Published: July 20, 2004
Last Updated: May 5, 2016

CASPIAN SEA II. DIPLOMATIC HISTORY IN MODERN TIMES

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ii. Diplomatic History in Modern Times.

A new area of sub-systemic studies in international relations, which encompasses the Caspian basin and its immediate surroundings, emerged in the post-Soviet Union era, with its own prior long standing and complex regional history of competition and conciliation heretofore told predominantly in the context of southern Russian/Soviet Union and northern Persian relations.

Until the middle of the 16th century, the Caspian Sea as a waterway, had served the limited interests of its immediate coastal communities. With the Russian conquest of the khanates of Kazan and Astrakhan by the 1560s, the Caspian became for Moscow a geopolitical extension of the Volga River system. This meant an increase in Russo-Persian trade (Ferrier, p. 429; Kazemzadeh, p. 314), and, much to the delight of European traders, particularly the English, this also meant that the trade from Persia and Central Asia could reach the European heartland by way of the Danube, rather than the Ottoman or trans-oceanic routes.

In the second half of the 16th century, the security of the primary sea-lanes of communication in the Astrakhan-Darband-Estrābād/Astarābād triangle rested

on the good order of the coasts and ports belonging to the Caspian's two sovereignties, the Romanovs of Russia and the Safavids of Persia. The beginnings of the Russian authority in the northern part of the Caspian proved tentative, as Astrakhan itself, which had been captured by Russia in 1554, was sacked in 1569, and a year later Moscow itself was burned at the hands of the Tatars allied with the Ottoman Turks, who wished to divert the Astrakhan trade to Crimea (Ferrier, pp. 429, 435-36).

The security afforded by the Russian fortification of Astrakhan in the 1580s was matched by the restoration of the Safavid rule under Shah ʿAbbās I (r. 1581-1629) over a chaotic Persia. In his reign, Safavid sovereignty along the Caspian extended from Darband south along the Caspian coast to Baku and the Persian maritime districts of Gilān, Māzandarān, and Estrābād, continuing northward to the mouth of the Atrak River and beyond to the territories ruled by the local Persian and Turkic tribes obedient to the Safavid crown (Roemer, pp. 266-69, map on pp. 348-49).

The increase in trade occasioned the rise of predatory raids on the coastal communities by pirates and marauders. In the reign of Shah ʿAbbās II (1642-66), the Kalmucks, who were settled in the area north of Daghestan and west of the Volga, raided Estrābād, across the Caspian. They later extended to other parts of the Persian coast and with greater frequency during the reign of Shah Solaymān (1666-94). Allied with the Kalmucks were the Cossacks from the Don region, who in 1636 pillaged Rašt. By 1662, commanded by Sten'ka Razin (b. 1630), the Cossack bandits of the Don region, who operated independently of the Russian government, had frequently raided the Persian coast (Roemer, p. 309; Kazemzadeh, p. 314), including the town of Faraḥābād in Māzandarān (Melgunof, ed. Golzāri, pp. 169-70). In view of subsequent Russian efforts after 1662 to end Razin's activities, Razin sought Persian suzerainty from the Safavid court on more than one occasion, but Shah Solaymān, lest he would antagonize Russia, declined to protect him (Roemer, p. 309). Razin ravaged Rašt in 1667 and, in 1670, rose against the Russian crown and sacked Astrakhan, but he was defeated by the Russian army and ultimately executed in Moscow in 1671 (Melgunof, ed. Golzāri, pp. 326-27).

The possession and control of the Caspian Sea, as a strategic prize entered the annals of modern diplomatic history, all the more acutely in 1721-23, when the Russian Tzar Peter the Great (r. 1682-1725) marched through the Caucasus, while his ships sailed from Astrakhan south to Darband, Baku, and Gilān. Motivated by the possibilities of commerce, conquest and liberation of the

Christian Armenia and Georgia from Muslim Persia (Kazemzadeh, pp. 314-17), Peter's primary strategic objective was to block the advance of the Ottoman Turks into the Caucasus in the wake of the crumbling Persian state (Kazemzadeh, p. 317; Sykes, II, pp. 232, 245).

In October 1722 Shah Solṭān Ḥosayn surrendered to the invading Afghans and was put to death. His besieged son, Ṭahmāsb Mirzā, dispatched an emissary to Peter, who agreed to assist the claimant to the Safavid throne against the Afghans, Turks, and rebels in return for Persia's Caspian provinces. The Ottoman objection to this scheme prompted Peter's terse comment that "Russia would not permit any other power to establish itself on the Caspian Sea" (Kazemzadeh, pp. 317-20).

