

УДК 327.7

<https://doi.org/10.48371/ISMO.2024.56.2.020>

MPHTI 11.25.40

IRAN'S POSITION ON THE LEGAL STATUS OF THE CASPIAN SEA

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Abstract. For some time after the collapse of the USSR, the Caspian Sea continued to belong to two states, namely Russia, as the successor to the USSR, and Iran. However, this caused serious contradictions between the coastal newly formed post-Soviet countries over the use of the Caspian Sea water area, seabed and subsoil. To solve such problems, it was necessary to establish a new legal status of the Caspian Sea, taking into account the interests of all Caspian littoral states. At the initiative of the Russian Federation, work began in 1996 on a draft convention on the legal status of the Caspian Sea, which was to be oriented towards the interests of all littoral states. Including more than 50 meetings and 5 summits, the draft Convention reached its culmination in 2018 in Aktau.

The purpose of this research paper is to examine Iran's perspective on the legal status of the Caspian Sea and assess the impact of the Aktau summit on Iran. The paper analyzes Iran's role in the negotiations and its position on various issues related to the legal status of the Caspian Sea. Through this analysis, the paper aims to provide insight into the complexities of the Caspian Sea legal framework and its implications for Iran's interests and its relations with other littoral states.

Keywords: Caspian Sea, Legal Status, Convention, Kazakhstan, Turkmenistan, Azerbaijan, Iran, Aktau Summit

Basic provisions

The Caspian Sea plays a critical role in global energy production due to its vast hydrocarbon reserves and oil production capabilities. According to the U.S. Energy Information Administration (EIA), the sea contains about 48 billion barrels of oil and 292 trillion cubic feet of natural gas in proven and probable reserves. Notably, about 67% of natural gas reserves and 75% of oil reserves are concentrated within 100 miles of the coastline. Legal disputes over the Caspian Sea began after the collapse of the Soviet Union when Kazakhstan, Azerbaijan, and Turkmenistan became independent states. Prior to that, the Soviet Union and Iran jointly administered the Caspian Sea under two agreements: "Treaty of Friendship" in 1921 and "Treaty of Commerce and Navigation" in 1940. Initially, Russia opposed the presence of international companies, especially Western companies, in the Caspian Sea because it threatened its influence in the region. Iran, on the other hand, was concerned about the activities of the new states and their cooperation with Western oil companies that began to exploit the Caspian's mineral resources. However, the three new states needed to exploit the sea in order to grow economically as a state.

Introduction

The Caspian Sea is renowned as the largest inland body of water globally, holding significant historical, geopolitical, economic, and environmental importance. It is bordered by five countries: Iran, Russia, Kazakhstan, Azerbaijan, and Turkmenistan. Covering an area of 376,000 square kilometers, it boasts a coastline stretching 7010 kilometers and reaches a maximum depth of 1,025 meters [1].

Without a connection to the global oceans, average Caspian Sea level (CSL) is currently approximately 27.5 m below mean sea level. The entire Caspian Sea catchment basin has an area of approximately 3.5×10^6 km², almost 10 times that of the Caspian Sea and accounting for approximately 10% of the global area of closed basins. The length of the Caspian Sea watershed from north to south is about 2500 km and from west to east is about 1000 km.

The Caspian Sea is the largest closed inland reservoir in the world being surrounded by five coastal states: Azerbaijan, Iran, Kazakhstan, Russia and Turkmenistan. The total length of the coastline is 5970 km and the greatest length of the sea is 1030 km. The waters of about 130 large and small rivers fall in the Caspian Sea and it's physical characteristics admire it's uniqueness. About 500 plant species and 850 animal species are there in Caspian Sea. The Caspian sea has two water zones. The first zone is the Iranian 'sector' and this is bordered from the remaining zone by the Astara – Hasan-Kuli line.

The Sea makes it's uniqueness in many ways by it's environmental, economical and geopolitical recognition. But a constant overflow in the sea's level implicated serious environmental consequences. This Sea made the center of attention by being called itself as "the greatest salt lake in the world". In the view of these importance it seems to referred the Caspian sea as an "inland sea".

Description of materials and methods

This research paper aims to explore Iran's viewpoint on the legal status of the Caspian Sea and assess the impact of the Aktau Summit on Iran. It seeks to analyze Iran's role in the negotiations and its stance on various issues surrounding the Caspian Sea's legal status. Furthermore, it aims to evaluate how the outcomes of the Aktau Summit have shaped Iran's positions and policies regarding the Caspian Sea. Through this examination, the paper aims to provide insights into the complexities of the Caspian Sea's legal framework and its implications for Iran's interests and relations with other littoral states. This study's primary hypothesis is that, despite the Caspian Convention, the issues of littoral states remain unresolved. This research evaluates the current legal status of the Caspian Sea by examining the historical context of the geopolitical situation in each coastal state.

