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# The Caspian Sea
## Legal Status and Regime Problems

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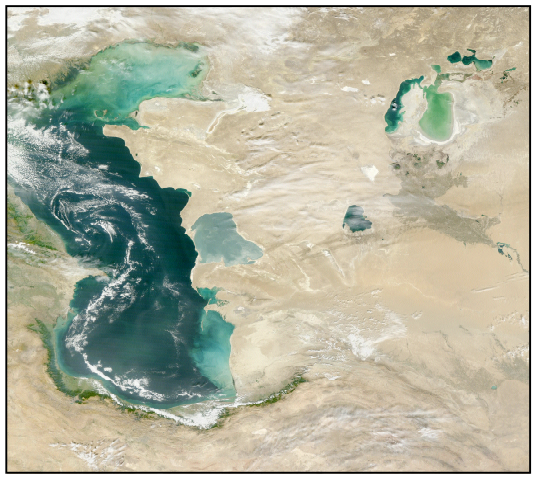

## Summary

- The competing political and economical interests of the Caspian coastal states after the dissolution of the Soviet Union resulted in a prolonged, fruitless dispute over the definition of the legal status and regime of the Caspian Sea.
- Different legal interpretations of the existing Soviet–Iranian treaties led to difficulties over the rules of public international law applicable in the Caspian case.
- If the Caspian is a 'sea' in legal terms, the United Nations Convention on the Law of the Sea of 1982 would be applicable. If, on the other hand, the Caspian is a 'lake' in legal terms, then customary international law concerning border lakes would apply.
- Another legal solution considered by the negotiating states was that of 'condominium' – viz common use of the Caspian Sea by all coastal states.
- In legal terms, however, the Caspian Sea does not seem to be a sea, a lake or a condominium. Its final legal status needs to be determined by unanimous agreement among all the littoral states.

## Introduction

For almost a decade many bilateral and multilateral negotiations have taken place between Caspian Sea states in attempts to build a viable new legal framework for this water basin. The littoral states, which previously had quite divergent views on what kind of legal space it was and how best to use its resources, now seem more willing to make efforts to cooperate successfully in different areas. This paper will consider the difficulties inherent in establishing the legal status of the Caspian Sea. It will also underline the need for consensus among the larger number of littoral states in a post-Soviet world.

It is important for proper comprehension of this paper to draw a distinction between 'legal status' and 'legal regime'.[1] While the legal status of a particular area dictates which state the area belongs to (for instance, a territorial sea), or which areas are not subordinated to the sovereignty of any state (for instance, the high seas), the concept of a legal regime includes the entirety of state rights and obligations regarding the use of this sea area. The newly signed Framework Convention for the Protection of the Marine Environment of the Caspian Sea is, for instance, classified as a regime issue. This paper does not discuss issues relating to the legal *regime* of the Caspian Sea, but concentrates on deliberations concerning the *status* of this water basin.

## Background

The Caspian Sea is the largest completely enclosed body of salt water in the world and constitutes a particularly fragile ecosystem. It contains great fishery resources, including 90% of the world's stock of sturgeon, as well as vast oil and gas deposits in the subsoil. It is crossed by important transportation routes connecting Europe and Central Asia. For much of the twentieth century it was the exclusive domain of Iran and the USSR, with the latter enjoying naval dominance. With the collapse of the Soviet Union the geopolitical situation in the region changed significantly. Instead of two there are now five riparian states – Russia, Iran, Azerbaijan, Kazakhstan and Turkmenistan – each filing differing legal claims.

The Caspian Sea is unique in many respects – environmental, economic and geopolitical – which is why the dispute over its legal regime raises numerous problems that touch upon major areas of international law (law of treaties, law of the sea, environmental law, state succession, etc.). The complexity of this issue, which is of both political and economic importance, constitutes an immense challenge. This paper does not try to offer a 'correct' solution to the dispute about the current and future status of the Caspian Sea, which lies solely in hands of the riparian states. Instead, it aims to present and assess a range of possible solutions from the perspective of international law.