In the ensuing Treaty of Alliance of St. Petersburg (signed 12 September 1723; see BOUNDARIES ii), Persia ceded in perpetuity to Russia its possessions along the Caspian coast from Darband to Estrābād and arguably in its Article II the entire length of the Caspian Sea "le long de la Mer Caspienne" (Parry, XXXI, pp. 423-28). This turning of the sea into a veritable Russian lake, on paper and on the ground, did not last for long, but the document did represent at the time the ultimate culmination of a long standing interest of the earlier marauders and petty sovereigns from the northern Caspian regions to establish a presence in the southern littoral. Peter died in 1725, and in part by war and in part by the treaties of 1729 (Parry, XXXIII, pp. 157-62), 1732 (Parry, XXXIII, pp. 445-51) and 1735 (Kazemzadeh, p. 324), the Persian rule was restored in its earlier Caspian dominions within a decade. Yet, the Treaty of St. Petersburg had come to signal Russia's ambition to control the Caspian Sea as a strategic necessity. Consistent with this exclusionary policy, the Russian crown in 1746 put an end to the efforts of the English merchants who sought to trade with Persia and Central Asia by way of the Caspian Sea (Hanway, I, pp. 329-34).

Russia was opposed also to Persia having any measure of naval presence in the Caspian. The Russian merchant fleet, whose vessels were hired by the Persians to ferry arms and provisions for the Persian army, was placed under Russian state control (Hanway, I, pp. 84-85). At the same time Russia objected to the activities of the English merchant-adventurer John Elton and his cohorts, who were busy building a naval fleet for Nāder Shah Afšār (r. 1736-47), the new monarch of Persia. Nāder Shah viewed the having of a Caspian navy as a necessity for the protection of trade and defense of his realm's coastal communities, particularly on the southeast Caspian coast, which was often raided by the Turkmen marauders and pirates (Hanway, I, p.

110). Following Nāder's death, the Russians took advantage of the reigning chaos in northern Persia, and in 1751-52 they burned down the nascent Persian fleet and its stores near Rašt (Lockhart, 1936, pp. 3-18; Sykes, pp. 269-72; Yakrangiān, pp. 262-63; Mirfendereski, pp. 5-21).

The receding tide of Peter's expansionist foray into southern Caspian reversed course with the ascension of Catherine II (r. 1762-96). In 1781 she commissioned Count Voinovich to establish a foothold in the southeastern corner of the Caspian, on the Persian littoral, ostensibly to stamp out the Turkmen marauders. This anti-piracy mission, or any other suspected imperial design — such as annexation of Persia's northern provinces, or promoting trade or political relations with Bukhara and India — was thwarted by Āqā Moḥammad Khan, the Qājār potentate of Estrābād and Māzandarān and the future king of Persia. Voinovich and his officers were detained and held until the Russians dismantled the fortifications that they had raised on Āšurāda Island, for which conduct Catherine admonished Āqā Moḥammad Khan (Hambly, pp. 115-16; Kazemzadeh, p. 326; Mirfendereski, pp. 23-24).

During the long reign of Fatḥ-ʿAli Shah Qājār (1797-1834), the shrinking Persian frontage on the Caspian decreased ever more to a sliver of its former size. Two wars with Russia in 1804-13 and 1826-28 resulted in loss of Persia's coastal possessions in the Caucasus down to the mouth of the Āstārāčāy River, a modest tributary south of the mouth of the Aras River. In the ensuing Golestān (1813) and Torkamānčāy (1828) treaties (Parry, LXII, 435-42, LXXVIII, pp. 105-12), the loss of Persian maritime territories to Russia was accompanied by Russia also reserving onto itself the sole and exclusive right of maintaining a navy on the Caspian. In the area of commercial shipping, each of these treaties provided for equal national treatment of vessels in the case of shipwreck and cabotage (transport of cargo and passengers by vessel of one country between another's ports) and a companion treaty to the Torkamānčāy Treaty recognized the right of the Persians to trade with Russia by way of the Caspian (Mirfendereski, p. 26). In fact, the two treaties of Golestān and Torkamānčāy marked the effective transformation of the Caspian Sea into a Russian lake (Sicker, p. 14).

In January 1829, the Persian and Russian representatives at Beiramlu, west of Baku, initialed a document entitled "Description of the Frontier between Persia and Russia" and finalized the border laid out in the Torkamānčāy Treaty (Mirfendereski, p. 27). This, as the British foreign secretary Lord Palmerston put it in 1835 as a general observation about Russian intentions,

ensured Russia's aim to creep down the Caspian and take Persia on its flank (Sicker, p. 15).

In the period 1835-69 the Russians recommenced their effort to establish a hold on the eastern Caspian seaboard, now infested with Turkman pirates. Earlier, in 1713-17, the expeditions by a band of Circassian officers to establish a fort at Qezelsu (renamed Krasnovodsk; presently Turkmenbashi) were defeated by the khan of Ḵiva and the harsh trans-Caspian topography, and, in 1781 Count Voinovich was sent packing from Āšurāda by Āqā Moḥammad Khan. So, when the Persian government, around 1836, asked Russia for assistance against the Turkmans who had been raiding the Persian coastal settlements with impunity for three years, the Russian government seized the opportunity and, in 1837, occupied Āšurāda (Sicker, p. 14) and established a naval station there by 1840 (Sykes, II, p. 345). Regardless of Russia's success in suppressing the Turkmen piracy, the Persian government objected to the Russian occupation of the Persian island (Holmes, pp. 245-55; Melgunof, pp. 72-100, ed. Golzāri, pp. 256-60, 264; Sykes, pp. 344-45; Mirfendereski, pp. 29-33).

