms of its effects on the marine environment, water flow, sediments and associated ecosystems.

The implications are significant for future maritime bridges, offshore terminals, artificial islands, subsea pipelines and other similar infrastructure. The ruling suggests that the development of such projects will increasingly be conditional upon demonstrating their compatibility with the environmental obligations set out in UNCLOS.

Implication No. 9. The growing legal significance of subsea infrastructure

Legal basis under UNCLOS: Articles 192, 194 and 206 of UNCLOS.

References in the Judgment: §§ 861–907; the analysis concerning submarine power cables and pipelines.

The Judgment demonstrates that subsea infrastructure is becoming a central element of contemporary maritime governance. Although the dispute does not directly concern its security, the Tribunal's analysis confirms that the installation and operation of subsea cables and pipelines give rise to complex legal obligations.

In the current context, characterised by energy dependence, digitalisation and regional connectivity, this conclusion is particularly important. Submarine pipelines, communications cables and offshore energy infrastructure are becoming targets of legal, economic and strategic significance.

For Romania, the implication is direct, given the development of offshore energy projects and the growing role of submarine infrastructure in regional energy security.

Implication No. 10. Strengthening the protection of underwater cultural heritage

Legal basis under UNCLOS: Article 303 of UNCLOS.

References in the Award: The chapter on underwater cultural heritage; §§ 1033–1087.

The Award provides one of the most detailed arbitral interpretations of Article 303 of UNCLOS concerning underwater cultural and archaeological heritage.

The Tribunal confirms that historical and archaeological remains on the seabed are not merely objects of scientific or cultural interest, but are subject to a legal regime of international protection.

This conclusion is relevant to all Black Sea littoral states, including Romania, which possesses a significant underwater heritage associated with ancient, Byzantine, Ottoman and modern navigation.

Implication No. 11. Strengthening the legal relevance of environmental information and data

Legal basis under UNCLOS: Articles 204 and 205 of UNCLOS.

References in the Judgment: §§ 908–941.

The Judgment transforms information on the marine environment into an element with autonomous legal relevance. Data on biodiversity, pollution, hydrological changes, sedimentation or the effects of maritime infrastructure are no longer merely technical tools used by experts.

They become factors capable of influencing the assessment of the legality of a state's conduct and may constitute decisive evidence in international disputes.

This development will heighten the importance of marine monitoring systems and regional information exchange in the Black Sea.

Implication No. 12. The transformation of environmental protection into an element of maritime security

Legal basis under UNCLOS: Articles 192, 194 and 206 of UNCLOS.

References in the Judgment: §§ 942–969; the operative part of the judgment.

Beyond the strictly legal dimension, the judgment confirms the trend towards integrating environmental protection into the modern concept of maritime security.

The marine environment is no longer analysed exclusively as a matter of ecological conservation. It is becoming a component of the region's economic, energy and strategic stability. Consequently, damage to marine ecosystems can have consequences that go beyond the sphere of environmental protection and directly affect the security of coastal states.

This conclusion is particularly relevant to the Black Sea, where offshore energy, maritime transport and subsea infrastructure are playing an increasingly important role.

Implication No. 13. Relevance to the development of offshore operations in Romania

Legal basis under UNCLOS: Articles 192, 194, 205 and 206 of UNCLOS.

References in the Judgment: §§ 861–975; the operative part of the judgment.

The judgment is directly relevant to offshore projects being developed in the Romanian sector of the Black Sea.

The Tribunal sends a clear signal that the exploitation of marine resources and the development of energy infrastructure must be accompanied by rigorous environmental impact assessments, effective monitoring systems and appropriate mechanisms for cooperation and transparency.

In this context, the legal standards applicable to offshore energy projects are becoming more stringent and more closely aligned with the requirements of sustainable development.

Implication No. 14. Relevance to NATO and the security of critical infrastructure

Legal basis under UNCLOS: Articles 123, 192 and 194 of UNCLOS.

References in the Judgment: §§ 944–955 and §§ 956–969.

Although the ruling does not directly concern NATO, its conclusions have significant implications for the security of critical infrastructure in the Black Sea region.

Submarine pipelines, communication cables, offshore installations and energy infrastructure are becoming key elements of regional security and require increasingly sophisticated protection and cooperation mechanisms.

Consequently, contemporary maritime security can no longer be defined solely in terms of naval presence or military control of maritime space.

