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Impact of the North-South Corridor on the Security Framework of the Black Sea and Caspian Region

Abstract

The International North-South Transport Corridor (NSTC) is a strategic initiative aimed at enhancing economic connectivity between Asia, Europe, Russia, Iran, and India. This project has gained significance amidst the shifting geopolitical landscape following the US withdrawal from Afghanistan, creating a power vacuum now contested by major international actors.²

This article investigates the impact of the NSTC on the security framework of the Caspian Sea and Black Sea regions from an international legal perspective. These regions are vital due to their strategic transport corridors, attracting significant geopolitical and economic interests from global and regional powers. Concurrently, they face a growing security vacuum that could destabilize Eurasia.

The study reviews the legal frameworks governing these areas, such as UNCLOS, TRACECA, TIR, and bilateral agreements, to assess their influence on regional security. By examining the NSTC's geopolitical importance and historical context, the article identifies key vulnerabilities and opportunities. It offers a comprehensive analysis of the legal and security challenges shaping the future of the Caspian and Black Sea regions, highlighting the necessity for robust international cooperation and regulation.

Key words: *transport corridor, regional safety, TRACECA, Black Sea, Caspian Sea*

Introduction

The International North-South Transport Corridor (INSTC) is a multimodal transportation project established on 12 September 2000 in St. Petersburg by India, Russia, and Iran. The INSTC aims to integrate a network of rail, road, and sea routes that span countries across Asia, Europe, and the Gulf region. The project stretches 4478 miles (7200 km) from the port of Mumbai to St. Petersburg, facilitating both cargo and passenger transport with an anticipated capacity of 20 to 30 million tons of goods per year.³

The first article of the agreement defines the geographical scope of the corridor: "International North-South Transport Corridor - from India, Oman by sea, through Iran, the Caspian region, the

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² Ahmad Neshat Keliwaal, and Abdul Saboor Mubariz, *North-South Transport Corridor: Opportunities, Challenges, and the Role of Afghanistan*, *Educational Administration: Theory and Practice*, Vol. 30, No. 11, 2024, pp. 28–36.

³ Khobragade, V., and NIM, A. K., *International North-South Transport Corridor: Mapping Vulnerabilities and Possibilities for India*, *World Affairs: The Journal of International Issues*, Vol. 26, No. 3, 2022, 40–41

Russian Federation and beyond, as well as in the reverse direction.”⁴ The second article outlines the agreement's objectives, which include improving the efficiency of transport connections for organizing passenger and cargo transport along the corridor, facilitating access to the international market for railway, road, sea, river, and air transport services, and ensuring the safety and security of transport operations, cargo preservation, and environmental protection in accordance with international standards.⁵ These objectives bear notable similarities to those of the TRACECA agreements, a comparison that will be explored later in the article.

The way this trilateral agreement impacts legal and security issues in the Caspian and Black Sea regions is particularly interesting. This article will delve into how the NSTC influences regional stability and security, emphasizing the international legal perspective, but in the first place we should discuss the importance and legal regulation of these regions.

Chapter 1. Importance of the Caspian Sea and Black Sea regions; International Legal Regulation

1.1 Black Sea

The Black Sea strategically situated between Europe and Asia, it is an enclosed sea of the Atlantic basin and it is often considered as an extension of the Mediterranean Sea as it is connected to it by Bosphorus and Dardanelles Straits. The Crimean Peninsula thrusts into the Black Sea from the north, and just to its east the narrow Kerch Strait links the sea to the smaller Sea of Azov. Black Sea states are: Georgia, Turkey, Bulgaria, Romania, Ukraine and the Russian Federation.⁶

The strategic and economic importance of the Black Sea has significantly increased over the last few decades, driven by both military considerations and the transit of resources. The issue of security of navigation in the Black Sea has reached unprecedented levels, particularly following the annexation of the Crimean Peninsula and the huge part Ukrainian territories, including, coast of Black Sea and the Sea of Azov by the Russian Federation.

The Black sea on international level is regulated by several multilateral and bilateral agreements, for the purposes of article we will discuss those which address international status and security issues, these include the 1982 United Nations Convention on the Law of the Sea (hereafter UNCLOS, it will be discussed in separate subsection), the 1936 Montreux Convention Regarding the Navigation in the Black Sea Straits and the 2003 Russia-Ukraine Bilateral Agreement on the Use of the Sea of Azov and the Kerch Strait.

⁴ «Соглашение О Международном Транспортном Коридоре 'Север - Юг'», 12 сентября 2000 г., статья 1.

⁵ Ibid. статья 2.

⁶ Encyclopedia Britannica, Black Sea, <https://www.britannica.com/place/Black-Sea>.

1.2.Caspian Sea

The Caspian Sea, the world's largest inland body of water, is strategically located between Europe and Asia, bordered by Russia, Kazakhstan, Turkmenistan, Iran, and Azerbaijan. This enclosed sea is crucial for regional security and economic activities, including significant oil and natural gas and oil reserves that make it a key energy hub. The Volga River connects the Caspian Sea to inner parts of Russia, enhancing its strategic importance for transportation and trade.⁷ Additionally, the Garabogazköl Gulf, a shallow, saline inlet on the eastern shore of the Caspian Sea, adds to the complexity of its geography. The sea's unique geopolitical setting has led to a web of national interests and international legal challenges, particularly concerning resource exploitation and maritime boundaries. Given its critical role in regional stability, the Caspian Sea remains a focal point for both cooperation and contention among the bordering states, each aiming to secure their interests and maintain influence over this vital area

Regulation of the Caspian Sea has evolved significantly over time, reflecting both historical treaties and modern agreements. A pivotal moment in the legal governance of the Caspian Sea was the signing of the Treaty on Friendship and Cooperation between Iran and Soviet Russia on February 26, 1921. Article 11 of this treaty granted both nations equal and free-floating rights under their respective flags, while Article 7 prohibited the entrance of any other countries into the Sea. This treaty was later reinforced by the 1940 "Commerce and Navigation" treaty, which reiterated the commercial and fishing rights of the parties and affirmed that only ships belonging to these two countries had navigation rights in the Caspian Sea. These treaties laid the groundwork for subsequent agreements and continue to influence the contemporary legal framework of the region.⁸

The Caspian Sea has become increasingly important due to the rising importance of the North-South Transport Corridor and the Baku-Tbilisi-Ceyhan oil pipeline. This pipeline facilitates the transportation of oil from the Caspian region to the Mediterranean. The North-South Transport Corridor aims to improve connectivity between India, Iran, Russia, and Europe, establishing the Caspian Sea as a vital hub for trade and commerce. Additionally, the export of oil from the Caspian region has become a pivotal element in the global energy market, underscoring the necessity for effective security measures and cooperative agreements among the bordering states.

Controversy among the five littoral states over the legal regime of the Caspian Sea began with the breakup of the Soviet Union in 1991. Until that time, the Caspian was considered as a "common Sea" between Iran and the Soviet Union. However, following the collapse of the Soviet Union, the number of littoral states increased from two to five, which in turn altered the geopolitical situation of the Sea. Disagreement between the parties has periodically triggered diplomatic problems.⁹ As a result, in 2001, Turkmenistan closed its embassy to Azerbaijan. Later on, Turkmenistan even warned

⁷ Encyclopedia Britannica, Caspian Sea, <https://www.britannica.com/place/Caspian-Sea>.

⁸ Abilov, S., Mahmudlu, C., And Abdullayev, N., Contested Waters: Implications of the 2018 Convention on The Legal Status of the Caspian Sea and The Future of the Trans-Caspian Pipeline, Insight Turkey, Vol. 22, No. 4, 2020, 229–38.

