

The Status Issue Of The Caspian Sea And Coastal States Approaches To The Subject

Assoc. Prof. Erkan Avci

Uzbekistan State World Language University
Department of Political Science and International Relations

Abstract

This article examines the legal status issue of the Caspian Sea and analyzes the approaches of the five littoral states—Russia, Azerbaijan, Kazakhstan, Turkmenistan, and Iran—to this longstanding dispute. The study explores the historical evolution of the legal regime governing the Caspian Sea, the significance of its rich hydrocarbon resources, and the competing legal and political arguments regarding its classification as either a sea or a lake. Particular attention is paid to the interests and policies of the coastal states, their bilateral and multilateral agreements, and the impact of energy resources on regional geopolitics. The article argues that the unresolved status of the Caspian Sea continues to affect regional stability, economic development, and international cooperation. It concludes that a mutually acceptable legal framework based on dialogue, equal rights, and international law is essential for ensuring sustainable development and peace in the Caspian region.

Keywords: Caspian Sea, international law, energy resources, geopolitics, Russia, Azerbaijan, Kazakhstan, Turkmenistan, Iran.

Introduction

The Caspian Sea, whose political status has remained undetermined for approximately 18 years, has been a major point of contention between Russia, Kazakhstan, Azerbaijan, Turkmenistan, and Iran from the past to the present. It is important to note that in this article, the Caspian Sea will not be referred to as a sea, lake, or any other name, as its status remains undetermined. Therefore, it is useful to first provide some technical information about the Caspian Sea: The Caspian Sea is a body of saltwater covering an area of approximately 371,000 square kilometers, with no natural connection to seas and oceans other than a network of rivers and canals. It is connected to the Black Sea and the Baltic Sea via canals that join the tributaries of the Volga and Don rivers. The length of the Caspian coast from north to south is approximately 1,200 km, and its width from east to west varies between 210 km and 490 km. Ten major rivers flow into the Caspian Sea (1).

Azerbaijan, Kazakhstan, and Turkmenistan, as young states bordering the Caspian Sea, are striving to establish themselves, Russia, despite being larger and significantly wealthier, is feeling the effects of the abrupt transition from a controlled economy to a free-market economy. Iran, isolated internationally, is seeking ways to extricate itself from this situation. Therefore, for the coastal states, the Caspian Sea's environmental and strategic value, along with its economic potential, is of paramount importance; as the Caspian is quite rich in natural resources. For example, fishing is a significant source of income in the Caspian, and the Caspian region supplies 90% of the world's caviar needs. However, for both the coastal states and Western countries, the most important thing is the Caspian's oil and natural gas reserves (2).

Like all resources, oil and natural gas gain value more when they can be sold than when they are produced. At the root of the political impasse and disagreements in the Caspian lies the concern of the newly independent states to achieve economic

development and consolidate their political sovereignty. However, economic development and political independence, which are vital for these countries, have not been a facilitating factor in resolving the conflict, but rather have created problems between them. It is necessary to analyze the reasons for this carefully (3). To do this analysis, let's take a look at the richness of the Caspian Sea's energy resources: Oil production has existed in the Caspian region, particularly around Baku, since the 1800s. The first commercial use of oil began in 1820 with the establishment of the first refinery complex near Baku. Azerbaijan and Kazakhstan are rich in oil, while Turkmenistan is rich in natural gas. The Caspian Sea has six different hydrocarbon basins offshore. Additionally, the countries bordering the Caspian Sea also possess fields along their coastline.

