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THE LEGAL STATUS OF THE CASPIAN SEA¹
HAZAR DENİZİNİN HUKUKİ STATÜSÜ

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Abstract

The legal status of the Caspian Sea has been a complex issue at the intersection of international law and regional geopolitics since the dissolution of the Soviet Union. This study analyzes the historical evolution of the Caspian's legal status, the shifting positions of the littoral states (Russia, Iran, Azerbaijan, Kazakhstan, and Turkmenistan), and the geopolitical interests that have shaped these stances. It examines the legal vacuum created by the transition from the Soviet era, which was governed by bilateral treaties, to the post-1991 period that necessitated five-party negotiations. The focal point of the study is the 2018 Aktau Convention, which established a sui generis (of its own kind) status for the Caspian. The Convention's success in ending the legal uncertainty and providing a framework for cooperation is critically assessed alongside the unresolved issues it leaves, such as the final delimitation of maritime borders. In conclusion, it is emphasized that while the Convention is a historic step, continued diplomatic negotiations remain crucial for the sustainable management of the region's resources and the achievement of full stability.

Keywords: Caspian Sea, Legal Status, Aktau Convention, International Law, Regional Geopolitics

Özet

Hazar Denizi'nin hukuki statüsü, Sovyetler Birliği'nin dağılmasından bu yana uluslararası hukuk ve bölgesel jeopolitiğin kesişim noktasında yer alan karmaşık bir sorun olmuştur. Bu çalışma, Hazar'ın hukuki statüsünün tarihsel evrimini, kıyıdaş devletlerin (Rusya, İran, Azerbaycan, Kazakistan ve Türkmenistan) değişen pozisyonlarını ve bu pozisyonları şekillendiren jeopolitik çıkarları analiz etmektedir. İkili anlaşmalarla yönetilen Sovyet döneminden, beş taraflı müzakerelerin zorunlu hale geldiği 1991 sonrası döneme geçişin yarattığı hukuki boşluk incelenmektedir. Çalışmanın odak noktasını, Hazar'a sui generis (kendine özgü) bir statü kazandıran 2018 Aktau Konvansiyonu oluşturmaktadır. Konvansiyonun, statü belirsizliğini sonlandırma ve iş birliği için bir çerçeve sunma konusundaki başarısı ile deniz sınırlarının belirlenmesi gibi çözümsüz bıraktığı sorunlar eleştirel bir yaklaşımla değerlendirilmektedir. Sonuç olarak, Konvansiyonun tarihi bir adım olmakla birlikte, bölgedeki kaynakların

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sürdürülebilir yönetimi ve tam istikrarın sağlanması için devam eden diplomatik müzakerelerin önemini koruduğu vurgulanmaktadır.

Anahtar Kelimeler: Hazar Denizi, Hukuki Statü, Aktau Konvansiyonu, Uluslararası Hukuk, Bölgesel Jeopolitik.

INTRODUCTION

As the world's largest enclosed body of water, the Caspian Sea is a strategically vital saltwater basin in Central Asia, distinguished by its unique ecosystem and immense oil and gas resources. Geographically divided into northern, middle, and southern sections, it is bordered by five littoral states: Russia, Kazakhstan, Turkmenistan, Iran, and Azerbaijan. Although it lacks a natural oceanic connection, the Caspian maintains access to the Black and Baltic Seas via artificial waterways such as the Volga-Don Canal, giving it global maritime significance.

The collapse of the Soviet Union was a pivotal moment that fundamentally altered the Caspian region's geopolitical and geo-economic landscape. Previously, the utilization of the basin's energy resources was almost exclusively monopolized by the USSR. Its dissolution, however, opened Central Asia's vast and largely untapped energy potential to the international market, attracting significant investment from foreign nations and multinational corporations and leading to the discovery of major new oil and gas deposits (Onal-Kilicbeyli et al., 2021: 7).

The critical importance of the Caspian basin to global energy markets is underscored by its immense hydrocarbon deposits. A 2013 analysis by the U.S. Energy Information Administration (EIA) estimated the region's proven and probable reserves to be around 48 billion barrels of oil and 292 trillion cubic feet of natural gas. A substantial portion of this wealth, which benefits the bordering nations, is concentrated near the coastline, with roughly 75% of the oil and 67% of the natural gas located within 100 miles of the shore (U.S. Energy Information Administration, 2013).

Despite its immense energy potential, the Caspian Sea's richest oil and gas reserves, primarily located in a 200,000 square kilometer area south of the sea between Azerbaijan's Absheron Peninsula and Turkmenistan's Per-Balkan region, remain largely undeveloped. Russia, with substantial energy resources in Siberia, has not fully exploited these reserves, leading to a relative disadvantage in the region. Turkmenistan, heavily reliant on natural gas production, has also conducted limited studies on offshore oil fields. Iran, possessing the largest oil reserves among the littoral states, has been cautious in exploiting its Caspian Sea oil fields located in the sea's deep waters, resulting in delays in its oil extraction efforts (Merdan & Kahraman, 2020: 438).