Results

After over two decades of extensive deliberations, involving five summits and 50 specialized working group meetings, the bordering nations of the Caspian Sea—Iran, Russia, Kazakhstan, Turkmenistan, and Azerbaijan—finally reached an agreement. This agreement culminated in the Convention on the Legal Status of the Caspian Sea, formalized on August 12, 2018, in Aktau. This method asserts that the

country that has more coastal area would get more maritime area. Therefore, Kazakhstan, Russia, and Azerbaijan have agreed on the median line approach, while Iran and Turkmenistan have rejected it. There is also a third perspective that states that the Caspian is a unique reservoir. Therefore, international norms cannot regulate its characteristics. In establishing the legal status for the Caspian, the coastal states should adopt unconventional approaches and create their own legal mechanisms.

Discussion

Due to its extensive hydrocarbon reserves and oil-producing capabilities, the Caspian Sea plays a crucial role in global energy production. According to the US Energy Information Administration (EIA), the sea contains approximately 48 billion barrels of oil and 292 trillion cubic feet of natural gas in proven and probable reserves. Notably, about 67% of natural gas and 75% of oil reserves are concentrated within 100 miles of the coastline [2]. The Caspian Sea is connected to the White, Black, and Baltic Seas via the channels of the Volga-Dnepr-Don Rivers. Additionally, it harbours a diverse range of fish species, including the sturgeon, which is the primary source of 90% of the world's caviar [3].

The legal disputes over the Caspian Sea started when the Soviet Union dissolved, and Kazakhstan, Azerbaijan, and Turkmenistan became independent nations. Before this, the Soviet Union and Iran jointly managed the Caspian Sea under two agreements: the 'Treaty of Friendship' in 1921 and the 'Treaty of Commerce and Navigation' in 1940 [4]. However, as these new countries appeared, disagreements over how to use and govern the Caspian Sea emerged.

These disagreements stemmed from the different interests and opinions of the countries bordering the Sea [5]. Initially, Russia opposed the presence of international companies, especially Western ones, in the Caspian Sea, as it threatened its influence in the region. Iran, on the other hand, was concerned about the work of the new states and their cooperation with the Western oil firms as they began exploiting the Caspian's mineral resources. However, the three new states needed the exploitation of the Sea in order to grow economically as a state [6].

The Evolution of Legal Disputes in the Caspian Sea Over Time: The Caspian Sea's legal status and utilization terms, primarily for navigation and fishing, were founded on multiple bilateral agreements between the Soviet Union and Iran. The Treaty of Resht (1729) was the inaugural accord between the Russian and Iranian Empires, granting extensive rights to the Russians and securing their commercial and navigational liberties [9]. This treaty established a precedent for subsequent agreements, shaping the Caspian's legal framework. The Soviet Union and Iran built upon this foundation, signing additional treaties to govern the sea's usage. These agreements aimed to balance the interests of both nations, ensuring the Caspian's resources were utilized effectively.

In the 19th Century, huge battles were fought between the two empires because Russia wanted to get hold of the warm waters. Due to these wars, a treaty known as the Treaty of Gulistan was signed in 1813, which would take Iranian powers off the Caspian Basin. These restrictions were renewed in 1828 under the Turkmenchay Treaty. Both of these treaties mentioned earlier allowed Russia to

maintain its navy in the Caspian Sea. Even though these treaties had rules about military activities, both sides could use the Caspian Sea for trade and business. In the Treaty of Friendship (1921), the agreements made before were invalidated and reinstated Iran's rights of fishery and navigation. These agreements stated that ships from other countries couldn't display their flags on the Sea, and people from other countries couldn't work as port staff [10].

This research study focuses on detailing the long process and negotiations surrounding the legal status of the Caspian Sea and how its resources are divided, particularly from Iran's viewpoint. Iran has continually emphasized the importance of the 1921 and 1940 treaties, arguing for ongoing shared ownership and use of the Caspian's resources between Iran and the former Soviet Union. Additionally, Iran has consistently opposed all agreements among the Caspian-bordering states regarding the utilization of the sea's resources. Iran advocates for a comprehensive treaty that establishes the legal status of the Caspian and ensures equitable resource usage among all littoral states [7]. Iran has called the Caspian Sea the 'Boundary Lake' and suggested fair sharing by dividing it equally among the countries along its shores, regardless of their coastline length. Additionally, Iran proposed that each country along the coast should receive a 30% share of the Caspian's resources. However, the proposal was rejected by Azerbaijan first, and then the rest of the states.