According to the US Department of Energy, the five Caspian Sea littoral states (Iran, Azerbaijan, Russia, Kazakhstan, and Turkmenistan) possess 3.5 billion tons of recoverable oil reserves. According to data obtained by American experts via satellites, there are a total of 200 billion barrels of oil reserves under the Caspian Sea, beyond the coasts of Azerbaijan and Kazakhstan, as well as in the Tengiz region of Kazakhstan near this sea and along the coast of Azerbaijan. This reserve is estimated to be worth \$4 trillion in the current market. This estimated oil reserve in the Caspian Sea is 100 billion barrels more than the proven oil reserves in Iraq. It is approximately two-thirds of the 261 billion barrels of oil reserves in Saudi Arabia, which has the world's largest known oil field. Significant oil reserves have not been found in the Russian and Iranian sections of the Caspian Sea. The Caspian region is estimated to have approximately 8 trillion cubic meters of natural gas reserves. Approximately 3.1 trillion cubic meters of this reserve is located in Turkmenistan

alone, while 0.6 trillion cubic meters are in Azerbaijan and 2 trillion cubic meters in Kazakhstan. The region's natural gas reserves account for about 6% of the world's natural gas reserves (4).

Historical Development

Efforts to determine the status of the Caspian Sea date back centuries. At the beginning of the 19th century, following two Russo-Iranian wars, two peace treaties were signed between the two countries (the Treaties of Gulistan in 1813 and Turkmenchay in 1828). According to the Treaty of Turkmenchay, the land border between Russia and Iran ended at the Caspian Sea, thus subjecting the Caspian to border demarcation at that time. These treaties, concluded between the victorious and the vanquished, among other important provisions, abolished Iran's right to maintain a navy in the Caspian Sea.

In 1921, the Bolsheviks officially abrogated these treaties. The Treaty of Friendship of February 1921, between the USSR and Iran, and the subsequent Treaty of 1940 (which was intended to bind other Caspian littoral states after the collapse of the USSR), attempted to resolve issues of the time such as trade, navigation, and fishing. However, it failed to define the legal status of the Caspian Sea in terms of the use of the seabed and its resources, the ecological regime, the use of airspace, the demarcation of borders between countries, and sovereignty. In fact, what is generally meant by the legal status of the Caspian Sea is the issue of sovereignty over this sea and its division. The primary aim of the Russian in wanting to view the Caspian Sea as a landlocked basin or lake is first to remove it from the jurisdiction of the Convention on the Law of the Sea, and then to ensure that the 1921-1940 treaties are the sole reference point in determining the outcome (5).

In 1926, an agreement was signed regarding the mutual use of border rivers

and seas. The agreement of August 27, 1935 reiterated freedom of navigation on the Caspian Sea and established a 10-mile fishing zone. However, no official border demarcation took place. In 1935 and 1949, official institutions of the USSR and Iran declared ownership of the seabed resources in the coastal regions. In the early 1950s, Soviet authorities divided the Caspian Sea, which has lake status, into sectors. The part of the Caspian Sea belonging to the Soviet Union is the area north of the line connecting the Astrakhan-Hasankulu regions. The area south of this line is under political influence (6). According to an exchange of notes between the parties on September 15, 1962, it was stated that the establishment of missile launch sites and naval bases by foreign states on Iranian territory and in the Caspian Sea would not be permitted.

In 1970, the Soviet Union's part of the sea was partitioned by Russia, Kazakhstan, Turkmenistan, and Azerbaijan. This partition, based on internationally accepted principles, involved drawing a line through the middle of the sea and extending it to the point where the borders of the aforementioned countries met, leaving the areas within these lines for the use of the coastal states. Moscow's suggestions and preferences were the decisive factor in this partition. Oil development in the sectors allocated to the republics was carried out by institutions located within and identified with the territories of these state entities (7). Following the collapse of the Soviet Union, naval assets in the Caspian Sea were divided among the new countries in 1992. This division, which was not considered particularly important by Russia, resulted in significant ammunition depots and naval bases being transferred to Azerbaijan, while 18 combat ships and 62 auxiliary vessels were given to the new countries. For the first time in 1993, at a meeting in Astrakhan attended by the Russian and Azerbaijani

Defense Ministers, Russia requested that Azerbaijan accept a 12-nautical-mile continental shelf in the Caspian Sea (8).