Implication No. 15. The emergence of a new paradigm for the regional maritime order

Legal basis under UNCLOS: Articles 123, 192, 194, 205 and 206 of UNCLOS.

References in the Judgment: the body of conclusions set out in paragraphs 861–975 and the operative part.

Perhaps the most important conclusion arising from the entire judgment is the emergence of a new conception of the regional maritime order.

The Tribunal does not alter maritime boundaries, redistribute resources or change existing power balances. Instead, it redefines the legal standards applicable to the exercise of these rights and activities.

In this new paradigm, maritime security, environmental protection, critical infrastructure, offshore energy, regional cooperation and due diligence obligations are no longer separate areas. They become components of the same system of maritime governance.

For Romania, this development is particularly relevant because the future of the Black Sea will depend to an ever-greater extent on the ability of states to integrate the legal, energy, technological, environmental and strategic dimensions into a coherent and sustainable approach.

Implication No. 16. Strengthening the binding nature of procedural obligations under international law of the sea

Legal basis under UNCLOS: Articles 204, 205 and 206 of UNCLOS.

References in the Judgment: §§ 861–941; operative part of the judgment, paragraph 975(b)–(d).

One of the most significant developments arising from the judgment is the transformation of procedural obligations from ancillary obligations into essential components of the legality of maritime activities. Traditionally, the focus of the law of the sea has been on substantive rights concerning the exploitation of resources, navigation or the exercise of maritime jurisdiction. The judgment demonstrates, however, that compliance with procedures for assessment, monitoring and reporting may itself become the subject of a finding of a breach of the Convention.

The Tribunal thus sends an important message: the legality of a maritime activity is not determined solely by its outcome, but also by the manner in which the state has assessed, monitored and managed the associated risks. This conclusion will inevitably influence future maritime disputes and the development of state practice.

Implication No. 17. Strengthening the preventive dimension of international law of the sea

Legal basis under UNCLOS: Articles 192, 194 and 206 of UNCLOS.

References in the Judgment: §§ 861–969.

The Judgment confirms the trend observable in contemporary international case law towards shifting the focus from redressing harm to preventing it. The Tribunal attaches particular importance to the obligations to anticipate risks and identify potential effects before actual harm occurs.

This approach is consistent with recent developments in the case law of the International Tribunal for the Law of the Sea, the International Court of Justice and other international courts. Consequently, the judgment contributes to the development of a legal culture based on the prevention and proactive management of maritime risks.

Implication No. 18. Enhancing the legal relevance of scientific expertise

Legal basis under UNCLOS: Articles 204, 205 and 206 of UNCLOS.

References in the Judgment: §§ 861–941.

The tribunal’s analysis demonstrates that scientific expertise is becoming a central element in assessing the legality of maritime activities. Environmental impact assessments, biodiversity studies, hydrological models and data on the cumulative effects of maritime infrastructure are taking on unprecedented legal significance.

In future, states’ ability to base maritime decisions on sound scientific grounds will directly influence the assessment of their compliance with international obligations. The judgment thus confirms the progressive convergence between international law and scientific knowledge.

Implication No. 19. Strengthening the role of international organisations in maritime governance

Legal basis under UNCLOS: Article 205 of UNCLOS.

References in the Judgment: §§ 908–941.

By emphasising the obligation to provide information to the competent international organisations, the tribunal highlights the increasingly important role of international bodies specialising in the monitoring and coordination of maritime activities.

This conclusion suggests that contemporary maritime governance can no longer be conceived exclusively in terms of national jurisdiction. International organisations are becoming key players in ensuring transparency, the exchange of information and regional coordination.

For the Black Sea, this development may help to strengthen cooperation between the littoral states and international institutions with responsibilities in the fields of the marine environment and maritime security.

Implication No. 20. Limiting the possibility of invoking strategic interests to avoid environmental obligations

Legal basis under UNCLOS: Articles 192, 194, 205 and 206 of UNCLOS.

References in the Judgment: §§ 861–975; the operative part.

The tribunal’s reasoning suggests that the existence of strategic, economic or security objectives does not override the procedural and environmental obligations set out in the Convention. Even projects considered strategically essential must comply with the requirements regarding environmental impact assessment and regional cooperation.

This conclusion is particularly relevant at a time when energy, port and subsea infrastructure projects are often justified on the grounds of national security. The judgment confirms that such arguments do not automatically suspend the obligations laid down by UNCLOS.