## The question of legal status

The current legal status and regime of the Caspian Sea are based both on the Soviet–Iranian treaties concluded in the first part of the twentieth century and on earlier state practice and agreement. The first such treaty, on the demarcation and cession of certain territories, was the Treaty of Resht (1729) concluded between the Russian and the Persian empires, which provided for freedom of commerce and navigation.[2] It was followed by the Golestan Treaty (1813)[3] and the Turkomanchai Treaty (1828),[4] which provided Russia with the exclusive right to have a naval fleet in the Caspian Sea.[5] In 1917 the Soviet government drew up a new agreement with Persia, which declared that all previous international agreements between them were abrogated. The Treaty of Friendship between the Russian Socialist Federal Soviet Republic (RSFSR) and Persia (26 February 1921)[6] became the basis for bilateral relations between the two states; however, except for the restoration of Persia's equal rights of navigation it did not specifically address the issue of the legal regime of the Caspian. Natural resources were mentioned only in connection with the renewal of fisheries agreements.[7]

During the 1930s, increasing navigation and fishing in the Caspian Sea resulted in bilateral negotiations to develop the existing legal framework. On navigational issues, the 1935 Treaty of Establishment, Commerce and Navigation between Iran and the Union of Soviet Socialist Republics[8] was replaced in 1940 by the Treaty of Commerce and Navigation.[9] Both treaties reserved navigation (military and commercial) as well as fishing rights in the Caspian Sea for Soviet and Iranian vessels and other vessels flying their flags. They therefore excluded third states from the Caspian Sea and restricted the rights of innocent passage of ships of these other states.[10] Nationals of third states were not even allowed to be crew members or port personnel.[11] Both the 1935 and 1940 treaties provided for freedom to fish for both states in the entire Caspian Sea, except within a 10-mile zone along their respective coasts.

Other activities such as marine scientific research, oil and gas exploration, and drilling in the areas adjacent to the coast are mentioned in the 1940 treaty but in a highly unclear way. Iran agreed to grant to the Commercial Agency and economic organizations of the USSR on its territory 'the right to set up petrol pumps in Iran and to construct petroleum storage depots and other buildings necessary for dealing in petroleum and its products', in conformity with existing laws and regulations in Iran.[12]

However, the coastal states have never resolved the issue of the boundary line in the Caspian Sea. An Exchange of Notes attached to the 1940 treaty includes only one clear expression referring to an international instrument of the condominium, that the Caspian Sea is 'regarded by both contracting parties as a Soviet and Iranian Sea'.

In 1991, after the disintegration of the USSR, three newly independent Caspian states – Azerbaijan, Kazakhstan and Turkmenistan – challenged the legal validity of the Caspian treaties,[13] which had remained uncontested legally, either by the international community or by any of the signatory states, for several decades. The renunciation of the existing, though still incomplete, legal regime of the Caspian Sea was linked to the question of the newly independent states' legal succession under the Vienna Convention on Succession of States in Respect of Treaties (1978). This provids that in cases of separation of parts of a state, any treaty in force at the date of the succession of states stays in force unless the states agree otherwise.[14] Thus in the Caspian Sea case, the rights and obligations of the predecessor state – i.e. the former Soviet Union – and its successors arising from international legal acts are equally binding on both. This was also affirmed by the Declaration of Alma-Ate (1991), wherein newly independent states committed themselves to fulfil the obligations deriving from the treaties and agreements concluded by the former Soviet Union.

## A new set of principles?

Consequently, on the basis of the Soviet–Iranian agreements and regional customary law, the current legal principles governing the Caspian Sea no longer appear sufficient to deal with the new complex of political, economic and environmental problems. Existing treaties have too many omissions or are partly obsolete.[15] This would suggest the need for a new set of provisions regarding the Caspian's legal status. Until now there has only been one agreement accepted by all the littoral states, i.e. the Framework Convention for the Protection of the Marine Environment of the Caspian Sea. So far, however, negotiations between the interested states have failed to achieve agreement on a new international legal status for the Caspian Sea, thereby opening the way for unilateral action.

