

**MILITARY-POLITICAL ACTIVITY
IN THE CASPIAN
IN THE POST-SOVIET PERIOD
(*Legal Aspects*)**

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**1. International-Legal Regulation of
the Military Presence
of States (Littoral and Non-Littoral) and
the Creation of Military Bases
in the Caspian**

Military presence at seas and lakes is one of the most acute and complicated problems of international relations and international law. In the past few years, this problem has acquired particular relevance in the Caspian basin where an arms race is escalating, new military bases are being created, and where not only Caspian but also third countries are looking to deploy their armed forces.¹ Military presence in the Caspian has become desirable for many states.

¹ See: G.S. Gorshkov, G.M. Melkov, *Voennoe moreplavanie i strategicheskoe ravnovesie: mezhdunarodno-pravovye aspekty*, Voenizdat Publishers, Moscow, 1986, pp. 48-49; M.A. Wahidi, "Voennoe prisutstvie SShA v Tsentral'noi Azii: reaktsia Rossii," *Amu-Darya*, No. 12, Summer 2002, pp. 93-94, 102-103.

Naval presence is one of the forms in which countries use their naval forces beyond their state borders, in the territorial waters of other states. Both from a legal and technical perspective, naval presence is an extremely complex and dynamic system of interstate relations and military ties.²

According to G.S. Gorshkov and G.M. Melkov, naval presence, in a particular part of the World Ocean, can be either constant or occasional, accompanied by actions (operations) by a country (a group of countries), designed to accomplish certain foreign policy goals. The content of these goals is predetermined by the foreign policy and military strategy of states under whose flag naval forces are operating. Naval presence, they continue, “is an element of military presence—i.e., the presence of military contingents of foreign countries (ground, air and naval forces) on the territory of other states and in various parts of the World Ocean.”³

Naval presence is not so much a military as political and legal problem, which is of interest to all competing countries. It is connected—more than any other form of state activity at seas and lakes—with their political, economic, and military-strategic interests in the World Ocean. Naval presence fully reveals the character, foreign policy goals, and military objectives of countries that use their navies in particular parts of the world.⁴

From an international-law perspective, the aforementioned authors believe that the only criterion of legality or illegality of naval presence is the second part of this concept—i.e., the practical activity of warships.

2. The International Regulatory Framework for “Military Presence” in the Caspian Basin

As is known, the international legal groundwork underlying the procedure for “military or other forms of presence” in the Caspian basin was laid by the Russian-Persian Treaty (1921) and the Treaty on Trade and Navigation (1940), which prohibited third-party states from maintaining their presence in the lake. In the post-Soviet period, the relevance of this issue was confirmed by Caspian countries’ initiatives. Russia and Iran, which strove to demonstrate their commitment to Soviet-Iranian legal practice, especially stood out in this respect.

A draft Convention on the Legal Status of the Caspian Sea, which is a basic document for discussion at the Special Working Group, reflects this problem in Art 3, which establishes, in particular, that “the activity in the Caspian Sea by the Parties hereto shall proceed on the principle that the military presence in the Caspian Sea of states other than the Parties hereto is impermissible.”⁵ This approach was endorsed by three Caspian states—Iran, Russia and Turkmenistan. Furthermore, Iran and the Russian Federation also put forward the idea that this provision should also apply to air space.

It is noteworthy that Kazakhstan “reserved” its opinion with respect to Art 3 in its entirety, while Azerbaijan objected to its inclusion in the draft Convention.

Nevertheless, the sides were unanimous on the issue of prohibiting “ships (both military and non-military.—*R.M.*) sailing under the flag of states that are not party to the present Convention from entering or passing through the Caspian Sea” (Art 3.8).⁶

² See: G.S. Gorshkov, G.M. Melkov, op. cit., pp. 47-48.

³ Ibid., pp. 56-58.

⁴ Ibidem.

⁵ *A Draft Convention on the Legal Status of the Caspian Sea. Project*, Archives of the Azerbaijan Republic Foreign Ministry.

⁶ Ibidem.