The commission established to determine the status of the Caspian Sea met 15 times until 2004. Each meeting was held in the capital of one of the littoral states. Their last meeting was in Moscow on October, 2004. In 2002, a meeting at the presidential level was held in Ashgabat. After this meeting, it was decided that the next meeting at the presidential level would be held in Tehran. The foreign ministers who met between June 2007 to lay the groundwork for this summit did not achieve a positive outcome. At the presidential summit held on October 16, 2007 as in previous meetings, no concrete result was achieved regarding the status (9). This would be a significant step towards finding a middle ground among the five countries. This unity would greatly facilitate the transportation of Caspian energy resources to world markets.

Legal Status of the Caspian Sea

Throughout history, various agreements have been made regarding the status of the Caspian Sea. These can be divided into two categories: agreements made before the 1994 "Deal of the Century" and those made after. Agreements made before 1994 were primarily between two states, Iran and Russia. These agreements mainly concerned the use of the Caspian Sea and did not hold significant strategic importance. Since 1994, the status issue has emerged, and all subsequent negotiations and agreements have reflected the strategies of the littoral states and presented their views on the status (10). However, a consensus has not yet been reached. Currently, states are working to determine the status of the Caspian Sea through commissions established at the level of foreign ministers. These commissions meet annually on November 17th to discuss opinions and make decisions regarding steps to be taken

on the status issue. However, these decisions have not yet been finalized.

In the struggle for power in the Caspian Sea, the five littoral states – Russia, Azerbaijan, Kazakhstan, Turkmenistan, and Iran – as well as the United States, the European Union, China, and Turkey, play a significant role. The five littoral states have been unable to reach an agreement on the status of the Caspian Sea. It is clear that this issue, which requires a political solution, will occupy the agenda for quite some time. Although the Caspian Sea is unique in the world due to its geographical features and economic resources, similar water basins in many parts of the world have already been resolved. However, the fundamental positions of almost all littoral states regarding the Caspian Sea have changed and evolved according to changing circumstances. While discussions continue on determining the status of the Caspian Sea, there are three general approaches to defining its legal status: According to the first view, the Caspian Sea is a basin unlike other lakes and seas, and many of its characteristics cannot be subject to existing international legal norms and practices. Therefore, unconventional approaches should be used in the process of regulating the legal status of the Caspian Sea in detail. Sometimes the Caspian Sea is described as a "border lake" or an "open sea" (11).

The Caspian Sea's legal status is recognized as a lake, then international customary law rules regarding border waters will apply, and the Caspian Sea, like other lakes, will need to be divided. This is because the littoral states will want to establish and protect their sovereignty in the use of biological and natural resources within their borders, as well as in water and transportation. There are many methods for dividing lakes (12). However, determining which method the littoral states will use is difficult and legally impractical if no

consensus can be reached. Indeed, it is known that the states bordering the Caspian Sea have not been able to agree on a border line or other methods of division. Turkmenistan, Kazakhstan, and Azerbaijan have adopted the principle of an equidistant line, but have not been able to agree on how it will be implemented. The problem is not which method will be used or how it will be divided, but the loss of sovereignty that will result from its division and the damage it will cause to economic interests (13).

Since 1982, 135 member states have signed the 1982 United Nations Convention on the Law of the Sea (UNCLOS). According to the Convention, countries bordering seas and oceans have a continental shelf of 12 nautical miles and an Exclusive Economic Zone of 200 nautical miles beyond it, while all waters outside these boundaries are considered the common property of the world's peoples. The Caspian Sea, however, lies outside the boundaries drawn by this convention. While UNCLOS defines the term "inland sea" international law also uses the concept of "international lake". But neither fully reflects the unique situation of the Caspian (14).