For much of the 20th century, the legal status of the Caspian Sea was a relatively straightforward bilateral issue between Iran and the Soviet Union, which exercised predominant control. However, this changed dramatically after 1991. The emergence of new independent states increased the number of littoral countries to five, transforming the political landscape. This geopolitical shift, combined with the immense economic stakes of the region's energy wealth, ignited fierce disagreements over maritime rights and resource allocation, making the resolution of these disputes a critical prerequisite for the future development of offshore fields (Kim & Eom, 2008: 94).

This study provides an examination of the legal status of the Caspian Sea by analyzing the historical and contemporary positions of the five littoral states:

Russia, Iran, Azerbaijan, Kazakhstan, and Turkmenistan. It evaluates the significance of the 2018 Aktau Convention as a framework for resolving long-standing conflicts from the perspective of international law. Ultimately, this paper argues that while the Convention marks a critical step, sustained diplomatic cooperation grounded in international legal principles is essential for the effective management and sustainable use of the region's vast resources.

HISTORICAL EVOLUTION OF THE CASPIAN SEA'S LEGAL STATUS

The Legal Status of the Caspian Sea from 1723 to 1991

Since the era of Peter the Great, sovereignty in the Caspian Sea has been shaped by a series of bilateral agreements between Russia and Iran, including the treaties of Saint Petersburg (1723), Rasht (1731), Gulistan (1813), and Turkmenchay (1828). While these early pacts did not establish a "legal status" in modern terms, they systematically advanced Russian privileges. The latter two treaties, in particular, were decisive, effectively transforming the Caspian into a Russian internal waterway and granting the Tsarist empire the exclusive right to maintain a military fleet on its waters (Hajizada, 2018: 352).

With the Treaty of Rasht in 1732, Russia returned the lands in the south of the Caspian that it had occupied following the wars of 1722 and 1723, in exchange for the right for its ships to freely navigate the Caspian Sea and to maintain unrestricted commercial relations with Iran (Hasanov, 2016: 39). Thus, discussions regarding the legal status of the Caspian Sea and the regulation of the regime there have a history of nearly 300 years.

A significant step toward demarcation was taken in 1881 with an agreement between Russia and Iran (Qajar Dynasty) that established a border from Hasankuli to Astara. This arrangement confined Iran's influence to a narrow southern strip and, while addressing sovereignty and navigation, failed to provide a comprehensive legal status for the sea (Qasimli, 2015: 369). This legal ambiguity persisted through the political upheaval of the early 20th century. Neither the brief independence of the Azerbaijan Democratic Republic (1918-1920) nor its subsequent absorption into the Soviet sphere resolved the Caspian's undetermined legal status (Qasimli, 2015: 370).

The legal status of the Caspian Sea received more attention in the Russo-Iranian treaty signed in Moscow on February 26, 1921. Article 3 of the treaty states that both parties agree to recognize the border established by the 1881 boundary commission as the maritime boundary between Iran and Russia, maintaining it as inviolable. This boundary, the Astara-Hasankuli waterline, was reaffirmed. Additionally, the treaties between Iran and the USSR in 1935 and 1940 emphasized the Caspian Sea as a shared Soviet-Iranian sea, shifting its status from a "Russian internal water body" to a "Soviet-Iranian internal water body" (Hajizada, 2018: 353).

In the USSR, economic responsibility zones in the Caspian Sea were delineated among its constituent republics. From the 1940s onward, Azerbaijani oil workers led exploration across the sea, and by 1970, the Soviet Ministry of Oil and Gas Industry had laid the groundwork for dividing the Caspian into national sectors based on the median line principle—a method that heavily influenced the post-Soviet positions of Russia, Azerbaijan, and Kazakhstan (Qasimli, 2015: 372). While the Soviet Union's 1982 "Law on the State Border" reaffirmed the Astara-Hasankuli line with Iran (Hajizada, 2018: 353), these bilateral and internal administrative measures still failed to produce a comprehensive legal regime defining precise

boundaries for the use of the seabed, water surface, and resources, leaving a legacy of unresolved issues.

The Legal Status of the Caspian Sea from 1991 to 2018

Following the collapse of the Soviet Union in 1991, the emergence of new littoral states created an urgent need to formally define the Caspian Sea's legal status. The initial phase of discussions took place between 1991 and 1994, followed by a period of more intense negotiations from 1995 to 1998 (Hajizada, 2018: 355). Azerbaijan officially brought the issue to the forefront at a conference in Tehran in late 1992, where the participating nations agreed to establish several specialized committees, one of which was exclusively dedicated to resolving the sea's international legal status (Qasimli, 2015: 374).