Art 3.6 is also a source of considerable controversy. It stipulates that any activity in the Caspian will proceed in accordance with the principle that "...[the passage of warships and other ships sailing under the flags of the Parties through specific sectors/zones of the Caspian Sea for non-commercial purposes shall be subject to permission...⁷]." This provision was proposed by Azerbaijan. The parties failed to agree on it or to coordinate other positions on this matter (hence the square brackets). For example, Iran put forward the principle that "...entry and passage of warships sailing under the flags of Parties through territorial [national] waters be subject to authorization," while Turkmenistan proposed that this provision be applied to [littoral states] (this position was later backed by Iran).⁸ For its part, Russia opted for the principle of "...[passage by warships sailing under the flags of the Parties through zones of national jurisdiction without calling at ports or mooring]."⁹

Analysis of these provisions shows that the Caspian countries are opposed to the principle of uncontrolled military presence in their "national waters." In other words, each of them can only legally maintain its presence in its "national" part of the Caspian, which does not quite answer the general, classic definition of "naval presence," as enshrined in international law.

We find a more detailed interpretation [of the concept of naval presence] in the Iranian draft Agreement on Confidence Building Measures and Stability in the Caspian Sea (2003). This problem is addressed in Art 5 of the draft agreement, comprised of six points.

In particular, Point 5.1 says that "military presence by third parties in the Caspian Sea in any form shall be prohibited."¹⁰ In this connection, the Caspian countries "shall refrain from using military personnel from other than Caspian states aboard their vessels or other military or nonmilitary ships in the Caspian Sea."¹¹

Point 5.3 of the Draft Agreement is noteworthy: Any vessel will be regarded as an element of military presence on the Caspian if it sails under the flag of any of the Caspian states. A comparison of this proposition with Point 6 of the Draft Convention on the Legal Status of the Caspian Sea points to some contradiction between them. In other words, Iran's legal theses are in contravention with the basic propositions of this draft.

Point 5.4 of the Agreement merits attention: "The Parties shall refrain from conducting joint maneuvers or military exercises with non-Caspian countries in the Caspian Sea."¹² The Islamic Republic of Iran (IRI) sought to use this provision to prevent any penetration by third forces—in particular, NATO forces—into the Caspian basin. Needless to say, this idea has always been endorsed by Russia, but not by Kazakhstan or Azerbaijan, both of which are willing to cooperate with NATO, specifically with the United States and Turkey, in protecting their oil and gas interests.

The Iranian Draft Agreement effectively prohibits any military partnership within the framework of special treaties (pacts) with third states with respect to the Caspian zone. The only exception is a possible five-way military pact (if it is adopted by the Caspian countries). Given the competition that exists between such pacts as Caspian Guard (a U.S. military project) and CASFOR (a Russian military project), it becomes evident that this proposition will not materialize any time soon.

The Draft Agreement enables the Caspian states to create their own military bases, which should be located in close proximity to their Caspian shores (proceeding from the essence of this provision, it could be presumed that it does not refer to a joint base with third countries). At the same time, they are to inform one another "about the potentials of forces in the Caspian Sea" (Art 10.1).

⁷ Ibidem.

⁸ Ibidem.

⁹ Ibidem.

¹⁰ *A Draft Agreement on Confidence Building Measures and Stability in the Caspian Sea*, The IRI project, Archives of the Azerbaijan Republic Foreign Ministry.

¹¹ Ibidem.

¹² Ibidem.

Almost at the same time as the Iranian Draft Agreement, the foreign ministries of the Caspian states received a Kazakh plan for a stability pact in the Caspian (7 June, 2003). A thorough analysis of its provisions leads to the conclusion that some points of this draft are at odds with those of the aforementioned legal documents. In particular, it does not contain a provision expressly prohibiting the naval presence of third countries. Furthermore, “the sides shall permit the joint or separate conduct of maneuvers and military exercises in the Caspian Sea” (Point 9).¹³

At the same time, the authors of this document say nothing about the parties with which it may be possible to conduct joint maneuvers or military exercises. In other words, a third party is not prohibited from cooperation.