In 1851 the Turkmen raided the naval station on Āšurāda and killed or carried off the Russian garrison (Sykes, II, p. 345). This gave a greater reason to Russia to plant its footing in the eastern Caspian on firmer ground. In 1869 the Russians took Krasnovodsk, followed by the taking of Chekishliar near the mouth of the Atrak River. The Persian government's protest about this usurpation of its territory was rebuffed by the Russians, who promptly reminded the Persian government in December 1869 that Russia recognized the Persian dominion up to the Atrak, not beyond (Sykes, p. 357; Kazemzadeh, p. 342).

Following the taming of the Turkmans by successive brutal Russian campaigns in 1879-81, Russia and Persia next defined the extent of their limits in the east of the Caspian. This produced the Āḵāl-Khorasan Boundary Treaty (21 December 1881; Parry, CLIX, pp. 299-303), which located the start of the land frontier on the eastern Caspian seaboard on the Ḥasanqoli Bay. Two protocols later (30 January 1886 and 6 March 1886; see United Nations Treaty Series, CDLI, no. 6497, p. 264), the parties finalized the border on the Caspian at the Gudri crossing (Mirfendereski, pp. 59-62).

The boundaries established on the two sides of the Caspian under the Torkamānčāy and Āḵāl-Khorasan treaties effectively placed over 85 percent of the Caspian coastline in the Russian Empire. Russia's advances in Central Asia

and its political grip on the Persian kingship in turn worried Britain. In a work published in 1892, George Curzon, who had been appointed undersecretary of state for India, criticized Russia's "arrogant pretensions ... in the case of the Northern lake," where Russia was claiming "exclusive control" and "monopoly" on the basis of "scar[ing] a few penniless buccaneers" and "impos[ing] treaties upon humiliated foes [i.e., Persians], and wresting from them the right to fly their own flag in their own waters" and demanding that the Caspian Sea be "a *mare clausum* against foreign trade" (Curzon, II, pp. 464-65) — that is, a sea closed to free international shipping.

In the period between 1872 and 1917 the financially-strapped Qajar court granted a large number of concessions to foreign nationals, especially to British and Russian subjects. Many of the concessions affected the Caspian in that they touched on its fisheries, infrastructure, trade, transport, and communications. The oil concession granted to William Knox D'Arcy in 1901, however, did not cover any of Persia's northern provinces (see ANGLO-PERSIAN OIL COMPANY). The Russian oil interests in northern Persia, on the other hand, were expressed first in the form of the Ḵuriān concession (1878), which was centered in the Semnān region and had been granted originally to a Persian, and later in the concession granted to A. M. Khoshtaria (1916), for the exploration of oil in five northern provinces. The British government went along with the Khoshtaria concession as the byproduct of having conceded northern Persia as a Russian zone of influence under the 1907 Anglo-Russian Convention (Mirfendereski, pp. 67-69, 79-80, 85-91).

The Russian domination of Persia had grown so pervasive since 1907 that it prompted William Morgan Shuster, the American who served briefly as Persia's financial administrator, to write in 1912 that "The Bear has devoured another slice of the Asiatic pastry" (Shuster, pp. 267-68). Stemming from its intervention in support of the beleaguered Moḥammad-ʿAli Shah (r. 1907-9) and its military intervention in the ensuing civil war, by the time of the outbreak of World War I, Russia had transformed northern Persia "into a Russian province" (Sicker, p. 29) and, by implication, the Caspian continued as a Russian lake.At the time of the Bolshevik Revolution in October 1917, the Russians had managed to ward off the Turkish advances into the Caucasus, protecting the Caspian flank. However, in the ensuing but brief struggle between the Soviets and anti-Soviet forces the political geography of the Caspian witnessed the birth and quick death of a few novelties.

In the face of the impending disintegration of the Russian forces in early 1917,

the British took up the task of shoring up the defense of western Persia and the Caucasus against the Turks. A British contingent led by Major-General L. C. Dunsterville proceeded from Baghdad to Anzali, where it was supposed to cross over to Baku and continue on to Tbilisi. It found Anzali under the control of the local strongman Mirzā Kuček Khan, who had asked the Bolsheviks for troops to ward off the British. The British mission quietly returned to Hamadān (Chaqueri, pp. 84 ff.).

Encouraged by the German agents, on 20 July 1918, Kuček Khan's supporters, who had been checked previously in the north of Qazvin by a Russian general on his way out of Persia, attacked the British camp near Rašt and sacked the consulate. On the same day, Dunsterville left his command in Kermānšāh and proceeded towards Rašt. As one contemporary observer put it, "The British Navy is about to hoist its flag on the Caspian Sea for the first time in history." According to the same, by July 31 the Jangalis outside the town had "been brought to terms by a little bombing from aeroplanes, a form of warfare against which they are powerless." (Hale, p. 234).