Implication No. 21. The emergence of a more complex legal framework for critical subsea infrastructure

Legal basis under UNCLOS: Articles 192, 194 and 206 of UNCLOS.

References in the Judgment: §§ 861–975.

Although the tribunal was not called upon to analyse directly the security of critical subsea infrastructure, its conclusions contribute to the development of a legal regime applicable to such infrastructure. Gas pipelines, power cables and other subsea infrastructure are analysed not only as technical elements, but also as activities likely to have an impact on the marine environment.

This development is significant because subsea infrastructure has become an essential component of the digital economy and of European energy security. The judgment indirectly contributes to the development of the standards that will govern their protection and operation in the future.

Implication No. 22. Strengthening the importance of the Black Sea in the European strategic architecture

Legal basis under UNCLOS: Article 123 of UNCLOS; Articles 192 and 194 of UNCLOS.

References in the Judgment: §§ 944–969.

The Judgment demonstrates that the Black Sea can no longer be viewed exclusively as a regional space. The dispute highlights the intersection of energy, trade, security and environmental interests that characterise the region.

For the European Union and NATO, this conclusion confirms the strategic importance of the Black Sea as a hub for energy, logistics and digital connectivity. Consequently, legal and political developments in the region will continue to have implications that extend far beyond the littoral states.

Implication No. 23. A precedent for future large-scale offshore and maritime projects

Legal basis under UNCLOS: Articles 205 and 206 of UNCLOS.

References in the Judgment: §§ 861–975.

The tribunal’s analysis regarding the Kerch Bridge and associated infrastructure provides an assessment model that is likely to be applied in future maritime disputes. The judgment establishes criteria for the assessment of cumulative effects, risk analysis and obligations of cooperation that may be applied to similar projects in other maritime regions.

This conclusion is relevant to offshore developments in the Black Sea, the Eastern Mediterranean, the Arctic and other maritime areas characterised by ecological sensitivity and strategic importance.

Implication No. 24. Confirmation of the evolving nature of the UN Convention on the Law of the Sea

Legal basis under UNCLOS: Articles 123, 192, 194, 204, 205, 206 and 303 of UNCLOS.

References in the Judgment: all the sections analysed and the operative part.

Perhaps the most profound conclusion drawn from the entire judgment is that UNCLOS continues to demonstrate a remarkable capacity to adapt to contemporary challenges. Although the Convention was negotiated in a different geopolitical context, the tribunal demonstrates that its rules can be applied to current issues such as critical infrastructure, offshore projects, the protection of the marine environment, underwater cultural heritage and regional cooperation.

In this respect, the ruling is not merely the resolution of a dispute between Ukraine and the Russian Federation. It contributes to the progressive development of international law of the sea and to the shaping of a new conception of maritime governance, in which security, the environment, energy and regional cooperation are treated as interdependent elements of the same maritime legal order.

Implication No. 25. Confirmation of the trend towards the ‘greening’ of international law of the sea

Legal basis under UNCLOS: Articles 192, 194, 204, 205 and 206 of UNCLOS.

References in the Judgment: §§ 861–969; operative part, paragraph 975.

The Tribunal’s analysis confirms one of the most significant trends in contemporary international law: the progressive integration of environmental protection into all areas of maritime governance. In the past, the law of the sea was dominated by issues such as the delimitation of maritime zones, fishing, navigation and the exploitation of natural resources. The judgment demonstrates that environmental protection has become a cross-cutting issue that influences all these areas.

This development is significant as it suggests that future maritime disputes will increasingly be assessed in terms of their impact on marine ecosystems and obligations to prevent harm. In this respect, the judgment contributes to bringing the law of the sea and international environmental law closer together.

Implication No. 26. Strengthening the relationship between energy security and environmental obligations

Legal basis under UNCLOS: Articles 192, 194 and 206 of UNCLOS.

References in the Judgment: §§ 861–975.

The Judgment highlights that the development of maritime energy infrastructure cannot be separated from obligations regarding the protection of the marine environment. Subsea pipelines, power cables and other infrastructure associated with the exploitation of natural resources are analysed in terms of their impact on ecosystems and the associated procedural obligations.

For the Black Sea littoral states, this conclusion is particularly relevant in the context of the growing importance of offshore projects and the region's role in European energy security.

Implication No. 27. Confirmation of the role of regional cooperation as an element of maritime stability

Legal basis under UNCLOS: Article 123 of UNCLOS.

