

**INTERNATIONAL LEGAL CONTENT AND SIGNIFICANCE  
OF THE CONVENTION ON  
THE LEGAL STATUS OF THE CASPIAN SEA OF AUGUST 12, 2018**

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**Abstract**

*The article analyzes the provisions of the new Convention on the legal status of the Caspian Sea in 2018. It shows all the new novels, which are the fruit of more than 20 negotiations of representatives of the presidents of the Caspian States. The article identifies all the positive aspects of the Convention, as well as its shortcomings. The author, in General, positively assessed the efforts of the Caspian States to coordinate the "Constitution" of the Caspian sea, indicated that its adoption will have a charitable value in the life of the States surrounding the Caspian sea.*

**Keywords:** *Caspian Sea, sovereign rights, delimitation, water body, navigation, environmental protection, security of the Caspian Sea.*

After years of negotiations (22 years), geopolitical battles and confrontations, the Caspian States finally managed to fully agree on all the provisions regarding the new legal status of the Caspian Sea on August 12, 2018. The key event of the day was the signing by the heads of Azerbaijan, Iran, Kazakhstan, Russia and Turkmenistan of the Convention on the legal status of the Caspian Sea [29].

The leaders also approved the Protocol on cooperation to combat organized crime in the Caspian Sea and the agreement on trade, economic and transport cooperation [10].

"The Convention is a kind of Constitution of the Caspian sea. Having concluded the Convention, we create a basis for cooperation. Special attention is paid to ensuring security, said N.Nazarbayev: "Without each of you, we would not have been able to achieve today's success" [23]. The adopted Convention consisted of a preamble and 24 articles [12].

The preamble of the Convention on the legal status of the Caspian Sea States that the parties to the Convention are the States located on the Caspian Sea coast, - The Republic of Azerbaijan, the Islamic Republic of Iran, the Republic of Kazakhstan, the Russian Federation and Turkmenistan, hereinafter referred to as the Parties, based on the principles and norms of the Charter of the United Nations and international law, taking into account the climate of cooperation, good-neighborliness and mutual understanding between the Parties, guided by the desire to deepen and expand good-neighborly relations between the Parties, based on the fact that the Caspian Sea is of vital importance for the parties and only They have sovereign rights over the Caspian Sea and its resources, stressing, that the resolution of issues related to the Caspian Sea is within the exclusive competence of the Parties, recognizing the political, economic, social and cultural significance of the Caspian Sea, aware of their responsibility to the present and future generations for the preservation of the Caspian Sea, sustainable development of the region, convinced that this Convention will contribute to the development and strengthening of cooperation between the Parties, promote the use of the Caspian Sea for

peaceful purposes, rational use of its resources, study of the Caspian Sea, protection and preservation of its natural environment, seeking to create favorable conditions for the development of mutually beneficial economic cooperation in the Caspian Sea, taking into account the changes and processes in the Caspian sea region at the geo-political and national levels, the existing agreements between the Parties and, in this regard, the need to improve the legal regime of the Caspian Sea [34]. In this Convention, the Caspian States in 24 articles developed a new Charter for the Caspian Sea and agreed on a wide range of relations regarding the situation in the Caspian Sea, in this case concerning the delimitation, the legal status of the water body, shipping, environmental protection, problems of ensuring the safety of the entire sea and the region [11]. Thus, the 1st article refers to the terms used in the preparation of the Convention. For example, they include in this case such terms as "Caspian Sea", "baseline", "normal baseline", "straight baseline", method of establishing straight baseline", "inland waters", "territorial waters", "fishing zone", "common water area", "sector", "water biological resources" joint water biological resources", "fishing", "military ship", "ecological system of the Caspian Sea" and " pollution " [10]. In the Kazakh act, the leaders of Azerbaijan, Russia, Kazakhstan, Iran and Turkmenistan agreed on the legal status of the Caspian Sea - after 22 years of negotiations [5].

"The Convention is a kind of Constitution of the Caspian Sea, it is designed to regulate the whole range of issues related to the rights and obligations of the coastal countries, as well as to become a guarantor of security, stability and prosperity of the region as a whole". [35]. The N.Nazarbayev are not here to share the sea. And to agree to work so that it suited everything. And agreed-still speak the same language. Sea the General, will divide only bottom. Azerbaijani President I.Aliyev said "the determination of the legal status of the Caspian sea will contribute to the division of the bottom and the surface in accordance with the norms of international law," [35]. And most importantly - no military from other countries. 240 million people live in the Caspian countries. And they will not be disturbed. Military bases are banned. The decision is indefinite.

"The settlement of the right status of the Caspian sea creates conditions for bringing cooperation between the countries to a qualitatively new level of partnership, for the development of close cooperation in various areas. Russia is aimed at joint, energetic work on the implementation of six core agreements with all Caspian States," Russian President V.Putin said [18].

