

Caspian Sea

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Abstract

Historically and geographically, the Caspian Sea has been an important region for Russian foreign and domestic policy. The disintegration of the USSR radically changed the geopolitical situation in the region. Russia, as the successor state of the USSR, together with Iran lost their exclusive rights to a military, political and economic presence in the region, due to the emergence of the three newly independent states of Azerbaijan, Kazakhstan and Turkmenistan, who claimed their rights to use the resources of the sea and pursue multi-vectoral foreign policies. After 22 years of intense negotiation, on August 12, 2018, the presidents of these five countries signed the *Convention on the Legal Status of the Caspian Sea* at the fifth Caspian Summit in Aktau. It was a great success for Russian diplomacy, as Moscow finally managed to consolidate key norms and positions that are largely in its long-term interests in this important region.

The Caspian Sea is the world's largest inland body of water that is not connected to an ocean. It is rich in bioresources, including containing about 90 percent of the world's sturgeon population, and is an important Eurasian logistics hub, with a broad network of navigable waterways that possess a huge reserve of natural resources. At the turn of the 19th and 20th centuries, the region became the world center for the production of oil. Due to these reasons, the Caspian Sea has been the focus of geopolitical struggles at many different periods of history. For example, in the 18th and 19th centuries, the Caspian was the subject of several wars between the Russian Empire and Persia. A new stage in this struggle began immediately after the collapse of the USSR.

The Soviet–Iranian Sea

During the Soviet period, the Caspian Sea was isolated from external influence. The legal regime governing the sea was composed of several bilateral Soviet–Iranian agreements. On February 26, 1921, Soviet Russia and Persia (later Iran, and since 1979 the Islamic Republic of Iran) signed a Treaty of Friendship and Cooperation. The Russian–Persian border was fixed, without defining the maritime border in the Caspian Sea. Both sides were granted the right to fish (previously only Russia had the right to fish)¹. Later, in 1940, a Treaty was signed, which confirmed and developed the principles proclaimed in 1921. This treaty included a new arrangement, whereby the USSR and Iran were both given the exclusive rights to fish in zones 10 nautical miles from their coasts.

According to the agreements of 1921–1940, the Caspian Sea was considered a closed sea, in joint use by the Soviet Union and Iran, and this was recognized by the world community. However, these agreements did not outline any norms to regulate the division of mineral resources, which could have served as the basis for the preparation of agreements between the parties after the collapse of the USSR. At the same time, in practice, the USSR and Iran adhered to a conditional border, along the line of Astarā–Hasan–Kuli, from 1934 onwards, following a secret decision approved by the Soviet authorities. Iranian ships could not cross this line without Soviet permission.²

Disintegration of the Soviet Union and Russia's Position towards the Caspian

After the collapse of the USSR, a full-fledged geopolitical struggle for influence over and the resources of the sea began. It was not surprising that an agreement on how to divide the sea could not quickly be found. The Russian Federation and Islamic Republic of Iran, as the legal successors to the bilateral Soviet-era agreements, sought to retain their status as the leading countries in the region and insisted on the principle of condominium: common use of the resources of the sea. They suggested establishing a joint company for the development of regional natural resources, in which each country would hold an equal stake.³ However, the newly independent states—Azerbaijan, Kazakhstan, and Turkmenistan—pursued the opposite goal: they sought to ensure their sovereignty, including by obtaining the

1 Pritchinn, Stanislav (2018) *Russia in the Caspian Sea: looking for an optimal strategy*, Moscow, Aspect-Press, p. 32.

2 Zonn, Igor S., Kostianoy, Andrey G., Kosarev, Aleksey N. & Glantz, Michael H. (2010) *The Caspian Sea Encyclopedia*, Springer, Heidelberg Dordrecht, London, New York

3 Zhiltsov, S., Zonn, I. & Ushkov, U. (2007) *Geopolitics of the Caspian region*, p. 36.

right to unilaterally develop energy resources in their respective coastal areas.

