

UDC 342-34

**THE LEGAL STATUS OF THE CASPIAN SEA:
POSITIONS OF PARTIES AND THE PROSPECTS
FOR RESOLVING THE PROBLEMS**

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Following article discusses legal status of Caspian Sea, which is quite important topic in agenda. The article draws attention to laws, treaties and negotiations for determining legal status of the Caspian Sea. It also emphasizes several aspects regarding the issue.

In this article, citations can be found by politics and scholars.

Key words: legal status, Caspian Sea, external actors, obstacles.

Introduction. The competitive struggle of external players in the Caspian Sea is manifested in all spheres of regional development. The region is a concentration of numerous important geopolitical problems, including the unresolved issue of the legal status of the Caspian Sea, the provision the reliable transportation of Caspian hydrocarbons, the security problem against the background of the militarization and the destabilizing Iranian factor. In all these areas, the regional policies of external actors differ sharply and confront each other.

Since the collapse of the USSR in 1991, the Caspian Sea's legal status has served as one of the key political issues in the Caspian region, which intersects directly interests of the regional states and foreign players.

Relevance, laws and geographical location. The legal status of the Caspian Sea issue gained its relevance after the collapse of the USSR when the newly independent states emerged (Russia, Kazakhstan, Azerbaijan, and Turkmenistan). In these circumstances, the revision of the legal status of the Caspian Sea became an inevitable necessity. The main topics referred to the new boundary lines on the Caspian Sea, the need for regulation of the seabed subsoil and intensified energy policy of the neighboring countries and foreign players in the Caspian region. The issue of determining the legal status of the Caspian Sea lies in the division with geographical units between Russia, Iran and the newly-formed independent states (Azerbaijan, Turkmenistan and Kazakhstan). The division of the Caspian Sea depends on the definition of its status as a geographical unit.

The unique geographical location of the Caspian Sea is one of the bases of disagreement over the definition of its legal status. The Caspian Sea does not have direct access to the ocean like other seas and is not part of another sea (like the Black Sea). It is connected to it through the Volga-Don canal. International law provides various legal norms for determining the boundaries between states at sea and beside a lake. When recognizing the Caspian Sea as an international lake, the provisions of international law stipulated in agreements related to lakes that an international lake must be surrounded by two or more states. With this status of water, the subsoil and the Caspian Sea deposits should be the common property of all the coastal states around. At the same time, in accordance with the existing provisions of international law on state water boundaries, the border is drawn along a straight line connecting the land border points of the par-

ticular states to the shores of such a lake. The border regime of lakes is established by agreement between lakeside states [1].

The UN Convention on the Law of the Sea of 1982 should be applied if the Caspian Sea is recognized as a sea (possessing access to the ocean through the Volga-Don Canal). In this case, coastal states can exercise their sovereignty over territorial waters not exceeding 12 nautical miles. They have sovereign rights for exploration and exploitation of the natural resources on the continental shelf, as well as sovereign rights for the purposes of exploration, development and conservation of living and non-living resources at the bottom in the bowels and in the waters of the exclusive economic zones. The width of the exclusive economic zone cannot exceed 200 nautical miles calculated from the same baselines from the breadth of the territorial sea. Other states may carry out marine scientific research in the exclusive economic zone (exploration and development of living and non-living resources), conduct any activities related to living resources (fisheries), and erect the facilities for the extraction of minerals from the shelf only upon obtaining the appropriate consent of the coastal state. The 1982 UN Convention also provides freedom of navigation and flight, laying of underwater pipelines and cables for other states in the exclusive economic zone [2].

Treaties and negotiations. During the existence of the USSR, the legal status of the Caspian Sea was determined by two treaties signed between Russia and Persia in 1921 and subsequently between the USSR and Iran in 1940. According to treaties, ships of only these two states could sail across the Caspian Sea under their own flag and they had the sole right for free navigation and fishing in this zone, while the borders of Russia and Iran on the Caspian Sea was determined by the Astara-Gaspanuli line. In fact, the Caspian Sea was viewed by Iran and Russia as a border lake. After the collapse of the USSR, these agreements required thorough revision by the coastal states [3].

The negotiation process for determining the legal status of the Caspian Sea can be divided into several stages [1]:

- During the first stage (1991-1994) the discussion of the legal status of the Caspian Sea began at bilateral and multilateral meetings. Russia and Iran showed their commitment to the preservation of the legal status of the Caspian Sea in accordance with the agreements signed in 1921 and 1940.

