



THE CASPIAN SEA WITH THE STATUS OF “LAKE WITH MARINE ELEMENTS”: SUITABLE FOR WHICH COUNTRY?

The Caspian Sea is the world's largest inland body of water with an area of approximately 398 thousand square kilometers. Along with its large hydrocarbon reserves, the Caspian Sea is home to 90% of the world's sturgeon stocks. More than 20 animals and about 20 plant species grow in the Caspian Sea listed in the Red Book. Until 1991, international relations regarding the Caspian Sea were regulated by only two documents. These are the 1921 Treaty between the Russian Soviet Federative Socialist Republic and Iran and the 1940 Trade and Navigation Treaty between the Union of Soviet Socialist Republics and Iran. However, these treaties were mainly limited to fishing and shipping. After the collapse of the Soviet Union, four new independent states were established in the region and the geopolitical situation of the region changed. This situation necessitated the re-establishment of the legal status of the Caspian Sea. However, it is accepted by the whole world that the Caspian Sea is not only a region rich in energy resources, but also a complex geopolitical region.

Due to its specific geographical and hydrological characteristics, a body of water has a special legal status. As the Caspian Sea is a closed body of water with no access to the world's oceans, it is not considered a sea in accordance with the United Nations (UN) Convention on the Law of the Sea. Another difference between sea water and lake water is the high salinity. The water of the Caspian Sea is saltier than river water, but much sweeter than ocean water. The salinity level in the Caspian Sea increases from north to south. While the salinity is 0.3‰ in the Volga River delta, it is 13‰ in the southern and central Caspian regions. The average salinity of the world's oceans is 35-37‰. Therefore, these points indicate that the Caspian Sea is a lake. On the other hand, the Caspian Sea is much larger than other traditional lakes. Today, there are no lakes in the world with the shores of five countries. Its water composition and bottom structure are very similar to the ocean, as it is formed in the mid-ocean ridges, absorbed in the subduction zones and is thinner than the continents and differs in the composition of the basalt. A few centuries ago, it was assumed that the Caspian Sea had a direct connection with the Mediterranean, but there are concepts that it was separated due to drought and tectonic processes.

The lack of clear information on whether the Caspian Sea used to be a lake or a sea

made it difficult to determine its legal status. For several years, attempts to achieve a result, such as a joint decision on the legal status and the conclusion of an agreement, have always failed due to the “rigidity” of the parties in their positions.

The demarcation of the Caspian Sea is possible only with the political consent of the parties. In order to drill on the seabed and to protect the water lands of the countries, the state borders must be clearly defined. Therefore, Kazakhstan and Azerbaijan supported the sectoral division of the Caspian Sea. These states have clearly stated their positions since the beginning of multilateral negotiations. Azerbaijan defined the Caspian Sea as a lake and believed it should be shared. Kazakhstan proposed to consider the Caspian Sea as a closed sea, referring to the 1982 UN Convention on the Law of the Sea. In other words, Kazakhstan believed that the Caspian Sea should be divided in accordance with this Convention. Turkmenistan has long supported the idea of joint management and use of the Caspian Sea. However, under the influence of foreign companies developing resources off the coast of Turkmenistan, the president opposed the establishment of a condominium regime and supported the division of the sea. In order to prevent third parties, such as transnational companies, from entering the region, Russia and Iran proposed a compromise based on the condominium. Iran has taken the toughest position on the division of the sea, as it is difficult to develop its underground resources due to its location on the shores of the Caspian Sea. Therefore, Iran demanded the division of the sea on an equal basis, i.e. 20% for each riparian country. If Iran's proposal were implemented, it would have much more to gain than sectoral divisions.

After several years of disagreement over the sharing of resources in the Caspian Sea, the Caspian littoral states reached a consensus and signed the Convention on the Legal Status of the Sea in 2018. According to the Convention, the length of the territorial waters of these five states is not more than 15 nautical miles, and the fishing area is not more than 10 nautical miles. In accordance with the 1992 UN Convention on the Protection and Use of Transboundary Watercourses and International Lakes, transboundary rivers and international lakes are under the administrative jurisdiction of bordering states and are part of its state territory. The sovereignty of a bordering country extends to