Point 10 is also incompatible with the spirit and letter of the aforementioned draft agreements. It says in part: “The sides expressed their intention to interact with other regional security structures.”¹⁴ What regional security organizations are referred to in this point? NATO? The SCO? The CIS Collective Security Treaty? Or something else?

The authors of this Draft Pact set the Caspian countries, especially Russia and Iran, a serious problem, which they are not in a position to resolve, nor are they particularly interested in doing that.

Evidently, Point 5 will raise numerous questions. For example, it says that the sides “will under no circumstances permit their territories to be used by other states for staging acts of aggression or other military actions against other Signatories to the present Pact.”¹⁵

It turns out that if a third country does not commit aggression against Caspian states, its troops will have a right to be present in the Caspian basin.

Legal collisions between littoral countries over the military use of the Caspian Sea brought about the so-called military-political projects, pertaining to this lake, as well as a military-political “free for all”—both in its basin and in the surrounding area.

3. Legal Projects for Military Presence in the Caspian Basin

It has been generally assumed in Russian academic, political and military circles that the right and desire to have a presence in Caspian waters is connected with the need to ensure its security as a whole, as well as to protect Russia’s interests. Far from being enshrined in international law, the idea was effectively rejected. When the U.S., under the auspices of NATO, initiated the Caspian Guard project, the Russian side put forward a counter proposal—to create CASFOR, patterned after BLACKSEAFOR.

The appearance of these ideas and plans was to a certain degree provoked by the Iranian naval forces. Thus, on 23 July, 2001, an Iranian warship intruded into Azerbaijani territorial waters and forced an Azerbaijani research vessel, the *Geofizik 3*, to leave the area. According to RIA Novosti, the *Geofizik 3* was exploring the Alov oil fields for British Petroleum (BP). Later, an Iranian Air Force plane arrived and started circling over the *Geofizik 3* and the *Alif Gajiev*, another research vessel. The government of the Republic of Azerbaijan protested the incident to Iranian Ambassador A. Gazai, demanding an explanation.

For its part, the United States expressed its concern over the incident. However, according to the Iranian side, the IRI’s actions with respect to foreign companies operating in the “Azerbaijani” sector

¹³ *A Draft Pact for Stability in the Caspian of 7 June, 2003*, the Republic of Kazakhstan project, Archives of the Azerbaijan Republic Foreign Ministry.

¹⁴ *Ibidem*.

¹⁵ *Ibidem*.

of the Caspian Sea were provoked by the U.S. Administration which had ignored Tehran's readiness to use last-resort measures in striving to defend its national interests.¹⁶

As a result, the operator of the disputed project in the southern part of the Caspian—BP Corporation—immediately halted all operations in that sector. Its representative in Baku urged BP to pull out of the project completely—at least until Iran and Azerbaijan delimit and demarcate the borders between their maritime sectors.

Following this blockade, the IRI started conducting naval exercises in the Caspian Sea. For example, on 29 September, 2004, a final stage of three-day maneuvers by the Iranian Navy's Fourth District forces was conducted at the Bandar-e-Anzali port in the Caspian waters, near the coast of the Gilan Province (northeast of the country), involving the *Peikan* warship and several boats from the Bandar-e-Anzali naval base. According to M. Behzadfar, commander of the Fourth Military District, the goal of the exercise was to enhance the combat proficiency of the naval forces deployed in the region. "We must be on constant alert to defend the nation's security," he said.¹⁷

A serious demonstration of force was also observed in the Caspian Sea in 2002. That year, in the wake of the unsuccessful April summit of the Caspian states, Russian President V. Putin visited the Caspian Flotilla of the RF Navy and issued orders that an exercise be conducted in August. According to Commander V. Kuroedov, it was the first large-scale exercise in the Caspian Sea since the Soviet era; furthermore, it involved not only Caspian Flotilla ships but also all branches and arms of service—subunits of the Caucasus Military District and the Federal Border Service Regional Directorate, units of the 4th Air Army, with 10,000 servicemen, 60 warships and boats, and over 30 aircraft. The exercise was, to a certain degree, international, since subunits of Azerbaijani and Kazakh naval forces also participated in it.¹⁸