The Caspian's legal status quickly evolved into a major geopolitical issue, drawing in not only the five littoral states but also Western powers due to the sea's strategic importance and vast hydrocarbon reserves. During early negotiations in 1994, Azerbaijan proposed classifying the Caspian as a "border lake" to be divided into national sectors, while Kazakhstan suggested it be treated as a "closed sea." However, both Russia and Iran strongly opposed any designation that would invoke the United Nations Convention on the Law of the Sea (UNCLOS), as they sought a more flexible, negotiated regional settlement free from the Convention's binding international provisions (Qasimli, 2015: 378).

The geopolitical struggle intensified significantly with Azerbaijan's signing of the "Contract of the Century" in 1994, a move that paved the way for Western oil companies to begin large-scale resource development and prompted Russia to assert its own regional interests (Hajizada, 2018: 355). In response, just months after the contract was signed, the Russian Federation formally objected by submitting a document to the UN General Assembly. In this document, Russia expressed its dissatisfaction to the UN, the British government, and other participating states, forcefully advocating that the Caspian's legal status could only be determined through consensus among all five littoral nations (Qasimli, 2015: 379).

The littoral states initiated a series of conferences to resolve the legal status, beginning in Ashgabat in early 1995. There, a Russian proposal for a 25-mile fishing zone and a 12-mile territorial sea was accepted by all states except Azerbaijan, which refused to sign. A subsequent conference convened by Kazakhstan in Almaty in May 1995 revealed further divisions, as Russia openly opposed any division of the sea into national sectors. Instead, Moscow advocated for the joint use of resources and insisted on the consent of all five states for any development, a clear counter to unilateral actions (Qasimli, 2015: 380-381).

Starting in 1999, the focus shifted to resolving the status, leading to the signing of agreements between Russia and Kazakhstan in 1998, as well as between Azerbaijan and Kazakhstan in 2001, regarding the delimitation of the northern part of the seabed and a trilateral agreement in 2003 between Russia, Kazakhstan, and Azerbaijan on the delimitation of the seabed, which legalized the legal status of over 60% of the marine reserves in a trilateral format, along with the signing of the "Framework Convention on the Protection of the Marine Environment of the Caspian Sea" in the same year (Hajizada, 2018: 355).

Following these developments, it should be noted that the resolution of the status issue has been primarily driven by the summits of the Caspian littoral states, with the first summit in 2002 (Ashgabat Summit) proposing a formula for dividing the sea, and subsequent summits in 2007 (Tehran Summit), 2010 (Baku Summit),

and 2014 (Astrakhan Summit) focusing on various aspects such as security, military presence, and cooperation, culminating in agreements on sovereign rights, demilitarization, and peaceful coexistence (Hajizada, 2018: 356).

COASTAL STATES' APPROACHES TO THE LEGAL STATUS OF THE CASPIAN SEA

The legal status of the Caspian Sea, the world's largest enclosed body of water, has been a subject of complex negotiations. Historically, during the Soviet era, matters concerning the Caspian were a bilateral issue, addressed exclusively by Iran and the Soviet Union, the only two nations on its shores. This changed dramatically with the collapse of the Soviet Union in 1991, which increased the number of littoral states to five and fundamentally altered the region's geopolitics. The emergence of new claimants has created significant hurdles for resolving the sea's legal status, sparking disputes over its division. The central conflict revolves around whether the Caspian should be legally treated as a sea or a lake, each with different implications for delimitation, or if entirely new principles should be applied (Yıldırım, 2024: 8).

Russia's Approach

In determining the status of the Caspian Sea, the state most likely to be influential due to historical, strategic, political, and economic reasons is the Russian Federation, which has occasionally brought this issue to the United Nations. Specifically, Russia has criticized Azerbaijan and Kazakhstan's oil agreements with multinational companies at the UN (Çolakoglu, 1998: 111).

The Russian Federation, the most influential state in determining the legal status of the Caspian Sea, has adopted four different stances. The first stance is the common use of the water column and seabed beyond 10 or 20 nautical miles from the shoreline. In this context, Russia argues that the legal status of the Caspian Sea was determined by agreements between the Soviet Union and Iran, where the exclusive sovereignty area was limited to a 10-nautical-mile zone reserved for fishing, while the waters beyond that zone were open to common use, allowing the coastal states to benefit from them equally (Terzioğlu, 2008: 36).

The second stance of Russia is the common use of the Caspian Sea beyond the 45-mile coastal strip. In this proposal from 1996, Russia suggested that each coastal state should have a 45-mile exclusive economic zone and that reserves beyond this limit should be left for the common use of the five coastal states (Çolakoglu, 1998: 110).