References in the Judgment: §§ 944–955.

The Tribunal reaffirms that semi-enclosed seas require enhanced forms of cooperation between coastal States. Even though the duty to cooperate is not interpreted as a mechanism for compulsory regional integration, the judgment confirms that the effective management of maritime risks becomes difficult in the absence of mechanisms for coordination and the exchange of information.

For the Black Sea region, this has normative significance as it provides an additional legal basis for regional initiatives concerning environmental protection, the safety of navigation, infrastructure security and the exchange of maritime data.

Implication No. 28. Strengthening the legal significance of maritime resilience

Legal basis under UNCLOS: Articles 192, 194, 204 and 206 of UNCLOS.

References in the Judgment: §§ 861–969.

Although the term 'resilience' does not feature centrally in the text of the Convention, the tribunal's reasoning leads to this concept. Risk assessment, continuous monitoring of impacts and the duty to cooperate are essentially aimed at enhancing the capacity of marine ecosystems and infrastructure to cope with shocks and disruptions.

The judgment indicates that resilience is gradually becoming an implicit objective of international law of the sea and contemporary maritime policies.

Implication No. 29. Relevance to future disputes concerning climate change and the marine environment

Legal basis under UNCLOS: Articles 192, 194, 204, 205 and 206 of UNCLOS.

References in the Judgment: §§ 861–969; interpretation of environmental obligations.

The Judgment forms part of a broader context characterised by the expansion of international obligations regarding environmental protection. The interpretations set out by the Tribunal are consistent with recent developments in international case law concerning climate change and due diligence obligations.

Consequently, the decision may also be regarded as a landmark for future disputes concerning the impact of human activities on the marine environment and on vulnerable ecosystems.

Implication No. 30. The transformation of the maritime order of the Black Sea into a space of legal and strategic interdependence

Legal basis under UNCLOS: All the articles analysed by the tribunal – Articles 123, 192, 194, 204, 205, 206 and 303 of UNCLOS.

References in the Judgment: the judgment as a whole and the operative part.

The broadest conclusion to be drawn from the judgment as a whole is that the Black Sea is evolving into an area characterised by legal, strategic, energy and environmental interdependence. The activities carried out by a state frequently have effects that extend beyond the limits of its jurisdiction and influence the security, environment and economy of the other littoral states.

The ruling confirms that the region's future will no longer be determined exclusively by military control or access to resources, but also by the ability of the actors involved to manage this interdependence through legal norms, cooperation and regional governance mechanisms.

Implication No. 31. Confirmation that strategic advantage does not guarantee legal victory

Legal basis under UNCLOS: the proceedings as a whole.

References in the Judgment: the operative part and the sections on jurisdiction.

The ruling demonstrates that strategic superiority and effective control over a territory or maritime area do not preclude the possibility of international legal challenge. The Russian Federation retains its operational advantages and control over Crimea, but the tribunal does not transform this reality into international legal validation. The decision thus confirms the existence of a relative autonomy of international law vis-à-vis power relations.

Implication No. 32. Confirmation that international law can influence conflicts even when it cannot resolve them

Legal basis under UNCLOS: the judgment as a whole.

References in the Judgment: the operative part and the chapters on jurisdiction and the merits.

The Tribunal did not resolve the dispute concerning Crimea nor did it alter the strategic configuration of the region. However, it did influence the normative framework within which regional actors exercise their rights and obligations. The judgment illustrates that international law can shape the behaviour of states even when it cannot eliminate the political causes of the conflict.

Implication No. 33. The growing relevance of the concept of integrated maritime security

Legal basis under UNCLOS: Articles 123, 192, 194, 205 and 206 of UNCLOS.

References in the Judgment: §§ 861–975.

The Judgment confirms that contemporary maritime security can no longer be reduced to its military dimension. The marine environment, critical infrastructure, offshore energy, submarine communications, freedom of navigation and regional cooperation are all part of the same strategic equation. This conclusion is particularly important for NATO, the European Union and the Black Sea littoral states.

Implication No. 34. Relevance to the development of the concept of strategic resilience in the Black Sea

Legal basis under UNCLOS: Articles 123, 192, 194, 204 and 206 of UNCLOS.

References from the Judgment: §§ 861–969.

The Tribunal's analysis suggests that the region's stability does not depend exclusively on the military balance, but also on the capacity of infrastructure, ecosystems and institutions to absorb shocks and disruptions. From this perspective, resilience becomes an implicit objective of regional maritime governance.