Across the way from Anzali-Rašt, the former anti-Russian nationalists, known as the Azarbaijanli, challenged the nascent workers' soviet for the control of Baku. On 28 May 1918, the council proclaimed Azarbaijan an independent republic with Baku as its capital, even though the Bolsheviks, assisted by the Armenian militia, were still in control of Baku. The Turks, violating the terms of the Turko-Russian armistice (March 1918), rushed to the assistance of the nationalists, but, before they could reach Baku, the anti-soviet ("White") Russians debunked the Bolsheviks and asked the British in Rašt for help. Following a few shipments of British troops and armaments from Rašt, Dunsterville relocated his headquarters to Baku in August 1918. The advancing Turks brushed aside the Bolsheviks' Red Army and its Armenian auxiliary and pushed out the White Russians toward Darband. Exposed, the British force took a pounding from the Turks and lost 20 percent of its force before falling back in haste on Anzali (Mirfendereski, p. 100).

In the eastern Caspian, in September 1918, a British naval contingent proceeded from Anzali to Krasnovodsk in order to shore up the success of the White Russians in ousting the Bolsheviks from Ashkhabad. By the end of October the Ottoman Turks had sued for peace and the war in Mesopotamia and Caucasus came to a close. Evacuated by the Turks, Baku descended into further chaos, as the pro-Turkish nationalists now turned against the Armenians, and the soviets and anti-soviets continued their conflict. On

November 7, a revitalized British squadron from Krasnovodsk arrived off Baku, seized the dockyards and the remnants of the Bolsheviks' now Soviet Russia's Caspian fleet and occupied the city **(**Sykes,II, pp. 495-98).

In the spring of 1919 the Soviet fleet at Astrakhan ventured out of the thawing ice of the northern Caspian for the base at Alexandrovsk on the eastern shore of the sea. The British fleet, led by Commodore Norris and supported by air cover, met and sank one-half of the Soviet vessels. With the destruction of the Soviet base on Āšurāda, for a few more months the British ruled the Caspian waves until Britain handed the control of her Caspian navy to the White Russians in August 1919. The British withdrawal from the Caspian Sea, the Soviet occupation of Baku in May 1920, and the rejection of Azarbaijan's application for membership to the League of Nations in the same year doomed any prospect for an independent Azarbaijan (Mirfendereski, pp. 99-102). In Rašt, on 5 June 1920 the leaders of the "Gilān revolution" proclaimed the Persian Socialist Soviet Republic, in which Mirzā Kuček Khan assumed the offices of president and war commissar. He wrote to Soviet leader Vladimir I. Lenin and asked him, in the name of humanity, for Soviet help in cleaning the Persian soil from the English and liberating the oppressed people of Persia. The Soviet navy was already at the scene off Anzali. In the previous month, seeking the remnants of the force commanded by General Anton Denikin, a White Russian, who had taken refuge from Baku, the Soviet fleet had bombarded Anzali (Ramazani, 1966, p. 145; Chaqueri, pp. 240 ff.). This then prompted the British forces near the Caspian to retreat further inland into Persia, thus leaving the Soviets free to takeover Gilān, Māzandarān, and Gorgān. Persia complained to the League of Nations, but the League, speaking through Lord Curzon, resolved to wait for the results of the ongoing bilateral talks between Tehran and Moscow before taking any action (Mirfendereski, pp. 103-11).

The Soviet-Persian talks eventually produced the "Persia and the Russian Socialist Federal Soviet Republic Treaty of Friendship" of 26 February 1921 (League of Nations Treaty Series, IX [1922], no. 268, Eng. text, pp. 401-13, Pers. text, pp, 384-93), which proved to be of constitutional significance to the future of Soviet-Persian relations for the next seventy years, including in the Caspian theater. The treaty's gains for Persia were intended to be tangible and immediate. In Article 3 the Soviets promised to relinquish the port at Anzali, with its improvements, and Āšurāda and other islands on the Estrābād littoral; in Article 11 the parties also recognized the parties' "equal rights of freedom of

navigation on the [Caspian] Sea under their own flags, as from the date of the signing of the [treaty]." When construed with its predicate sentence, which referred to Persia being deprived of having *baḥriya* (lit. navy) on the Capian under the Torkamānčāy Treaty, this provision in the new treaty recognized, arguably in ambiguous terms, Persia's right to have a navy on the Caspian Sea (Mirfendereski, pp. 116-17). In the larger scheme, the Soviet strategic thinking about the Caspian mirrored the Russian imperial policies of the past. In November 1920 Lenin had formulated a decision in which he stressed the necessity for Soviet Russia to pursue the main task of guarding Azarbaijan and securing "possession of the whole Caspian Sea" (Chaqueri, p. 264). This decision was a departure from the earlier Soviet statement in June 1919, in which vessels flying the flag of a "free Persia" would be allowed on the Caspian after the sea "ha[d] been cleared of the ships of the Imperialist free-booters, the English" (Fatemi, 1954, pp. 257-59); it also contradicted a statement made in June 1918, in which the Caspian Sea was referred to as "one of Persia's most ancient possessions," upon which Persian ships should be able to "sail freely" (Chaqueri, pp. 145-47). The bombardment of Anzali by the Soviets in 1920 left little doubt as who would be boss in this sea, the Treaty of Friendship notwithstanding.