- at the second stage (1994-1998), in the course of intensive bilateral and multilateral meetings and contacts, the positions of the Caspian states on the legal status of the Caspian Sea were gradually determined;

- the third stage (1998-2003) was marked by a qualitative change in the Russian position on this issue. The first significant bilateral and trilateral agreements were reached on the legal status of the Caspian Sea;

- the fourth stage (from 2003 to the present) is the current stage in the process of resolving the problem of the status of the Caspian Sea, marked by a whole range of negotiations, discussions on settling disputes between Iran, Azerbaijan, Turkmenistan to define its borders on the Caspian Sea and the distribution of disputable deposits both on a bilateral and tripartite basis, and within the framework of negotiations between all border states affected.

Each of the stages is characterized by a specific set of problems related to the definition of the legal status of the Caspian Sea. The parties concerned tried to solve this matter against the backdrop of the emerging international situation. At the same time, fundamental problems were formed at each stage, which remained relevant when the international political situation changed its course. The coastal states managed to reach some agreements to resolve the issue of the legal status of the Caspian Sea.

The first stage (1991-1994) [1]. In the early 1990s, Russia, as a successor to the USSR, along with Iran, advocated the continuation of the previous treaties of 1921 and 1940. The legal status of the Caspian Sea was not altered due to changes in the composition of its users. This thesis was confirmed by Kazakhstan, Turkmenistan, and Azerbaijan as CIS states in the Almaty Declaration of December 21st, 1991. According to the declaration, the member states of the Commonwealth guaranteed the fulfillment of international obligations arising from treaties and obligations of the former USSR.

However, the necessity of activity coordination on the Caspian Sea with Iran and Russia infringed on the political weight of the ruling elites of the sovereign states of Kazakhstan, Azerbaijan, and Turkmenistan. The preservation of such a delicate situation hampered the economic development of the Caspian states, restrained the inflow of foreign capital into the development of the deposits of the region and generally hindered their desire to pursue a more independent policy in the Caspian Sea. To some extent, the Caspian states have violated this agreement. For example, during 1991 and 1992 active negotiations were held with international oil companies on the conclusion of agreements on the development of deposits, including the disputed ones, located on the Caspian Sea. In 1992 the Azerbaijani government signed agreements with the British Petroleum and Statoil alliance on the Chirag deposit and the promising Shahdeniz square. In addition, agreements were signed with the Pennzoil and Ramco alliance on the Gunashli field.

The interest of external players (in particular the USA, the EU) in energy cooperation with the states of the region, which manifested itself in the early 1990s, as well as the active involvement of international oil companies in the development of the Caspian Sea fields, became one of the determining factors of the course and nature of the negotiation in the process of determining the legal status of the Caspian Sea. The aforementioned external parties were interested in a clear definition of the ownership of the Caspian resources which would guarantee their successful energy cooperation with the Caspian states. In particular, since 1993, the border states have experienced a strong pressure from foreign oil companies and Western countries in the matter of establishing clear ownership rights over the Caspian Sea territory.

The increased interest of external actors in the use of the energy potential of the Caspian Sea, as well as the increased interest of the newly formed states in the hydrocarbon resources contributed to a change in the positions of the Caspian states in the issue of determining the legal status of the Caspian Sea. In particular, it has changed Russia's position under the new conditions with the subsequent stages of discussion.

The second stage (1994-1998) [1]. A turning point in coordinating the positions of the Caspian states on the legal status of the Caspian Sea can be noticed. In 1994, Azerbaijan signed the so-called contract of the century - an agreement with major oil companies on the development of three oil fields: Azerbaijan, Chirag and Gunashli on the Caspian shelf. Having signed these deals, the Russian Ministry of Foreign Affairs sent a document to the UN General Assembly and stated the position of the Russian Federation with regard to the legal regime of the Caspian Sea. Moreover, the ministry warned that unilateral actions against the Caspian Sea were illegal and would not be recognized by the Russian Federation. Thus, the problem of determining the legal status of the Caspian Sea has acquired its international character.

The Russian Federation advocated the recognition of the resources of the Caspian Sea as an object of joint use, where the issues of development should be resolved with the participation of all the Caspian states. However, at that time the proposal was not supported by Azerbaijan, Kazakhstan and Turkmenistan, which are striving to consolidate their sovereign rights in the Caspian Sea, while Iran continued to maintain its previous position on the inadmissibility of unilateral actions on the Caspian Sea.