According to experts, the Caspian Sea is 19% of the world's oil reserves. 45% of the world's gas reserves. And yet 90% of the sturgeon, and therefore valuable the export of goods - caviar. All together an astronomical sum in any value [22]. After long disputes, in May 2003 Russia, Azerbaijan and Kazakhstan divided the Northern waters of the Caspian Sea. According to the principle of the median, Kazakhstan was left with 27%, Russia 19% and Azerbaijan 18% [32]. It was not possible to divide the southern part of the sea. Iran took a tough position. He demanded to divide the Caspian Sea among the Caspian States in a fraternal way: 20% each [27].

But if you look at the map, it becomes clear that equally does not mean fair. For example, the length of Iran's coastline is several times shorter than Kazakhstan's (Kazakhstan - about 2320 kilometers, Iran - about 724 kilometers). So it turns out that Tehran has encroached on the oil and gas reserves of its neighbors [26]. Kazakhstan and Russia proposed to divide the bottom into national sectors, and leave the sea area in com-

mon use, assigning only coastal zones to the countries. Fishing in neutral waters should be regulated by equal quotas [10]. Turkmenistan's principled position is to challenge Azerbaijan's right to several oil and gas fields, including "Serdar", which the Azerbaijanis call "Kapaz". Its reserves are estimated by experts at 150 million tons of oil [5].

According to the adopted Convention, the main area of the Caspian Sea water surface remains in common use, and the bottom and subsoil are divided into areas by agreement between the countries and on the basis of international law [36]. Each country will have to establish its territorial waters no wider than 15 nautical miles from the baselines.

The Convention also defines the rules of navigation, research and construction of trunk pipelines. This factor becomes important in the light of the plans to lay the TRANS-Caspian gas pipeline, which, providing for the transportation of natural gas from Turkmenistan and Kazakhstan through Azerbaijan to Turkey and Georgia and further to the EU countries is considered part of the expansion of the giant project of the southern gas corridor. Further, the Convention does not allow the presence of armed forces of other States in the Caspian Sea. In terms of fishing, the parties will determine the total allowable catch and allocate it to national quotas. What else gives the Caspian States a document for the development, discussion and adoption of which took more than two decades? First, and most importantly, by putting an end to the long-standing international dispute and becoming the legal basis for discussions and settlement of the whole range of issues related to activities in the Caspian Sea, it will give a powerful impetus to the further development of political and economic cooperation between the coastal countries. Secondly, and equally important, the Convention will serve to strengthen stability and security in the Caspian region. The adoption of such a document is intended to simplify the development of energy resources in the region, strengthen the Caspian Sea to the status of an important TRANS-tailor artery, to improve the ecological situation in the Caspian Sea. In all this, describing the importance of the summit and the signing of the Convention on the legal status of the Caspian Sea, the leaders of all coastal States clearly agreed [27].

By the way, regarding the Caspian Sea or lake, the parties came to the conclusion: neither one nor the other [3].

The second article is devoted to the establishment of sovereignty in the Caspian Sea. The article States that "in accordance with this Convention, the Parties shall exercise sovereignty, sovereign and exclusive rights and exercise jurisdiction in the Caspian Sea". In addition, paragraph 2 of this article "defines and regulates the rights and obligations of the Parties in relation to the use of the Caspian Sea, including its waters, bottom, subsoil, natural resources and airspace over the sea" [16, 21-26]. In accordance with article 3, the principles of the activities of coastal States in the Caspian Sea are defined. The Caspian States agreed to carry out their activities on the basis of the following international legal principles[9]: 1) principles of respect for sovereignty, territorial integrity, independence, sovereign equality of States, non-use of force or threat of force, mutual respect, cooperation, non-interference in the internal Affairs of each other; 2) Principles of the use of the Caspian sea for peaceful purposes, its transformation into a zone of peace, good-neighborliness, friendship and cooperation, resolution of all issues related to the Caspian Sea by peaceful means.; 3) the Principle of ensuring security and stability in the Caspian region; 4) the Principles of ensuring a stable balance of arms of The parties in the Caspian