From every indication, the exercise was carried out if not to demonstrate force and exert influence on the resolution of the Caspian issue, then clearly to avert undesirable incidents in the Caspian, particularly ones provoked by Iran, especially considering that in May 2002, Tehran described the 1998 Kazakh-Russian agreement and subsequent documents (the Russian-Azerbaijani and Kazakh-Azerbaijani agreements) as unlawful. The IRI also gave a hostile reception to Moscow's naval exercise initiative. In particular, an official organ of the IRI government, *The Tehran Times*, noted the "threatening tone" of the Russian leader.¹⁹

Evidently, after the aforementioned military-political incident between Azerbaijan and Iran, the last mentioned country was a major factor in the Caspian states' decision to move away from their original demilitarization plan for the Caspian. According to reliable sources, the IRI deployed a full-fledged squadron comprising several brigades and divisions of surface ships and submarines, as well as auxiliary vessels and support units (naval aviation and infantry). The core of the surface fleet was made up by missile carrying, antisubmarine, and amphibious assault ships, as well as minesweepers and PT boats. In addition to that, in 2002, Iran conducted demonstration tests of the Shahab-3 long-range ballistic missile that it had adopted for service.

A new spiral of tensions in the Caspian Sea occurred in 2004-2005.

During that period, the United States started actively limiting the influence of its traditional rivals—the RF and the IRI—in the Caspian, as well as vigorously consolidating its positions in the three other states of the Caspian basin by penetrating their economies and domestic markets, implementing investment programs and granting loans.

¹⁶ See: "SShA ozabochny reshitel'nyimi deistviiami Irana na Kaspiiskom more," available at [<http://rambler.ru/news/economy/10344/1798413.html?print=1>].

¹⁷ "Proshli voennye ucheniia VMF Irana na Kaspiiskom more," available at [<http://www.irna.ir/ru/20040929191800.txt.html>].

¹⁸ See: A. Chebotarev, "Igra muskulami," *Krasnaia zvezda*, 25 December, 2005.

¹⁹ See: *Ibidem*.

According to Russian sources, the United States intensified its activity especially in the sphere of military-technical cooperation with the Caspian countries.

In 2005, the United States invited Azerbaijan to create units of the so called Caspian Guard for the BTC pipeline and Caspian oil resources, purportedly to protect them against the threat of international terrorism—an international military grouping, comprised of 120,000 servicemen from Azerbaijan, Georgia and Turkey. It included plans to deploy command and control posts and conduct naval and air exercises. The United States intends to spend \$130 million on the project. Taking into account the U.S.'s military presence—to some degree or other, in Turkey, Iraq, Afghanistan, and Kyrgyzstan—the formation of the Caspian Guard will help to considerably strengthen its positions in the region.

In bolstering its presence in the Caspian, the United States showed equal commitment to advancing military-technical cooperation with Kazakhstan.²⁰ Thus, in February 2004, during his visit to Astana, U.S. Secretary of Defense D. Rumsfeld told a press conference devoted to the results of his negotiations with the Kazakh leadership that stability in the Caspian region is a major factor not only for Kazakhstan but for the world as a whole. In this connection he highlighted the implementation of the Pentagon's financial assistance program to assist the development of Kazakhstan's first military base and training center located near the northern part of the Caspian Sea. Under this program, the sides agreed on the gratuitous transfer of warships for the Kazakhstan Navy.²¹

Needless to say, such intense activity by the U.S. could not possibly have been ignored by its rivals in the region. Via their representatives at the Special Working Group, Russia and Iran proposed introducing in the Draft Convention on the Legal Status of the Caspian Sea a provision prohibiting vessels sailing under the flags of extra-regional countries from passing through the sea, as well as a provision that only the Caspian states shall have the right to use sea resources.