⁹ Ibid.

Azerbaijan that it would take the issue to an international arbitration court.¹⁰ In the meantime, the parties have failed to build mutually beneficial bilateral relations, and the implementation of regionally important transportation projects such as the Trans-Caspian Pipeline (TCP) has been delayed. Since 2017, with the opening of the Baku-Tbilisi-Kars (BTK) railway project, bilateral relations between the two parties have begun to normalize, and communication between Azerbaijan and Turkmenistan has been restored.¹¹

Iran considerably slowed down the process of defining the legal status of the Caspian Sea by taking an uncompromising position and putting forward terms and conditions that were unacceptable to the other Caspian countries. This stance significantly disappointed Western companies eager to invest in the region. The unresolved legal status complicated investment in the development of oil and gas deposits and posed challenges for transportation projects. When President Niyazov of Turkmenistan agreed to negotiate and conclude agreements bilaterally, which was crucial for Ashkhabad to attract investments, Iran had to adapt to the coordinated actions of the Commonwealth of Independent States (CIS) countries. These countries understood the necessity of establishing the new status of the Caspian Sea based on a five-sided consensus. The process of defining the legal status of the Caspian Sea was expected to follow suit once such consensus was achieved.¹²

In 2018, during the fifth summit of the Caspian heads of state in Aktau, the parties reached a final agreement and signed a new Convention on the Status of the Caspian Sea.¹³ This Convention grants all rights over the Caspian Sea and its resources exclusively to the five coastal states: Russia, Iran, Kazakhstan, Turkmenistan, and Azerbaijan. Significantly, the Convention designates the Caspian as a "peace" sea, explicitly prohibiting the presence of military forces from non-littoral states. This provision was especially important for Russia and Iran, who were concerned about potential military involvement from Western countries in the region.¹⁴

The new Convention addresses various critical issues, including the legal status of the waters, seabed, subsoil, demarcation, natural resources, fisheries, and navigation. Convention categorizes the Caspian Sea into internal waters, territorial waters, fishery zones, and common maritime space. The new status grants the littoral states sovereignty over their land territory, internal waters, and the

¹⁰ Huseinov, R., and Nasibov, E., Azerbaijan Report: June 5, 2001, Radio Free Europe/Radio Liberty, <<https://www.rferl.org/a/1340870.html>.

¹¹ Agayev, Z., Azerbaijan to Open Railway Planned as New Europe-China Corridor, Bloomberg, <https://www.bloomberg.com/politics/articles/2017-10-30/azerbaijan-to-open-railway-planned-as-new-europe-china-corridor>.

¹² Shonbayev, M., Caspian Oil and Regional Security, Connections, Vol. 2, No. 1, 2003, 9–14.

¹³ Коммюнике пятого Каспийского саммита, <https://www.akorda.kz/ru/events/astana_kazakhstan/astana_other_events/kommyunike-pyatogo-kaspiiskogo-sammita.

¹⁴ Abilov, S., Mahmudlu, C., And Abdullayev, N., Contested Waters: Implications of the 2018 Convention on The Legal Status of The Caspian Sea and The Future of The Trans-Caspian Pipeline, Insight Turkey, Vol. 22, No. 4, 2020, 229–34.

adjacent sea belt known as territorial waters, as well as over the seabed, subsoil, and the airspace above these areas.¹⁵

The territorial waters of each littoral state are limited to a maximum of 15 nautical miles, measured from baselines established in accordance with the Convention. However, the delimitation of internal and territorial waters between the states is not explicitly defined in the Convention, leaving this matter to be addressed through bilateral and multilateral agreements among the states.¹⁶

Article 14 grants littoral states the right to lay submarine cables and pipelines on the seabed without needing approval from all littoral states. Instead, agreements are required only with the state whose seabed sector is being crossed by the cable or pipeline.¹⁷ Document emphasizes the preservation of the Caspian Sea's ecological system and allows other coastal countries to monitor environmental processes within the territorial sectors of the littoral states, either individually or jointly.¹⁸

The Convention also aims to transform the Caspian Sea into a zone of peace, good neighborliness, friendship, and cooperation. It seeks to ensure security and stability in the Caspian region by maintaining a stable balance of arms among the littoral states, conducting military activities within reasonable limits, and avoiding harm to each other's security. The Convention promotes transparency and predictability in military activities and emphasizes mutual trust through agreed measures.

Convention also focuses on combating international terrorism and its financing, illegal arms trafficking, drug trafficking, psychotropic substances, precursors, poaching, and the unlawful smuggling of migrants by sea. It encourages cooperation among the littoral states to prevent and suppress these crimes in the Caspian Sea.¹⁹

Expanding on this agreement, the Convention further reinforces the commitment of the littoral states to maintain regional security through exclusive cooperation. By formalizing the exclusion of external military forces, the Convention reflects a unified stance among the five coastal nations to safeguard the Caspian Sea from becoming a theater for broader geopolitical rivalries. This collective approach underscores their intent to resolve security matters internally and preserve the region's status as a zone of peace and stability.

Following the signing of the Convention in Aktau, Iranian President Hassan Rouhani remarked that the Convention addressed only about 30 percent of the issues, indicating that the delimitation of the Caspian seabed would require further agreements among the littoral states. Subsequently, Russian Deputy Minister of Foreign Affairs Grigory Karasin expressed Moscow's preference for Azerbaijan,

¹⁵ Конвенция о правовом статусе Каспийского моря, 2018, Актау, статья 5

¹⁶ Ibid. статья 7

¹⁷ Ibid. статья 14

¹⁸ Ibid. статья 15

¹⁹ Ibid. статья 17

Iran, and Turkmenistan to resolve their disputes bilaterally or trilaterally, rather than involving all five countries in the process.²⁰

The priorities of Russia's national maritime policy in the Caspian region include strengthening the country's economic and geopolitical position, and deepening economic, military, and cultural ties with the Caspian states. Furthermore, modernization and enhancement of the capacity of Russian seaports, railways, and road approaches are essential for the socio-economic development of the Caspian region. This involves increasing maritime transportation of export and import cargoes, diversifying routes, and expanding the volume and methods of delivering goods and services to domestic and international markets via maritime transport.²¹

When comparing Russia's national maritime policy in the Caspian region with its strategy in the Black Sea, both similarities and differences are evident. In both regions, Russia aims to strengthen its economic and geopolitical positions and enhance military capabilities. In the Black Sea, the focus is on reinforcing geopolitical influence, developing infrastructure in Crimea and the Krasnodar region, and expanding the Black Sea Fleet. In contrast, in the Caspian region, the emphasis is on deepening economic, military, and cultural ties with the littoral states and modernizing port and transport infrastructure to boost maritime trade. While the Black Sea strategy prioritizes military expansion and regional dominance through naval development, the Caspian policy highlights socio-economic growth through improved maritime transportation and diversified trade routes, reflecting a more balanced approach to both economic development and security.

Chapter 2. Overview of Existing Legal Framework

The legal framework governing the Black Sea and Caspian Sea regions is multifaceted, encompassing a variety of international conventions, regional agreements, and bilateral treaties. These legal instruments are designed to regulate maritime activities, ensure the free and secure movement of goods, and promote regional cooperation. The strategic importance of these regions, highlighted by their roles in global trade routes and energy transportation, necessitates a comprehensive legal structure to address the diverse interests and security concerns of the littoral states.