The Treaty of Friendship did not diminish Soviet Russia's historical interest in controlling the maritime affairs of the Caspian, from fisheries to security. In its Article 14, Persia promised to enter into a fisheries agreement with Soviet Russia, while recognizing the importance of the Caspian fisheries to Russia, a topic which had been the subject of the longstanding and comprehensive concession granted to Stephan Martinovich Lianozov in the previous century (Mirfendereski, pp. 125-29; see FISHERIES AND FISHING). In terms of security, the 1907 Anglo-Russian Convention had been repudiated by the Soviet regime and the ensuing legal vacuum was filled with a provision in the Treaty of Friendship (Articles 5 and 6), which permitted Russia to invade Persia in the case of threat from Persia against it. Furthermore, concerning the security of the Caspian, under Article 7, Soviet Russia had "the right to require the Persian Government to send away foreign subjects, in the event of their taking advantage of their engagement in the Persian navy to undertake hostile action against Russia" (Mirfendereski, p. 117).

The last of the post-WW II British forces left Persia in May 1921, and around the same time Reżā Khan Sardār(-e) Sepah (future Reżā Shah), the minister of war, ousted the prime minister and assumed the administration of the Persian

state. The Soviet troops left Persia in September 1921 but left behind a cruiser on watch at Anzali. Soon the forces of the central government swept through Gilān and ended the Jangali's hold on the region and its soviet republic, and, on 26 February 1922, Persia ratified the Treaty of Friendship (Chaqueri, pp. 359-63).

The vacuum left behind in the aftermath of the Soviet withdrawal from northern Persia produced a four-power play among Persia, Soviet Russia, Great Britain, and the United States for the rights to drill for oil in Persia's northern provinces. Among the many proposals that were made, one in particular by an American concern, Sinclair Oil, received the nod from Reżā Khan's government. However, the British and Soviet resistance to the project and the murder of the American vice-consul, Major Robert Whitney Imbrie, under suspicious circumstances in Tehran in July 1924, put an end altogether to the northern Persian oil project (Mirfendereski, pp. 119-24).

The Persian-Soviet Fisheries Agreement of 1927 (see British and Foreign State Papers, CXXVI [1927], pt. 1 [1932], pp. 947-53), which greatly favored the Soviet interests (Millspaugh, p. 175; Mohammad Reza Shah Pahlavi, p. 199; Mirfendereski, pp. 125-29), required the assistance of the Persian government in order to police the maritime area of the southern Caspian littoral against poaching and contraband and to maintain security of the fishery installations and storehouses. This required a Persian maritime police force. Already in 1924, in an effort to fight contraband and fend off the Turkman raids on the coast of Māzandarān, Persia had purchased in Germany a gunboat, but was not permitted by Soviet Russia to have it proceed to Anzali by way of the Volga. Instead, the Soviets offered to place a Soviet vessel at the service of the Persian government for the purpose. Following an attempt to outfit a naval contingent from a few local fishing boats, in 1928 the Persian government placed an order in Italy for three naval vessels, which were delivered in pieces to Persia by way of the Persian Gulf in 1932 and assembled on the shores of the Caspian shortly thereafter. Regardless, in April 1933, a Soviet squadron appeared off the coast of Gorgān and seized a number of Persian fishing boats and their crew, apparently to remind the Persian government of its limitations (Mirfendereski, II, pp. 135-38).

The Treaty of Friendship had provided for equal freedom of navigation for Persia and Soviet Russia, even though the Persian maritime and naval capabilities to venture beyond its immediate coastal waters were very limited. Nevertheless, the legal equality of the parties with respect to navigation in the

Caspian was incorporated repeatedly in the general Persian-Soviet agreements on commerce and navigation in 1931, 1935, 1940 (British and Foreign State Papers, CXXXIV [1931] [1936], pp. 1027-49; idem, CXXXIX [1935] [1948], pp. 554-74; idem, CXXXXIV [1940-42] [1952], pp. 419-34). In the first of these agreements (signed 27 October 1931) the parties provided the following regime with respect to the Caspian: (1) equal and national treatment of the vessels of the other while in its Caspian waters and ports, (2) reciprocal rights of cabotage (4) a ten nautical mile-wide coastal belt dedicated for exclusive fisheries by the nationals of the abutting country, and (5) equal and mutual recognition of the validity of each other's shipping certificates (Mirfendereski, pp. 139-40). The foregoing notwithstanding, the Soviet Russia's continuing preoccupation with the security of the Caspian Sea was addressed in the agreement's declaration that "only vessels belonging to the USSR and Persia shall be present anywhere in the entire Caspian Sea" (quoted in Mirfendreski, p. 139) and the two countries' nationals and commercial and transportation companies were free to navigate under their respective Soviet or Persian flag. The Soviet preoccupation with the activities of third-country nationals on the Caspian littoral was addressed in two separate instruments. In the agreement itself, each party agreed to employ only its own nationals on board of its Caspian vessels, and, in an exchange of diplomatic notes (27 October 1931; British and Foreign State Papers, CXXXIV, p. 1045), Moḥammad-ʿAli Foruḡi, the Persian foreign minister, promised the following in writing: "In view of the fact that the Caspian Sea, which is considered by our two Governments as a Persian and Soviet sea, has an exceptional interest for U.S.S.R., I have the honor of informing that my Government will take the necessary measure to assure that nationals of third countries, who are in service in the Persian ports of this sea, do not make use of their sojourn in these ports for ends exceeding the scope of the duties with which they are charged by my Government" (tr. from French and quoted in Mirfendereski, p. 140).