However, the most serious step, or rather response by the RF to the U.S.'s projects and actions in the Caspian was the initiative to form a Caspian Sea Naval Cooperation Task Force, or CASFOR. It was to include, on a parity basis, warships from the littoral countries. The formal motives for the creation of CASFOR were the same as Washington's—i.e., to bolster the security system and fight against terror, although it was quite clear against whom it was directed.

Nevertheless, the formation of this interstate military grouping appears to be rather a dubious project. Who might support this idea on the practical level? First of all, Iran, which is interested in ensuring security—both its own security and the security of its allies, especially in light of the recent events, specifically Washington's reaction and threats concerning the implementation of Iran's nuclear program. To a certain degree, this plan also responds to the interests of Kazakhstan which strives, in its foreign policy, to maintain a balance between the major powers.

Russia's CASFOR initiative, designed to fight the proliferation of weapons of mass destruction, terror, drug trafficking, and poaching, as well as to conduct rescue operations, is, essentially, a diplomatic model in its competition with the United States. This competition proceeds through strengthening their respective positions in the Caspian basin.

In this connection it would be appropriate briefly to recall CASFOR's prehistory. The idea of creating this group, which is supposed to unite the naval forces of the Caspian states, was first put forward by Moscow in 2003. It took three years for it to become reality. In the course of his working visit to Baku (in January 2006), Russian Defense Minister S. Ivanov discussed with his Azerbaijani counterpart a plan for creating CASFOR. In Baku, S. Ivanov said that CASFOR could take on the functions of "some collective forces," in particular border troops and special purpose units. Judging

²⁰ See: A. Karavaev, "Pravovoi status Kaspiia i problema KASFOR," available at [http://www.apn-kz.ru/?charter_name=printadvert&data_id=283&do_view_single].

²¹ See: *Ibidem*.

from his comments, these forces could be used for countering “real threats and dangerous situations in the Caspian” together with the five Caspian countries.

Officially, the CASFOR initiative provides for the signing of an agreement on the creation of Caspian Sea Naval Cooperation Task Force. Apart from other things, the document contains six appendices:

- A—the scope of powers of navy commanders in the Caspian (six articles);
- B—the scope of powers of the Planning Group (four articles);
- C—the status of the Group (eight articles);
- D—CASFOR command structure and annual operations program;
- E—CASFOR flag and emblem (three articles); and
- F—Terminology.²²

The Draft Agreement proposed by Russia includes a Preamble and 19 articles. The document contains approaches toward principles of naval cooperation (Art II), the purposes and tasks (Art IV) and structure of the organization (Art V), provisions on political and military consultations, decision making, deployment and use of force, and command and control (Arts VI-VIII). The Russian draft includes Art IX (CASFOR command and staff), Art XI (information sharing), and Art XV (dispute resolution).²³

In the course of negotiations it was noted that CASFOR could enable the littoral states to prevent the unwanted military presence of third countries, which could cause further tension in the region between the Caspian states themselves, and affect their mutual understanding.

The goal of creating this multinational force, as V. Putin stressed, is to counter the terrorist threat and the proliferation of weapons of mass destruction through concerted efforts. The draft ruled out the possibility of third countries being involved in CASFOR.²⁴ It is common knowledge that to Russia, “third countries” meant not only the United States but also the U.K., Turkey and possibly NATO as a whole. These states have long struck deep roots in the post-Soviet space and maintain their military presence in Central Asia, refusing to set a concrete deadline on the withdrawal of their troops from the region.²⁵

On 24 October, 2005 President V. Putin directed the Russian foreign minister to discuss with the Iranian side the possibility of Iran’s participation in CASFOR: “As for the organization for the maintenance of peace, order and security in the Caspian, all Caspian states should be involved in it, including Iran.”²⁶

In the course of his official visit to Baku, Russian Defense Minister Sergey Ivanov also commented on the RF’s CASFOR initiative. According to him, CASFOR’s tasks would include fighting the proliferation of weapons of mass destruction, poaching and drug trafficking. The minister stressed that it will be not a military coalition, but a cooperation structure of the Caspian Sea countries.²⁷

²² For more detail, see: *A Draft Agreement on the Creation of Caspian Sea Naval Cooperation Task Force*, The Russian Federation project, Archives of the Azerbaijan Republic Foreign Ministry.