The 1982 United Nations Convention on the Law of the Sea (UNCLOS) provides a foundational legal framework for maritime governance, establishing guidelines for navigation, resource management, and environmental protection. In addition to UNCLOS and apart from North-South Agreement several other agreements play crucial roles in regulating transportation and trade within these regions. The Transport Corridor Europe-Caucasus-Asia (TRACECA) initiative, the Transports

²⁰ Abilov, S., Mahmudlu, C., And Abdullayev, N., Contested Waters: Implications of the 2018 Convention on The Legal Status of the Caspian Sea and The Future of the Trans-Caspian Pipeline, *Insight Turkey*, Vol. 22, No. 4, 2020, 242–45.

²¹ Указ Президента РФ от 31 июля 2022 г. N 512 "Об утверждении Морской доктрины Российской Федерации", Москва, Кремль, 31 июля 2022 года, статья 57-58.

Internationaux Routiers (TIR) convention, and China's Belt and Road Initiative each contribute to the evolving legal landscape. Bilateral transport agreements between littoral states further facilitate cross-border cooperation, ensuring the smooth flow of goods and services. This section explores these key legal instruments, examining their roles and impacts on the Black Sea and Caspian Sea regions.

2.1.UNCLOS

UNCLOS offers a universal regime for maritime governance, but it does not explicitly reference the Caspian or Black Seas. Instead, it introduces the concept of "enclosed or semi-enclosed seas," defined as "a gulf, basin or sea surrounded by two or more States and connected to another sea or the ocean by a narrow outlet or consisting entirely or primarily of the territorial seas and exclusive economic zones of two or more coastal States".²² Under this definition, the Black Sea fits comfortably, given its geographical and navigational characteristics. The Caspian Sea, being entirely landlocked and lacking any direct access to the world's oceans, remains in a legal gray area from the UNCLOS perspective, necessitating a separate, region-specific legal regime.

States bordering an enclosed or semi-enclosed sea, such as the Black Sea, are called upon by UNCLOS to cooperate in exercising their rights and performing their duties under the Convention.²³ From a security perspective, this cooperation is crucial. States must coordinate resource management and environmental protection to prevent conflicts and ensure regional stability. Joint scientific research and the inclusion of other states or organizations in cooperative efforts can help build trust and transparency, reducing tensions. This framework emphasizes the importance of regional collaboration in addressing both legal and security challenges in the Black Sea, thereby fostering a stable and secure maritime environment.²⁴

It is interesting that one of the Black Sea coastal states, Turkey, is not a signatory to UNCLOS. Turkey's non-signatory status to UNCLOS introduces additional complexity to the region's security dynamics. "Turkey supports the general intent of the UNCLOS and, only with the exception of three articles, agrees with all its provisions, including particularly those related to the protection of the marine environment and sustainable use of oceans and their resources."²⁵ But its non-participation that certain UNCLOS provisions do not legally bind Turkey, potentially leading to differing interpretations and applications of maritime law. This can create friction with neighboring states

²² United Nations Convention on the Law of the Sea, 1982, article 122.

²³ Ibid. 123

²⁴ *Siradze, E.*, Occupied Maritime Space of Georgia - Current Reality and Search for Ways of Future Legal Regulation, Prospects of the Development of the Occupied Territories of Georgia in International Legal and Geopolitical Perspective, 3-8.

²⁵ Republic of Turkey, Closing Statement, Fourth Session of the Intergovernmental Conference for an International Legally Binding Instrument under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction, March 18, 2022, New York. <https://www.un.org/bbnj/sites/www.un.org.bbnj/files/turkey_-_closing_statement_-_bbnj_igc_iv.pdf>.

that are UNCLOS signatories. Turkey's strategic control over the Bosphorus and Dardanelles Straits, governed by the Montreux Convention, further highlights its critical role in regional security. Therefore, Turkey's engagement and cooperation, even outside the UNCLOS framework, remain essential for maintaining stability and addressing security challenges in the Black Sea region.

The application of the UNCLOS to the Caspian Sea has been a contentious issue among the littoral states. Most importantly Turkmenistan and Iran are not parties to UNCLOS. Russia and Iran have long argued that the Caspian should not be governed by UNCLOS, contending instead for regulation according to the condominium principle. They posited that the treaties mentioned earlier, specifically the Treaty on Friendship and Cooperation between Iran and Soviet Russia (1921) and the Commerce and Navigation Treaty (1940), should serve as the legal basis for the rights and obligations of all littoral states in the Caspian Sea.²⁶ By supporting the condominium principle, Russia aimed to maintain its influence over the former Soviet Republics of the Caspian region and prevent any foreign powers from entering its sphere of influence. Additionally, Russia sought to benefit from the vast hydrocarbon resources of these countries. This stance led Russia to oppose the application of UNCLOS to the Caspian and its division into national sectors, instead advocating for the Caspian to be considered the common property of the coastal states based on Soviet-Iran treaties, which emphasized joint ownership and required mutual consent for any exploration activities.²⁷

Iran also had its strategic reasons for opposing the division of the Caspian Sea into national sectors under UNCLOS. Recognizing that such a division would likely limit its share to a maximum of 14 percent, thus reducing its claims to the oil fields located along the median line between Iran and Azerbaijan, Iran began advocating for an equal division of the Sea into five parts, granting each country 20 percent. This remains Iran's position today.

Despite these disagreements, progress has been made towards resolving some of the disputes over the Caspian Sea. In May 2003, Russia, Azerbaijan, and Kazakhstan signed an agreement for the delimitation of the Sea into their adjacent sectors. This agreement divided 64 percent of the northern Caspian into national sectors based on the median line principle, allocating 27 percent to Kazakhstan, 19 percent to Russia, and 18 percent to Azerbaijan. One of the significant achievements of the Convention on the Legal Status of the Caspian Sea, signed in 2018, is its provisions on the construction of submarine pipelines. Article 14(3) of the Convention stipulates that a pipeline route requires the agreement of only the countries through which the pipeline crosses. This provision marked a significant clarification in regional practice, as it confirmed that the approval of submarine pipelines requires the consent only of the states through whose sectors the pipeline would pass, rather than the unanimous approval of all five littoral states. This clarification was particularly important given that Turkmenistan and Iran, unlike the other coastal states, are not parties to UNCLOS and had previously opposed such projects due to environmental and legal concerns.²⁸

²⁶ *Shonbayev, M.*, Caspian Oil and Regional Security, Connections, Vol. 2, No. 1, 2003, 9–14.

²⁷ *Abilov, S., Mahmudlu, C., And Abdullayev, N.*, Contested Waters: Implications of the 2018 Convention on The Legal Status of the Caspian Sea and The Future of The Trans-Caspian Pipeline, Insight Turkey, Vol. 22, No. 4, 2020, 231–34.