A significant policy reversal marked Russia's third stance, demonstrated by its 1998 agreement with Kazakhstan. In this pivotal move, Moscow agreed to divide the seabed based on the "equidistance" principle while leaving the water's surface for common use, a major departure from its previous positions (Çolakoglu, 1998 : 110-111). This pragmatic approach culminated in Russia's fourth and final position, formalized in the 2003 trilateral agreement with Kazakhstan and Azerbaijan. This pact solidified the division of the northern Caspian seabed into national sectors using a modified median line, thereby resolving the legal regime for a majority of the sea's northern area (Joyner & Walters, 2006: 190-191).

Iran's Position

Advocating for a principle of equal rights, Iran initially insisted that the Soviet-Iranian treaties of 1921, 1935, and 1940 should remain in force until a new comprehensive agreement was reached. Based on these historical pacts, Tehran's position was that the Caspian was a shared, bilateral sea. However, these early-

20th-century agreements were ill-suited for modern challenges, as they failed to address critical issues such as the division of seabed resources or environmental protection (Hajizada, 2018: 358).

Until 1998, Iran supported Russia's view on the legal status of the Caspian Sea. However, after the Russia-Kazakhstan agreement, which divided the seabed based on the principle of "equidistance" and left the water area for joint use, Iran's position diverged from that of Russia. On July 8, 1998, Iran, along with Turkmenistan, issued a statement rejecting the Russia-Kazakhstan agreement and protested at the United Nations. In this protest, Iran asserted that the Caspian Sea could not be divided without the consent of all five littoral states and emphasized that until a new agreement on the legal status of the Caspian Sea was reached, the coastal states remained bound by the February 26, 1921, Moscow Friendship Treaty and the March 25, 1940 Tehran Treaty between the Soviet Union and Iran (Çolakoğlu, 1998: 112).

In 2003, Iran opposed the Russia-Azerbaijan-Kazakhstan Agreement concerning the northern Caspian Sea, asserting that this agreement was invalid and advocating for a five-party agreement among the littoral states. Alongside Turkmenistan, Iran subsequently signed the Tehran Agreement, which called for the division of the Caspian Sea according to the 1982 UNCLOS, thereby forming an alliance against the northern Caspian agreement (Terzioğlu, 2008: 40-41).

Azerbaijan's Approach

Following the Soviet collapse, Azerbaijan quickly emerged as the most proactive littoral state, positioning itself as a regional political and economic hub by attracting significant Western energy investment. Initially, Azerbaijan referred to this body of water as a "lake," with frequent articles and official statements supporting this view, believing that if the Caspian were recognized as an international lake, it would be more advantageous for dividing it into national sectors, but eventually shifted its stance due to Russia and Iran's insistence on the "joint use" of the Caspian resources, aiming to exclude the Caspian from the scope of the Law of the Sea Convention and rely solely on the 1921 and 1940 treaties (Oğan, 2005).

Throughout the 1990s, Azerbaijan's primary objective was the complete division of the Caspian into five sovereign national sectors based on the median line principle, which would apply to both the seabed and the water column. As an alternative, Azerbaijan also proposed applying the 1982 UN Convention on the Law of the Sea (UNCLOS), which, if the Caspian were treated as an "open sea," would grant each state a 12-nautical-mile territorial sea and a 200-nautical-mile exclusive economic zone and continental shelf (Çolakoğlu, 1998: 109).

Azerbaijan took a significant step compared to other coastal countries in the region by enshrining its national sectors in its constitution, securing its national sector under constitutional protection, as stated in Article 11 of the Azerbaijani Constitution adopted on November 12, 1995, which declares Azerbaijan's territory as a single, inviolable, and indivisible entity, including its internal waters, the Azerbaijani sector of the Caspian Sea, and its airspace, thus affirming Azerbaijan's territorial integrity (Oğan, 2005).

Ultimately, Azerbaijan's position was pragmatic: the legal label of "sea" or "lake" was less important than the outcome of a clear division into national sectors. Azerbaijan therefore viewed the 1998 Russia-Kazakhstan agreement to divide the seabed as a positive step, even while maintaining its preference for dividing the water column as well (Çolakoğlu, 1998: 109). This pragmatic approach led

Azerbaijan to join the northern states, signing a pact with Kazakhstan in 2001 and culminating in the May 2003 trilateral agreement with both Russia and Kazakhstan that formalized the division of the northern seabed (Terzioğlu, 2008: 38).

Turkmenistan's Stance

On the other hand, Turkmenistan, like Azerbaijan and Kazakhstan, supported the division of the Caspian Sea into sectors and was the first country to adopt a law defining its territorial waters, 12 nautical miles of coastal waters, and an exclusive economic zone. Subsequently, the littoral states shifted to a position supporting the principle of shared sovereignty, backing Russia's and Iran's stance, until an agreement on the legal status of the Caspian Sea could be reached (Abilov, 2013: 57).