Geopolitical changes in the region and the commencement of oil and gas projects by leading Western companies forced Moscow to revise its position. As a result, the Caspian countries came up with a new option: to divide the seabed, while leaving the surface waters for common use. Thus, on June 6, 1998, Russia and Kazakhstan signed an Agreement 'On the Delimitation of the Seabed of the Northern Part of the Caspian Sea for the Purpose of Exercising Their Sovereign Rights to Subsoil Management'. The document used the term 'modified median line', meaning that the seabed of the northern part of the Caspian Sea should be divided along a line equidistant from the two countries' coasts. The agreement did not divide the Caspian Sea into sectors *de-jure*, but it delimited the seabed in order to determine the parties' rights to subsoil resources and their management⁴. Later, this formula for delimitation was used to also divide the seabed of the Northern parts of the Caspian Sea between Russia and Azerbaijan, and Azerbaijan and Kazakhstan⁵. This decision helped Russia to find a compromise formula for the delimitation of the sea and cooperation with its neighbors.

Russia's energy strategy for the development and transportation of oil and gas in the Caspian region deserves special mention. After the collapse of the Soviet Union, Russia was the main and only transit state for its Caspian neighbors' energy resources. Moreover, Russia and Iran insisted on the common development of Caspian energy resources, by establishing a five-way company. However, as a result of their proactive policy, Western companies became the main partners of the Azeri government, when, on 20 September 1994, the first big agreement—the so-called 'Contract of the Century'—was signed on the Joint Development and Production Sharing for the of 'Azeri-Chirag-Gunashli' oil-fields in the Azerbaijan Sector of the Caspian Sea⁶. In many ways, this was a turning point for the development of regional energy resources. As soon as the Baku–Supsa and Baku–Tbilisi–Ceyhan oil pipelines and the Baku–Tbilisi–Erzerum gas pipeline went into operation, Russia lost its monopoly as a transit country.

Despite the development of these alternative pipelines, Russia still remains the key transit country for Kazakh oil, via the Tengiz–Novorossiysk and Atyrau–Samara pipelines, and an alternative route for gas exports

from Azerbaijan and Turkmenistan. Among the Russian companies active in the Caspian energy sector, LUKOIL has been the most successful. This company became a member of the consortium for the development of the first Azerbaijani oil field 'Azeri-Chirag-Guneshli', and then gas condensate "Shah Deniz". After the division of the seabed of the Northern part of the Caspian sea (according to the bilateral agreements between Russia, Azerbaijan and Kazakhstan — by 2003, the delimitation on basis of the 'modified median line' principle was complete), LUKOIL began to develop the shelf of the Russian sector. Since exploration began, with the help of the Astra self-propelled floating drilling rig, 8 oil and gas fields have been discovered, as well as 16 potential structures, in the Northern part of the Caspian Sea, with total projected reserves of about 260 million tons (1.9 billion barrels) of oil and 55 billion cubic meters of gas. In total, according to the Russian Ministry of Natural Resources, about 1 billion tons of conventional fuel are concentrated in the Russian sector of the sea.

Security issues have been the most important concern for Russian policy in the Caspian. Initially, Russia considered any form of military presence for third countries as unacceptable. In July 2005, the Russian city of Astrakhan hosted the International Conference of the Representatives of the Navies of the Caspian States. The main topic of this meeting was a Russian suggestion to establish a Caspian naval group for operational cooperation, 'KASFOR'. The Conference was initiated by the Commander of the Caspian Flotilla, with the support of the Russian Defense Minister and the Commander-in-Chief of the Navy. One year later, Russia officially proposed that a joint operative union 'KASFOR' be created⁷.

However, the littoral countries were not in favor of this Russian project. As a consequence, Moscow decided to switch focus to developing its military power in the region, deploying new warships with modern weaponry to the Caspian Flotilla, making the Russian Navy the dominant military power in the region.⁸ Russia's participation in the military operation in Syria unexpectedly brought the Caspian Sea closer to the fight against the ISIS. On 7 October 2015, four rocket ships from the Caspian Flotilla launched 26 sea-based 'Kaliber' cruise missiles at 11 targets in Syria⁹. This use of high-precision weapons against an extra-regional enemy demonstrated the power and combat potential of the Caspian Flotilla is not limited to regional military aims.