²⁸ *Ibid.*

2.2.1936 Montreux Convention Regarding the Navigation in the Black Sea Straits

The Montreux Convention of 1936 is still in force and is considered as the most important instrument for ensuring security in the Black Sea. It regulates the passage of ships and warships through the Bosphorus and Dardanelles Straits and in the Black Sea. The Montreux Convention is pivotal in ensuring the security and stability of the Black Sea region. It gives merchant vessels the freedom of transit and navigation through the Turkish Straits,²⁹ while warships are subject to specific restrictions, varying based on whether the ships belong to Black Sea coastal states or not.³⁰ Under the Convention, merchant vessels of any nationality and cargo are granted freedom of transit and navigation during times of war, provided Turkey is not a belligerent.³¹ Similarly, warships from non-belligerent nations are allowed to pass freely through the Straits.³²

Following Russia's invasion of Ukraine, in February, 2022 Turkey invoked its rights under the Montreux Convention to close the Bosphorus and Dardanelles Straits to all warships, regardless of whether they belong to Black Sea-bordering countries. Nonetheless, this closure allows warships returning to their home bases in the Black Sea to pass through, including Russian vessels from the Black Sea Fleet. This move aimed to restrict Russia's ability to bolster its Black Sea Fleet with reinforcements from other naval areas, such as the Baltic. Turkish Foreign Minister Mevlüt Çavuşoğlu confirmed Turkey's adherence to the Convention, underscoring that, despite not being a belligerent, Turkey has the authority to limit warship passage from warring states. This decision underscores Turkey's crucial role in maintaining regional security and has strategic implications for managing naval capabilities in the Black Sea amidst ongoing geopolitical tensions.³³

2.3.2003 Russia-Ukraine Bilateral Agreement on the Use of the Sea of Azov and the Kerch Strait and Maritime Doctrine of Russia

The 2003 Agreement between the Russian Federation and Ukraine on Cooperation in the Use of the Sea of Azov and the Kerch Strait was a critical legal instrument designed to regulate the status and joint use of this strategically sensitive maritime zone. According to its first article, the Sea of Azov and the Kerch Strait were recognized as historically internal waters of both states. The article also provided that the delimitation of the maritime boundary and any matters concerning the Kerch Strait would be subject to mutual agreement between the two parties.³⁴

²⁹ The Montreux Convention of 1936, Article 2.

³⁰ Ibid. articles 9, 10.

³¹ Ibid. articles 2, 3.

³² Ibid. articles 10, 18.

³³ Mongilio, H., USNI News, Turkey Closes Bosphorus, Dardanelles Straits to Warships, <<https://news.usni.org/2022/02/28/turkey-closes-bosphorus-dardanelles-straits-to-warships>>.

³⁴ «Договор между Российской Федерацией и Украиной о сотрудничестве в использовании Азовского моря и Керченского пролива», 24 декабря 2003 г., статьи 1, 2, 4, денонсирован Федеральным законом от 13 июня 2023 года № 206-ФЗ.

From a security standpoint, one of the most consequential provisions concerned the entry of foreign military and government vessels. The agreement specified that such vessels from third states could access the Sea of Azov and the Kerch Strait only through an invitation by one party and with the explicit consent of the other. This framework effectively excluded unilateral decision-making regarding military access and entrenched a bilateral regime of joint maritime control.³⁵

In addition to navigation and security, the agreement encouraged cooperation in various fields, including the regulation of shipping, safety at sea, and environmental protection. However, it lacked firm enforcement or dispute resolution mechanisms, relying instead on diplomatic consultations to resolve disagreements. Although the agreement initially contributed to regional stability, its practical function eroded following the annexation of Crimea in 2014 and subsequent maritime incidents, such as the 2018 Kerch Strait confrontation.³⁶ The full-scale Russian invasion of Ukraine in 2022 further rendered the treaty politically and legally obsolete, as bilateral cooperation collapsed under the weight of open armed conflict. The treaty's formal denunciation by the Russian Federation in June 2023, under Federal Law No. 206-FZ, marked the collapse of this bilateral framework and underscored the growing legal instability in the Azov–Black Sea region.

In addition to these international agreements, Russia's national maritime policy is interesting in this context, as outlined in its Maritime Doctrine, emphasizes strengthening its geopolitical positions in the Black Sea and the Sea of Azov. The priorities include comprehensive strengthening of the Russian Federation's geopolitical positions in the region, ensuring a favorable international legal regime for the Black and Azov Seas based on international maritime law, enhancing and strengthening the Black Sea Fleet's forces, developing infrastructure in Crimea and the Krasnodar region, and constructing competitive maritime transport vessels. This includes expanding the fleet with mixed navigation vessels (river-sea), modernizing coastal infrastructure, and port facilities to accommodate the projected growth in maritime export and import cargo transportation. It also involves realizing the transport and transit potential of coastal territories by developing international transport corridors and developing shipbuilding and ship repair complexes in the Republic of Crimea and Sevastopol, including large-tonnage shipbuilding and ship repair.³⁷

In line with Russia's long-term strategic vision, as articulated in the Presidential Decree of July 20, 2017, No. 327, "On Approval of the Fundamentals of the State Policy of the Russian Federation in the Field of Naval Activities for the Period up to 2030". Russia aims to significantly enhance the operational and combat effectiveness of its Black Sea Fleet through the establishment of multifaceted

³⁵ Ibid. статья 2, 3.

³⁶ Kraska, J., The Kerch Strait Incident: Law of the Sea or Law of Naval Warfare?, *EJIL: Talk!*, December 3, 2018. <<https://www.ejiltalk.org/the-kerch-strait-incident-law-of-the-sea-or-law-of-naval-warfare/>> [accessed 25 April 2025].

³⁷ Указ Президента РФ от 31 июля 2022 г. N 512 "Об утверждении Морской доктрины Российской Федерации", Москва, Кремль, 31 июля 2022 года, статья 56.3.

Siradze, E., Occupied Maritime Space of Georgia - Current Reality and Search for Ways of Future Legal Regulation, Prospects of the Development of the Occupied Territories of Georgia in International Legal and Geopolitical Perspective, 17-18.

force groupings on the Crimean Peninsula.³⁸ This initiative underscores Russia's commitment to maintaining a robust naval presence not only in the Black Sea but also in key strategic areas such as the Mediterranean Sea and other vital maritime transit routes worldwide. By strengthening its maritime capabilities and ensuring continuous naval presence, Russia seeks to assert and safeguard its geopolitical interests in these critical maritime domains, aligning its naval strategy with broader national security objectives.

2.4. TRACECA

The TRACECA corridor, aimed at developing the Europe-the Caucasus-Asia Corridor, was formalized through the Basic Multilateral Agreement on International Transport. This agreement was signed in Baku on September 8, 1998 it officially entered into force on March 16, 2000, and later was amended by protocols on November 9, 2003, and December 13, 2007. Initially, eight countries were parties to TRACECA Project: Azerbaijan, Armenia, Georgia, Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan, and Turkmenistan. Seeing the program's success from 1996 to 1998, Moldova and Ukraine applied to become members.³⁹

The primary objectives of the Basic Agreement are to develop economic relations, trade, and transport communication across Europe, the Black Sea, the Caucasus, the Caspian Sea, and Asia. It aims to facilitate access to the international market for various forms of transport, including road, air, railway, and commercial maritime navigation. The agreement seeks to streamline international transport of goods and passengers, ensure traffic safety, security of goods, and environmental protection, harmonize transport policy and legal frameworks, and create equal conditions of competition between different types of transport.⁴⁰

Agreement regulates the movement of goods and passengers between its parties and through their territories in transit. "International Transport" includes road, railway, water, air transport, any container under the Customs Convention on Containers, and pipelines, provided the origin and destination are in different countries, with at least one being a party to the agreement. This also covers storage during transit. Each party grants other parties the right of transit for international means of transport, goods, and passengers through its territory under specified conditions. The parties ensure the most effective arrangements for facilitating transport in transit. The agreement's provisions do not affect the rights and obligations arising from other international conventions and agreements.⁴¹

³⁸ Ibid.

³⁹ Basic Multilateral Agreement on International Transport for Development of the Europe-the Caucasus-Asia Corridor, September 8, 1998, Baku.