On February 27, 1997, Kazakhstan and Turkmenistan issued a declaration stating that, until the neighboring states agreed on a new status for the Caspian Sea, they had agreed to divide the Caspian into sectors along the median line based on the Soviet- era divisions. However, the principle of the median line outlined in the declaration was not finalized with an agreement (Terzioğlu, 2008: 43).

In the absence of a comprehensive five-party agreement for the Caspian Sea, the northern littoral states forged their own path. Through a series of bilateral treaties between 1998 and 2001, followed by a trilateral agreement in 2003, Russia, Kazakhstan, and Azerbaijan established a consensus for developing the seabed's resources. This northern bloc adopted the "median line" principle for delimitation. This approach, however, was rejected by the southern coastal states of Iran and Turkmenistan, which effectively created a fundamental north-south split in viewpoints regarding the sea's legal regime (Terzioğlu, 2008: 44).

Dispute between Azerbaijan and Turkmenistan

The issue between Turkmenistan and Azerbaijan stemmed from disputed oil fields in the Caspian Sea. Azerbaijan entered into an agreement with 11 oil companies on September 20, 1994, for the exploitation of the Azeri, Chirag, and Gunashli fields, but Turkmenistan, which initially did not raise objections to this agreement, altered its position following the commencement of oil extraction in November 1997 (Unal, 1998: 46). In 1997, Ashgabat reminded Azerbaijan of the "agreed map of sea borders" from Soviet times, claiming that the Azeri and Chirag fields belonged to Turkmenistan and suggesting that Turkmenistan could reconsider its claims for a certain compensation. However, Turkmenistan's main claim was related to the Kepez/Serdar field (Hasanov, 2016: 74). The Kepez field was first discovered by Azerbaijani geologists in 1959, but oil production there began only in 1989 (Oğan, 2001: 146).

The dispute between Turkmenistan and Azerbaijan extends beyond hydrocarbon reserves to include competition in marketing oil and gas. Turkmenistan initially planned to transport its gas through the Trans-Caspian pipeline to Türkiye and then to the West, but Azerbaijan's discovery and exploitation of the rich Shah Deniz gas field, which Türkiye also shares, led to an agreement for its exploitation and transportation via the South Caucasus Pipeline, leaving Turkmenistan marginalized. As a result, Turkmenistan sought closer ties with Iran, supporting the gas pipeline project between Iran and Armenia (Oğan, 2001: 171).

Kazakhstan's Perspective

In the early post-Soviet years, Kazakhstan's position was largely aligned with Azerbaijan's; until February 1998, both nations advocated for applying the 1982

UN Convention on the Law of the Sea (Hasanov, 2016: 70). However, Astana's position subsequently diverged toward a more moderate stance. While Azerbaijan insisted on a complete division of both the seabed and the water column, Kazakhstan adopted a more flexible model, favoring the division of the seabed for resource development while leaving the water's surface under common use (Gökay, 1998: 58).

This nuanced difference in its position allowed Kazakhstan to find common ground with Russia, leading to their pivotal bilateral agreement in July 1998 to divide the seabed while leaving the waters in common use (Çolakoğlu, 1998: 111).

A compromise among the northern Caspian states was achieved through a series of key agreements. Building on a 1998 agreement, Kazakhstan and Russia signed a defining protocol in 2002, which was complemented by a similar pact between Kazakhstan and Azerbaijan in 2001. The process culminated in a May 2003 agreement that formalized the trilateral compromise among the three northern powers. As a result of these negotiations, Kazakhstan, the Russian Federation, and Azerbaijan ultimately consented to partition the Caspian seabed into distinct national sectors

THE 2018 AKTAU CONVENTION

The final resolution of the Caspian's status was achieved through a series of high-level presidential summits. This process began in Ashgabat in 2002 and continued through key meetings in Tehran (2007), Baku (2010), and Astrakhan (2014), where the agenda expanded from simple division formulas to encompass security, military limitations, and cooperation (Hajizada, 2018: 356). These years of negotiations culminated in the fifth summit in Aktau, Kazakhstan, in 2018, where the five heads of state signed the landmark Convention on the Legal Status of the Caspian Sea (Abilov et al., 2020: 240).

The 2018 Aktau Convention marked a significant milestone in the legal status of the Caspian Sea, bringing an end to almost three decades of negotiations and uncertainties surrounding the exploitation of the region's resources (Kadir, 2019: 399). Signed by the presidents of all five littoral states, the convention established a modern legal framework designed to supersede the outdated Soviet-Iranian treaties of 1921 and 1940, which were inadequate for addressing contemporary issues of resource management and maritime jurisdiction (Rozhkov, 2021: 492; Abadikhah, 2023: 444).