In the past, there has been a continuous negotiation process among the states in the region regarding the determination of status, and a series of agreements have been signed. However, due to factors such as changes in the attitudes of some states and political transformations, existing agreements have been terminated and replaced with other agreements and treaties. Nevertheless, no definitive conclusion has been reached. If we take a brief look at the history of these agreements;

Treaty of Turkmenchay, February 10, 1828: Article 4 of the treaty states that the border between Russia and Iran ends at the Caspian Sea, while Article 8 specifies that only Russia has the right to maintain warships in the Caspian Sea. Thus, the

Caspian Sea was used as a measure in determining the land border.

The Moscow Treaty of Friendship, signed on February 26, 1921, annulled the Treaty of Turkmenchay, which, according to Article 11, prevented the Khanate from maintaining a navy in the Caspian Sea. Both sides would have equal rights regarding navigation in the Caspian under their own flags.

Treaty of August 27, 1935: Articles 14 and 15 of the treaty stipulated the right of free navigation for Soviet and Iranian vessels and the establishment of a 10-mile exclusive fishing zone. However, no official border was defined. In the exchange of notes regarding the treaty, the Caspian Sea was referred to as a "Soviet- Iranian Sea".

The Tehran Agreement of March 25, 1940: This agreement largely confirms the provisions of the 1935 Agreement. Article 12, paragraph 4, stipulates that fishing rights in waters up to 10 miles belong to vessels flying the flag of the coastal state. It is being recorded (15).

Approach of Coastal States to the Issue

After the collapse of the Soviet Union, the newly formed states were preoccupied with their own problems, so there was no issue regarding the status of the Caspian Sea until 1994. Following Azerbaijan's agreement on the extraction of Chirag and Guneshli oil fields on September 20, 1994, Russia raised the issue of the Caspian Sea's status. Russian Deputy Foreign Minister Albert Chernyshev stated that the agreement Azerbaijan made regarding Caspian oil should be shared jointly by the littoral states. He also accused Azerbaijan of theft. At the same time, Russia appealed to the UN, requesting that the issue of the Caspian Sea's legal regime be included on the agenda of the UN General Assembly's winter session (16). From this point on, the issue of the Caspian Sea's status became an international problem. Following this, the

five Caspian littoral states began negotiations to determine the sea's status.

Russian Federation

The Russian Federation, one of the most important players in the discussions about the status of the Caspian Sea that began after the collapse of the USSR, first raised the issue in October 1993 (apart from the 1992 Tehran Conference) (17). Russia's approach during this period was that the Caspian Sea was not a border lake, but an indivisible, closed water reservoir with a single ecosystem, its status determined by the 1921 Moscow Treaty and the 1940 Tehran Treaty between the USSR and Iran, that areas outside the 10/12 nautical mile exclusive fishing zone defined by these treaties were open to the common use of coastal states, and that the 1982 Convention on the Law of the Sea was not applicable to the Caspian Sea (18).

Russia opposes the idea of the Caspian Sea being used by littoral states. While the rights of littoral states can be established in international agreements, in practice, Russia has a veto right regarding the resolution of the Caspian problem. This Russian position is supported by Iran and Turkmenistan. Russia, Iran, and Turkmenistan recognize the Caspian Sea as a "closed inland sea" and utilize its 20-mile territorial waters. This maritime zone is defined as part of the "Aquatorial waters" and is limited by the international borders of the Caspian surrounding countries. The claimant state can use the surface water, the seabed, and the airspace. Beyond the 20-mile territorial waters, there is a 20-mile exclusive economic zone. The claimant state can utilize this zone, including its seabed resources. Third countries can use this zone for purposes such as navigation, cable laying, and recreation (19).

Russia, which plays a significant role in determining the status of the Caspian Sea, attaches great importance to the Caspian region. Initially, the Russian Federation

believed it could gain momentum by pressuring Azerbaijan regarding the Caspian Sea. However, its Caspian policy changed with Putin's rise to power. The fact that energy became a fundamental element in Russia's foreign policy, particularly in its policy towards the former USSR, became clear with Putin's statement following a meeting of the Russian National Security Council on April 21, 2000. In his statement, Putin said that "their partners are very active in the Caspian region, and they will exhibit similar activity" (20).