⁴⁰ Ibid. Preamble. Articles 1, 3,4

⁴¹ Ibid. article 7

Russia opposed TRACECA, according to the Ministry of Foreign Affairs, because it was designed to facilitate international freight transport bypassing Russian territory.⁴² Politically, the West viewed this project as a means to significantly reduce the transport dependence of former Soviet republics on Russia, thereby fostering centrifugal tendencies among CIS countries. TRACECA aimed to establish new transport routes for substantial and stable freight flows from the Asia-Pacific region to Central Asia, the Persian Gulf, and Western Europe, bypassing Russia's transport system, particularly its Trans-Siberian Railway.

To counter emerging regional transport trends and reduce dependence on Western-backed initiatives such as the TRACECA corridor, Russia proposed creating a network of north-south and east-west transport routes, including the so-called "South-West-North" corridors. This initiative aimed to attract additional freight and passenger flows from Northern and Western Europe, Central Asia, and the Middle East.⁴³ However, these aims did not fully materialize as envisioned. Instead, just nine months after this proposal, a more viable alternative to TRACECA emerged when Iran, India, and Russia signed the North-South Transport Corridor (NSTC) agreement, marking a significant shift in regional transport and trade alignment.

2.5.Belt and Road Initiative (BRI)

The Belt and Road Initiative (BRI), also known as the "One Belt One Road" (OBOR), is a cornerstone of China's international cooperation and economic strategy. Announced by President Xi Jinping in 2013, the BRI aims to enhance global trade and stimulate economic growth through infrastructure development and investment. This venture has two major components: the overland Silk Road Economic Belt and the Maritime Silk Road. Once realized, the BRI is expected to have a tremendous economic impact on the countries along its roadmap.⁴⁴ However, the expansion of the BRI has faced challenges, particularly in regions with strategic rivalries and competing infrastructure projects, such as the North-South Corridor.

The North-South Corridor aims to create a trade route connecting the Indian Ocean with Northern Europe through Central Asia and the Caspian Sea, serving as a strategic alternative to the east-west routes promoted by the BRI. This corridor, effectively a perpendicular route, offers a significant strategic counterbalance to China's expansive BRI network.

The process of joining the BRI involves bilateral agreements where China and the respective country sign a Memorandum of Understanding (MoU) to formalize their cooperation under the BRI framework. This formalization signifies a commitment to the initiative's goals, which include policy coordination, facilities connectivity, unimpeded trade, financial integration, and people-to-people

⁴² Департамент экономического сотрудничества, МИД Российской Федерации, Евразиатский транспортный коридор (проект TRACECA) (справочная информация), January 28, 2000. <https://www.mid.ru/ru/foreign_policy/economic_diplomacy/1745635/>.]

⁴³ Ibid.

⁴⁴ Hali, S. M., Tan, S., and Iqbal, S., One Belt and One Road: Impact on China-Pakistan Economic Corridor, Strategic Studies, Vol. 34/35, 2014, 147–64. <<https://www.jstor.org/stable/48527479>>

bonds. However, unlike the legally binding agreements seen in other initiatives like TRACECA or the North-South Corridor, BRI MoUs are not legally binding. This lack of legal enforceability can pose issues regarding commitment and adherence to the BRI's objectives, making clear communication and mutual understanding crucial for the involved parties.

By 2020, 138 countries had signed MoUs with China, formally joining the BRI framework. However, Russia notably denied signing an MoU with China for the BRI, highlighting the complexities and challenges in verifying the full extent of participation in the initiative.⁴⁵ This discrepancy underscores the intricate dynamics of international cooperation and the strategic considerations that influence participation in global economic initiatives like the BRI.

Chapter 3. Historical Context and Geopolitical Landscape of NSTC

3.1. Historical development of the NSTC

The idea of creating a transport connection between India and Europe via Russia dates back to the late 19th century. During this period, the Russian Empire sought a direct route to the Indian Ocean, envisioning a railway network that would pass through Afghanistan and Persia into India. The concept resurfaced in the late 20th century as the North-South Transport Corridor (NSTC). This revival was driven by efforts to establish pan-European transport corridors and further reinforced by the three International Eurasian Transport Conferences held in Saint Petersburg in 1998, 2000, and 2003. The creation of the NSTC was propelled by the burgeoning economies and trade activities in India, the Persian Gulf, and the Middle East, necessitating efficient routes for transporting goods to Central, Western, and Northern Europe.⁴⁶

India, Iran, and Russia officially launched the NSTC in September 2000. Since then, ten additional nations have joined: Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Tajikistan, Turkey, Ukraine, Oman, and Syria.⁴⁷ The NSTC aims to link the economies of Russia and Europe with the Indian Ocean and Persian Gulf via Iran and the Caspian Sea. The corridor primarily comprises three routes, although Iranian media sources suggest there could be up to 14 additional routes connecting ports in India, the United Arab Emirates, and Russia. The NSTC utilizes ships, trains, and road transport to move goods. Goods travel from ports like Jawaharlal Nehru and Kandla in Western India

⁴⁵ Green-BRI, Countries of the Belt and Road Initiative (BRI), <<https://green-bri.org/countries-of-the-belt-and-road-initiative-bri/>>.

⁴⁶ Винокуров, Е., Ахунбаев, А., Шашкенов, М., и Забоев, А., Международный транспортный коридор «Север – Юг»: создание транспортного каркаса Евразии (The International North–South Transport Corridor: Promoting Eurasia's Intra- and Transcontinental Connectivity), Евразийский банк развития (ЕБР), 30 ноября 2021 г., 13–14.

⁴⁷ Azmi, S. N., Khan, K. H., and Koch, H., Assessing the Effect of INSTC on India's Trade with Eurasia: An Application of Gravity Model, Cogent Economics & Finance, Vol. 12, No. 1, 2024. 4-5

to Iran's Bandar Abbas harbor, then move north through Baku (Azerbaijan) to Moscow and St. Petersburg, and onwards into Europe.⁴⁸

China's rapid development of the China-Pakistan Economic Corridor (CPEC) has caused anxiety in India, motivating a strategic response through the NSTC. India's primary concern is that CPEC might block its energy supplies and access to Central Asian markets. Consequently, India has focused on developing an alternative route through Iran's Chabahar Port. Initially planned in the 1990s with partial Indian assistance, Chabahar was intended to bypass Pakistan, providing sea and land access to Afghanistan and Central Asia to reduce transportation time and costs. The Indian government has invested \$500 million in a deal with Iran and Afghanistan to develop Chabahar Port and the connecting Zaranj-Delaram highway. This move counters China's significant investment in Pakistan's Gwadar Port, a key point in China's Belt and Road Initiative (BRI) project, which lies just 80 kilometers from Chabahar Port.⁴⁹

3.2.Overview of the North-South Transport Corridor (NSTC)

The North-South Transport Corridor (NSTC) was established to enhance transportation links for the movement of passengers and goods. The parties to the agreement committed to making every effort to reduce transit times for passengers and goods through their territories, minimize transit costs, and simplify and standardize all administrative documentation and procedures, including customs, related to transit transportation. Each party granted the others the right to international transit of passengers, goods, and vehicles through their territories under the terms stipulated in the agreement and ensured effective facilitation of international transit shipments.⁵⁰

The corridor connects northwestern Eurasian Economic Union (EAEU) countries and Scandinavia with Central Asia, the Persian Gulf, and the Indian Ocean. The corridor includes a comprehensive infrastructure network of railways, highways, inland waterways, seaports, road and rail checkpoints, and international airports. Key seaports on the Caspian Sea (such as Astrakhan, Olya, Makhachkala, Baku, Aktau, Turkmenbashi, Anzali, Nowshahr, Amirabad) and the Persian Gulf (such as Bandar Abbas and Chabahar) play crucial roles.