²³ See: *Ibidem*.

²⁴ See: “Putin zaiavil o zainteresovannosti Rossii v prisoedinenii Irana k silam obespecheniia bezopasnosti na Kaspii,” available at [http://www.iran.ru/rus/print_news.php?news_id=34694&PHPSESSID=80ccca8e9f4a].

²⁵ See: “Ideia sozdaniia organizatsii po zashchite Kaspiiskogo moria,” available at [<http://www.politmonitor.ru/index3.php?&mess=1130316047>].

²⁶ “Putin zaiavil o zainteresovannosti Rossii v prisoedinenii Irana k silam obespecheniia bezopasnosti na Kaspii.”

²⁷ See: “Azerbaijani Defense Minister: Azerbaijan Uses All Measures to Restore its Territorial Unity,” available at [<http://www.regnum.ru/english/577908.html>].

According to R. Ismailov, S. Ivanov's proposal on forming an interstate naval force in the Caspian confronted Azerbaijan with the need to choose between the strategic interests of the two powers—Russia and the United States.²⁸ It should be noted that, due to a balanced policy concept formulated by President Heydar Aliev, Azerbaijan is thus far resisting the pressure that is coming both from the north and from across the ocean.

Analysis of the Caspian Guard and CASFOR projects leads to the following conclusion: The two Caspian initiatives will not get along with each other very well. What is needed is a military pact between the five littoral states which could help sign a treaty on the territorial division of the Caspian.

Evidently, the Russian proposal was designed to push “outside” countries from the Caspian basin and give Moscow a free hand and greater leverage.

Addressing the 20th Session of the Special Working Group on the Status of the Caspian Sea, which took place on 14 March, 2006, S. Lavrov reiterated that Russia is opposed to the presence of third parties in the Caspian,²⁹ and that the RF will stand firm on its position. According to him, in the realm of military activity in the Caspian, the littoral states are to tackle two issues—demilitarization and a stable balance of military forces in the Caspian region. But in S. Lavrov's words, “demilitarization of the Caspian is out of synch with reality; this would mean disarming the Caspian states in the face of new threats.”³⁰ At the same time, the RF foreign minister said that Russia is against “the military buildup in the Caspian Sea,” proposing that development of military forces in the Caspian region should proceed within the bounds of reasonable sufficiency.³¹

In expanding on the corresponding provision of the Draft Convention, he pointed out that “the Caspian countries should respect one another's sovereignty, independence and integrity.” The absence of external threats and military forces of third countries in the region is a guarantee that there will be no grounds for conflict there, S. Lavrov said. According to him, CASFOR is key to regional security, as well as to the implementation of this provision.³²

It is noteworthy that until now Azerbaijani Foreign Ministry officials have been reluctant to respond to questions related to CASFOR, while the Defense Ministry is refusing to discuss the topic completely. “Creation of CASFOR is a political matter, so all comments should be made by politicians,” Defense Ministry officials say.

As soon as the issue of CASFOR came up, NATO started evading the question concerning the future of the Caspian Guard. This is evident from, among other things, comments by Robert Simmons, NATO Secretary General's special representative for the Caucasus and Central Asia: NATO does not intend to deploy its military bases in Kazakhstan or the Caspian countries...³³

According to H. Azadbakhsh, an Iranian expert, the non-viability of the CASFOR manifests itself in the lack of trust among the Caspian states even though in the course of meetings and negotiations they all speak about integration and cooperation. For example, Iran, even though it is Russia's strategic partner, nevertheless, regards its military buildup in the sea and in the entire region as a threat to its own position at the negotiations on the Caspian. IRI representatives believe that a strategic balance of forces in the Caspian region hinges on that the RF has a military base in the basin, whereas all other littoral countries do not. “Militarization of the Caspian is the greatest threat to peace in the Caspian

²⁸ R. Ismailov, “Mezhnatsional'noi voenno-kaspiiskoi gruppe byt'?” Baku obdumyvaet initsiativu Moskvyy,” available at [<http://www.centrasia.ru/newsA.php4?st=1139219580>].