The presence of certain reserves of hydrocarbon resources in the Caspian region affected the desire of new coastal states to establish control over their sectors in the Caspian Sea. Kazakhstan and Turkmenistan started large-scale geological exploration in their sectors on the Caspian Sea independently. Likewise, Azerbaijan was interested in recognizing their rights to corresponding resources. In 1994, Kazakhstan submitted a draft convention on the legal status of the Caspian Sea to the Caspian states for consideration.

According to Astana, the Caspian is a closed inland sea which should be divided into territorial zones under the sovereignty of coastal states, where states will have exclusive rights of exploration, development of mineral resources and biological resources.

Meanwhile, Kazakhstan and Azerbaijan declared their solidarity in the matter of defending interests on the Caspian Sea. In a joint statement of Presidents N. Nazarbayev and G. Aliyev on the principles to determine the status of the Caspian Sea and cooperation in its waters and on the shelf (September 1996), the right of each of the coastal states were recognized to undertake work on the development of mineral and biological resources in various sectors of the sea. In effect, the President of Turkmenistan issued a decree on the procedure for an international tender for the exploration and production of hydrocarbon resources of the Turkmen shelf of the Caspian Sea in August 1997. In this way, Turkmenistan actually supported the idea of dividing the Caspian Sea into national sectors that are under the sovereignty of coastal states and formed by the median and lateral lines, respectively, by opposing and contiguous states whose external outlines are the state border.

The USA, being interested in involving the newly formed Caspian states in the transportation of their Caspian energy resources to the world market, supported the positions of Kazakhstan, Azerbaijan and Turkmenistan striving to consolidate their sovereign rights in the Caspian Sea, in particular, regarding the development of oil and gas fields on the Caspian Sea shelf and on the disputable border areas. Hence, in April 1995, the US President Bill Clinton in his message to G. Aliyev noted that the condominium regime proposed by the Russian Federation in the early 1990s restrained the potential of investors allowing any of the participants in the regime to use the right of “veto”.

Recognizing the current circumstances and the interests of the newly-formed Caspian states, particularly the oil contract signed by Azerbaijan, Russia proposed compromise solutions to the issue of the legal status of the Caspian Sea. In particular, Russia suggested the option of determining the legal status of the Caspian Sea, which consisted in recognizing the jurisdiction of each Caspian state not only in coastal zones up to 45 miles wide, but also in respect of the fields beyond the agreed limit zone where oil production is already underway. However, this proposal was not supported.

The newly formed independent states in the Caspian (Azerbaijan, Turkmenistan, Kazakhstan), faced with a range of economic and political problems by placing high expectations on the use of the energy potential of the Caspian Sea. In this period, the notion of maintaining the energy reserves in the Caspian Sea were laid and overestimated. Due to these circumstances, disputes between the Caspian states on the problem of determining the legal status of the Caspian Sea have become tougher.

In June 1996, a working group on the Caspian Sea was established at the Ministry of Foreign Affairs of Russia. The main task was to prepare proposals on the status of the Caspian Sea describing the position of Russia. In that case, an ad hoc working group was established to draft a convention on the legal status of the Caspian Sea at the level of deputy foreign ministers of the Caspian states in November 1996. During the first meeting of the special working group in 1997, it was proposed to translate the discussion of the problem from the format of five-sided

meetings of the Caspian states to bilateral ones in order to achieve greater progress in decision making. The further settlement of the legal status of the Caspian Sea on a bilateral and tripartite basis accelerated the process of coordinating the positions of the Caspian states and finding a compromise in the negotiation process on this issue.

The third stage (1998-2003) [1]. As a result of coordinating positions in the issue of determining the legal status of the Caspian Sea, the Caspian states achieved some results in legalizing their borders on the Caspian Sea by establishing the subsoil use regime, shipping and etc.

Russia was one of the first initiators of various options to legalize the status of the Caspian Sea, while other border states either accepted these proposals or rejected them. Thus, Russia proposed a new version of determining the legal status of the Caspian Sea. It was further stated in a joint statement by the Presidents of the Russian Federation and Kazakhstan. Achieving consensus has to be found on the basis of a fair division of the Caspian seabed while maintaining the general use of the water surface, including ensuring freedom of navigation, agreed fishing standards and the protection of the environment.