According to international law, bodies of water are generally classified as either "lakes," whose legal regime is usually governed by agreements among the littoral states, or "seas," in which case they are subject to the provisions of the United Nations Convention on the Law of the Sea (UNCLOS). However, because the Caspian Sea is a completely enclosed body of water with no direct connection to the oceans, it does not entirely fit into either of these traditional categories. Nevertheless, its enormous surface area, substantial energy resources, and geopolitical significance set it apart from a typical lake and call for the consideration of some legal characteristics that are usually associated with seas. In this regard, the Caspian Sea is neither fully defined as a sea nor only as a lake by the Convention of Aktau. Rather, the Convention of Aktau grants the Caspian Sea a unique status by establishing a unique legal system (Merdan, 2020: 455).

The Convention's hybrid legal structure is evident in its core articles. Article 1 establishes foundational definitions for maritime zones such as "territorial waters," "fishery zone," and "common maritime space," drawing on principles from both the law of the sea and the law of lakes. While Article 6 affirms the full sovereignty of

each coastal state over its territory and adjacent waters, Article 7 sets a 15-nautical-mile limit for these territorial waters. Crucially, however, the Convention does not itself delimit the final maritime boundaries, instead delegating this complex task to future bilateral and multilateral negotiations among the member states (Convention on the Legal Status of the Caspian Sea, 2018).

The Convention further balances sovereign rights with regional cooperation. Articles 11, 12, and 13 regulate the passage of ships, establish national jurisdiction over maritime structures, and govern scientific research, reinforcing sovereign control within national sectors. At the same time, Article 15 mandates joint efforts for environmental protection, preventing pollution, and preserving biodiversity. This blend of maritime and lacustrine principles provides a framework intended to facilitate sustainable and equitable use of the Caspian's resources while maintaining regional peace and security (Convention on the Legal Status of the Caspian Sea, 2018).

Although the Aktau Convention has taken an important step in determining the legal status of the Caspian Sea and provided a new legal framework for the states parties, the text does not contain clear and detailed regulations on some critical issues. In particular, controversial issues such as the determination of maritime boundaries between Azerbaijan and Turkmenistan are not explicitly addressed in the text of the convention. This oversight leads to various interpretations as to whether the Aktau Convention resolves all border disputes between the littoral states and creates uncertainties regarding the applicability of some of its articles. These uncertainties are of particular importance in terms of assessing the practical impact of the convention.

In this context, the Aktau Convention marked a significant shift in the issues of sovereignty, resource rights, and environmental protection among the five littoral states of Azerbaijan, Iran, Kazakhstan, Russia, and Turkmenistan. Before the Convention, different classifications of the Caspian Sea as a “sea” or a “lake” led to varying interpretations of territorial claims and resource sharing among the littoral states, which complicated bilateral and multilateral relations. The Convention clearly defines the rights of the Caspian littoral states over the maritime space, legally confirming that the Caspian Sea is a closed body of water bordered by the land of these states. This definition strengthens regional sovereignty. After years of negotiations and diplomatic efforts, compromises have been reached on many contentious issues; for example, Article 5 divides the maritime space into four distinct parts (Convention on the Legal Status of the Caspian Sea, 2018).

Despite the signature of the Convention, some issues have remained unresolved since 2018, and agreements have not been fully implemented. In particular, the fact that some provisions are addressed only in general terms and the details are left for future negotiations reveals the existence of problems that await resolution. One of the most salient issues in this context is the definition of straight baselines. Article 1(4) of the Convention provides that the details of these lines are to be determined by separate agreement between the parties. While Russia, Kazakhstan, Azerbaijan, and Turkmenistan appear to agree to define these lines in accordance with the text as it stands, Iran, citing a paragraph in the same article, suggests further negotiations on the details. Hence, no specific agreement on direct baselines has been signed since the convention was signed in 2018, and negotiations are still ongoing (Abadikhah, 2023: 439).

At the same time, the unique ecological and geopolitical structure of the Caspian Sea demonstrates the need for legal flexibility and innovation in regional

agreements. Indeed, the case of Iran illustrates how these specificities are reflected in practice. Despite Iran's environmental legislation, which has been developed since the 20th century and has gained momentum recently, some reservations remain in the ratification of the 2018 Convention. These reservations are rooted in persistent issues among the littoral states, including unresolved disputes over maritime boundary delimitation, divergent environmental responsibilities, and asymmetries of interests. On the other hand, Iran's preparation of a national initiative for marine environmental protection and its emphasis on biodiversity and public participation indicate that national environmental policies are beginning to align with regional frameworks, signaling a transformation in this area (Voynova, 2020: 80).