the area between the shores of the lake belonging to that state and the state border line located in the middle of the main waterway. If the Caspian is recognized as a sea, the provisions of the 1982 UN Convention on the Law of the Sea on Inland Waters, Territorial Seas, Special Economic Zones and the Continental Shelf must be applied. This allows coastal states to gain sovereignty over the territorial sea and to have exclusive rights to explore and develop continental shelf resources. However, the parties decided to give the status of “lake with marine elements” in the division of the Caspian Sea, taking into account the principles of both the sea and the lake. In other words, while the bottom of the Caspian Sea is divided into sectors such as the sea, the lake status principles are applied for the aquifer. However, according to the 1992 UN Convention on the International Use of Lake, the aquifer belongs to the territory of the bordering states. Only 15 miles of territorial waters and an additional 10 miles are legalized for fishing in the Caspian Sea. The rest of the space will remain open to neighboring countries at the request of Iran and Russia. Moscow and Tahrán want the Caspian Sea to be closed to third country warships other than the coastal states. This was an important and key issue for Russia and Iran. Therefore, for these two countries, finding a positive solution to the problem is the main achievement of many years of negotiations. It also means that there will be no foreign military presence in the Caspian Sea other than the signatories. This means that warships from riparian countries can move freely within 25 miles of the national border. In turn, this issue is resolved in favor of developed navy countries. In other words, Russia has achieved significant political gains in the Caspian Sea rather than economic interests.

In conclusion, from an economic point of view, we can say that the division of the Caspian Sea is favorable for all riparian countries. Accordingly, all states received a “proportionate” share according to their border regions. Although Iran did not fully agree with the decision, it chose to compromise for its own political purposes. Politically, Russia and Iran have maintained the status of “inland lake” as in previous treaties, barring non-Caspian states from entering the sea. Thus, thanks to the political will of regional powers such as Russia and Iran, the Caspian Sea has a special status as a “lake with marine elements”.

Politics, Foreign Affairs, and Security

- The Prime Minister of Hungary Viktor Orban visited Moscow where he met with the Russian President Vladimir Putin. During the meeting, Prime Minister Orban also claimed to be on a "peace mission" assuring the Russian President that no EU leader wanted war or conflict. The Hungarian leader also said that Hungary would like to increase natural gas imports from Russia under a bilateral long-term contract (France24, 01.02.2022).
- The Turkish Parliament ratified a bill on the historic Shusha Declaration signed with Azerbaijan on June 15, 2021. A total of 266 lawmakers out of 581 voted in favor of the declaration, while 11 lawmakers were against it. The declaration envisages the raising of relations between Türkiye and Azerbaijan to the level of an alliance and affirms joint efforts by the two armies in the face of foreign threats (Anadolu Agency, 03.02.2022).
- Representatives of the Council of Defense Ministers of the CIS states held an online coordination meeting. The participants discussed issues of ensuring close military cooperation. The main topic of the meeting was the discussion of the implementation of a unified system of state radar identification. The parties also touched upon the topic of expanding the range of interstate cooperation, in particular, equipping the armed forces with modern means, training personnel, and improving the legal framework (Centralasia.news, 31.01.2022).
- The President of Georgia Salome Zourabichvili expressed solidarity with Ukraine and welcomed the actions aimed at maintaining peace and strengthening security in Europe. She noted that Georgia supports efforts to move towards de-escalation. Prior to that, the Parliament of Georgia had adopted a resolution in support of Ukraine. The resolution states that Georgia condemns any intentions that may be directed against the territorial integrity of the sovereign state (Ukrinform.net, 05.02.2022).
- The President of Kazakhstan Kassym-Jomart Tokayev visited China to participate at the opening ceremony of the XXIV Winter Olympic Games in Beijing. Kassym-Jomart Tokayev had a meeting with his Chinese counterpart Xi Jinping. During the bilateral talks, the leaders discussed a wide range of issues regarding all-around Kazakhstan-Chinese strategic partnership, including political, trade and economic, transit and transport. Xi Jinping accepted President Tokayev's invitation to pay a state visit to Kazakhstan this autumn (Kazinform, 05.02.2022).
- According to the Foreign Minister of Tajikistan Sirojiddin Muhriiddin, the country plans to provide food aid to the people of Afghanistan through international organizations. Deliveries of humanitarian aid to the people of Afghanistan will begin soon. Muhriiddin emphasized that the position of Tajikistan towards the Taliban government remained unchanged. Tajikistan requires the Taliban to form an inclusive government in Afghanistan and show respect for human rights and freedoms (ASIA-Plus, 02.02.2022).