Sea, the implementation of military construction within reasonable sufficiency, taking into account the interests of all Parties, without compromising the security of each other; 5) the Principles of compliance with the agreed confidence-building measures in the field of military activities in the spirit of predictability and transparency in accordance with the common efforts to strengthen regional security and stability, including in accordance with the international treaties concluded between all Parties; 6) the Principle of non-presence of armed forces not belonging to the Parties in the Caspian Sea; 7) the Principles of non-provision by any Party of its territory to other States for the Commission of aggression and other military actions against any of the Parties; 8) freedom of navigation beyond the outer limits of the territorial waters of each Party, subject to the sovereign and exclusive rights of the coastal States and the rules established by them in this regard with respect to certain activities of the Parties; 9) ensuring the safety of navigation; 10) the right to free access from the Caspian Sea to other seas, oceans and back on the basis of generally recognized principles and norms of international law and agreements of the Parties concerned taking account of the legitimate interests of the Party of transit in order to expand international trade and economic development; 11) implementation of navigation in the Caspian Sea, the passage to/from it exclusively by the courts under the flag of each of the Parties; 12) application of the agreed rules and regulations on the reproduction and regulation of use of shared water biological resources; 13) liability Of the party allowing pollution for damage caused to the ecological system of the Caspian Sea; 14) protection of the natural environment of the Caspian Sea, conservation, restoration and rational use of its biological resources; 15) promotion of scientific research in the field of ecology, conservation and use of biological resources of the Caspian Sea; 16) freedom of flights of civil aircraft in accordance with the rules of the International civil aviation organization; 17) conduct of marine scientific research outside the territorial waters of each Party in accordance with the legal norms agreed by the Parties, while respecting the sovereign and exclusive rights of coastal States, as well as the rules established by them in this regard with respect to certain types of research [12]. In turn, article 4 of the Convention regulates the activities of States in the Caspian Sea for the purposes of navigation, fishing, use and protection of aquatic biological resources, exploration and development of resources of its bottom and subsoil, as well as other activities in accordance with this Convention, compatible with it separate agreements of the Parties and their national legislation [16, 21-23]. According to article 5, the Caspian Sea is delimited by inland waters, territorial waters, fishing zones and common water area. At the same time, it is noted that the sovereignty of each Party extends beyond its land territory and internal waters to the adjacent sea belt, called territorial waters, as well as to its bottom and subsoil, as well as to the airspace above it (article 6). In accordance with article 7, territorial waters not exceeding 15 nautical miles in width, measured from the baselines determined in accordance with this Convention, shall be established for each party. Notes that the outer boundary of territorial waters is a line, each point of which is located from the nearest point of the reference line at a distance equal to the width of territorial waters (paragraph 2 of article 7). In the signed Convention on the legal status of the Caspian Sea, a draft of which was agreed during the preparatory meeting of foreign Ministers in December 2017 in Moscow, five signatories have agreed that the water surface will be legally regarded as the sea, keeping it open for joint use, while the

bottom of the sea is considered a lake and therefore access to it is carried out in accordance with the international legal framework.

Regions up to 15 nautical miles from the coast will be considered the land of each subsequent country, while 25 miles will be defined as a fishing area by adding 10 nautical miles to that distance. Other parts will be neutral areas for General use. This, - according to Alexandra Brzozovsky, however, also means that the exact delimitation of the oil and gas rich bottom of the Caspian Sea will require additional agreements between the coastal countries, although the previous draft Declaration, briefly published on the website of the Russian government in June, assumed a clearer result [30].

For the purposes of defining the outer limits of the territorial waters of the most outstanding in the sea constant port constructions, which are an integral part of a system port, are considered as part of the coast. Coastal installations and artificial Islands are not considered permanent port facilities [1]. The outer boundary of territorial waters is the state boundary. According to PZ article 7 of the Convention the distinction between inland waters and territorial waters between States with adjacent coasts shall be made by agreement between them, taking into account the principles and rules of international law. The parties agreed under article 8 that the delimitation of the seabed and subsoil of the Caspian Sea into sectors shall be carried out by agreement of neighboring and opposing States, taking into account the generally recognized principles and norms of international law, in order to realize their sovereign rights to subsoil use and other legitimate economic and economic activities related to the development of (item 1) [1]. It was further agreed that the coastal state had the exclusive right to construct, as well as to permit and regulate the establishment, operation and use of artificial Islands, installations and structures within its sector. The coastal state may establish zones around artificial Islands, installations and structures, where deemed necessary, to ensure the safety of navigation and artificial Islands, installations and structures. The width of the safety zones will not extend more than 50 meters, measured from each point of the outer edge of such artificial Islands, installations and structures (paragraph 2). The geographical coordinates of such structures and the contours of the security zones should be communicated to all Parties [7]. States were instructed that all ships must respect these safety zones (p. 3). Moreover, it was stated that the exercise of the sovereign rights of the coastal state in accordance with paragraph 1 of this article must not lead to infringement of the rights and freedoms of other Parties provided for in this Convention or to cause undue interference to their implementation (p.4). The true novelty was the adoption of article 9 of the Convention, according to which each Party establishes a fishing area 10 nautical miles wide adjacent to territorial waters (article 9, paragraph 1). The delimitation of fishing zones between States with adjacent coasts is carried out by agreement between them, taking into account the principles and norms of international law [4].