Eventually, the five nearby countries approved the Convention on the Legal Status of the Caspian Sea on August 12, 2018. This agreement successfully settled all disagreements by creating a special set of rules for the sea. The deal guarantees sovereign rights for all Caspian littoral countries in their territorial waters and seabed and subsoil sectors. Moreover, it gives the states broad liberties to utilize the Caspian Sea. Third-party states could not access and utilize the Caspian Sea. However, some issues remain to be resolved by bilateral or multilateral agreements in the coming years [8].

The legal situation of the Caspian Sea and the rules for using it were determined by different agreements between Iran and the Soviet Union. One of the earliest agreements was the Treaty of Resht in 1729, signed by Russia and the Iranian Empires. This treaty outlined the many rights of the Russians along with their freedom of sailing and commerce [9].

The desire of Russia to revisit previous treaties with Iran and newly independent states pursuing their own interests led to emerging challenges. Littoral states' positions varied depending on their interests, but their differences narrowed over time. After years of negotiations, the five coastal states signed the Convention on the Legal Status of the Caspian Sea in Aktau on August 12, 2018. This Convention established a special legal regime, resolving a 20-year dispute. Preparations began in 1996 with a meeting of deputy foreign ministers. Presidents of Kazakhstan, Azerbaijan, Russia, Iran, and Turkmenistan held four summits in Ashgabat (2002), Tehran (2007), Baku (2010), and Astrakhan (2014). In December 2017, foreign ministers agreed on the legal status and decided to sign the Convention in Aktau. However, the path to the Convention was challenging. The first summit in Ashgabat (2002) failed to reach a compromise due to energy deposit sharing issues

between Azerbaijan and Turkmenistan. In 2003, Azerbaijan, Kazakhstan, and Russia signed a trilateral agreement dividing the Caspian Sea's depth border, effectively partitioning over 60% of it. Conflicts persisted in the southern Caspian Sea between Iran, Turkmenistan, and Azerbaijan. The Aktau Convention was a positive step towards eliminating the threat of instability in Iran's northern neighborhood, marking a significant achievement in resolving a long-standing dispute [13].

Even though the deal solved the historical dispute on the surface level, it sparked great criticism of Iran's elected officials and other authorities by Iranians. This is because the deal does not meet the Iranian demands regarding the nautical borders and access to resources under the seafloor. The Iranian delegation was also accused of not defending their country's interests. If we consider that Iran has the shortest Caspian coastline, its sea status significantly decreases Iran's property of seabed resources. However, Iran's plan for equal distribution of the Sea's resources was the main reason for the prolongation of the treaty for over two decades. Hence, the primary motivation driving the Aktau agreement and the establishment of the sea's legal status is Iran's decision to relinquish its proposal for equal distribution of the Caspian Sea's resources. This indicates that Iran gave more importance to the geopolitical situation rather than its economic benefits.

In the 19th Century, huge battles were fought between the two empires because Russia wanted to get hold of the warm waters. Due to these wars, a treaty known as the Treaty of Gulistan was signed in 1813, which would take Iranian powers off the Caspian Basin. These restrictions were renewed in 1828 under the Turkmenchay Treaty. Both of these treaties mentioned earlier allowed Russia to maintain its navy in the Caspian Sea. Even though these treaties had rules about military activities, both sides could use the Caspian Sea for trade and business. In the Treaty of Friendship (1921), the agreements made before were invalidated and reinstated Iran's rights of fishery and navigation. These agreements stated that ships from other countries couldn't display their flags on the Sea, and people from other countries couldn't work as port staff [10].

The two nations had never agreed on where their sea borders were. They claimed that countries outside the region were too close to the basin. It's important to mention that, at that time, there was no official agreement on the legal status of the Caspian Sea.

Disputes about classification. The Caspian's legal status has always been a disputed topic, especially concerning its classification as either a boundary lake or a sea. This distinction carries significant implications for the distribution of its gas and oil reserves among the bordering states. Some state that the Caspian should fall under the 1982 UN Convention on the Law of the Sea (UNCLOS), which specifies territorial seas, continental shelves, and exclusive economic zones for every coastal state. However, there have been numerous disagreements regarding the interpretation of UNCLOS criteria, particularly regarding whether the Caspian Sea should be considered enclosed or semi-enclosed.