4 Ibid., p. 27

5 Ibid., p. 38

6 The official website of the President of the Republic of Azerbaijan, Accessed: February 2019.

7 Caspian Flotilla Ministry of Defence of Russia, Accessed: February 2019.

8 The Russian Caspian Flotilla: A Brief Overview, *Caspian Policy Center*, Accessed: February 2019.

9 'Russian missiles hit IS in Syria from Caspian Sea', *BBC News*, Accessed: February 2019.

Alongside its unilateral activities and bilateral cooperation with neighboring countries, one of the main foci in Russia's Caspian policy was the five-way dialogue about the legal status of the sea.

Five-way Negotiation Format

The immediate years after the disintegration of the Soviet Union were the most difficult for finding common agreement in the Caspian, as the parties often put forth extreme and opposing positions. This situation was further complicated by the fact that the UN Convention on the Law of the Sea cannot be applied to the Caspian Sea, because it is neither part of the world's ocean, nor big enough for each of the five coastal states to be allocated 200 miles of the littoral zone. The sea is only 300 miles wide.¹⁰ In international law and governance, there is no universal mechanism for the division of disputed sea areas, with the main approach to resolving such issues being to look for a compromise and a formula that is mutually acceptable for all sides.

In 1996, the Ad Hoc Working Group of the Deputy Foreign Ministers of the Caspian States was set up to work towards the establishment of the Convention on the Legal Status of the Sea. This group played the crucial role in the process that led to the creation of the convention. Between 1996 and 2018, more than 50 meetings of the Group were held.¹¹

The first Caspian Summit of the leaders of the five Caspian States took place in April 2002 in Ashkhabad, Turkmenistan. The meeting did not produce any significant results. The first major success was achieved in 2007 at the second Caspian summit in Tehran. In the Iranian capital, the parties managed to agree on a Declaration consisting of 25 points. The results of the summit had strategic importance for the security of both the Russian Federation and Iran, as the Declaration excludes the opening of military bases by third countries in the region, as well as reducing the likelihood of a military operation in the Caspian Sea.

In Baku in 2010, the parties signed an agreement on transborder crime, which among other issues covered smuggling, poaching and drug trafficking. Four years later, in Astrakhan, the Caspian five agreed to the creation of exclusive economic zones of 25 square miles, subject to exclusive sovereign rights. The rest of the sea

surface remains in common use for shipping and fishing. Consequently, all these declarations, agreements, official statements were included as parts and articles of the final Convention.

12 August 2018 is a very significant day in the history of international relations in Eurasia. On this day, in the picturesque Kazakh city of Aktau, located on the shore of the Caspian Sea, the leaders of the five coastal countries signed the Convention on the Legal Status of the Caspian Sea, after 22 years of negotiations. The importance of this document is difficult to overestimate, as it represents a kind of constitution for the region, which prescribes the basic principles of interaction and cooperation between countries, mechanisms and rules for regional security, as well as tools for dispute resolution and the coordination of cross-border projects.

Article 3 of the Convention covers the legal principles for the provision of regional security. According to Clause 3, the five states commit themselves to 'using the Caspian Sea for peaceful purposes, making it a zone of peace, good-neighborliness, friendship and cooperation, and solving all issues related to the Caspian Sea through peaceful means'.¹² Of most importance for the regional security system are Clauses 6, and 7: 'Non-presence in the Caspian Sea of armed forces not belonging to the Parties'; and, 'Non-provision by a Party of its territory to other States to commit aggression and undertake other military actions against any Party'¹³.

By signing this agreement, the other Caspian states finally agreed to the initial suggestion of Russia and Iran to develop a 'closed' model of regional security.

Conclusion

To summarize the results of Russian foreign policy towards the Caspian since 1991, we can state the following: Moscow failed to defend the principle of the condominium, in order to develop regional resources without Western companies, but it also managed to resolve territorial issues with its neighbors via a compromise arrangement. At the same time, Russia has succeeded in its aim of preserving the Caspian Sea as a closed regime for the armed forces of third countries. Furthermore, the Russian fleet not only remains the most combat-ready in the region, but due to agreements with its neighbors, its military capabilities go well beyond the Caspian.