²⁹ See: S. Lavrov, “Rossia protiv prisutstviia voisk tret'ikh storon na Kaspii,” available at [<http://vesti70.ru/news/full/?id=1125>].

³⁰ Ibidem.

³¹ See: Ibidem.

³² See: Ibidem.

³³ “NATO ne sobiraetsia razmeshchat” svoi voennye bazy na territorii Kazakhstana i v Kaspiiskom regione—spetspredstavitel' aliantsa,” available at [http://www.interfax.kz/?lang=rus&act=print&int_id=10&news_id=585].

zone. Russia's haste will result in a situation in which such states as the U.S., which are looking for a good excuse, will establish their political and military influence in the region."³⁴

From H. Azadbakhsh's perspective, the Americans' involvement in developing security model for the Caspian is as unnatural as their military presence in the Persian Gulf, where they have created a model that excludes from the security process Iraq and Iran—i.e., two influential states in the region. The Americans have decided to use the same model in the Caspian. In this event, Russia and Iran will be excluded from the process."³⁵ In his view, the United States is striving to obstruct the use of the most economical route for energy shipments—i.e., via the Caspian Sea. Having beefed up its military presence in Georgia and Central Asia, the United States is now assisting Azerbaijan in strengthening its naval forces in the Caspian, and has declared its interest in creating a military base in Azerbaijan.³⁶

C o n c l u s i o n s

The logic of the Russian and Iranian sides is as follows: Having proclaimed, in the 1990s, the Caspian as a sphere of its vital interests, the United States has now invigorated its activity (including the attempts to play an independent role in post-Soviet conflicts).

According to M.A. Wahidi, a well regarded Iranian expert, the Americans are opposed to settling the legal status of the Caspian, arguing that this will do nothing to resolve issues involved in geological prospecting and production. Furthermore, some U.S. experts are proposing that the disputes on oil deposits be shifted from a legal to a political realm—that is to say, that they be settled within the framework of interstate relations in the Caspian region, since it will be difficult to reach a consensus on the legal status any time soon. M.A. Wahidi believes that the U.S. exerts intense pressure on the Caspian states both through economic and political leverage (lifting or introduction of sanctions, support for opposition, etc.) and through direct military threats.³⁷

From Iran's vantage point, the United States wants to expand its military presence in the Caspian region and to this end intends to deploy its military bases in the Caspian basin. Iranian experts believe that within the Caspian Guard, Washington assigns a special role to Azerbaijan, regarding it as a region advantageous both for deploying mobile rapid response forces and for resolving its foreign policy problems in the area (above all, in its relations with Iran). This international project includes the systems for monitoring the IRI's air and sea space. Implementation of the Caspian Guard program in the area will jeopardize, above all, Russia's and Iran's defense interests.³⁸ It seems that the RF and the IRI exaggerate somewhat the U.S.'s capabilities, indulging in wishful thinking. Azerbaijan, as well as Kazakhstan, categorically refuses to become involved in projects that do not quite coincide with its national interests or regional security concepts. These countries, therefore, strive to record their positions in treaties, international law, and not become a target of attack by the great powers and Iran.

The signing of a unified convention on the legal status of the Caspian, enshrining in international law all aspects of regulatory activity in the Caspian Sea is unlikely. There is little cause to expect that the countries will agree on key matters (the division of the water area and the sea bed, military activity, transit and the building of trans-Caspian pipelines). This is especially evident in connection

³⁴ See: H. Azadbakhsh, "Pri opredelenii statusa Kaspiiskogo moria razum i pragmatism dolzhny brat' verkh," p. 5, available at [<http://www.iran.ru/index.shtml?ch=1&lang=ru&view=story&id=3718>].

³⁵ See: *Ibidem*.