Azerbaijan

Azerbaijan, also known as the Land of Fires, possesses the richest oil reserves in the South Caucasus. Even before the discovery of Middle Eastern oil, Azerbaijan was a significant oil production center. While oil production dates back a long time, industrial oil production in Azerbaijan only began in the second half of the 19th century. Historical data shows that until 1940, Azerbaijan alone accounted for approximately 70% of the Soviet Union's oil production (21). Despite discovering a significant natural gas field like Shah Deniz in recent years, Azerbaijan remains a gas importer. The main obstacle is that the necessary investments have not yet been completed and the pipelines have not been constructed. All of the current gas production comes from the Bakhar field in the Caspian Sea, produced by the Azerbaijani national oil company (Azneft: SOCAR) (22).

Azerbaijan, the most active littoral state in the Caspian Sea, has become the newly emerging political and economic center of the Caspian region since the collapse of the Soviet Union. Azerbaijan has particularly distinguished itself by attracting Western capital to the region's energy resources, and has also held a significant position alongside the Russian Federation in status disputes (23). Initially, Azerbaijan referred to this water basin as a lake. From the very

beginning of the Caspian issue, articles frequently appeared in the Azerbaijani press stating that the Caspian was a "lake" and this view was defended by official channels. Indeed, Azerbaijan's argument that the Caspian is an international lake and therefore should be divided entirely among the littoral states is a more accurate assessment. If Baku's aim is to achieve the division of the entire Caspian into national sectors, then the "Caspian Lake" would provide a more favorable environment for achieving its goals (24). Azerbaijan bases its argument for the division of the Caspian Sea into national sectors on the sectoral division of the Soviet part of the Caspian Sea into four in 1970, a division that Azerbaijan demands be accepted as is. This thesis also includes the division of the airspace. However, Iran does not accept this division, which the USSR made internally in 1970, on the grounds that it "lacks legal basis" (25).

Disputes exist between Azerbaijan and Turkmenistan over the Kepez oil fields, based on differing maps. This situation has led Turkmenistan to increasingly align with Iran. Initially, Turkmenistan accepted the joint use proposal of Russia and Iran, and a memorandum was signed between these three countries on November 12, 1996. However, at the December 1998 summit of coastal states in Moscow, it moved closer to the policies of the Rus-Kazakh-Azeri trio. Today, Turkmenistan and Iran, acting together, argue that this issue can only be resolved through a joint decision of the five coastal states and oppose resolving it through bilateral agreements (26).

Turkmenistan

Natural gas, once used only within the Soviet Union and located in Central Asia, now appears to have the potential to meet the needs of both Europe and Asia. The natural gas reserves in Turkmenistan, in particular, constitute a very large

proportion. Besides possessing natural gas, another crucial factor is the transportation of the produced gas. Turkmenistan, with its Caspian coastline, plays an influential role in natural gas transportation projects (27). However, Turkmenistan, unable to fully define its position on the Caspian Sea, initially adopted the joint use proposal of Russia and Iran. To this end, on November 12, 1996, Turkmenistan signed a memorandum with these three countries at a meeting of the Foreign Ministers of the Caspian littoral states in Ashgabat. However, later, at the summit of littoral states in Moscow in December 1998, it adopted a different stance, declaring its acceptance of the division of the Caspian Sea and the determination of the border between Turkmenistan and Azerbaijan according to the median line principle. In general principles, Turkmenistan has aligned itself more closely with the policies pursued by the Rus-Kazakh-Azeri trio (28). The point where Turkmenistan differs from these countries, and especially from Azerbaijan, is its inability to determine the areas where the median line will pass.