10 Pritchkin, Stanislav (2016) 'Bigtime problems', *Russia in Global Affairs*, 13 February.

11 Pritchkin S. *Russia in the Caspian Sea: looking for an optimal strategy*, p.64.

12 Convention on the Legal Status of the Caspian Sea, *The official web-site of the President of the Russian President*, Accessed: February 2019.

13 Ibid.

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Map 1: The Caspian Sea Region



Source: The Nations Online Project, <https://www.nationsonline.org/oneworld/map/Caspian-Sea-map.htm>

Caspian Energy in the Aftermath of the 2018 Convention: The View from Kazakhstan and Turkmenistan

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Abstract:

In August 2018, the finalisation of a long-overdue convention was thought to have addressed many of the outstanding issues of the Caspian dispute. This brief article examines the anticipated impact of the 2018 document on connectivity prospects and energy cooperation across the Caspian Sea, arguing that few significant obstacles continue to stand in the way of sustainable cooperation among the five riverine states.

On 12 August 2018, the Caspian riverine states—Azerbaijan, Iran, Kazakhstan, Turkmenistan, Russia—broke a protracted stalemate and signed the Convention on the Legal Status of the Caspian Sea, a comprehensive document that intended to regulate most issues pertaining to the settlement of the legal status of the Caspian body of water, the allocation of the resources present in its seabed and the delimitation of the five national sectors. The convention failed, however, to address these issues in decisive fashion, as it put forward a default legal position that did not settle the ‘sea or lake’ conundrum, establishing a special international status for the Caspian Sea and, most significantly, leaving the determination of the criteria to delineate national sectors to a future treaty, which is yet to be negotiated at the time of writing.

Hailed, perhaps too optimistically, as a game-changer *vis-à-vis* the long-term Caspian dispute, this document has so far wielded only marginal influence upon the thorniest aspects of trans-Caspian cooperation, which has remained therefore relatively static even in the aftermath of the convention’s finalisation. The Caspian stalemate needs to be juxtaposed here with the relative economic vitality that characterises continental Central Asia, where the impact of the calculated opening implemented by Uzbekistan President Shavkat M. Mirziyoyev is re-energising regional economic relations. The resurgence of Uzbekistan challenges directly the economic relevance of Central Asia’s two riverine states, which are seeing their regional roles constrained by Mirziyoyev’s policies while suffering, in the Caspian context, from the protracted absence of a comprehensive economic framework for the exploration and development of offshore reserves. A rapid unlocking of these resources seems in this sense an urgent priority for both Kazakhstan and, more significantly, Turkmenistan. Offering a wider contextualisation for the Caspian policies pursued by these two states represents the key analytical concern of this brief article, which outlines at first the energy interests held by Kazakhstan and Turk-

menistan in the Caspian context to then investigate how these interests relate to the wider energy policies pursued by the governments in Nur-Sultan and Ashgabat.

Unlocking Connectivity and Energy Cooperation

The northern section of the Caspian Sea did not need to wait until the finalisation of the 2018 convention to witness a start in the development of its hydrocarbon reserves. Between 2001 and 2003, the Russian Federation had concluded agreements of seabed delimitation with both Azerbaijan and Kazakhstan, allowing the latter to develop, not without hiccups, the Kashagan megafield. The revitalisation of specific exploration projects represents a peculiar development in this specific part of the Caspian Sea. A protocol signed by the two governments in November 2018 and ratified shortly after by the Kazakhstani Senate is now regulating the development prospects for three offshore fields located at the intersection between the Russian and Kazakhstani sectors (Khvalynskaya, Tsentral’naya, Kurmangazy). As it was achieved bilaterally, however, the finalisation of this protocol is evidently disconnected from the 2018 convention, which failed to regulate in any significant way the delimitation of the Caspian seabed. Incidentally, the convention’s provisions demarcated with greater precision the Caspian surface: the riverine states have been granted exclusive jurisdiction over 15 nautical miles from their coasts, while enjoying fishing rights over an additional 10 miles.