In the third stage, Turkmenistan and Azerbaijan moved away from their rigid position on the division of the Caspian Sea into national sectors. It was underlined that the establishment of the protection on the Caspian Sea borders represented a certain complexity. The positions of the states bordering the Caspian Sea which began to gradually approach the ruling elites of the newly formed independent states came to an understanding of the limited energy reserves of the Caspian Sea. The necessity to create legal guarantees to attract investments in order to develop deposits in the Caspian, and the complexity of the logistics of exporting Caspian energy resources to the world market were revealed. Under these circumstances, the Caspian states showed their desire to solve this matter through negotiations. At this stage, the tradition of discussing the legal status of the Caspian Sea within the framework of summits or meetings of the five Caspian littoral states was laid. The first summit of the Caspian states took place on April 23rd-24th, 2002 in Ashgabat. The key result of the meeting was the oral statement of Russian President V. Putin that the five leaders of the Caspian countries were ready to attend further meeting.

An agreement was signed in Moscow (July 6th, 1998) between the Russian Federation and Kazakhstan on delimitation of the bottom of the northern part of the Caspian Sea for the purposes of exercising sovereign rights of subsoil use. According to the bottom of the northern part of the Caspian Sea and its subsoil while maintaining the general use of water surface, including ensuring the freedom of navigation, agreed fishing standards and environmental protection, are delineated between the parties on the median line. It has been modified on the basis of the principle of fairness and mutual agreement by the parties. The Parties exercise sovereign rights for the purpose of exploration, exploitation and management of mineral resources and the bottom of the North Caspian Sea, within its parts to the bottom of the dividing line. The state borders on the Caspian were not established under water, as it would be done in case of the division of the Caspian Sea into sectors.

As a continuation of the Agreement of 1998, another declaration were signed between Russia and Kazakhstan in October 2000 in Astana. It was confirmed that the basis for a consensus decision on the new legal status of the Caspian Sea and one of its most important components should be a compromise proposal to delineate the sea floor between neighboring and opposite states on the middle line, in order to implement the right for subsoil use while maintaining the general use of water space to ensure freedom of navigation, harmonization of fishing standards and environmental protection.

During the official visit of Russian President V. Putin to the Republic of Azerbaijan in 2001, a joint statement on the principles of cooperation in the Caspian Sea was signed. According to the cooperation principles, it was proposed to demarcate the bottom of the Caspian Sea into zones and sectors on the basis of the method of the midline.

During the visit of the Iranian President M. Khatami to Moscow of the same year, a joint statement was made on the legal status of the Caspian Sea. Iran reaffirmed its commitment to the previous positions on the division of the Caspian Sea and confirmed that all decisions and agreements on the legal status and regime of the use of the Caspian Sea would only be valid if they were accepted with the general consent of the five Caspian littoral states.

Under these circumstances, an agreement was signed between the Republic of Kazakhstan and the Republic of Azerbaijan on the delineation of the Caspian Sea bed. According to this agreement, the Caspian Sea bottom and its subsoil are delimited between the sides along a median line based on an equal removal from the baseline points on the shoreline and islands.

In May 2002, Russia and Kazakhstan signed a protocol to the bilateral agreement on the delineation of the bottom of the northern part of the Caspian Sea in order to exercise sovereign rights to subsoil use on July 6th, 1998. Parties agreed to develop the beginnings of deposits on parity in the north of the Caspian Sea. Located at the junction of the subsoil use zones of the Russian Federation and Kazakhstan, these are Kurmangazy (Kalinskaya), Tsentralnaya and Khovanskiy.

On September 23rd, 2002, an agreement was signed between the Republic of Azerbaijan and the Russian Federation on the division of adjacent sections of the Caspian Sea bottom on the basis of the method of midline. In its turn, on May 14th, 2003, an agreement was signed between Russia, Kazakhstan and Azerbaijan on the junction point of the delineation lines in the adjacent sections of the Caspian Sea bottom. The northern part of the Caspian Sea (64%) was divided into three unequal parts according to the principle of the middle line: Kazakhstan received 27%, Russia – 19% and Azerbaijan – 18% [4].

Thus, by 2003 Russia, Kazakhstan and Azerbaijan had come to a unified agreement on delimitation of the northern part of the Caspian Sea, which was made possible by the softening positions of the three affected sides. As a result, Russia ceded to the Caspian states, moving from the position of the condominium to the position of dividing the bottom of the Caspian Sea by the method of middle lines. Hence, Azerbaijan and Kazakhstan moved away from their rigid position of the division of the Caspian Sea into national sectors agreeing with the joint use of the water column and the surface of the Caspian Sea. The Russian Federation, Kazakhstan and Azerbaijan reached basic agreements on the legal status of the Caspian Sea, which contributed to further discussions on the legal status of the Caspian Sea at the negotiating table.