³⁶ *Ibidem*.

³⁷ See: M.A. Wahidi, *op. cit.*, pp. 100-102.

³⁸ *Ibid.*, pp. 108-111, 120-122.

with the crisis over the IRI and the general stagnation of the negotiations. “Mothballing” the problem is beneficial to some parties, especially to Iran.

Any delay enables the IRI to weigh in on this international issue in the future with a greater political weight—perhaps as a nuclear power. Tehran will manage to review its positions in the future (Iran claims 20 percent of the sea bed, believing that the Caspian as a lake should be divided into five equal sectors). As of now, the uncoordinated convention on the status of the Caspian Sea does not in any way infringe on the IRI’s national interests. Should Iran accept the principle of a modified median line, it will control 14 percent of the shelf.

It has been proposed that negotiations on military activity in the Caspian be based on the principle of reasonable and stable balance of forces, which will enable Russia to maintain an overwhelming military advantage in the region. So at present the subject of demilitarization has been taken off the agenda. This is borne out by S. Lavrov’s statement: “No matter how attractive this term might sound, it hardly responds to present realities.” This formula does not at all mean that the principle of the non-presence of armed forces of third countries has been abandoned.

Addressing the 20th Session of the Special Working Group, S. Lavrov reiterated the Russian proposal that the forces and assets of the littoral states be coordinated through a single structure, CASFOR, which would ensure security in the Caspian region.

Russia’s CASFOR initiative is not at odds with external military aid but “closes the door” to third-party organizations. As S. Lavrov pointed out at the 20th Session, “we will lose a great deal if we open the doors to outside military presence in the Caspian. Experience shows that it is easy to invite foreign troops, but far more difficult to ensure their withdrawal later.”³⁹

In July 2005, a conference of representatives of the Caspian countries took place in the city of Astrakhan under the aegis of the RF Defense Ministry, at which Moscow presented its vision of tasks for the Cooperation Task Force and principles of its operation. In October 2005, a draft agreement was submitted to the sides’ consideration, but Russia’s CASFOR plan failed to receive support from the Caspian states.⁴⁰

As of now, the CASFOR project provides for the formation of a task force comprising the fleets of all Caspian countries. How realistic is it? Evidently, equal partnership between Russia’s Caspian Flotilla and other forces is thus far impossible. For all its ambitions as a regional power, Iran is still outside the bounds of close military cooperation, while the prospects of imminent sanctions do not make this possibility more real. Turkmenistan has effectively pulled out of the CIS and does not participate in military operations, maintaining neutrality. The Azerbaijani and Kazakh naval forces are in the process of evolution, nor do they set themselves the task of expanding their military operations in the Caspian. Should the U.S. Caspian Guard program materialize, they will be assigned patrol missions in their areas of responsibility, ensuring the security of the Aktau-Baku tanker route.

The goal of the Russian initiative (CASFOR) is to keep ships sailing under “extra-regional” flags out of the Caspian. CASFOR in its current interpretation is “an integrated military structure for countering the proliferation of weapons of mass destruction, as well as other threats and challenges” (i.e. poaching and smuggling). As a matter of fact, Russia considers the present as an opportune moment for urging the Caspian countries to “make up their minds.”

The prevalence of the Russian Navy in the Caspian Sea—if its presence there is maintained adequately—will remain a substantial factor in the region. But the potential of a Cooperation Task Force will depend on the desire of its participants to accept Russia’s military superiority as the principal component of the task force with all the ensuing consequences in command, control, and coordination of military activities.

³⁹ A. Karavaev, *op. cit.*

⁴⁰ See: *Ibidem.*

This may be a substantial distinguishing feature that sets the Russian project apart from the American, which apparently provides for a modernization of national fleets as part of separate forces without placing them under general command. With a view to NATO cooperation, this plan looks highly attractive to Kazakhstan and Azerbaijan; at the same time, it does not make much sense to categorically reject the CASFOR initiative. So Azerbaijan, Kazakhstan and Turkmenistan are balancing between the two projects.