The Kurmangazy project represents the contract area wherein Kazakhstan’s Caspian interests are more precisely framed, especially when considering the relatively substantive sum [US\$157 million] invested since 2006 to discover the exact location of the field’s oil reserves, estimated to be about 2.8 billion tons. Should these estimates turn out to be correct, the fully fledged commercialisation of the Kurmangazy reserves would guarantee eventual profits of about US\$50 billions to both Rosneft and KazMunayGaz, which hold equal stakes in the

development of the field. This capital injection would be particularly welcomed in Kazakhstan, where a combination of different factors—low commodity prices, Eurasia's monetary volatility and the many vicissitudes that emerged in the Kashagan context—precipitated the national economy into a rather precarious predicament.

The Caspian entente between Russia and Kazakhstan seems to be expanding beyond energy cooperation, reaching out to the transport sector. Building upon their common membership in the Eurasian Economic Union, the parties agreed in October 2018 to establish a ferry network connecting the Caspian ports located in their respective sectors. If implemented, this agreement could address a fundamental hurdle that, so far, has blocked Caspian connectivity, preventing the development of people-to-people ties across this large body of water.

So far as the Turkmen sector of the Caspian Sea is concerned, the stakes associated with post-convention contracts appear to be relatively higher. According to the convention's provisions, Iran, Turkmenistan and Azerbaijan are now entitled to engage in bilateral deals to regulate the delimitation of their respective national sectors, replicating in the southern Caspian the agreement reached by Russia and Kazakhstan in the sea's northern part. This development may offer two lifelines to the Turkmen economy, which is experiencing, since 2014–15, an unprecedentedly severe economic crisis.

The prospective settlement of the dispute on the Serdar/Kapaz oil and gas field may be regarded as a first potentially positive ramification of sectoral delimitation deals agreed between the southern riverine states. The field in question holds estimated reserves of approximately 1 billion barrels of recoverable oil equivalent; its ownership, however, is currently contested between Azerbaijan and Turkmenistan: while Serdar/Kapaz is geographically closer to Turkmenistan, the Azeri government is referring to cartographic evidence from the Soviet era to base its claims for locating the field within the larger Azeri-Chirag-Guneshli conglomerate field. The entry into force of the Caspian convention may accelerate the settlement of this dispute, unblocking bilateral talks that have stalled since president G.M. Berdymukhammedov's latest trip to Baku (August 2017). Should the settlement of this dispute recognise Turkmen ownership of the field, it may be reasonable to expect a relatively swift commercialisation for the Serdar/Kapaz reserves: while there is absolute certainty about their size and exact location, Turkmenistan has an established praxis for the development under PSA conditions of its offshore fields. The identification of commercial partners, as we will see below, may however represent an insurmountable obstacle to field development once ownership terms are established.

The resolution of the Serdar/Kapaz dispute may have at the same time a positive, correlated impact on two interrelated processes: the identification of viable routes, and the eventual construction of large-scale infrastructure projects, for the commercialisation of Turkmenistan's natural gas resources in European markets.

The construction of a Trans-Caspian gas pipeline has to be seen as a long-term component of the energy security strategies framed by EU institutions and European states, representing at the same time an objective timidly pursued by decision-makers in Ashgabat, who traditionally have been interested in any option that diversifies the export routes available to Turkmenistan. There is, however, enough evidence to query the realistic success prospects for this pipeline, on the basis of the substantive costs associated with project development beyond the (already problematic) consortium-building phase, the volatility of Turkmenistan's wider gas strategy and, perhaps most importantly, Russia's long-term opposition to this project.

The 2018 convention particularly failed to establish a legal environment that could facilitate the construction of a future Trans-Caspian pipeline along the Turkmenistan–Azerbaijan route. While it abolished the legal requirement to have unanimous consensus amongst riverine states for cross-Caspian infrastructure development, it assigns extensive monitoring powers to third states *vis-à-vis* the environmental impact of pipeline projects agreed bilaterally. This latter provision is likely to offer Russia significant influence on the finalisation of any transport infrastructure pursuing the opening of Western markets to Turkmen gas.

