

Vol 6 Issue 10 July 2017

ISSN No : 2249-894X

*Monthly Multidisciplinary
Research Journal*

*Review Of
Research Journal*

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THE CASPIAN SEA BASIN: HISTORICAL DEVELOPMENT AND QUESTION OF INTERNATIONAL LEGAL STATUS

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ABSTRACT:

The controversy over the legal regime of the Caspian Sea began with the breakup of the Soviet Union in 1991. Until then, the Caspian had been considered a common sea between Iran and the Soviet Empire. However, following the collapse of the Soviet Union, the number of littoral states increased from two to five, which in turn dramatically altered the geopolitical dynamic. The birth of the new nation-states along the perimeter of the Caspian Sea transformed the region into an area of conflict, and its legal regime has become one of the contentious disputes among the bordering countries.

KEYWORDS: Caspian Sea, international legal status, Soviet disintegration, Littoral states.

INTRODUCTION:

The Caspian Sea is the world's largest inland water body. It extends 1200 km from north to south and contains more than 40% of the inland waters of the world. The depression which separating Europe and Asia between the latitudes 47°13' and 36°34' N and longitudes 46°38' and 54°44' E contains Caspian Sea. According to State of the Environment report 2011, "the geographical location of the region is such that it encompasses the water body of the Caspian Sea and the entire catchment area that influences the Sea. The major river basins present in the region are the Volga, Ural, Terek, Kura, Sulak, Samur and Sefid-Rud. The Caspian Sea region has the inverted "L" shape with its northwest corner at 29°21'28 E and 59°31'51 N and southeast corner at 60°27'27 E and 37°16'21 N". The territories located in the region are Azerbaijan, Iran, Russia, Turkmenistan and Kazakhstan (Figure 1).



source: <http://www.maps-world.net/images/caucasus-map.jpg>

The Caspian Sea's division is into three basins and these are: the northern, middle and southern. The northern basin is narrow and occupies 27% of the surface area of the Caspian Sea. Its depth is 5 meter only which is 0.6% of the total volume of the Sea. Moving towards south, the depth increases notably. The northern part of the Mangyshlack shelf is separated from the middle basin which occupies 38% of the surface area of the Caspian Sea and 36% of its volume. The rest of the surface area of the Caspian Sea lies in the Southern basin which is 39%. It has a maximum depth of 1025m and, therefore, acquires 63% of the total volume of water. Apsheron shelf separates the middle and south basin, which is a continuation of the main Caucasus range (GIWA 2005).

EVOLUTION OF THE CASPIAN SEA

According to the paleontological literature, during Miocene period whole Caspian Sea region were located, from the Rhone valley in Western Europe to Central Asia and referred to as parathetis. Historically, there are three major parts related to parathetis i.e. western parathetis (Rhone region), Central parathetis (Pannonian lowland) and Eastern parathetis (Caspian and Black sea). According to geologists, the movement of the small continental platforms such as *Anatolian, Iranian and Rhodopian* is responsible for the formation of such a large continental water body. The movement of the plates led the basin's hidden characteristics to emerge at around 15 million years ago (Jackson Priestly Allen and Berberian 2002)

About 15 million years ago, during the end of the Miocene, the region of Central and Eastern Parathetis which contained Lower Sarmatian Sea had covered a huge area. The area covered by it is from Pannonian Lowland to Aral Sea and its further extension into Central Asia. 11.5 million years ago the Pannonian brackish lake segregated and later period of time emerged as pontic Lake. Around 6 million years ago Pontic Lake divided into the Upper Pontic and Babajan lakes. Upper Pontic Lake occupied the Euxine basin where as Babajan occupied Southern-Caspian depression. With the passage of geological times, Pannonian Lake completely drained and formed small Balaton lakes. 2 million years ago it was replaced with Guriy Lake.

Caspian Sea formation is way back 5.7 thousand years ago in ancient times. It formed due to the climate change and freshwater runoff in Brakish Lake which got soared. This process formed a new brackish lake known as Akchagyl lake. This lake was replaced by several water bodies such as Baku, Khulian, Khazar and Absheron. This process is about 100 thousand years ago and it finally led to the formation of new Caspian lake, nowadays, known as Caspian Sea (Aladin and Plotnikov 2004).

HISTORICAL IMPORTANCE AND QUESTION OF CASPIAN LEGAL STATUS

The Caspian Sea has historical importance because of its rich resources and trade practices. Therefore, to define the international legal status of the Caspian Sea is a key problem as every adjoining state wants to acquire its benefits. This problem requires solution but it may influence the further cooperation of the Caspian states with regard to their skills and judicial use of the resources. After Soviet breakup, more states have involved in the discussion of the legal status of the Caspian. The studies related to the legal status of Caspian, after the end of the Cold War, have focused only the outer framework because problems related to the legal status are complicated in context to its theoretical and practical basis. Thus, to find a solution for this problem requires joining of both the scientific and practical knowledge (Mamadov and Horton 2000).

Before Soviet disintegration, the Caspian Sea was under the full control and supervision of USSR. Iran had also shared the authority but in reality, Soviet Union was dominant in using Caspian Sea's entire resources. But the post-Soviet scenario has changes the situation, as now the newly independent littoral states are demanding their share of the Caspian Sea. The fact related to this change is due the change in number of surrounding states from two to five. These states are, Russia Azerbaijan, Kazakhstan Iran, and Turkmenistan.