The reason Turkmenistan shares similar views with Iran regarding the Caspian Sea is the Azeri, Kepez, Chirag, and Guneshli fields. Discovered between 1949 and 1967, these fields, located in the Azerbaijani sector of the Caspian Sea, are of great importance in terms of oil and gas reserves. Turkmenistan claims that the Azeri and Chirag fields are within its territory. Regarding the designation of the Azeri and Chirag fields in the Turkmenistani sector of the Caspian Sea, Azerbaijan presents as evidence maps from the Soviet Union's Ministry of Oil Industry, showing the division of the Caspian Sea into national sectors using a converged line system, and subsequently maps prepared by Azerbaijan, Kazakhstan, and foreign organizations, all of which show the Azeri

and Chirag fields as being located in the Azerbaijani region (29).

Turkmenistan and Iran appear to have formed an alliance against those in the northern Caspian Sea. In 2003, the two countries signed an agreement on the partition of the southern sector of the Caspian Sea, agreeing on the sharing of the seabed in accordance with the principles and norms of international law and the UN Convention on the Law of the Sea. However, while the agreement does not specify what these principles entail, it gives the impression that the two countries favor each Caspian state possessing 20% of the Caspian Sea and a division into five equal parts. Thus, in the Caspian Sea, Iran and Turkmenistan are taking a stance against the consensus formed by Russia, Azerbaijan, and Kazakhstan in the north (30).

The Kepez (Serdar) Issue Between Azerbaijan and Turkmenistan

The Kepez/Serdar oil field, located between the Azerbaijani and Turkmenistani regions of the Caspian Sea and now the most significant point of contention between the two countries, was discovered by Azerbaijani geologists in 1959, but the first oil production began in 1989. Each of the five countries gives its own "national" name to the fields it considers to be within its "national territory". Among these disputed fields are the rich oil fields that Azerbaijan calls "Kepez" and Turkmenistan calls "Serdar". In the disputes, particularly those focused on this field, both sides use different maps, claiming that this region is within their respective national territories. Turkmenistan claims rights to the Kepez field, which Azerbaijan considers to be within its national territory, and wants to rename it Serdar and open it to international operation (31). This desire has led to disagreements between the two countries, and the course of relations does not appear

to be very positive. In July 1997, an agreement signed between the Russian companies Rosneft and Lukoil and Azerbaijan concerning this oil field drew a strong reaction from Turkmenistan. Ashgabat stated that the field was located in its waters and belonged to Turkmenistan (32).

Disputes between Azerbaijan and Turkmenistan over the Kepez (Serdar) oil field have resurfaced. The problem stems from Turkmenistan's seismic surveys in this field. Azerbaijan has reacted negatively to this action, protesting Turkmenistan's conducting any work in the area. The Azerbaijani Ministry of Foreign Affairs has stated that Turkmenistan should not conduct any work in this field until the status of the Caspian Sea is clarified. This is because this field is located on the border of both countries (33). The disputed offshore oil and gas field in the Caspian Sea had been known as "Kepez" in Azerbaijan and "Serdar" in Turkmenistan. In 2021, the two countries agreed to jointly develop the field and renamed it "Dostluk" ("Friendship") as a symbol of bilateral cooperation and the resolution of their long-standing dispute (34).

Iran

Iran believes that the status of the Caspian Sea should be determined by consensus among the five littoral states, and that unilateral actions by any party would constitute a violation of the 1921 and 1940 agreements. It proposes a 20% sharing of the seabed and surface among the five states (35). Iran is acting in this way to avoid being excluded from the process of exploiting the Caspian Sea's hydrocarbon reserves. The prominence of these agreements between Iran and the USSR stems from the perception of the Caspian Sea as a Soviet-Iranian Sea. The regimes established in these agreements are presented as the basis for claims that a "condominium" regime was historically

established between the two states. However, the definition of "Soviet-Iranian Sea" in these agreements is not fully explained. Iran's reference to the condominium concept reflects both unrealistic expectations and lacks practical applicability (36). Nevertheless, Iran attempts to create a political position by making this claim a subject of negotiation. Negotiations regarding the Caspian Sea intensified considerably in 2010. Representatives met in Baku in mid-October and in Tehran in early November. Some believed that this diplomatic activity would lead to progress on the status issue. However, Tehran's stance on the status remained unchanged. Tehran has not abandoned its demand for the Caspian Sea to be divided into five equal parts among the littoral states. It is clear that this is contrary to international law (37). Because Iran maintains the same position today, a status for the Caspian Sea cannot be achieved. This suits Iran better, as, according to Iran, an unresolved Caspian issue is far more advantageous than losing sovereign rights through an agreement.