The fourth stage (after 2003-present) [1]. After achieving fundamental agreements on the division of the Caspian Sea between the three border states (Russia, Kazakhstan and Azerbaijan), the final legal arrangement of agreements on the division of the Caspian Sea between the other Caspian states remains on the agenda. The core topics are the delineation of the Caspian's water area, the scope of military activities, transit conditions and the laying of trans-Caspian pipelines. Russia's approach to the delimitation of the water area of the Caspian Sea was based on the understanding that the tasks of protecting the natural environment and preserving bio-resources can be effectively resolved if a large part of the sea remains in common use of the Caspian states. In addition, each Caspian state should have a national sea belt to ensure their security and economic activities. It was reflected in the signed bilateral and trilateral agreements on the delineation of the northern part of the Caspian Sea.

Currently, the issue of the division of the Caspian Sea between Azerbaijan, Iran and Turkmenistan is on top. It should be noted that since 1996, Iran has maintained the position of divid-

ing the Caspian Sea between the five Caspian states into equal shares of 20% each. At the same time, both Baku and Tehran made their claims to some deposits. However, Azerbaijan would lose a third of its Caspian territory, which will have to be filled at the expense of Russia and in the case of Russia at the expense of Kazakhstan. Such division will lead to the destruction of the agreements already reached on this issue.

At this stage, Iran's position on the division of the Caspian Sea between the border states into equal shares (20%) is not supported either by the regional states or by external parties (the US, the EU). Since, such version of the Caspian Sea section will lead to the violation of the agreements reached and the established practice of delineating the fields in the Caspian Sea and redistributing property for energy resources which is unacceptable in the context of already developed energy projects in the Caspian region.

The issue of disputable deposits between Azerbaijan and Turkmenistan is still unresolved. Turkmenistan claims to be located on the middle line, in disputed Azeri fields. After signing the Russian-Kazakhstani Separate Treaty on the division of the northern part of the Caspian Sea in 1998, S. Niyazov issued a decree on the approval of the list of geographical coordinates of the points determining the position of the baselines on the Turkmen coast of the Caspian Sea. With this resolution, Turkmenistan recognized the principle of a sectoral division of the Caspian Sea. It has been agreed under the condition that the Absheron Peninsula factor will not be taken into account during the definition of the dividing line of the water area. This was due to the fact that the Absheron, which is going deep into the Caspian Sea, closer to the middle line of the central part of the sea, brought this line up to the coast of Turkmenistan. This principle of division causes serious disagreements between the two countries. Privatizing the seaside along the Azerbaijani model, Turkmenistan actually declared that it belongs to the aforementioned disputed oil fields, which Azerbaijan considers its own property. In reality, these oil fields are geographically closer to the Turkmen, rather than to the Azerbaijani coast, but still under the Soviet Union they were transferred for exploitation to the Azerbaijani side. Proceeding from the existing political realities, Ashgabat changed its policy dramatically by refusing the idea of common use of the sea. They have decided to establish their own sector for further exploitation. This situation has further aggravated the relations with Azerbaijan, which has already commenced operating the aforementioned oil wells and had certain agreements with a number of international companies.

Meetings and summits. The most important mechanism to discuss the existing problems in determining the legal status of the Caspian Sea at this stage is the summits of the heads of the Caspian states.

At the Second Summit of the Heads of the Caspian States, held on October 16, 2007 in Tehran, the Russian and Iranian sides declared that the use of the Caspian Sea for the construction of oil and gas pipelines was inadmissible in order to avoid environmental problems and the need to harmonize similar projects with all the Caspian coastal states. Thereby the implementation of the Trans-Caspian energy project, bypassing Russia is still unknown. The President of Kazakhstan N. Nazarbayev noted the fact of intensive development of Caspian energy resources and the need to determine the conditions for their transportation in his speech. In turn, the deputy Minister of Foreign Affairs of Azerbaijan Khalaf Khalafov said at a press conference on October 19, 2007 that the issue of dividing the seabed would be resolved in the format of regular bilateral negotiations with Iran and Turkmenistan, and the laying of underwater pipelines should be coordinated with the state through which the pipeline would pass. Thus, active energy policy pursued in the Caspian region and the definition of the legal status of the Caspian Sea is largely due to the interest of the border states in the development of one energy project or another for the transportation of Caspian energy resources.

Following the summit of the Caspian states, an agreement on cooperation in the field of security in the Caspian Sea was signed in Baku on November 18, 2010, which establishes the principle that ensuring security in the Caspian Sea is an exclusive matter for the coastal states.