According to paragraph 2 of article 9 in its fishing area, each Party has the exclusive right to fish for aquatic biological resources in accordance with this Convention, adopted on its basis by separate agreements of the Parties and with its national legislation.

The parties have agreed on the basis of this Convention and international mechanisms to jointly determine the total allowable catch of joint aquatic biological resources in the Caspian Sea and distribute it to national quotas (paragraph 3. article 9). As noted in the Convention on the legal status of the Caspian Sea, if one of the Parties is not able to master its quota in the total allowable catch, it may, by concluding bilateral agreements

and other agreements in accordance with national legislation, provide other Parties with access to the balance of its quota in the total allowable catch (para. article 9) [12].

At the same time, the procedure and conditions for fishing for joint aquatic biological resources in the Caspian Sea are determined in accordance with a separate agreement between all Parties. Article 10 is devoted to freedom of navigation outside the territorial waters of the Caspian Sea. It States in particular that vessels flying the flags of the Parties shall enjoy freedom of navigation outside the territorial waters of the Parties. Freedom of navigation shall be exercised in accordance with the provisions of this Convention and the separate agreements of the Parties compatible with it, without prejudice to the sovereign and exclusive rights of the Parties defined in this Convention (para. article 10). Within the meaning of this article, it is noted that each Party shall accord to vessels flying the flags of other Parties engaged in the carriage of goods, passengers and baggage, towing, as well as rescue operations, the same treatment as it grants to such national vessels with respect to free access to their ports on the Caspian Sea, their use for loading and unloading of goods, boarding and disembarking of passengers, payment of ship and other port charges and the use of services intended for navigation and ordinary commercial operations (para. article 10). The regime specified in paragraph 2 of this article shall apply to ports in the Caspian Sea open to vessels under the flags of the Parties (paragraph 3) [20].

In this regard, it should be noted that the role of Azerbaijan in the light of the factors reflected in the Convention, in particular as a key player in the transit and logistics component of activities in the Caspian Sea, is noteworthy. President I.Aliyev also spoke about this at the Aktau summit: "Azerbaijan is actively investing in transport infrastructure, and the projects that we have implemented allow us to consider the Caspian Sea as an important transport artery today. The East - West corridor, within the framework of which Azerbaijan presents its transit services to Kazakhstan and Turkmenistan, the North - South corridor, through which transit through Azerbaijan is carried out between Iran and Russia, are projects that strengthen economic cooperation, create new jobs, make our countries even closer to each other and contribute to strengthening stability and security" [20]. The Convention defines the procedure on the basis of the right "to free access from the Caspian Sea to other seas, oceans and from them. To this end, the Parties shall enjoy freedom of transit through the territories of the transit Parties by all means of transport" [33].

The procedure and conditions for such access shall be agreed between the parties concerned and the transit Parties by means of bilateral agreements and, in the absence of such agreements, on the basis of the legislation of the transit Party.

The transit parties, in the exercise of their full sovereignty over their territory, have the right to take all measures necessary to ensure that the rights and opportunities provided for in this paragraph for the Parties do not in any way prejudice the legitimate interests of the transit (Party 4. article 10). "It was the first time that the zones of sovereignty and fisheries were conceptually agreed upon at a high level. The basic principles of cooperation - respect for the sovereignty, independence and territorial integrity of States, the transformation of the Caspian Sea into a zone of peace, good-neighborliness and friendship-have also been agreed. These principles are also reflected in the Convention on the legal status of the sea. According to President I.Aliyev, the determination of the legal status of the Caspian Sea will contribute to the completion of the division

between the parties of its bottom and surface in accordance with the principles and norms of international law" [21]. In order to ensure the interests of the coastal States in the sphere of security, the presidents confirmed the need to develop and adopt coordinated confidence-building measures in the Caspian Sea in the field of military activities at sea. In order to implement the agreement on cooperation in the field of security in the Caspian sea of November 18, 2010, the presidents noted the need to finalize the Protocol on cooperation in the field of combating illegal fishing of biological resources, designed to promote the conservation of fish stocks of the Caspian Sea and to counter poaching, as well as the Protocol on cooperation in the field of safety of navigation. The instruction was also given to finalize the Protocol on combating illicit trafficking in narcotic drugs, psychotropic substances and their precursors [8].

The procedure for passage is interesting in the Convention (article 11). Thus, Vessels flying the flags of the Parties may pass through territorial waters in order to: a) crossing those waters without entering internal waters or getting on the roadstead or port facility outside internal waters; or b) pass in internal waters or out of them or be on this RAID, or at such port facilities (clause 1, article 11). The Convention notes that the procedure and conditions for the passage of warships, submarines and other underwater vehicles through territorial waters shall be determined on the basis of agreements between the flag state and the coastal state and, in the absence of such agreements, on the basis of the legislation of the coastal state. Russian President V.Putin in his speech noted the strategic nature of the Convention signed in Aktau by the heads of the five Caspian States. "It is fundamentally important that the Convention enshrines the exclusive and sovereign rights of the five States to the Caspian Sea, to the responsible development and use of its subsoil and other resources, but guarantees the solution of all relevant issues on the agenda on the principles of consensus and mutual consideration of interests," V.Putin said following the results of the summit of the Caspian States in Aktau [6].

