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GLAWCAL COMMENT

PROBLEMS REGARDING THE LEGAL CLASSIFICATION OF THE CASPIAN SEA

Based on

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



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

For a long time, the legal situation in the Caspian Sea was unclear. Although the Soviet-Iranian treaties of 1921 and 1940 already defined a right of joint use, a clear division and classification of the Caspian Sea did not exist. Initially, this did not lead to a major problem, but in the 1990s the conflicts over the Caspian Sea began again. It was not without reason that the riparian states had a great interest in clarifying the classification and rights of use. A Classification was important not only militarily but also economically. In her article "Legal framework for the interstate cooperation on development and transport of fossil natural resources of the Caspian Sea" the author Barbara Janusz-Pawletta describes the problems of the legal classification of the Caspian Sea.

As a part of the sea, the UN Convention on the Law of the Sea would give other states the possibility for a right of passage. This would have been of particular interest to the USA and China. In 2018, after more than 20 years of negotiations, the riparian states Turkmenistan, Kazakhstan, Azerbaijan, Iran and Russia agreed to classify the Caspian Sea as a mix of sea and lake and divided the land between them by individual contracts.

In her article Janusz-Pawletta also dealt with the economic consequences. She writes that the regulation and extraction of resources such as oil and gas is of great importance to guarantee sustainable development. This is true, but it should be noted that this is not the same for all riparian states. Azerbaijan and Kazakhstan in particular pursued the goal of achieving the most advantageous position possible in terms of resource distribution. Turkmenistan was able to profit enormously from bypassing Russian sources with a transcaspien gas pipeline to Europe. The Caspian Sea is home to 90 percent of all sturgeon im-

portant for caviar production worldwide, and beneath the Caspian Sea there is more oil than in the entire USA and about as much natural gas as in the USA. For the economically less strong countries, the distribution was of correspondingly high importance. Russia and Iran, on the other hand, had more of a military interest. By classifying it as a mix of lake and sea, they wanted to prevent warships from other states from entering the Caspian Sea while also being able to navigate freely in the Caspian Sea themselves.

However, the agreement is also to be endorsed on a humane level. Although the disputes over the ownership claims were supposedly peaceful, they posed the danger of violent clashes that would have had catastrophic consequences. Time has proven that disputes over resources have a risk to lead to conflicts worldwide. The Caspian Sea was particularly controversial because of its legally unclear situation. It was therefore imperative to clarify the legal framework of the water body. Janusz-Pawletta helps to classify the legal consequences for the economic situation of the riparian states. The article shows us how important the agreement is for the development of the riparian states, but also indirectly for other states, such as in Europe, which profit from the regulated structure and oil and natural gas supplies.



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