Implication No. 35. The Black Sea as a testing ground for the future international maritime order

Legal basis under UNCLOS: all the articles analysed.

References in the Judgment: the entire judgment.

Perhaps the most far-reaching conclusion to be drawn from the dispute is that the Black Sea today functions as a space where almost all contemporary challenges of the law of the sea intersect: territorial disputes, energy security, critical infrastructure, environmental protection, underwater cultural heritage, regional cooperation and strategic competition. From this perspective, the ruling

transcends the significance of a regional dispute and offers valuable insights into the direction in which the international maritime order is evolving in the 21st century.

ANNEX 3

MATRIX OF THE LEGAL, STRATEGIC AND OPERATIONAL IMPLICATIONS OF THE ARBITRAL TRIBUNAL'S AWARD OF 22 APRIL 2026.

| No. | Issue analysed | UNCLOS Articles | References in the Award | The Tribunal's Conclusion | Legal implications | Strategic/operational implications | Relevance for Romania |
|-----|---|------------------------|-------------------------|---|---|---|--|
| 1 | The Court's jurisdiction | Article 288; Annex VII | Chapter on jurisdiction | UNCLOS cannot indirectly resolve territorial disputes | Strengthening the limits of UNCLOS jurisdiction | Separation of territorial disputes from maritime disputes | Confirms the stability of the regional legal framework |
| 2 | Crimea and effective control | Article 288 (implied) | Chapter III | De facto control does not equate to legal legitimacy | Distinction between fact and law | Strategic advantage without legal recognition | Relevant to the regional legal order |
| 3 | Protection of the marine environment | Art. 192 | §§ 942–969 | The obligation is effective and enforceable | Strengthening environmental obligations | The environment becomes a component of maritime security | Applicable to offshore projects |
| 4 | Pollution prevention | Art. 194 | §§ 942–969 | Positive obligations to prevent pollution | Strengthening due diligence | Impact on maritime infrastructure | Relevant to the Black Sea |
| 5 | Environmental impact assessment | Art. 206 | §§ 861–907; §975(b) | The assessments carried out were insufficient | EIA becomes a standalone legal obligation | Higher standards for maritime projects | Neptun Deep and other offshore projects |
| 6 | Monitoring of the marine environment | Art. 204 | §§ 908–941 | Monitoring is an ongoing obligation | Increased procedural obligations | The need for ongoing supervision | Development of national capacities |
| 7 | Disclosure of environmental information | Art. 205 | §§ 908–941; §975(c) | Failure to disclose information may constitute a breach | Transparency becomes a legal obligation | Environmental data takes on strategic value | The need for regional information exchange |

| | | | | | | | |
|----|---------------------------------------|-----------------------------|--------------|---|---|--|---|
| 8 | Cooperation in semi-enclosed seas | Art. 123 | §§ 944–955 | Cooperation is an essential element of maritime governance | Reinforcing the interpretation of Article 123 | The need for regional mechanisms | Promotes Romanian regional initiatives |
| 9 | Due diligence | Articles 192, 194, 205, 206 | §§ 861–969 | States must prevent and manage risks | Strengthening due diligence obligations | Focus on anticipation and prevention | Relevant to critical infrastructure |
| 10 | The Kerch Bridge | Articles 192, 194, 205, 206 | §§ 861–975 | Major projects must be assessed and monitored | Higher standards for infrastructure | Impact on future maritime projects | Lessons for Romanian infrastructure |
| 11 | Subsea pipelines | Articles 192, 194, 206 | §§ 861–907 | The need for an environmental impact assessment | Extension of environmental obligations | Relevance to energy security | Important for energy corridors |
| 12 | Submarine cables | Articles 192, 194, 206 | §§ 861–907 | The need for assessment and monitoring | Strengthening procedural obligations | Protection of digital connectivity | Relevant to digital infrastructure |
| 13 | Critical maritime infrastructure | Articles 192–206 | §§ 861–975 | Infrastructure is subject to international legal control | Integration of environmental and security standards | Regional strategic objectives | Direct relevance to Romania |
| 14 | Underwater cultural heritage | Art. 303 | §§ 1033–1087 | Underwater heritage is afforded legal protection | Further interpretation of Article 303 | Strategic and identity-defining value | Relevant to sites in the Black Sea |
| 15 | Scientific expertise | Articles 204–206 | §§ 861–941 | Data and studies have legal relevance | Science becomes a central element of evidence | The growing role of research | The need for investment in marine research |
| 16 | International organisations | Art. 205 | §§ 908–941 | Communication to the competent bodies is legally relevant | Strengthening multilateral governance | Enhancing the role of specialised agencies | Cooperation with the EU and international organisations |
| 17 | Environmental protection and security | Articles 192, 194 | §§ 942–969 | The environment is integrated into maritime security analysis | The convergence of the law of the sea and | Extended maritime security | Relevant to national strategies |