V.Putin added that the Convention "ensures a truly peaceful status of the Caspian Sea, the absence of the armed forces of non-regional States in the Caspian Sea": "we have been moving for many years to develop and adopt this strategic fundamental document" [19]. In the case that the length of a warship in the territorial waters is necessary due to force majeure or distress or for rendering assistance to persons, vessels and aircrafts in distress, at the approach to the territorial waters the commander of a warship delivers a notification to the coastal state and the length is carried out along the route determined by the commander in coordination with the coastal state. After the termination of these circumstances, the warship immediately leaves the relevant territorial waters. The procedure and terms for the calling of the military ships in the internal waters due to force majeure or distress or for rendering assistance to persons, vessels and aircrafts in distress, determined on the basis of agreements between the flag state and the coastal state, and in the absence of such agreements - on the basis of legislation States (p.2, article 11).

It is specifically stated that the passage through territorial waters must not violate the peace, good order or security of the coastal state. The passage through the territorial waters should be continuous and fast. Such passage shall take place in accordance with this Convention (p. 3). In addition, warships, submarines and other underwater vehicles the one Hand, carrying out passage through territorial waters in accordance with the terms and procedure stipulated in paragraph 2 of this article shall not have the right of entering the ports and anchoring within the territorial waters of the other Party except

when it has the appropriate permission, or it is necessary due to force majeure or distress or for rendering assistance to persons, vessels and aircrafts in distress (p.4).

5. Submarines and other underwater vehicles of one Side in the territorial waters of the other side should follow on the surface and raise their flag.

6. Passage through territorial waters shall be deemed to be in violation of the peace, good order or security of the coastal state if any of the following activities is carried out: (a) the threat or use of force against the sovereignty, territorial integrity or political independence of the coastal state or in any other manner contrary to the principles of international law embodied in the Charter of the United Nations; (b) any maneuvers or exercise with weapons of any kind; c) any act aimed at collecting information to the prejudice of the defense or security of the coastal state; d) any act of propaganda aimed at an attack on the defense or security of the coastal state; e) the rise in the air, landing or taking on Board of any aircraft or military device and its management; the descent into the water, under the water or taking on Board of any military device and management; (g) the loading or unloading of any goods or currency, the landing or disembarkation of any person contrary to the customs, fiscal, immigration or sanitary laws and regulations of the coastal state; (h) any act of intentional and serious pollution contrary to this Convention; (i) any fishing activity; (j) carrying out research or hydrographic activities; (K) any act designed to interfere with the operation of any communication systems or any other facilities or installations of the coastal state; (l) any other activity not directly related to the passage through territorial waters.

7. A party may take measures in its territorial waters necessary to prevent passage through territorial waters in violation of the conditions referred to in this article.

8. A party may adopt, in accordance with the provisions of this Convention and other rules of international law, laws and regulations relating to the passage through territorial waters, including with respect to all or some of the following matters: (a) safety of navigation and regulation of vessel traffic; (b) protection of navigational AIDS and equipment, as well as other installations or installations; (c) protection of cables and pipelines; (d) conservation of marine biological resources; (e) prevention of violation of fishing laws and regulations of a coastal state; To preserve the environment of the coastal state and to prevent, reduce and control its pollution; (g) marine scientific research and hydrographic surveys; (h) to prevent the violation of customs, fiscal, immigration or sanitary laws and regulations of the coastal state; (i) to ensure national security.

9. The party shall duly publish all laws and regulations relating to the passage through territorial waters.

10. Vessels flying the flags of the Parties shall, when passing through territorial waters, comply with all laws and regulations of the coastal state relating to such passage.

11. Each Party may, where necessary and taking into account the safety of the ship, require vessels flying the flags of other Parties passing through territorial waters to use such sea lanes and traffic separation schemes as it may establish or prescribe to regulate the passage of vessels through territorial waters.

12. In respect of ships bound for inland waters or using port facilities outside inland waters, the coastal state also has the right to take the necessary measures to prevent any violation of the conditions under which these vessels are allowed into inland waters and use port facilities.

13. A party may, without discrimination in form or substance with respect to Vessels flying the flags of other Parties, temporarily suspend passage in certain areas of its territorial waters if such suspension is essential to its security [12]. Such suspension shall take effect only after proper notification thereof.