The North-South Transport Corridor (NSTC) is a crucial element in the network of global trade routes, intersecting with initiatives like China's "One Belt, One Road" (OBOR) to form a comprehensive Eurasian transport framework. This corridor's development fosters a macro-regional transport-logistics system, essential for enhancing trade and investment partnerships across Eurasia.

⁴⁸ Винокуров, Е., Ахунбаев, А., Шашкенов, М., и Забоев, А., Международный транспортный коридор «Север – Юг»: создание транспортного каркаса Евразии (The International North–South Transport Corridor: Promoting Eurasia's Intra- and Transcontinental Connectivity), Евразийский банк развития (ЕБР), 30 ноября 2021 г., 15-18

⁴⁹ D'Souza, S. M., India, Iran, and the Taliban's Gamble on Chabahar, The Diplomat, May 28, 2024. <<https://thediplomat.com/2024/05/india-iran-and-the-talibans-gamble-on-chabahar/#:~:text=India%20is%20trying%20to%20breathe,the%20Iranian%20port%20of%20Chabahar.>>.

⁵⁰ «Соглашение О Международном Транспортном Коридоре 'Север - Юг'», 12 сентября 2000 г., статья 1-4.

Recent geopolitical shifts and logistical challenges have highlighted the NSTC's importance, especially as a strategic counterbalance to China's Belt and Road Initiative (BRI). India's strategy to mitigate China's influence in Central Asia and Africa involves bolstering the NSTC and negotiating a free trade agreement (FTA) with the Eurasian Economic Union (EAEU). Should this FTA materialize and the NSTC reach full operational capacity, India's bilateral trade with Eurasia could soar to \$170 billion, significantly strengthening economic ties and promoting a more balanced trade framework.⁵¹ The unexpected withdrawal of US and international forces from Afghanistan in 2021, followed by the Taliban's takeover, further complicated regional security dynamics. India's significant investments in Afghanistan, including infrastructure projects and humanitarian aid, faced uncertainty. However, the NSTC provided an alternative diplomatic and logistical route, as demonstrated by India's successful shipments of wheat to Afghanistan via Chabahar Port in 2017 and 2020. The Zaranj-Delaram highway, part of the NSTC, has also been a point of concern due to its use by the Taliban and Islamic State for illegal activities.⁵²

The 2021 Suez Canal blockage, which halted global trade for six days and cost the global economy an estimated \$9 billion, highlighted the North-South Transport Corridor (NSTC) as a viable alternative. This incident underscored the need for reliable and diversified transport routes to mitigate future logistical disruptions. In this context, the NSTC offers a faster and cheaper option for transporting goods from India to Europe, significantly reducing both costs and delivery times compared to the traditional Suez Canal route.⁵³

Despite the corridor's potential, trade volume among NSTC members has remained below expectations. India's trade with the Commonwealth of Independent States (CIS) region accounted for only 1% of total exports, dominated by energy products and military hardware. The NSTC aims to strengthen connectivity, enhance knowledge and information-sharing, and reconnect traditional marketplaces, unlocking potential for trade and consumer growth in underdeveloped markets.⁵⁴ However, after 2021, major geopolitical shifts significantly affected the regional trade landscape. The outbreak of the Russia-Ukraine war in February 2022, coupled with widespread sanctions imposed on Russia, forced a reconfiguration of traditional supply chains and increased the strategic urgency for alternative transport corridors. The NSTC gained renewed importance as Russia, Iran, and India sought to bypass Western-controlled maritime and land routes, boosting regional cooperation under

⁵¹ Azmi, S. N., Khan, K. H., and Koch, H., Assessing the Effect of INSTC on India's Trade with Eurasia: An Application of Gravity Model, *Cogent Economics & Finance*, Vol. 12, No. 1, 2024. 4-7

⁵² Khobragade, V., and NIM, A. K., International North-South Transport Corridor: Mapping Vulnerabilities and Possibilities for India, *World Affairs: The Journal of International Issues*, Vol. 26, No. 3, 2022, 45-48
D'Souza, S. M., India, Iran, and the Taliban's Gamble on Chabahar, *The Diplomat*, May 28, 2024.
<<https://thediplomat.com/2024/05/india-iran-and-the-talibans-gamble-on-chabahar/#:~:text=India%20is%20trying%20to%20breathe,the%20Iranian%20port%20of%20Chabahar.>>.

⁵³ Винокуров, Е., Ахунбаев, А., Шашкенов, М., и Забоев, А., Международный транспортный коридор «Север – Юг»: создание транспортного каркаса Евразии (The International North-South Transport Corridor: Promoting Eurasia's Intra- and Transcontinental Connectivity), Евразийский банк развития (ЕБР), 30 Ноября 2021 г., 7-8

⁵⁴ Ibid. 5

the pressure of shifting global alignments.⁵⁵ Iran's efforts to deepen economic partnerships with Russia and India further strengthened the corridor's prospects, while India pursued closer ties to secure energy supplies and trade access. Additionally, interest in the NSTC grew among other regional players, such as Azerbaijan and Kazakhstan, reflecting a broader trend of seeking resilient and diversified trade pathways in response to global instability. Thus, the NSTC, initially seen as an underutilized corridor, began to emerge as a critical instrument for regional economic realignment in the wake of post-2021 political transformations.⁵⁶

3.3. NSTC vs TRACECA Legal Regulation

The North-South Transport Corridor (NSTC) and the Transport Corridor Europe-Caucasus-Asia (TRACECA) agreements regulate transportation across different regions but share strikingly similar objectives and regulatory frameworks. A comparison of these agreements reveals common goals aimed at enhancing regional connectivity and economic cooperation, while also highlighting potential areas of conflict and regional threats.

Both agreements aim to facilitate international market access for multiple modes of transport including road, rail, sea, and air. They emphasize the importance of traffic safety, goods security, and environmental protection. Furthermore, both agreements seek to harmonize transport policies and legal frameworks among the member states to ensure seamless and efficient transportation.

However, despite these similarities, the geographic focus of each agreement differs significantly. TRACECA primarily addresses the regions of Europe, the Black Sea, the Caucasus, the Caspian Sea, and Asia. In contrast, the NSTC focuses on connecting India, Iran, Russia, and the Caspian region, emphasizing maritime and rail links through these areas. This distinction in geographic scope introduces potential conflicts, particularly in the Caspian region, where both agreements seek to establish dominance.

Both agreements provide for the facilitation of international transport by ensuring the right of transit through member territories. They promote efficient transit arrangements and stipulate that taxes, duties, and other payments related to transit should be minimized to facilitate smooth operations. Furthermore, they both establish intergovernmental bodies to oversee the implementation of their provisions, ensuring cooperation and coordination among member states.

The TRACECA agreement, through its Inter-Governmental Commission, and the NSTC, via its Coordination Council, both create mechanisms for regular meetings and decision-making to address

⁵⁵ Kardas, S., Revitalizing the International North-South Transport Corridor: Analyzing Geopolitical Realignments and the China Factor, Institute for Security and Development Policy, May 2022. <<https://www.isdp.eu/publication/revitalizing-instc-analyzing-geopolitical-realignments-and-the-china-factor/>>.

⁵⁶ Lunev, S., and Belov, V., The Prospects of an India–Iran Partnership: Implications for Russia, in The “Asian Turn” in Russian Foreign Policy, Springer, 2024, 383–404.

operational and policy issues. These bodies are tasked with promoting cooperation, simplifying customs procedures, and fostering multimodal transport systems.