The next commerce and navigation agreement (signed, 27 August 1935) between Persia and the Soviet Union, incorporated verbatim the aforementioned provisions of the earlier agreement with respect to the parties' equal rights as to transportation, navigation, and exclusive fishery zones in the Caspian. In an exchange of diplomatic notes (27 August 1935; British and Foreign State Papers, CXXXIX, p. 574), the Soviet ambassador at Tehran wrote to the Iranian foreign minister: "Given that the Caspian Sea, which is considered by the two governments as a Soviet and Iranian sea, is of exceptional value, it is understood that the two governments will take the

necessary measures to which end nationals of third countries in their service in the ports of this sea do not use their stay there for purposes going beyond the scope of the functions with which they are charged" (tr. from French and quoted in Mirfendereski, p. 140).

The exchange of notes in 1931 had spoken of the special interest of the Caspian to the Soviet Union and had committed Persia to mind the employment activities of third-country nationals in its Caspian ports. In the 1935 agreement the importance of the Caspian Sea was recognized as to both governments and each presently undertook to mind the activities of third-country nationals with respect to the interests of the other. This exchange of notes lent greater significance to the predicate that the sea was "a Soviet and Iranian sea" (Mirfendereski, p. 141). Symbolic of this attitude was the permission granted by the Soviet Russia for the Iranian cruiser Šahsavār, albeit an unarmed vessel, to pass through the Volga and arrive in Bandar Pahlavi (previously Anzali) in 1937 (Mirfendereski, pp. 141-42).

The third and last of the commerce and navigation treaties between Iran and the USSR was signed on 25 March 1940, in the opening year of WW II. The provisions of the earlier agreements about the Caspian Sea were incorporated into the new agreement. Similarly, in an exchange of notes (25 March 1940), the Soviet ambassador at Tehran restated his government's view that the two countries not allow third-country nationals in their respective Caspian service to engage in activities inimical to the interest of the other. Predicating his note, the ambassador referred to "the special importance of the Caspian Sea for both parties, which they consider as an Iran and Soviet sea" (quoted in Mirfendreski, p. 142). The British foreign office's translation of this note equated the phrase "which [sea] they consider as an Iran and Soviet sea" with "which [sea] the high contracting parties hold to belong to Iran and to the Soviet." Arguably, the latter translation, using the word "belonging," admitted into the Iranian-Soviet regime of the sea an element of joint ownership, which heretofore was not subject of any specific, separate, or formal undertaking or agreement (Mirfendereski, p. 142). This commerce and navigation agreement became indefinite by its own terms in 1943, however, while Persia/Iran was occupied by the Allied forces during WW II.

One year into the invasion of Poland, the German and Soviet representatives met in Berlin on 12-14 November 1940 in order to discuss their differences over the control of the Balkans and Central Europe. While they could not agree on either region, Germany agreed to recognize the Soviet territorial

aspirations south of the Soviet Union in the direction of the Indian Ocean. On 26 November, Moscow let the Germans know that it expected the area south of Batum, on the Black Sea, and Baku, on the Caspian Sea, in the direction of the Persian Gulf, be recognized by the Germans as the focus of Soviet aspirations (Sicker, p. 55).

The German army invaded Soviet Russia on 22 June 1941. A few days later Iran reaffirmed its neutrality, but it was no comfort for the Soviets who let it be known to Reżā Shah that Moscow would not sit idly by as Iran became a German base (Fisher, p. 488). In consequence of the Iranian obfuscation in the face of adamant Soviet demands for the expulsion from Iran of the nationals of the Axis Powers, in particular the Germans, the Soviets invoked the self-defense provision of the Treaty of Friendship and readied to move into Iran. In the predawn hours of 25 August 1941 the Soviet and British forces invaded Iran, from the north and south (Sicker, pp. 55-57; Fatemi, 1954, pp. 188-90). The Soviet naval and air units in the Caspian bombarded the Iranian coast and in no time seized and carried away the Iranian naval assets, except the imperial cruiser *Šahsavār* (Rasā'i, pp. 422-23; Yakrangiān, pp. 320-21; Mirfendereski, pp. 153-54). This attack by the Soviets inaugurated yet another chapter in the occupation and administration of Iran's Caspian littoral from Āstārā to Gorgān by the traditional enemy from the north. The Soviets set up a military government in Bandar Pahlavi, with a post on Āšurāda, indulged in communist propaganda, policed the occupied territories, established no-sail zones in the lagoons and the sea, felled trees and built roads, and generally gave every indication of a more permanent presence in the post-War period (Mirfendereski, pp. 157-59).