So far as cross-Caspian transport connectivity, Turkmenistan has recently entered a bilateral agreement with the Azeri government to enhance sea shipping linkages connecting the newly built Türkmenbashi port and Baku, while finalising a wider deal for the establishment of regular ferry lines between Makhachkala (Russian Federation) and Türkmenbashi.

The Bigger Picture: The Future of Caspian Reserves

The identification of location, size, and degree of exportability of Caspian reserves belonging to Kazakhstan and, potentially, Turkmenistan represents only the first step in a more precise contextualisation of the role occupied by Caspian hydrocarbon reserves in the Eurasian energy markets.

The vast majority of Kazakhstan's oil and gas resources are located in the western part of the Kazakhstani territory. Caspian reserves, and the Kurmangazy field in particular, are therefore geographically close to other major onshore (Tengiz, Karachaganak) and offshore (Kashagan) oil and gas developments. The completion of the

Atyrau–Alashankou pipeline determined a viable route for the eastward export of resources extracted in the Atyrau and Mangystau *oblasti*, while relative proximity to Russia enhances the exportability of these resources to Western markets. Whatever the long-term settlement plans of the Caspian dispute, Kazakhstan's Caspian reserves are already part of a wider exploration, development, and transit network that appears to have enough capability to commercialise with relative ease the additional capacity generated by offshore resources, considering also Kazakhstan's willingness to engage with foreign partners in joint projects developed under PSA conditions.

The picture is drastically different when we turn our attention to the Turkmen context, where the combination of autarkic energy policies and an unfavourable geographic location queried the development prospects for offshore resources. China's monopsonic dominance over the Turkmen energy market has reduced the viability of the other export routes available to the Turkmen government, raising in turn a number of significant questions about Turkmenistan's preparedness to accommodate the additional capacity generated by the unlocking of offshore exploration rights, with particular reference to the Serdar/Kapaz field. Paradoxically, the resolution of the Caspian dispute may put the Turkmen regime in an awkward spot, revealing in full the underpinning inconsistency of Berdymukhammedov's energy policy, which has regularly sacrificed long-term investment and industrial development plans on the altar of the regime's short-term benefits. There is in this sense no absolute certainty about the prospective buyers for the oil and gas resources to be commercialised once the status of the Serdar/Kapaz field is settled.

Concluding Remarks

The configuration of post-convention Caspian relations requires some final considerations so far as the influence that Great Powers may exert on future collaborative

scenarios. The establishment of an embryonic form of consensus, if only limited to vague delimitation principles and essentially based on Russia's willingness to compromise on some of its long-term positions, reveals the onset of a shared form of Caspian management, in which foreign actors have little role to play. This latter proposition holds relevance to both the Caspian Sea's military landscape and its future collaborative scenarios in the energy realm.

The convention's military provisions exclude any future deployment of foreign naval power to the Caspian Sea, sealing the access of US/NATO forces to joint exercises with the riverine states. So far as energy collaborative options with foreign partners, the post-convention reality seems to have crystallised into a fluid context in which the riverine states hold the key to future patterns of resource development. While Western and Chinese energy companies are likely to contribute in some way to future exploration projects, especially those located in the Kazakhstani sector, a nodal role in this context appears to be played by the Russian Federation, which retained some discretionary powers *vis-à-vis* cross-Caspian infrastructure development, the key area to benefit from any future evolution in the legal status of this large body of water.

The capacity of Kazakhstan and Turkmenistan to benefit from the potential commercial unlocking of Caspian reserves has to be seen as the direct function of the energy policies implemented to date by the regimes in Nur-Sultan and Ashgabat. Due to its more open outlook and the relatively advanced technological expertise of its energy industry, Kazakhstan appears to some extent ready to face the reality of post-convention Caspian relations. Turkmenistan, which remains fixated on essentially autarkic, and profoundly kleptocratic, strategies of resource management, may need to engage in substantive energy policy revision if it is to catch up with the evolution of Caspian relations brought forward by the finalisation of the 2018 Convention.

About the Author

Luca Anceschi lectures in Central Asian Studies at the University of Glasgow (United Kingdom), where he also co-edits Europe-Asia Studies. He can be followed on Twitter @anceschistan

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ABOUT THE RUSSIAN ANALYTICAL DIGEST

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