Alternatively, another theory suggests that the Caspian needs to be considered a boundary lake, ruled by customary international legal values rather than the

UNCLOS. According to this perspective, international agreements among the littoral states would determine usage rights and navigation conditions within the lake. During negotiations, lakes can be divided using either the median line or coastal line approaches [5]. If the median line principle is adopted, the water and seabed would be divided based on national sectors among the littoral states.

Iran's position on the legal status of the Caspian Sea. The new coastal states around the Caspian have attracted foreign investments due to their natural gas and oil deposits, thereby enhancing their development and autonomy. The legal dispute of the Caspian Sea came into existence when Azerbaijan began negotiations with Western energy giants, specifically British Petroleum (BP), concerning the search and use of Azerbaijan's mineral resources in the Caspian [12]. These negotiations initiated the famous "\$8 Billion Contract of the Century" in 1994, which focused on the development and resource sharing in the Chirag, Azeri, and Guneshli oil fields for at least 30 years.

Despite initial overtures, Iran was excluded from the agreement due to pressure from the United States, resulting in strong protests from Tehran, which viewed the agreement as an attempt to unilaterally alter the Caspian's legal status. Iran's opposition to what it perceived as the marginalization of its interests in the Caspian led to diplomatic tensions, including protests against U.S. interference in Azerbaijani policy-making. Iran advocated for joint resolution of Caspian Sea legal issues, emphasizing principles of equality and demilitarization to ensure the security imperatives of all coastal states while preserving environmental integrity [7].

Yet, Iran's position evolved gradually, notably marked by the endorsement of the Aktau agreement. This agreement, as outlined by Azizi (2018), tackled security apprehensions by forbidding the presence of external armed forces within the Caspian Sea. Furthermore, it sought to alleviate the threat of a potential "Caspian arms race" by fostering a stable equilibrium of military capabilities among the involved parties [13].

One significant issue for Iran in the Aktau convention was the potential construction of the Trans-Caspian Pipeline (TCP), which aimed to diversify energy transit routes and reduce Russia's dominance while limiting Iran's options for alternative pipelines [13]. Both Russia and Iran opposed the TCP, highlighting their strategic concerns over energy transit and regional influence. Overall, while Iran initially advocated for joint ownership and equal partition of the Caspian Sea, shifting geopolitical dynamics and diplomatic negotiations ultimately led to a more nuanced approach to addressing its interests and security concerns in the region.

Progress was evident, and several longstanding issues in the Caspian region found resolution through the Aktau Convention. However, the primary unresolved matter pertains to the maritime border delimitation between Azerbaijan and Turkmenistan with Iran. All future negotiations must consider the distribution of oil deposits and natural gas, especially when it comes to the areas bordering Iran, Turkmenistan, and Azerbaijan. Iranian President Hassan Rouhani highlighted the importance of determining straight baselines on their coasts and emphasized the necessity of subsequent agreement among the five parties to develop an effective mechanism for delimitation.

While Iran may not be entirely content with the resource and coastal delimitation in the sea, the military provisions of the Caspian agreement served as a deterrent to U.S.-Israeli policies aimed at isolating Iran in the region. Iran's close military and political relations with Russia, among the disputes in the Middle East, further underscored the strategic implications of the Caspian agreement. Additionally, resolving border disputes with Azerbaijan and Turkmenistan in the Caspian Sea could pave the way for closer political relations with these neighbours, potentially leading to the resolution of disagreements and the resumption of natural gas sales between Turkmenistan and Iran.

The agreement aimed to disrupt U.S. policy in the Caspian region, primarily benefiting Iran and Russia. Both countries made strategic concessions, ushering in a new era in the Caspian Sea region. This agreement's timing, amid the imposition of U.S. sanctions on Iran and Russia, highlights the strategic significance of increased collaboration between these countries. Additionally, faced with economic hurdles resulting from sanctions, Iran aims to strengthen diplomatic and economic relations with neighbouring nations, including those in the Caspian region, to alleviate economic challenges.

However, the deal has faced criticism within Iran, with some expressing dissatisfaction over perceived concessions and concerns about the protection of national interests. Social media users in Iran have accused the government of "selling off" the Caspian Sea and failing to defend the country's interests.

In summary, Iran secured significant security guarantees with the Aktau deal while temporarily addressing longstanding disputes over certain water shares, with decisions on such matters postponed for the future. Iran's cooperative stance could potentially enhance its relations with northern neighbours, a crucial consideration amid increasing U.S. efforts to restrict its international ties.