The Convention's effectiveness in resolving long-standing disputes, such as border demarcation between Azerbaijan and Turkmenistan, has been questioned (Abilov et al., 2020: 242). Research has raised questions about the convention's effectiveness in resolving all territorial and legal disputes. The Aktau Convention allowed littoral states to conclude bilateral agreements among themselves, provided that they did not violate each other's rights. In this framework, the long-standing dispute between the two countries over the Serdar/Kepez region, located in the middle of the Caspian Sea, was resolved with the agreement signed in 2021, calling the region *Dostluk*. By deciding to operate this field jointly, which contains approximately 50-100 million tons of oil and 30 billion cubic meters of natural gas, these two states, inhabited by peoples of the same ethnic origin, have both taken an important step towards regional cooperation and demonstrated the potential of the convention to pave the way for bilateral solutions (Yalçinkaya, 2024: 10).

In this reconciliation, the influence of TANAP — a joint project between Azerbaijan and Türkiye — as well as other regional energy corridors, appears to be significant. Turkmenistan's energy exports being almost exclusively dependent on China has prompted a search for alternative routes, creating opportunities for cooperation aimed at delivering Caspian energy resources to Türkiye and Europe through projects such as the Trans-Caspian Pipeline. This process has not only given momentum to Azerbaijan–Turkmenistan relations but has also supported Türkiye's ambition to become a regional energy hub (Yalçinkaya, 2024: 12).

By defining a *sui generis* legal status specific to the Caspian Sea, the Aktau Convention has significantly reduced long-standing uncertainties among the littoral states and paved the way for regional cooperation. However, the persistence of some boundary and implementation issues suggests that the effectiveness of the convention depends on future bilateral and multilateral negotiations.

CONCLUSION

The Caspian Sea lies at the intersection of international law and regional geopolitics due to its strategic importance and rich natural resources. As the world's largest enclosed body of inland water, the Caspian Sea has long been controversial in terms of its legal status. This controversial situation stems not only from its geographical and environmental characteristics but also from the overlapping historical, economic, and geopolitical interests of the five littoral states—Russia, Iran, Azerbaijan, Kazakhstan, and Turkmenistan.

The new political structure that emerged with the collapse of the Soviet Union further deepened the sovereignty claims over the Caspian Sea and legal questions regarding the sharing of resources. As the bilateral agreements in force during the Soviet era became inadequate, the search for a comprehensive and binding regime among the littoral states gained momentum. In this context, the Aktau Convention,

signed in 2018, was an important milestone in the legal status of the Caspian Sea; it sought to regulate the sovereignty, resource rights, and cooperation frameworks of the parties with a hybrid approach that includes elements from both the law of the sea and the law of the lake.

Despite the signing of the Convention, certain issues such as the delimitation of the Azerbaijan–Turkmenistan maritime boundary, the clarification of straight baseline configurations, and Iran’s reservations remain unresolved. In particular, the Convention’s ambiguous provisions concerning the delimitation of maritime zones, environmental protection obligations, and the allocation of resource usage rights have led to divergent interpretations and implementation practices among the littoral states. Although the Aktau Convention lays out fundamental principles regarding cooperation, sovereign rights, and environmental protection, domestic political and economic priorities of the parties, as well as regional balances of interest, have hindered its full operationalization. This situation reveals how the dynamic and flexible nature of international law is tested in regional contexts, and underscores the significant role that state practice, bilateral agreements, and customary legal elements play in such cases. Nevertheless, developments such as the agreement reached between Azerbaijan and Turkmenistan over the Serdar/Kepez field demonstrate that the Convention’s flexible framework can allow for bilateral solutions and foster regional cooperation. Ultimately, the Aktau Convention should be regarded as a comprehensive first step for the Caspian Sea, while the resolution of remaining legal and technical issues will depend on future negotiations, good-faith diplomacy, and multilateral dialogue processes.

This study examines the legal status of the Caspian Sea in its historical development and shows how the processes of regional cooperation and the legal framework have evolved. It concluded that, while the Aktau Convention was a major diplomatic success, a permanent and effective solution could only be found by means of binding regulations that are clear, enforceable, and contain monitoring mechanisms in accordance with the fundamental principles of international law. Moreover, the environmental sustainability of the Caspian Sea, the protection of marine biodiversity, and the peaceful sharing of resources require a normative framework consistent with international law—in particular the 1982 UN Convention on the Law of the Sea.

Future research should focus on assessing how the Aktau Convention has been implemented in practice and the extent to which this framework has been effective in resolving disputes between littoral states; it should also comprehensively examine the normative and practical gaps that have emerged in its interpretation and implementation, as well as its implications for regional security, economic development, and sustainable stewardship of the Caspian Sea resources. In conclusion, understanding the changing geopolitical dynamics and practices of multilateral cooperation fostered by the Aktau Convention offers important opportunities to understand the functioning of regional regimes in the context of international law.