Despite these collaborative frameworks, the overlapping goals and regions of TRACECA and NSTC can lead to competition and conflicts. The Caspian Sea region, in particular, becomes a strategic hotspot where both corridors vie for influence and control. The dual presence of these corridors may lead to jurisdictional disputes, conflicting regulations, and competition for infrastructure investments and trade routes. This competition can undermine regional stability and create tensions among member states.

Furthermore, the differing membership and external alliances of the TRACECA and NSTC agreements could exacerbate geopolitical rivalries. TRACECA's alignment with European interests and NSTC's connections to Russia and Iran could lead to political frictions and affect the implementation of both agreements. The strategic importance of these corridors for global trade and energy transport further intensifies these conflicts, posing significant threats to regional security and cooperation.⁵⁷

3.4. Security Implications of the NSTC: Legal Framework Analysis

The NSTC, as a key component of the Eurasian transport framework, directly impacts regional security dynamics. By providing a route for India and Iran to access European markets, it poses a potential security threat to countries such as Georgia and the broader Black Sea region. The corridor's development highlights the strategic competition in the region, particularly as it serves as a counterbalance to China's Belt and Road Initiative (BRI). India's and Iran's ambitions to deepen their economic ties with Europe through the NSTC could shift regional power balances, prompting responses from other regional actors such as Russia and Turkey.⁵⁸

The NSTC's potential extension through Georgia to Black Sea ports enhances its strategic value but also brings substantial security risks. India can strengthen its position in the NSTC project by gaining a shorter route to Georgia, Black Sea ports, and the EAEU market. However, Armenia's inclusion in the international transport corridor depends on the construction of the "North-South" national highway segment, which will reduce the distance from the Georgian to the Iranian border. The proposed Kvesheti-Kobi highway segment, including a 10-kilometer tunnel, is in its final stages of construction and will connect Armenia with Iran, potentially opening new opportunities for Armenia's access to external markets.⁵⁹ The involvement of multiple countries in Georgia's

⁵⁷ Basic Multilateral Agreement on International Transport for Development of the Europe-the Caucasus-Asia Corridor, September 8, 1998, Baku, Articles 1-12

«Соглашение О Международном Транспортном Коридоре 'Север - Юг'», 12 сентября 2000 г., статья 1-7

⁵⁸ Kooalee, E., and Hafezian, M. H., The Islamic Republic of Iran and the South Caucasus Republics, *Iranian Studies*, Vol. 43, No. 3, 2010, 391-409.

⁵⁹ Винокуров, Е., Ахунбаев, А., Шашкенов, М., и Забоев, А., Международный транспортный коридор «Север – Юг»: создание транспортного каркаса Евразии (The International North-South Transport Corridor: Promoting Eurasia's Intra- and Transcontinental Connectivity), Евразийский банк развития (ЕБР), 30 ноября 2021 г., 20-21

infrastructure projects raises concerns about external influence and control. The ability of Georgia to freely decide its development path is crucial. However, the competing interests of powerful neighbors and global powers can undermine its sovereignty. The pressure to align with either Western or Eastern blocs can limit Georgia's policy choices, potentially destabilizing the Black Sea region as well. The Black Sea region's security is intricately linked to the Caspian Sea, especially through the Volga-Don Canal, which connects the two bodies of water. The Caspian Sea is not regulated under the United Nations Convention on the Law of the Sea (UNCLOS), creating at certain extent a legal vacuum that exacerbates regional security concerns.

The legal framework governing the NSTC and the Caspian Sea Convention also presents significant security threats. The NSTC's dispute resolution mechanism relies heavily on negotiation and the Coordinating Council, which may lack the authority and enforcement power to effectively resolve conflicts. This reliance on internal mechanisms without clear external arbitration can lead to prolonged disputes and uncertainty, undermining the stability and security of the entire corridor.

The Caspian Sea Convention addresses several maritime crimes similar to those covered under UNCLOS. However, there are notable differences in specificity and enforcement mechanisms, which impact the security environment in the region. For example, UNCLOS provides clear definitions and enforcement mechanisms for piracy, illicit traffic in narcotic drugs, unauthorized broadcasting, slave trade, and environmental protection.⁶⁰ In contrast, the Caspian Sea Convention uses broader terms and does not explicitly address issues like unauthorized broadcasting and slave trade.⁶¹ This lack of specificity can lead to enforcement challenges and increased vulnerability to maritime crimes. The NSTC's extensive network provides opportunities for transnational criminal activities such as human trafficking, smuggling of goods, and money laundering. The presence of organized crime syndicates exploiting these routes can undermine legal frameworks and pose significant security threats for Caspian and Black Sea regions. Robust legal and enforcement mechanisms are required to combat these activities effectively.

A significant area of concern is the illicit traffic in narcotic drugs, particularly given Afghanistan's continued role as a major producer. The situation deteriorated further after the Taliban's return to power in 2021, as the group's limited governance capacity and lack of international recognition exacerbated drug and arms trafficking activities across the region. The Chabahar Agreement, signed by India, Iran, and Afghanistan, aimed to establish an international transport and transit corridor that would facilitate secure trade routes. India invested approximately US\$500 million in the development of Chabahar Port and the connecting Zarand-Delaram highway, in part to counterbalance China's strategic investment in Pakistan's Gwadar Port, a key element of the Belt and Road Initiative (BRI). However, the stability of this route now heavily depends on the Taliban's

⁶⁰ UNCLOS, Articles 99-109.

⁶¹ Конвенция о правовом статусе Каспийского моря, 2018, Актау, статья 17

ability and willingness to manage security risks, a prospect viewed with considerable skepticism by regional actors.⁶²

The Chabahar Agreement, signed in 2016 by India, Iran, and Afghanistan, aimed not only to facilitate transport and transit among the three countries but also to attract broader regional transit traffic. Recognizing its strategic importance, the Trump administration issued a sanctions waiver in 2018 to exempt Chabahar from U.S. restrictions, framing it as a tool for supporting Afghan reconstruction and bolstering regional trade connectivity. For India, the port project served multiple purposes: maintaining long-standing ties with Iran, bypassing Pakistan, and activating the International North-South Transport Corridor (NSTC) as a gateway to Central Asia, Russia, and Europe.⁶³ However, following the U.S. military withdrawal and the Taliban's return to power in August 2021, the political and security environment surrounding Chabahar shifted significantly. In response to the evolving regional situation, the U.S. rescinded the Chabahar waiver, casting uncertainty over India's strategic investments and increasing the legal and financial risks of engagement. Despite these setbacks, India and Iran signed a 10-year agreement in May 2024 granting India operational control over the Shahid Beheshti terminal at Chabahar Port. The deal demonstrates a renewed commitment to developing the port as a critical node in regional connectivity, albeit in a more volatile and diplomatically sensitive environment.⁶⁴

The inclusion of Afghanistan in the NSTC framework, particularly through its connection via Chabahar, has increased regional security concerns, especially in relation to narcotics trafficking. Afghanistan remains the world's largest producer of opiates, and the instability following the Taliban's return to power in 2021 has created further governance gaps that criminal networks are able to exploit. Although the Taliban government has expressed support for the economic potential of Chabahar, its limited capacity to enforce security and its lack of international recognition continue to undermine confidence in its ability to safeguard infrastructure and transit routes. Reports indicate that the Zaranj Delaram highway, constructed with Indian assistance, has been used for the smuggling of narcotics and weapons. Drugs originating in Afghanistan often move through Iran and the Caspian Sea on their way to European markets. Without effective monitoring, the expanded transport links offered by the NSTC could inadvertently facilitate the movement of illicit goods. This

⁶² *Khobragade, V., and NIM, A. K.*, International North-South Transport Corridor: Mapping Vulnerabilities and Possibilities for India, *World Affairs: The Journal of International Issues*, Vol. 26, No. 3, 2022, 45-48
D'Souza, S. M., India, Iran, and the Taliban's Gamble on Chabahar, *The Diplomat*, May 28, 2024. <<https://thediplomat.com/2024/05/india-iran-and-the-talibans-gamble-on-chabahar/#:~:text=India%20is%20trying%20to%20breathe,the%20Iranian%20port%20of%20Chabahar.>>.