14. If a warship or a state vessel operated for non-commercial purposes does not comply with the laws and regulations of the coastal state relating to the passage through territorial waters and ignores any requirement to comply with them. The party may require it to leave its territorial waters immediately.

15. A flag party shall be internationally liable for any damage or loss caused to the other Party as a result of non-compliance by a warship or other state vessel operated for non-commercial purposes with the laws and regulations of the coastal state relating to passage through, entering and anchoring territorial waters or the provisions of this Convention or other rules of international law.

16. A party shall not prevent the passage of ships under the flags of other Parties through its territorial waters unless it so acts in accordance with this Convention or the laws and regulations adopted in accordance with it. Including the Party should not: (a) require vessels flying the flags of other Parties to be in practice unreasonably deprived of their rite of passage through territorial waters or to violate that right; or (b) discriminate either in form or in substance against vessels flying the flags of other Parties or against vessels carrying goods to, from or on behalf of any state [12]. A party shall give due notice of any danger known to it to navigation in its territorial waters.

According to article 12, "each Party shall exercise jurisdiction over vessels flying its flag in the Caspian Sea (paragraph 1). Each Party shall, within its sector, exercise jurisdiction over artificial Islands, installations, structures, its submarine cables and pipelines (para.2). Each Party, in the exercise of its sovereignty, sovereign rights to subsoil use and other legitimate economic and economic activities related to the exploitation of the resources of the seabed and subsoil, exclusive rights to fish for aquatic biological resources, as well as for their conservation and management in its fishing area, may take measures against vessels of other Parties, including inspection, hot pursuit, detention, arrest and trial, which may be necessary to ensure compliance with its laws and regulations.

The application of the measures referred to in this paragraph shall be justified. In case of unjustified application of such measures, the vessel shall be compensated for any losses and damage caused [19]. Such measures as inspection, inspection, hot pursuit, detention may be carried out by representatives of the competent state authorities of the Parties who are only on warships or military aircraft or other vessels or aircraft bearing clear markings indicating that they are in the public service and authorized for that purpose (para.3). Except as provided in article 11 of this Convention, nothing in this Convention shall affect the immunity of warships and state ships used for non-commercial purposes" (para.4).

In accordance with article 13, "each Party, in the exercise of its sovereignty, has the exclusive right to regulate, permit and carry out marine scientific research in its territorial waters. Vessels under the flags of the Parties may conduct marine scientific research within the territorial waters of the other Party only with its written permission and on the conditions established by it(paragraph 1). In doing so, Each Party, in the exercise of its jurisdiction, has the exclusive right to regulate, permit and conduct marine scientific research in its fishing area related to aquatic biological resources and in its sector related

to the exploration and exploitation of seabed and subsoil resources. Vessels flying the flags of the Parties may carry out such research in the fishing area and sector of the other Party only on the basis of its written permission and on the conditions established by it (p. 2). That's interesting, that the procedure and conditions for issuing permits shall be determined by each Party in accordance with its national legislation and shall be duly communicated to the other Parties. At the same time, there shall be no undue delay or refusal in the decision to grant permission to conduct marine scientific research in accordance with paragraphs 1.2 of this article (paragraph 4). The Convention warns that the marine scientific research activities referred to in this article shall not unduly interfere with the activities carried out by the Parties in the exercise of their sovereign and exclusive rights under this Convention (para.5). An interesting innovation is that the party conducting marine scientific research shall ensure to the party authorizing the conduct of marine scientific research in accordance with paragraphs 1.2 of this article the right to participate or be represented in such research, particularly on Board research vessels, where practicable, but without any remuneration to the scientists of the authorizing Party and without its obligation to participate in the payment of research costs. It is noted that a party conducting marine scientific research in accordance with paragraphs 1.2 of this article shall provide the party authorizing such research, the results and conclusions after the completion of the marine scientific research, as well as access to all data and samples obtained in the framework of such research (p.7). The party has the right to require the suspension or cessation of any activities on marine scientific research in their territorial waters (p. 8).

A party authorizing the conduct of marine scientific research carried out in accordance with paragraph 2 of this article shall have the right to request its suspension or termination in one of the following cases(paragraph 9): (a) the research activity is not conducted in accordance with the declared information on which it based its authorization; (b) the research activity is conducted in violation of the conditions established by it; (c) in the implementation of the research project, any of the provisions of this article has not been complied with; (d) such suspension or termination is essential to its security. In accordance with paragraph 10, vessels flying the flags of the Parties shall have the right to conduct marine scientific research beyond the outer limits of territorial waters, subject to paragraphs 2, Z of this article. With regard to bilateral and multilateral marine scientific research conducted by agreement of interested Parties (p. 11) [12]. An important innovation of the Convention is also article 14, which States that the parties may lay submarine cables and pipelines along the bottom of the Caspian Sea (p.1). Moreover, the parties may lay underwater trunk pipelines along the bottom of the Caspian Sea, provided that their projects comply with environmental requirements and standards set forth in international treaties to which they are parties, including the framework Convention for the protection of the marine environment of the Caspian Sea and the relevant protocols thereto (p.2) [26]. According to the Convention on the legal status of the Caspian Sea, the parties will be able to lay underwater cables and pipelines along the bottom of the Caspian Sea, as well as underwater trunk pipelines, provided that their projects comply with international environmental requirements and standards. This will not require the approval of the entire" five", but only the agreement of the countries on whose sector the cable or pipe will pass. Thus, the construction of the