Conclusion

The Caspian Sea is important for both the littoral states and the global community, especially in terms of security and economic development. Because of this, the littoral countries have long sought to reach agreement on legal issues related to the sea area and its resources. Iran's policy in the Caspian region since 1991 has been guided by its national interests, including issues of borders and seabed sharing. Recent statements by Iran's president at the Aktau summit have underscored the need for additional agreements on these issues, despite progress in resolving border disputes with some neighbors. This shows that while the Caspian agreement is a significant step forward, it does not preclude the need for further efforts to fully resolve disputes and strengthen regional cooperation.

In essence, by signing the agreement, Iran prioritizes its survival. It places greater emphasis on military-security concerns in the Caspian Sea over the exploitation of its seabed resources or its territorial share of the area.

However, it can be said that the agreement has provided a basis for further development of regional cooperation. In general, Iran's signing of the agreement emphasizes its priority in ensuring military security in the Caspian region, notwithstanding issues of seabed resource exploitation or territorial claims.

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ПОЗИЦИЯ ИРАНА ПО ПРАВОВОМУ СТАТУСУ КАСПИЙСКОГО МОРЯ

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Аннотация. Некоторое время после распада СССР Каспийское море продолжало принадлежать двум государствам, а именно - России, как правопреемнице СССР, и Ирану. Однако, это вызвало серьезные противоречия между прибрежными новообразовавшимися постсоветскими странами по поводу использования акватории, дна и недр Каспия. Для решения подобных проблем требовалось установление нового правового статуса Каспия с учетом интересов всех прикаспийских государств.

По инициативе Российской Федерации в 1996г. началась работа над проектом конвенции о правовом статусе Каспийского моря, которая должна была ориентироваться на интересы всех прибрежных государств. Включивший в себя более 50 заседаний и 5 саммитов, проект Конвенции достиг своей кульминации в 2018 году в г. Актау.

Целью данной исследовательской работы является изучение точки зрения Ирана на правовой статус Каспийского моря и оценка влияния саммита в Актау на Иран. В работе анализируется роль Ирана в переговорах и его позиция по различным вопросам, связанным с правовым статусом Каспийского моря. Благодаря такому анализу статья призвана дать представление о сложностях правовой базы Каспийского моря и ее последствиях для интересов Ирана и его отношений с другими прибрежными государствами.

Ключевые слова. Каспийское море, правовой статус, конвенция, Казахстан, Туркменистан, Азербайджан, Иран, Актауский саммит

КАСПИЙ ТЕҢІЗІНІҢ ҚҰҚЫҚТЫҚ МӘРТЕБЕСІ БОЙЫНША ИРАННЫҢ ПОЗИЦИЯСЫ

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Аңдатпа: КСРО ыдырағаннан кейін біраз уақыт бойы Каспий теңізі КСРО-ның құқықтық мұрагері ретінде екі мемлекетке, атап айтқанда Ресейге және Иранға тиесілі болды. Алайда бұл жаңадан құрылған жағалаудағы посткеңестік елдер арасында Каспий теңізінің суын, түбін және қойнауын пайдалануға қатысты елеулі қайшылықтар туғызды. Мұндай мәселелерді шешу үшін барлық Каспий маңындағы мемлекеттердің мүдделерін ескере отырып, Каспий теңізінің жаңа құқықтық мәртебесін белгілеу қажет болды.

Ресей Федерациясының бастамасымен 1996 ж. Каспий теңізінің құқықтық мәртебесі туралы конвенция жобасын әзірлеу бойынша жұмыс басталды, ол барлық жағалаудағы мемлекеттердің мүдделеріне бағытталған. 50-ден астам кездесу мен 5 саммитті қоса алғанда, Конвенция жобасы 2018 жылы Актауда шарықтау шегіне жетті.

Бұл зерттеу жұмысының мақсаты – Каспий теңізінің құқықтық мәртебесіне қатысты Иранның көзқарасын зерттеу және Актау саммитінің Иранға әсерін бағалау. Жұмыста Иранның келіссөздердегі ролі мен Каспий теңізінің құқықтық мәртебесіне қатысты әртүрлі мәселелер бойынша ұстанымы талданады. Осы талдау арқылы мақала Каспий теңізінің құқықтық базасының күрделілігі мен Иранның мүдделері мен оның басқа жағалаудағы мемлекеттермен қарым-қатынастарына салдары туралы түсінік беруді мақсат етеді.

Тірек сөздер: Каспий теңізі, құқықтық мәртебе, конвенция, Қазақстан, Түрікменстан, Әзірбайжан, Иран, Актау саммиті

Статья поступила 14.05.2024.