REFERENCES

- Abadikhah, M. (2023). The straight baselines under the convention on the legal status of the Caspian Sea: Iran's approach. *Kutafin Law Review*, 10(2), 437–454. doi:10.17803/2313-5395.2023.2.22.
- Abilov, Ş. (2013). Hazar'ın hukuki statüsü. *Hazar Raporu*, 47–56.
- Çolakoğlu, S. (1998). Uluslararası hukukta Hazar'ın statüsü sorunu. *Ankara Üniversitesi SBF Dergisi*, 53(1), 107–122. doi:10.1501/SBFder_0000001958

- Gasımlı, M. (2015). IV Fəsil: Xəzər Dənizinin hüquqi statusunun müəyyənləşdirilməsi istiqamətində diplomatik fəaliyyət. In *Azərbaycan Respublikasının xarici siyasəti (1991-2003) 1. Hissə* (pp. 368–423). Bakı: Mütərcim.
- Gökay, B. (1998). Caspian uncertainties: Regional rivalries and pipelines. *Perceptions*, 3(1), 49–66.
- Hajizade, E. M. (2018). Xəzər hövzəsi regionu ölkələrinin iqtisadiyyatlarının xüsusiyyətləri. In *Dünya iqtisadiyyatı və Azərbaycan: Dərslük* (pp. 345–370). Bakı: Letterpress.
- Hasanov, A. (2016). Xəzərin hüquqi statusu: Problemin tarixi, müasir geosiyasi yanaşmalar və Azərbaycanın geoiktisadi maraqları. In *Xəzər-Qara Dəniz hövzəsi və Cənubi Qafqazın geoiktisadiyyatı: Azərbaycanın enerji siyasəti* (pp. 39–80). Bakı: Zerdabi LTD MMC.
- Joyner, C., & Walters, K. Z. (2006). The Caspian conundrum: Reflections on the interplay between law, the environment and geopolitics. *The International Journal of Marine and Coastal Law*, 21(2), 173–216. doi:10.1163/157180806777695383
- Kadir, R. A. (2019). Convention on the legal status of the Caspian Sea. *International Legal Materials*, 58(2), 399–413. doi:10.1017/ilm.2019.16
- Kim, Y., & Eom, G. H. (2008). The geopolitics of Caspian oil: Rivalries of the US, Russia, and Turkey in the South Caucasus. *Global Economic Review*, 37(1), 85–106. doi:10.1080/12265080801970225
- Merdan, A. S., & Kahraman, F. E. (2020). Hazar Denizi'nin hukuki statüsü. *Kafkas Üniversitesi İktisadi ve İdari Bilimler Fakültesi Dergisi*, 11(21), 434–468. doi:10.36541/kauibf.2020.021
- Oğan, S. (2001). Hazar'da tehlikeli oyunlar: Statü sorunu, paylaşılmayan kaynaklar ve silahlanma yarışı. *Avrasya Dosyası*, 7(2), 143–183.
- Oğan, S. (2005). Yeni global oyun ve Hazar'ın statüsü. Ankara: TURKSAM. Retrieved from <https://www.turksam.org/detay-yeni-global-oyun-ve-hazar-in-statusu>
- Onal-Kilicbeyli, E. H., Mikail, E. H., & Cora, H. (2021). Caspian region: A focus on Azerbaijan – oil, natural gas, environment and resource management. *E3S Web of Conferences*, 244, 01017. doi:10.1051/e3sconf/202124401017
- President of Russia. (2018, August 12). *Convention on the legal status of the Caspian Sea*. Retrieved from <http://www.en.kremlin.ru/supplement/5328>
- Rozhkov, I. S. (2021). The convention on the legal status of the Caspian Sea: First results. *Post-Soviet Issues*, 8(4), 492–500. doi:10.24975/2313-8920-2021-8-4-492-500
- Terzioğlu, S. S. (2008). Hazar'ın statüsü hakkında kıyıdaş devletlerin hukuksal görüşleri. *Orta Asya ve Kafkasya Araştırmaları*, 3(5), 26–47.
- U.S. Energy Information Administration. (2013, August 7). Oil and natural gas production is growing in Caspian Sea region. *Today in Energy*. Retrieved from <https://www.eia.gov/todayinenergy/detail.php?id=12431>
- Ünal, O. F. (1998). Azerbaycan ve Türkmenistan arasında 'Kepez' problemi. *Journal of Qafqaz University*, 1(2), 43–53.

- Voynova, M. (2023). Main stages of developing environmental legislation of Islamic Republic of Iran on environmental protection of Caspian Sea. *Oil and Gas Technologies and Environmental Safety*, 2, 69–82. doi:10.24887/2076-6153-2023-2-69-82
- Yalçinkaya, A. (2024). Hazar'da Azerbaycan–Türkmenistan enerji anlaşmasının stratejik anlamı. *Deniz Araştırmaları ve Mavi Strateji Dergisi*, 3, 1–15.
- Yıldırım, T. (2024). *Sources and limitations of the energy cooperation in the Caspian Sea region* (Doctoral dissertation, Middle East Technical University). Retrieved from <https://open.metu.edu.tr/handle/11511/110651>