Economy, Finance, and Energy

- The Prime Minister of Kazakhstan Alikhan Smailov conducted a meeting with the investment team. Within the meeting, it was reported that in 2021 the volume of investment in fixed capital in Kazakhstan amounted to \$30.4 billion, exceeding the 2020 indicator by 7.3%. During the first 9 months of 2021, the volume of foreign direct investment in Kazakhstan increased by 49% and amounted to \$18.7 billion (Qazaq TV, 02.02.2022).
- According to data from the Kazakh Ministry of Trade and Integration, in 2021 bilateral trade between Kazakhstan and Iran exceeded \$440 million, increasing by 85% compared to the indicator of the previous year. The countries plan to establish a Business Council to improve the effectiveness of the dialogue between the businesses of the two countries. Kazakhstan proposes to make further joint efforts to establish favorable tariff conditions on the Kazakhstan-Turkmenistan-Iran railway (Qazaq TV, 04.02.2022).
- Acting Minister of Investments of Kyrgyzstan Nuradil Bayasov recently visited Türkiye, where he signed a bilateral memorandum with the Turkish Association of Energy Producers and Entrepreneurs "On the development of renewable energy sources and cooperation in this area." Within the memorandum, the Turkish Energy Producers and Entrepreneurs Association will visit Kyrgyzstan in April 2022 to build solar and wind power plants and assess the potential in this area (Kabar, 04.02.2022).
- The President of the Asian Development Bank Masatsugu Asakawa recently had an online meeting with the Deputy Prime Minister of Uzbekistan Sardor Umurzakov. According to Asakawa, the ADB will support the development of the renewable energy sector in Uzbekistan. The bank's portfolio in Uzbekistan amounts to more than \$10 billion. Within the framework of the ADB country operations business plan for 2022-2024, 27 projects worth \$2.8 billion are planned to be implemented in Uzbekistan (UzReport, 03.02.2022).
- At the 8th meeting of the Advisory Council of the Southern Gas Corridor, Turkish Minister of Energy and Natural Resources Fatih Donmez announced that Türkiye and the European countries planned to increase the capacity of the Trans-Anatolian Gas Pipeline. The annual flow of the pipeline amounts to 16 billion cubic meters, which can be increased to 31 billion cubic meters. (Orient, 06.02.2022).
- The President of Türkiye Recep Tayyip Erdogan visited Ukraine, where he had a meeting with his Ukrainian counterpart Volodymyr Zelensky. At the joint press conference, President Erdogan mentioned that the two countries would be able to quickly reach the planned trade turnover of \$10 billion due to the signing of the free trade agreement. In 2021, the bilateral trade flows grew by 60%, totaling \$7.5 billion. He added that Turkish investors in Ukraine strengthened bilateral economic cooperation (Ukrinform, 04.02.2022).

Society and Culture

- According to the Chairman of the Committee for Environmental Protection under the Government of Tajikistan Bahodur Sheralizoda, energy, water management, transport, and agriculture will suffer the most from climate change in the near future. According to forecasts, in the next 30-40 years, glaciers in the country may shrink by 15%-20% compared to the current level. The process will affect the water supply, leading to more frequent extreme weather events such as mudflows and droughts (ASIA-Plus, 01.02.2022).
- The Government of Japan approved the provision of funding \$956,147 for the implementation of a joint project on "Building the climate-resilient livelihoods of horticultural producers in Fergana Valley in Uzbekistan". The project aims at contributing to the adaptation of agriculture to climate change as well as to achieving the net-zero target through climate-resilient development in Fergana valley. The one-year initiative will be launched in March 2022 (The Times of Central Asia, 04.02.2022).
- The historical quarters of Tashkent "mahalla" were included in the preliminary list of UNESCO cultural heritage. In Tashkent mahalla are part of the traditional residential development and objects of preservation of culture and traditions. Several cultural sites of Uzbekistan are already on the UNESCO list of cultural heritage: the historical centers of Bukhara and Shakhrisabz, the Ichan-Kala fortress, Samarkand and the Western Tien Shan (ASIA-Plus, 04.02.2022).
- The United Nations Development Programme (UNDP) and the Ministry of Foreign Affairs of Kazakhstan held an annual online meeting to discuss the latest developments in the regional initiative aimed at providing education to Afghan women and girls. Participants at the meeting expressed their commitment to support this program that benefits people in need. The pilot phase of the program was launched in 2019 and has provided academic scholarships to 50 women from Afghanistan studying in Kazakhstan and Uzbekistan (The Times of Central Asia, 03.02.2022).
- The first Turkic-speaking radio station in Baku began broadcasting in Azerbaijan. The new Radio TMB will contribute to the development of interstate information sharing. The social significance of the Radio TMB project is to promote Azerbaijan's national vision and tolerance, encourage young people to adopt national values and traditions, and draw attention to the modern musical art of Turkic countries and peoples (Azertag.az, 02.02.2022).
- The Food and Agriculture Organization of the United Nations (FAO) together with the Association "Women of the Agricultural Sector" of Uzbekistan conducted a series of training on livestock in the Bozatau district of Karakalpakstan. Approximately 50 people mostly comprised of rural women and youth took part in the training. The training was organized as part of a Joint Programme implemented by the UNDP and FAO aimed at strengthening the adaptive capacity of vulnerable citizens of the Aral Sea region to address the problems of economic and food security (UzDaily, 01.02.2022).