| | | | | | | | |
|----|-------------------------------------|----------------------------|--------------------------|--|---|---|-------------------------------------|
| | | | | | environmental law | | |
| 18 | Russia | Multiple | Approach and conclusions | Partial legal success | No legal recognition of Crimea | Maintaining the strategic advantage | Indirect impact on the region |
| 19 | Ukraine | Multiple | Strategy and conclusions | Limited legal victory | Confirmation of the applicability of UNCLOS | Maintaining the legal scope of the dispute | Impact on regional stability |
| 20 | Romania | Articles 123, 192–206 | Derived from conclusions | More stringent legal standards | Adaptation of maritime projects | Strengthening the regional role | Direct relevance |
| 21 | NATO | Articles 123, 192, 194 | Derived from conclusions | Maritime security is becoming multidimensional | Integration of the environment and infrastructure | Protection of critical infrastructure | The eastern flank |
| 22 | The European Union | Articles 123, 192–206 | Derived from conclusions | Compatibility with EU policies | Strengthening environmental standards | Support for energy security | Highly relevant |
| 23 | Energy security | Articles 192, 194, 206 | §§ 861–975 | Offshore energy must be made compatible with environmental obligations | Integration of law and energy | Impact on energy corridors | Neptun Deep |
| 24 | Regional resilience | Articles 123, 192–206 | The ruling as a whole | Risk management is becoming essential | Strengthening preventive obligations | Enhancing maritime resilience | Strategic relevance |
| 25 | Future maritime disputes | Articles 123, 192–206, 303 | The judgment as a whole | The judgment becomes a persuasive precedent | It influences future case law | Global impact | Doctrinal relevance |
| 26 | The evolution of UNCLOS | Multiple | The ruling as a whole | The Convention remains adaptable to new challenges | Progressive development of the law of the sea | Integration of the environment, energy and technology | Of major interest to coastal States |
| 27 | The maritime order of the Black Sea | Articles 123, 192–206 | The ruling as a whole | The regional order is becoming more complex and interdependent | Strengthening maritime governance | Integration of security, energy and the environment | Direct implications for Romania |

| | | | | | | | |
|----|------------------------------------|-----------------------------|------------------------|---|--|--|-----------------------------|
| 28 | Maritime power in the 21st century | Derived from interpretation | The overall conclusion | Maritime power goes beyond the military dimension | Expanding the legal concept of governance | Includes energy, data, infrastructure and the environment | Major strategic relevance |
| 29 | Regional governance | Art. 123 | §§ 944–955 | The need for functional cooperation | Strengthening regional mechanisms | Stability and predictability | Romanian strategic interest |
| 30 | The new regional maritime order | Articles 123, 192–206, 303 | The entire judgment | Law, security and the environment are becoming interdependent | The regulatory restructuring of the region | The transformation of the maritime architecture of the Black Sea | Maximum strategic relevance |

ANNEX 4

MAIN IMPLICATIONS FOR ROMANIA (NATIONAL INTEREST MATRIX)

| Area | Main Implication | Level of relevance |
|------------------------------|---|--------------------|
| Offshore energy | More stringent standards regarding impact assessment and monitoring | Very high |
| Neptun Deep | The need for robust and transparent environmental documentation | Very high |
| Port of Constanța | Benefits from the growing importance of legal predictability in the maritime sector | High |
| Subsea infrastructure | The need to protect pipelines and cables | Very high |
| Environmental monitoring | Development of national marine observation capabilities | High |
| Regional cooperation | Opportunity for Romanian initiatives in the Black Sea | High |
| NATO | Integrating infrastructure and energy into security planning | Very high |
| EU | Compatibility with European energy and environmental policies | Very high |
| Underwater cultural heritage | Strengthening the legal protection of historic sites | Environment |
| Marine research | Increasing the strategic value of expertise and data | High |
| Maritime resilience | The need for an integrated approach to maritime security | Very high |

