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# GLAWCAL COMMENT

## THE CLASSIFICATION AND DIVISION OF THE CASPIAN SEA

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Based on:

Pawletta, Barbara. Legal Framework for the Interstate Cooperation on Development and Transport of Fossil Natural Resources of the Caspian Sea. The Journal of World Energy Law & Business, 2020.

*A gLAWcal comment on Pawletta, Barbara. Legal Framework for the Interstate Cooperation on Development and Transport of Fossil Natural Resources of the Caspian Sea. The Journal of World Energy Law & Business, 2020.*

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The recent history of the Caspian Sea is characterized by the forerunners of Russia and Iran. Now, after more than 20 years of negotiations, the riparian states have recently agreed on the classification and division of the Caspian Sea. The article “Legal framework for the interstate cooperation on development and transport of fossil natural resources often referred to as the Caspian Sea” by the author Barbara Janusz-Pawletta shows us the legal framework established by the Convention. The 5 riparian states have decided not to define the Caspian Sea as a sea or a lake, but to speak only of a body of water, which means that the status is still more like a mix between sea and lake. This mixed classification leads to the fact that certain parts of the water surface are assigned to the states and other areas are used as common water surface. This made it possible that the general law of the sea is not applied and thus third parties could be excluded or controlled. Thus, initially only the riparian states are allowed to engage in military and economic activities and navigate freely. This was an important aspect especially for the USA and China, as they are now not allowed to use the Caspian Sea so easily. Completely in the interest of Russia and Iran, no other state is allowed to position armed forces in the Caspian Sea. For example, the USA planned to establish an American base with Kazakhstan on the Caspian coast, which is no longer possible. Russia in particular has regarded its military influence as a tradition. Janusz-Pawletta writes that until the fall of the Soviet Union, the rights on navigation lay solely with the Soviet Union and Iran. Not surprisingly. For Russia the Caspian Sea has always been an important military and strategic point. They have the largest navy of all riparian states and are constantly increasing the Caspian fleet and expanding southwards. Also with regard to cooperation with Iran and Russia’s involvement in Syria. Russia has already used its positions in the Caspian Sea in the past to attack IS positions in Syria with missiles from the Russian navy. This only serves to illustrate how important the Caspian Sea is for the Russian Navy. The extent to which the convention can be considered a success in this respect is probably a personal decision and depends strongly on individual interests. The boundaries between the sectors are to be clarified by individual agreements between the respective states under international law. However, as Janusz-Pawletta shows us, the convention also provides for an important regulation for Azerbaijan, Turkmenistan, and Kazakhstan. Previously they were considered landlocked countries, but now the Convention allows them to move freely between the Caspian Sea and the Black Sea through the Volga-Don Canal. Thus, these states have guaranteed access to all oceans. The convention is thus positive for the economically weaker riparian states in these areas, as it opens up new trade options. After decades of difficult conditions, the riparian states also have new opportunities through the development of resources. Where this will lead in the long term, however, remains to be seen.



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