

A belated division of the Caspian Sea

Mariusz Marszewski

On 12 August, the leaders of all five coastal countries (Russia, Iran, Kazakhstan, Azerbaijan and Turkmenistan) adopted a framework convention on the legal status of the Caspian Sea during the Caspian Summit in Aktau, Kazakhstan, thus ending the negotiation that had lasted for over 20 years. In practice, it has been recognised that in the light of international law, the Caspian Sea is neither a sea nor a lake. Most of the waters will remain in common use (with the exception of internal waters, the 15-mile territorial water zone and an additional 10-mile fishery zone). In turn, the seabed and the resources will be divided among individual countries by sectors (as in the case of a lake). A rule has been accepted that the major factor which decides on the size of the zone of economic interests of a given country is its coastline (Iran, which has the shortest coastline, was previously opposed to this solution and insisted that it should be allocated 20% of the sea). It has also been agreed that the countries which control relevant sectors of the seabed and not all the coastal countries will decide on the location of underwater gas and oil pipelines (the other countries may object to such projects on the grounds of environmental protection regulations).

Commentary

- The unregulated status of the Caspian Sea was viewed as one of the key barriers halting the region's development and the implementation of energy projects in the 1990s and the first half of the next decade. Regardless of this, after this period, the BTC oil pipeline and the BTE gas pipeline were put into operation, and Azerbaijan, Kazakhstan and Russia set the borders of their sectors regardless of protests from Iran and Turkmenistan, which contested the general agreement. At present, the convention, which still needs to be ratified and will then be used as the basis for detailed agreements, is important above all to the coastal countries as final proof of their sovereign rights to the sea (before this, the legal status in the Caspian Sea basin was regulated by the Soviet-Iranian agreements signed in 1921 and 1940).
- The coastal countries are expected to jointly regulate issues in such areas as sailing, geological exploration, and protection of the natural environment (the sea is home to endemic sturgeon species). Thus, employing ecological arguments, the other coastal countries may block, for example, possible future construction of the Trans-Caspian gas pipeline running from Turkmenistan to Azerbaijan (at present, the implementation of this project is unlikely for economic reasons).

- From Russia's point of view, the signed document is a symbolic proof of its dominance in the Caspian region and a political demonstration to the USA (the convention was adopted after the USA had announced the imposition of sanctions on Iran and Russia). The greatest benefit for Moscow is the regulation banning the presence and deployment of armed forces of countries that are not parties to the convention in the Caspian basin; this is aimed above all at eliminating the risk of presence of US forces in the region. This provision may lead to the invalidation of the US-Kazakh agreements concerning supplies to US troops stationed in Afghanistan from the Caspian ports of Aktau and Kuryk (negotiations concerning this ended a few months ago).

Mariusz Marszewski, additional research by Jan Strzelecki