The Soviet Union's post-WW II presence in Iran lingered past the cessation of hostilities in Europe and Japan and contniued into 1946 until President Harry S. Truman of the United States sent an ultimatum to Joseph Stalin, calling for the Soviet evacuation (Ramazani, 1975, pp. 138-39). By September 19, the Soviets surrendered the port of Bandar Pahlavi, Āšurāda, and the sequestered Iranian naval assets back to Iranian control. (Mirfendereski, p. 162). In the 1950s Iran and the Soviet Union entered into a number of good neighborly agreements, two of which affected the Soviet-Iranian boundaries in the Caspian littoral. In the Settlement of Frontier Agreement (2 December 1954; United Nations Treaty Series, CDLI [1963], no. 6947, pp. 250-66), the parties fixed the terminus of the land boundary on the western coast of the Caspian where the Āstārāčāy River reached the sea, and set the start (or continuation)

of the land boundary on the eastern shore at a point 2.2 km south of the Soviet Fisheries Station No. 1 on the Ḥasanqoli Bay. By this agreement (Article I) the parties agreed that "all questions relating to the line of the State frontier between Iran and the Union of Soviet Socialist Republics throughout its entire extent are now settled and that the Parties have no territorial claims against each other" (quoted in Mirfendereski, pp. 165-66).

The agreement entered into force on 20 May 1955. In the next month, Iran enacted its continental shelf legislation, which excluded the Caspian from its application, providing instead that the exploration and exploitation of the Caspian's continental shelf had been and would continue to be determined in reference to the international law principles relating to [geographically] enclosed seas. (Mirfendereski, pp. 165-66).

On 14 May 1957 Iran and Soviet Union signed the Frontier Agreement (United Nations Treaty Series, CDLVII, [1963], no. 6586, pp. 212-260), which confirmed the boundary established in the Settlement of Frontier Agreement, as demarcated by the mixed Soviet-Iranian commission in April 1957 (Part 1, Article 1). The protocol to the agreement (14 May 1957; United Nations Treaty Series, CDLVII, pp. 246-250) identified the mark No. 144 on the frontier as the place where Āstārāčāy River reached the sea, followed by mark No. 145, which identified the point south of the Soviet Fisheries Station No. 1, where the land boundary resumed eastward on the Ḥasanqoli Bay (discussed in Mirfendereski, p. 168). Because the connections between the sequential marks were made in straight lines, arguably the agreement codified the Soviet-Iranian maritime boundary as a line extending from the mouth of Āstārčāy to the point 2.2 km south of the Soviet Fisheries Station No. 1 in the Ḥasanqoli Bay. (Maḥmudzāda, pp. 182-83; Mirfendereski, pp. 167-68, 177-78).

The 1957 Frontier Agreement did not enter into force until 20 December 1962, due to the chill in Soviet-Iranian relations. In the interim, according to a handful of anecdotal evidence, a presumption indicated the Āstārā-Ḥasanqoli line as the customary Soviet-Iranian maritime boundary in the Caspian. They included the 1935 order of the Soviet Union's people's commissary for internal affairs (Vinogradov, p. 21), limitation on Persian naval proceedings in the Caspian (Mirfendereski, pp. 141-42), Soviet exploitation of oil and gas deposits off Baku unopposed by Persia, and a provision in an exchange of notes between Iran and the Soviet Union (15 September 1962) arguably affirming the Āstārā-Ḥasanqoli line as boundary (Mirfendereski, p. 169).

The anecdotal evidence from the period between December 1962 and the time of demise of the Soviet Union in 1991 further evidenced the aforementioned Soviet-Iranian regime as to definitive limits to each country's area of national jurisdiction in the Caspian. These included the continuing Soviet exploitation of the offshore hydrocarbon deposits in the 1950s, Soviet and Iranian zones (1964) over the Caspian for transmission of aviation information (Djalili, p. 133), details of the proceedings of the Iranian naval cruiser *Šāhroḵ* from Europe to Bandar Pahlavi by way of the Volga in 1969 and its state visit later to Baku in 1971, the arrest of a Soviet naval unit straying into Persian waters in 1969 (Mirfendereski, pp. 172-73), description of the Soviet-Iranian maritime boundary in an authoritative survey of the Caspian Sea by Kamāl Maḥmudzāda (pp. 182-83), description of Soviet-Iranian limits by Harvey Smith et al. (p. 307), and the Soviet Union's establishment of lines of delineation of the water space (1970) and borders (1982) among its Caspian republics, and the 1991 delineation of SSR Azarbaijan's area of offshore oil and gas zone (Mirfendereski, p. 178).The demise of the Soviet Union in 1991-92 opened up the heretofore exclusive bilateral Soviet-Iranian diplomacy over the Caspian Sea to the competing interests of five countries, namely, the Russian Federation, whose frontage on the Caspian is shared by its constituent republics of Russia, Kalmukia and Daghestan; Kazakhstan; Turkmenistan; Iran and Azarbaijan. While concerns over the fisheries and the environmental health of the sea are important, from the start of the new order the future exploitation of the hydrocarbon deposits of the Caspian took center stage. Two broad positions came to dominate the early debate, joint exploitation of the sea for the equal benefit of each riparian country or delimitation of individually defined areas of the sea. The joint-exploitation argument was espoused by Russia and Iran, whose offshore prospects were dim at the time. It found its strongest international expression in the form of a letter from the Russian Federation to the United Nations Secretary-General, whose annex, entitled "Position of the Russian Federation regarding the Legal Regime of the Caspian Sea," declared that all utilization of the sea's resources "must be the subject of concerted action on the part of all States bordering the Caspian." Any unilateral action by a Caspian country, the declaration warned, would not be recognized by the Russian Federation, which reserved the right to take appropriate measures to counter it (UN Doc. A/94/475, 5 October 1994).