Kazakhstan

Until February 1998, Kazakhstan shared similar views with Azerbaijan regarding the status of the Caspian Sea. This country's approach was that, within the framework of the UNCLOS (United Nations Convention on the Law of the Sea), the Caspian Sea should be considered an inland sea. State borders are defined by the width of territorial waters, and the boundaries of each state's economic zone are also delineated (38). Although the meetings held regarding the status of the Caspian Sea did not yield definitive results, some progress was made during this process. The first development concerning the sharing of the Caspian Sea occurred in 1996. At the Ashgabat talks on November 12, 1996, Kazakhstan requested that the Caspian Sea's jurisdiction and fishing zones be defined in accordance with

international law, and that the seabed be divided into national sectors. Russia, Iran, and Turkmenistan, however, signed a memorandum on cooperation in the use of mineral resources. Kazakhstan and Azerbaijan did not participate in this memorandum (39).

On July 6, 1998, Russia and Kazakhstan divided the northern part of the seabed equally between themselves with a line. However, this agreement only concerned the seabed. Russia continued to insist on the joint use of Caspian waters. This agreement between Kazakhstan and Russia was a positive development regarding the use of the Caspian. Azerbaijan later joined this duo. On May 14, 2003, in Almaty, Azerbaijan, Russia, and Kazakhstan signed a protocol on the division of the Caspian seabed. According to this agreement, 19% of the Caspian would belong to Russia, 29% to Kazakhstan, and approximately 18-19% to Azerbaijan. The remaining portion remains uncertain due to opposition from Turkmenistan and Iran to this division (40). Kazakhstan now argues that the status of the Caspian Sea should be determined by applying the 1982 UN Convention on the Law of the Sea; that it can show flexibility regarding navigation, fishing, and environmental protection; that the seabed should be divided according to the median line; that the waters of the Caspian Sea can be used jointly, except for a specific exclusive jurisdiction; that areas outside the territorial waters and fishing zones of each coastal state should be open to free navigation for coastal states; and that each coastal state should use the waterways opening to the Caspian Sea and located within the territory of the Russian Federation within the framework of bilateral agreements with the Russian Federation (41).

Conclusion

The Caspian Sea, strategically as well as geographically significant, possesses an oil and natural gas potential that, according to experts, can rival that of many other regions. Utilizing this potential—that is, both exploiting the resources and constructing the necessary pipelines to transport oil and natural gas to world markets—requires a sound legal framework. However, the collapse of the Soviet Union in 1991 and the emergence of new littoral states, along with their opening of the Caspian's oil and natural gas fields for exploitation, brought about significant controversy. The issue of the Caspian's status has been raised, particularly since 1993, and remains unresolved. In fact, the debates surrounding the Caspian have focused less on whether it is a lake or a sea, and more on how its resources, especially oil and natural gas, should be shared and utilized. The fact that the political and economic sovereignty of the littoral states is also at stake further exacerbates the contradictions and makes reaching a consensus more difficult. The lack of definitive arrangements regarding the sharing of the Caspian to this day further fuels these debates. The swift resolution of the Caspian Sea's legal status, which is currently pending, is crucial not only for the consortium countries investing to benefit from its resources and gain economic advantages, but also for the newly formed republics in terms of their political and economic transformation and development. Therefore, negotiations should continue and conclude with the aim of achieving peace and cooperation in the region, without one party imposing its views on the other, based on mutual interests and equal rights. If negotiations fail, we believe that, as a final course of action, resolving the issue through an international court or arbitration would be appropriate.

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