TRANS-Caspian pipeline from Turkmenistan to Azerbaijan and further through Turkey to Europe now depends on the agreements between the two States.

An important place is given to the issue of determining the route for laying sub-water cables and pipelines, which should be carried out in coordination with the Party through the bottom sector of which an underwater cable or pipeline should be carried out (p.3) [25].

The geographical coordinates of the areas of routes of submarine cables and pipelines, where it is not allowed to anchoring, fishing try would be bottom fishing gear, underwater and dredging works, and swimming with etched anchor chain, should be notified to all the Parties-we are a coastal state, through the sector of which they are laid.

The next article 15 is devoted to the regulation of environmental issues of the Caspian Sea. In particular, in paragraph 1, the parties undertake to protect and preserve the ecological system of the Caspian Sea and all its components. At the same time (p. 2), the parties shall independently or jointly take all necessary measures and cooperate in order to preserve biological diversity, protect, restore, sustainably and rationally use the biological resources of the Caspian Sea, prevent, reduce and control pollution of the Caspian Sea from any source. At the same time prohibits activities that damage the biodiversity of the Caspian Sea (p. 3).The parties are liable for damage in accordance with international law, applied to the ecological system of the Caspian Sea (item 4). This also applies to Azerbaijan. In this regard, the words of President of the Republic of Azerbaijan I.Aliyev are interesting: "Azerbaijan is making an Active and great contribution to improving the environmental situation in the Caspian. As the head of state noted, the measures taken by the Azerbaijani government are aimed at preventing pollution of the Caspian Sea, especially in the implementation of oil and gas operations. He stressed that all oil and gas operations carried out by Azerbaijan in the period of independence comply with international standards ISO [2].

Article 16 of the Convention refers to the cooperation of "the parties to the Caspian Sea with natural and legal persons of States that are not parties to this Convention, as well as with international organizations, shall be carried out in accordance with the provisions of this Convention". According to article 17, the parties shall cooperate in order to counter international terrorism and its financing, illicit trafficking in weapons, narcotic drugs, psychotropic substances and their precursors, poaching, prevention and suppression of smuggling of migrants by sea, as well as other crimes in the Caspian Sea. According to the results of the Summit, the parties have identified a list of new five-party documents, on which the main work will be carried out in the next few years. Thus, a five-party agreement on cooperation in the field of Maritime transport in the Caspian sea will be prepared for the organization of regular five-party cooperation of Maritime administrations of coastal States with a view to effective and mutually beneficial cooperation of States in this area.

Articles 18-24 refer to the final provisions of the Convention. Thus, according to article 18, paragraph 1, the Provisions of this Convention may be amended or supplemented by agreement of all Parties. Changes and additions to this Convention are its integral parts and are made out by the separate protocols entering into force from the date of receipt by the Depositary of the fifth notification on accomplishment by the Parties of domestic procedures necessary for their entry into force (item 2) [12].

And article 19 stipulates that the parties shall, for the effective implementation of the Convention and the review of cooperation in the Caspian Sea, establish a mechanism for five-party regular high-level consultations under the auspices of the ministries of foreign Affairs, which shall normally be held at least once a year in turn in one of the coastal States in accordance with the agreed rules of procedure. First of all, the Caspian countries have decided to establish a mechanism of five-party regular consultations under the auspices of the ministries of foreign Affairs at the level of Deputy Ministers of foreign Affairs/Plenipotentiaries of the Caspian States, the purpose of which will be the effective implementation of the Convention on the legal status of the Caspian Sea and review of various aspects of cooperation in the Caspian Sea. The first consultations of the new format of cooperation should take place no later than six months after the signing of the Convention. As a matter of priority, the countries of the region will agree on a draft agreement on the methodology for establishing direct baselines. After the signing of this document, for the first time in its history, the state border, duly formalized and recognized in accordance with international law, should appear in the Caspian Sea [8].

Article 20 defines the rights and obligations of the Caspian States ("This Convention shall not affect the rights and obligations of the Parties arising from other international treaties to which they are parties").