The debate regarding the division of the Caspian resources and seabed became a two-track pursuit. On the one hand, countries like Turkmenistan and Azarbaijan moved to secure their interest in the offshore areas by means of

domestic legislation: Turkmenistan adopted a 12-nautical mile territorial sea legislation in 1992, and Azarbaijan's 1995 Constitution defined the territory of the republic to include the "Caspian Sea (Lake) sector relating to the Azarbaijan republic," which it did not define with any specificity (Mirfendereski, pp. 190, 193). At the same time, the division of the Caspian was pursued in discussions over the various draft conventions proposed by the Caspian countries (Mirfendereski, pp. 191-94). Two inherently irreconcilable views held by Iran doomed the talks as it was not clear whether its policy of seeking a co-equal share of 20 percent of the sea was to be achieved by a geometric division of the seabed or an arithmetic division of the totality of the sea's resources regardless of location (Mirfendereski, p. 197).

By July 1998, the idea of joint exploitation of the resources was abandoned by all in favor of dividing the Caspian seabed into national sectors. Russia and each of the former Soviet republics on the Caspian agreed (Turkmenistan-Kazakhstan communiqué of 1997, Russia and Azarbaijan agreement of April 1998, Russia-Kazakhstan agreement of July 1998) on the geometric division of the sea on the basis of the application of a median-line, in the manner of traditional delimitation of sea boundaries, but subject to modification in each case in order to take into account any historical or special circumstances. Iran continued, however, to espouse the vague notion of a "just and equal" share of the Caspian, which its foreign minister restated in Āstāna in August 1998 and again in a television interview in Tehran in December (Mirfendereski, pp. 194-99).

The view that Iran is entitled to 20 percent of the sea, or fifty percent of it, as argued by some, derived from the assumption that the sea was a "Soviet and Iranian sea" on an equal basis as evidenced by the various provisions in the Treaty of Friendship and various commerce and navigation agreements (Herzig, pp. 40-41). Logically, the division of the sea in the aftermath of the dissolution of the Soviet Union, therefore, should be arguably on a fifty-fifty basis, one half belonging to Iran and the other half to be divided among Azarbaijan, Russian Federation, Kazakhstan and Turkmenistan, the successors-in-interest of the Soviet Union's one-half share of the sea. On the other hand, as the four former Soviet republics were regarded by the Soviet Union as separate "states" under international law, another viewpoint argued that the interest of each of them and Iran would be one-fifth or 20 percent of the whole of the Caspian. The Iranian foreign minister, in December 1998, signaled Iran's readiness to accept 20 percent of the sea (Mirfendereski, p.

199).

The future of Caspian diplomacy on the delimitation of the areas of maritime jurisdiction or boundaries will produce, if at all, one of four possible results for Iran: (i) recognition by Iran of the Āstārā-Ḥasanqoli line as its boundary in the sea, enclosing one-seventh of the Caspian coastline by means of a 700-km line which, at its widest range, falls some 60-70 miles out to sea from the Iranian coast; (2) modified median-line by which Iran may gain an area slightly more than it is suggested by the Āstārā-Ḥasanqoli line; (3) 20 percent of the seabed adjacent to its coast; or (4) another boundary established either by negotiation, adjudication/arbitration, and/or armed conflict. The likelihood of armed conflict was tested in August 2001 when the Azarbaijani and Iranian forces flexed their muscle over the exploration of an area off Baku which Iran also claimed, an event which prompted Russia to recommit itself to the deployment of a muscular naval fleet in the Caspian. Regardless of boundary issues, there are still many outstanding common issues with respect to fisheries, coastal erosion, pollution and sanitation, maritime trade and safety, security, general navigation and aviation, which the Caspian countries could begin and have begun to address, independent of any modus vivendi arrived at with respect to the physical division of the seabed along functional/jurisdictional or ownership lines.

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September 14, 2004