⁶³ *Kardas, S.*, Revitalizing the International North-South Transport Corridor: Analyzing Geopolitical Realignments and the China Factor, *Institute for Security and Development Policy*, May 2022. <<https://www.isdp.eu/publication/revitalizing-instc-analyzing-geopolitical-realignments-and-the-china-factor/>>

⁶⁴ *Rai Vinod*, India-Iran Agreement on Chabahar Port: Boost for Global Supply Chain, *ISAS Briefs*, National University of Singapore, 21 May 2024, <<https://www.isas.nus.edu.sg/papers/india-iran-agreement-on-chabahar-port-boost-for-global-supply-chain/>>.

development presents serious challenges for customs and border authorities across the region and poses a threat to the broader security frameworks of both the Caspian and Black Sea regions.⁶⁵

The strategic importance of the Caspian Sea, coupled with its role in the NSTC, means that any security lapses in this region can have far-reaching implications. The connectivity via the Volga-Don Canal to the Black Sea further extends these security concerns to a larger geographical area. The increased maritime traffic through this corridor necessitates stringent security measures to prevent the Caspian Sea from becoming a hub for illicit activities, which could spill over into the Black Sea region and in the end into EU.

Historically, Iran's presence in the Caspian region was marked by legal uncertainties and fragmented policies that frequently generated tension with neighboring countries. Although Iran and Russia had long cooperated on selective issues such as arms transfers and nuclear energy, their broader bilateral relationship remained hampered by mutual distrust and the absence of a coherent economic framework. This unstable dynamic contributed to legal ambiguity in maritime governance, undermining efforts to establish a unified regional legal order. However, a significant transformation took place in January 2025 when Iran and Russia signed the Treaty on Comprehensive Strategic Partnership. The agreement established a formal basis for cooperation in multiple fields including trade, infrastructure, and maritime security. Within the Caspian context, the treaty enhanced their capacity to coordinate policy on critical matters such as the management of sea-lanes and the development of joint infrastructure projects.⁶⁶ Although key challenges remain unresolved, including the final delimitation of maritime boundaries and environmental concerns, Iran's engagement in the region is now increasingly structured by this bilateral framework. Rather than relying on ad hoc maneuvering, Tehran operates through institutionalized cooperation with Moscow, which contributes to a more stable and predictable legal environment in the Caspian Sea.⁶⁷

Western sanctions imposed on Iran and Russia have involved many aspects of regional transport development. Nevertheless, these restrictions have also unintentionally bolstered the relevance of the North-South Transport Corridor. As maritime traffic linked to Russia faces heightened international scrutiny, especially concerning vessels suspected of violating sanctions, overland corridors that traverse Iran and Russia have become more attractive. These routes offer a way to maintain trade flows while avoiding chokepoints vulnerable to monitoring and interdiction. In this environment, the NSTC has emerged as both a strategic opportunity and a legal challenge. On one hand, it supports alternative connectivity for states facing economic isolation. On the other hand, the presence of sanctioned actors within its framework creates legal risks for third countries engaging

⁶⁵ Ibid.

⁶⁶ Treaty on Comprehensive Strategic Partnership between the Islamic Republic of Iran and the Russian Federation, Preamble, Articles 3, 5 and 8, 17 January 2025.

⁶⁷ Kooalee, E., and Hafezian, M. H., The Islamic Republic of Iran and the South Caucasus Republics, *Iranian Studies*, Vol. 43, No. 3, 2010, 403–406. And Sukhankin, S., The New Russia–Iran Treaty: Implications for the South Caucasus Region, *Caucasus Analytical Digest*, February 21, 2025. <<https://www.cacianalyst.org/publications/analytical-articles/item/13848>>

with the corridor. Participants may find themselves exposed to secondary sanctions or disputes arising from unclear liability structures. Therefore, while the NSTC benefits from the current geopolitical context, its long-term legitimacy depends on increased transparency, legal harmonization, and the development of credible oversight mechanisms.

Conclusion

The analysis of the North-South Transport Corridor (NSTC) and its impact on the security framework of the Black Sea and Caspian regions underscores the intricate interplay of geopolitical, economic, and legal factors that shape these strategically vital areas. The NSTC, as a significant initiative to enhance connectivity between major global economic hubs, brings to the forefront the crucial roles that the Black Sea and Caspian Sea play in regional and global security dynamics.

The Black Sea, regulated by a combination of multilateral agreements such as the United Nations Convention on the Law of the Sea (UNCLOS) and the Montreux Convention, serves as a critical conduit for trade and military strategy. Russia's assertive maritime policy, exemplified by the annexation of Crimea and increased naval presence, coupled with Turkey's strategic control over the Straits, underscores the region's volatile security environment. These actions have heightened the strategic significance of the Black Sea, necessitating a thorough understanding and implementation of the existing legal frameworks to manage and mitigate conflicts.

In contrast, the Caspian Sea presents a different set of challenges and opportunities. Governed by the 2018 Convention on the Legal Status of the Caspian Sea, this region reflects a more collaborative but equally complex legal environment. The Caspian littoral states, including Russia, Iran, Azerbaijan, Kazakhstan, and Turkmenistan, have endeavored to balance the exploitation of vast energy resources with the need for environmental preservation and regional security. The Convention's emphasis on a peaceful and cooperative approach to security is pivotal for the stability and prosperity of this energy-rich region. However, the presence of exclusive regional military agreements and differing national interests necessitates continuous diplomatic efforts to maintain stability.

The NSTC's success is contingent upon the robust and harmonized implementation of these legal frameworks. The corridor's potential to enhance trade and economic integration across the Eurasian landmass is immense, offering significant benefits to the participating countries. However, it must navigate the intricate web of regional security dynamics and geopolitical tensions. The comparison with the Transport Corridor Europe-Caucasus-Asia (TRACECA) highlights the varying approaches to regional connectivity and legal regulation, providing valuable lessons for the NSTC's development. TRACECA's experiences emphasize the importance of coherent policies, infrastructure development, and legal harmonization in achieving effective regional integration.

Ultimately, the NSTC has the potential to act as a catalyst for regional cooperation, fostering stability through economic interdependence. To realize this potential, the littoral states must engage in concerted efforts to address legal ambiguities, strengthen security measures, and promote transparent

and collaborative governance. This includes enhancing infrastructure, ensuring the safety of maritime routes, and fostering political will for cooperation. The future of the Black Sea and Caspian regions, intertwined with the success of the NSTC, rests on the ability of these states to navigate their geopolitical ambitions within the framework of international law. A commitment to these principles can transform the NSTC from a mere transport route into a conduit for peace, stability, and prosperity in the region.

The integration of the NSTC with the existing legal and security frameworks of the Black Sea and Caspian regions represents a significant step toward achieving sustainable regional development. It highlights the critical importance of legal cooperation, geopolitical stability, and economic connectivity in shaping the future security landscape of these strategically important regions.

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