Disagreements and disputes related to the interpretation and application of this Convention shall be resolved by the Parties through consultations and negotiations (article 21, paragraph 1). Any dispute between the Parties concerning the interpretation or application of this Convention on which agreement cannot be reached in accordance with paragraph 1 of this article may, at the option of the Parties, be referred to other means of peaceful settlement of disputes provided for in international law (paragraph 2). Article 22 deals with the ratification of the Depositary. In particular, it is noted that this Convention is subject to ratification. Instruments of ratification shall be deposited with the Republic of Kazakhstan, acting as the Depositary of the Convention. This Convention shall enter into force on the date of receipt by the Depositary of the fifth instrument of ratification. States that the Depositary shall notify the parties of the date of Deposit of each instrument of ratification and the date of entry into force of the Convention, and the date of entry into force of amendments and additions thereto (paragraph 1 of article 23). It is important that this Convention be registered by the Depositary in accordance with article 102 of the Charter of the United Nations (p.2). According to article 24, this Convention is, by its nature, indefinite.

President of Kazakhstan N.Nazarbayev noted that the adoption of the Convention on the legal status of the Caspian Sea and the signing of a number of documents - "this is evidence of the friendly relations of the Caspian States, our desire to cooperate closely and coordinate the care of our common sea". Calling the Convention a kind of "Constitution" of the Caspian Sea, N.Nazarbayev stressed that in the process of preparing the Convention all countries proceeded from the interests of ensuring political stability, development of the Caspian region, preservation and enhancement of its natural resources. Iranian President Hassan Rouhani, supporting the agreements laid down in the Convention, stated the need to continue negotiations on the delimitation of the seabed and proposed to conclude a separate agreement in this regard. He also expressed readiness to expand cooperation with the Caspian countries in the field of energy. "It is necessary to create and simplify conditions for shipping companies and travel agencies.

Cooperation in the field of energy, including the transportation of energy, energy, swaps operations-important topics of cooperation in the Caspian Sea. We have started work in this area with some Caspian countries and intend to continue and expand cooperation"[31].

Russian President V.Putin stressed that the settlement of the legal status of the Caspian Sea creates conditions for bringing cooperation between the countries to a qualitatively new level of partnership, for the development of close cooperation in various areas. "It is important that the Convention clearly regulates the issues of necessary distinctions, regimes of shipping and fishing, fixes the principles of military-political interaction of the member States, guarantees the use of the Caspian sea exclusively for peaceful purposes and the non-presence of the armed forces of non-regional powers at sea" [24]. According to V.Putin, "the Convention on the legal status of the Caspian Sea, which has been preparing for more than 20 years, enshrines the exclusive right and responsibility of States for the fate of the Caspian Sea, while establishing clear rules for its collective use" [24].

President of Turkmenistan G.Berdimuhamedov stressed that the Caspian Sea should forever become a zone of peace, good-neighborliness, mutual understanding and trust. According to him, today the importance of the Caspian Sea "goes far beyond it", "it turns into one of the key centers of geopolitical and geo-economic processes"[5].

It will be appropriate to recall that Azerbaijan has been proposing a fair "division" of the Caspian Sea on the basis of international legal norms for many years. However, various artificial obstacles prevented reaching a final agreement on the status of the Seas [15, 6-7]. Therefore, the main advantage of the Convention on the legal status of the Caspian Sea can be called the fact of its adoption, which is extremely important, since all parties have certainly benefited from it [38].

And, since we are talking about obstacles, it makes sense to pay attention to another, not directly related to the topic, but an important nuance. On the eve of the Aktau summit, it was possible to observe a significant activation of certain Western circles, including those close to the Armenian lobby. Realizing that the parties are closer than ever to reaching a final agreement on the status of the Caspian sea, they unsuccessfully tested most of their favorite methods in order to achieve the failure of negotiations and the signing of the final document [17]. Here are some provisions that pose challenges for us: there was the most acceptable division for Azerbaijan, and now it can explore in large volumes the Caspian plume for the production and export of energy in large volumes [14, 330-331]. The TRANS-Caspian gas pipeline, which will link the exporting infrastructures of Azerbaijan and Turkmenistan, can only be built with the agreement of the five parties. This situation is extremely important for Russia and Iran. The military presence of a third party in the Caspian basin will be banned, which is also beneficial for Russia and Iran.

In fact, Russia and Iran have agreed to cede more energy resources to Azerbaijan - against strategic and long-term guarantees, which de facto strengthen existing ties between neighbors [37]. The fascination with an artificial domestic political agenda may cost us too much if the strengthening and consolidation of national political capital does not take place on international platforms" [5].

"The Convention is a kind of Constitution of the Caspian sea, it is designed to settle the whole range of issues related to the rights and obligations of coastal countries, as well

as to become a guarantor of security, stability and prosperity of the region as a whole" [21].

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**Date of receipt of the article in the Editorial Office  
(18.12.2018)**