Even during the Soviet time, there were number of problems related to political, environmental, hydrology and such other problems with regard to the Caspian Sea, but, after Soviet breakup, these problems have become more critical. As now, the states not only want favorable terms of cooperation for their own interests, but they also tried to re-define the extent of their rights and benefits. Thus, to have beneficial cooperation and solution to the sharing of Caspian Basin, these coastal states have to participate peacefully. The region's inshore area also attracted Arab conquerors and scientists, due to spread of Islam and expansion of the

Arabian Caliphate. They called the sea with different names as “*Khorezm, Djurdzhan, Tabaristan* and *Sea of Al Dailem*. Such names as *al-Bab va-l-Abvab (Derbent), al-Hazar, al-Hazariya*” and so on have also been used (Kolodkin 2002).

Russians also took interests in the region through military campaigns. Invasion led by Prince Igor is considered as the most famous invasion of the Russians in Caspian region, prior to Mongolians. After the collapse of Mongol rule, the Russians got an opportunity to re-new their military campaign in the region through the first significant attempt taken by Ivan the Terrible in the year 1552-56 of invading the Caspian Sea littoral. When Romonovs took the Russian throne, policy towards the region gained little momentum. The Persian hegemony in Caspian region ended with the campaign of Peter the Great in 1727. The construction of the first military port was started during the same year. Russia was annexed by St. Petersburg in 1727 which created the basis for the legal definition of Caspian Sea status. Its history started in ancient times by Resht Treaty in 1732 and by Ganja Treaty in 1735. Russian expansion towards Caspian Sea was nonstop; even the Treaty of Resht was unable to stop it. The entire North Azerbaijan fell under the Russian rule from 1784 to 1828. Baku got captured in 1806. To support this situation legally, the Treaty of Turkmenchay of 1828 was held which made Persia to lose its right to hold navy on the Caspian Sea but was allowed to maintain commercial rights (Barsegov 1998).

Along with Russia, the other powers who tried to obtained influence over the Caspian Sea were Great Britain, France and Germany. The importance of the Caspian Sea increased significantly during 1870s because of the exploration of rich oil deposits over the west coast. Caspian Sea's legal status discussions as mentioned earlier were initiated in the 18th century. During the same period, the powers like Persia Great Britain Russia, and the fought for the dominance in the region. Before Russian-Persian confrontation started, the Great Britain has been involved in the process constantly.

St. Petersburg and Resht treaties created the base for the international legal status of the Caspian Sea. Through this treaty, the ownership rights which earlier belonging to Persia were granted to Russia through Resht treaty and also Russia and Persia retained rights to the freedom of commerce and navigation throughout the Caspian Sea as well as on the rivers Kura and Araks. But in the times of War and peace, only Russian warships had right to navigate in the Caspian Sea. Russia's presence was strengthened in the Caspian Sea through Turkmenchay peace treaty.

Persia was given the right of trade shipping only. According to some authors, these two treaties created the base for determination of Caspian Sea's legal status. The new Era began with the breakup of Russian Empire and creation of the RSFR and later on the USSR. The biggest step taken in the history of the Caspian Sea was signing of the peace and friendship in 1921. This treaty replaced all the existing agreements between the parties on the Caspian Sea. This agreement was the first of a kind of series of a bilateral treaty held between Iran and USSR. This was to regulate the use of the Caspian Sea and maintain a friendly relation among two nations. The basic feature of 1921 treaty was kept similar in the treaty of navigation and commerce (1940). This treaty made Caspian Sea again under the control of Soviet Union including Iran. Adjoining states did not get the share. This situation remained till the dissolution of the Soviet Union.

PRESENT SITUATION

The question of legal share of Caspian Sea was raised by all adjoining states in Tehran conference of 1992. There for, they all agreed on some join actions and these are conservation of biodiversity, protection of natural resources of the region as well as determination of the navigation line. The second conference which raised question on the creation of the international organization on Caspian Sea was Astrakhan conference (1993). During the Almaty conference (1995), all the surrounding states agreed for the creation of a permanent mechanism to negotiate on the legal status of the Caspian Sea. One can see a shift from multilateral to bilateral negotiations over the issue of Caspian, during 1994 to 1996. From 1997 and onward, question of Caspian legality became more universal as many bilateral negotiations were signed (Barbara 2015). In April 2002 heads of five littoral states met in Ashkabad to determined the new legal status of the Caspian Sea which failed to gain its desired result. In this conference (Ashkabad-2002) the problem of sharing of the Caspian Sea equally was brought into the scene by Iran who came up with an idea to divide the Caspian Sea equally among all littoral

states. The tripartite agreements signed between three states of Russia, Azerbaijan, and Kazakhstan over the issue of sharing of the region took place in 2003 in Almaty. This agreement made share of the Caspian Sea bed which was 19% by Russia, 29% by Kazakhstan and 18% by Azerbaijan. Iran was against the agreement, therefore, since 1992 to 2013 nothing has changed yet and issue of Caspian Sea's legal status remained unchanged (Misiagiewicz 2012).

CONCLUSION

More than twenty-six years after the collapse of the Soviet Union and the emergence of the newly independent republics of the Caspian Sea, a comprehensive solution to the problem of the international legal status of the Caspian Sea is still unclear. The confused legal situation of the Caspian Sea and uncertainty of the coastal states about the issue of territorial demarcation for their sovereign rights to the exploitation of natural resources and the uncertainty of the neighboring states with regard to shipping in the Caspian leads to a less economic development of the region. The uncertainty has also destabilized the political situation, and there exists the lack of security in the Caspian region. The feeble attempts to define the legal framework of the Caspian Sea should be explained by pointing to the existing deep differences between geopolitical and economic interests of the five littoral states. Along with the change of the geopolitical situation in the region after the collapse of the Soviet Union and the region's opening to international collaboration in the area of oil and gas resources, the Caspian sea region has come to the center of attention even for China, the US and the EU, which has intensified the competition of powers existing in the region.

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