

LT in Focus

The Convention on the legal status of the Caspian Sea

Meeting at the summit in Aktau on 12 August 2018, the leaders of Russia, Kazakhstan, Azerbaijan, Iran, and Turkmenistan signed a milestone document, which brings the relations among the countries to a new level - the [Convention](#) on the legal status of the Caspian Sea. It has taken the five neighbors more than 20 years to come to an agreement.

Background

The issue of the legal status of the Caspian Sea became relevant after the USSR fell apart and new subjects of international law – Russia, Azerbaijan, Kazakhstan, and Turkmenistan – emerged. The sea had to be delimited among the five littoral countries.

The long-term debates on whether the Caspian is a sea or a lake made the challenge even more difficult.

The Convention was initiated in 1996, when a special working group of deputy foreign ministers of the five Caspian states was established. Since then, it took 52 working groups and four summits of the Caspian states to draw a number of agreements on the delimitation of the Caspian seabed.

However, the question of the status remained open. The stumbling block was the principles of delimitation of the Caspian Sea: Russia proposed dividing the sea between the neighboring countries, utilizing a modified median line, which Kazakhstan and Azerbaijan supported, while Turkmenistan insisted on splitting the sea into the national sectors within the state territory and Iran lobbied the equal share approach.

Convention signing

On 12 August 2018, the parties finally found common ground and signed the Convention, already dubbed the "Constitution of the Caspian Sea" by the media.

According to the Convention, the Caspian Sea is divided into:

- Inland waters, offshore from the baselines
- Territorial waters, 15 nautical miles wide measured from the baselines; external borders of territorial waters acquire the status of a state border
- Fishing zones, 10 nautical miles wide, adjacent to the territorial waters, where each state receives an exclusive right to fish
- Common water space, in which the freedom-of-navigation rule will apply to the ships under flags of the coastal countries

However, the delimitation of the seabed, which has caused most disputes, will require additional agreements.

According to the Convention, the parties are free to use subsoil within their territorial waters, while the rest of the seabed should be divided into sectors "by agreement between the neighboring and the opposite states, taking into account the generally recognised principles and norms of the international law". These agreements are yet to be reached.

Furthermore, the issue of laying the underwater pipelines along the bottom of the Caspian Sea is not completely clear: while the Convention does not restrict the parties in this regard, pipeline routes need to be approved by the states, whose sectors the pipelines will pass through, which may trigger new challenges and disagreements.

Considerable attention is given to the rules of passage of military vessels - the document establishes that the Caspian Sea is closed to the armed forces of all countries except those of the five littoral states and bans the parties from providing their territory to other states for the purpose of committing aggression or other military action against any of the parties to the Convention.

Conclusions

The Convention has generally become a long-awaited and a strategically important milestone in settling the sensitive Caspian Sea issue.

According to Vladimir Putin, the Convention regulates the issues of necessary delimitations, regimes of navigation and fishing, establishes the principles of political and military interaction of member states, and ensures the use of the Caspian Sea solely for peaceful purposes and the non-presence of the armed forces of non-regional states in the sea.

The reconciliation of positions on many contentious issues will enable attracting new investors to the region and will contribute to the development of new energy projects.

We hope that you will find this newsletter interesting and informative. Please feel welcome to contact us for more information on the topics covered.

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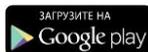


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