The development of a single convention on the legal status of the Caspian Sea remains on the agenda. The creation of a single five-fold agreement of the Caspian states on this issue can contribute to its greater recognition as an international legal tool, unlike the concluded international agreements by the coastal states on a bilateral and tripartite basis. In turn, external stakeholders (the US, the EU and the PRC) involved in the political and economic processes arising in the Caspian region have a direct or indirect influence on the process of resolving the legal status of the Caspian Sea.

With the Caspian states. They are also interested in a clear definition of the legal status of the Caspian Sea, in particular the delimitation of disputable deposits in the Caspian Sea. A number of researchers believe that the US supports the option of determining the legal status of the Caspian Sea. Notably, the northern and southern parts of the Caspian Sea will be subordinated to different legal regimes, where the southern part will be divided into national sectors.

Given the active cooperation of some EU countries in the energy sector with Russia, the active involvement of these countries in the process of finalizing the legal regime on the Caspian Sea in its southern part is not observed.

China is interested in using Caspian energy resources to ensure its energy security by interacting mainly with Russia and Kazakhstan. The state does not demonstrate active involvement in the final definition of the legal status of the Caspian Sea in its southern part. However, it is doubtful that in the future, China will be interested in the joint use of disputable deposits by Azerbaijan and Turkmenistan to transport energy resources to the west, which may entail a more active influence of China on the settlement of disputes over the legal status of the Caspian Sea in its southern part.

Results. Thus, the issue of determining the legal status of the Caspian Sea is a key regional geopolitical issue, it is directly related to the survival of coastal states and their ability to protect their interests in the region. In view of the fact that the Caspian states won't abandon oil and gas projects and postpone their development due to the absence of the final legal status creates possible destabilization in the region. In the course of the political work of the coastal states, a certain compromise were reached. By 2003, Russia, Kazakhstan and Azerbaijan had to come under a unified agreement on the delineation of the northern part of the Caspian Sea. The achievement of these agreements was made possible by the softening of the positions on the coastal states. As a result, the Russian Federation made large concessions to the coastal states, moving from the position of the condominium to the position of delineating the bottom of the Caspian Sea by the method of the middle line. Azerbaijan and Kazakhstan have moved away from the rigid position of the division of the Caspian Sea into national sectors, agreeing with the joint use of the water column and the surface. Thus, Russia created obstacles for destabilization in the Caspian Sea region due to the uncertainty of its legal status.

However, a single agreement has not been achieved so far, which is a factor of possible destabilization in the Caspian region. In this regard, Russia is taking measures to prevent destabilization in the process of further resolving the problem. However, it does not guarantee the development of a negative scenario surrounding this resolution. Russia as a key regional state is the main initiator to strengthen regional cooperation between the border states. The well-established mechanism of the negotiation process between the five states bordering the Caspian Sea continues to act as a mechanism for coordinating the positions of the Caspian states on the

regulation and preventing unilateral actions of each. Following the summit of the Caspian states, an agreement on cooperation in the field of security in the Caspian Sea was signed in Baku on November 18, 2010, which establishes the principle that ensuring security in the Caspian Sea is an exclusive matter for the coastal states. In addition, the active interaction of the Caspian states with external parties (the US, the EU and the PRC) contributes to the desire to consolidate their rights on the Caspian Sea, which in turn activates the negotiation process to determine the legal status of the Caspian Sea.

Conclusion. The absence of the final legal status of the Caspian Sea serves as an instrument for both external players and coastal states to use the legal and political vacuum in resolving this issue to strengthen their positions in the region. This tool is applied to attract or block investments of foreign oil and gas companies in the development of Caspian oil and gas fields and strengthen military capabilities in the Caspian Sea. The external players support or restrain the promotion of the sovereign positions of the newly formed Caspian littoral states in the settlement of the legal status of the Caspian Sea, where they seek to gain control over the energy resources of the region.

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ПРАВОВИЙ СТАТУС КАСПІЙСЬКОГО МОРЯ: ПОЗИЦІЇ СТОРІН І ПЕРСПЕКТИВИ ВИРІШЕННЯ ПРОБЛЕМ

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У статті розглядається правовий статус Каспійського моря, що є досить важливою темою на порядку денному. У статті розглядаються закони, договори і переговори щодо визначення правового статусу Каспійського моря. У ньому також підкреслюється кілька важливих аспектів цієї проблеми.

Ключові слова: правовий статус, Каспійське море, зовнішні суб'єкти, перешкоди.