There are a number of important questions here. What should be the legal status of the Caspian Sea from the point of view of international law? How far does the riparian states' sovereignty extend? Which states are entitled, and to what extent, to use the Sea and its natural resources? Finding the right solutions will be very difficult, if not impossible. As mentioned earlier, regulation of the future status of the Caspian falls exclusively within the competence of the riparian states. However, given the great number of often contradictory legal opinions on its status, it seems that, rather than looking for new future regulation, it would be more rational try to assess the compatibility of every option with current international public law doctrine. Because there have been no agreed state practice or clear treaties on the Caspian's status, no one should claim the correct and definite 'recipe' on this issue.

## A sea or a lake?

The rules of public international law that are applicable to the Caspian's legal status depend primarily on the legal character of this body of water. How the Caspian Sea is regulated will therefore depend on its legal classification and the accompanying body of law. If the Caspian Sea is a 'sea' in legal terms, the United Nations Convention on the Law of the Sea (UNCLOS) of 1982 would be applicable. If, on the other hand, the Caspian Sea is a 'lake' in legal terms, then customary international law concerning border lakes would apply. Unfortunately, the Caspian does not appear to fall into either category. It is therefore necessary to take into consideration its historical, geophysical and legal peculiarity in deciding whether it is an international lake or an enclosed sea.

If the Caspian Sea were classified as a 'sea', according to the UNCLOS provisions, the following regime would apply. Each littoral state would have a 'territorial sea' with a breadth not exceeding twelve miles, an exclusive economic zone not exceeding 200 miles and a continental shelf. Bearing in mind, however, that the maximum width of the Caspian Sea does not exceed 200 miles, Article 15 of UNCLOS mandates that the territorial sea of states with opposite or adjacent coasts must not extend 'beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the [two] States is measured'. If, considering the channel connections between the Caspian and Black Sea and Caspian and Baltic Sea, the Caspian Sea were recognized as a sea, the three newly independent states, as land-locked states, could claim the right of access to the high seas under Articles 69 and 124–132 of UNCLOS.

However, even if the Caspian were to be recognized as a sea, which is geographically not the case, UNCLOS could not be used to determine coastal states' rights and duties.[16] First, out of all of the Caspian riparian states only Russia has ratified the Convention, and Part IX of UNCLOS concerning enclosed or semi-enclosed seas was not regarded as customary international law.[17] Secondly, the proposal to include 'a small body of inland water' connected to the open sea by one or more narrow outlets, which was how the Caspian could be seen, was not even discussed in relation to Part IX of UNCLOS. The Soviet Union,[18] as well as Iran,[19] accepted this international interpretation of enclosed and semi-enclosed sea.

Finally, even if Part IX of UNCLOS could be regarded as customary international law, difficulties would remain in applying it to the Caspian Sea case. In its commentary on Article 26 of the 1956 draft Convention on the Law of the Sea, Part II (the High Seas), the International Law Commission stated that:

> some large stretches of water, entirely surrounded by dry land, are known as 'lakes', others as 'seas'. The latter constitute internal

> seas, to which the regime of the high seas is not applicable. Where such stretches of water communicate with the high seas by a strait or arm of the sea, they are considered as 'internal seas' if the coasts, including those of the waterway giving access to the high seas, belong to a single state. If that is not the case, they are considered as high seas. These rules may, however, be modified for historical reasons or by international agreement.[20]

Although the Caspian Sea is connected with the Black Sea through a navigable channel, the Don-Volga river system is not a salt-water body,[21] and transit depends exclusively upon the permission of the affected states, which is acknowledged under customary international law.[22]

In view of the above, the Caspian Sea may have to be treated as a transboundary lake, not as a sea.[23] The international lake is a lake that is surrounded by the territory of various states. Use of the waters of border (international) lakes is regulated by the international agreements of border states, which determine the lines of state borders, right of navigation, and terms of use of waters for non-navigation purposes. According to another opinion the aforementioned criteria are fully applicable in respect of the Caspian Sea, and therefore the Caspian Sea should be recognized on a treaty/legal basis as a border (international) lake.[24]

The main, but not exclusive, argument in favour of recognition of the Caspian Sea as an international lake might be historical indications on its delimitation. The basis for such delimitation might be Article 3 of the 1921 Treaty, providing for the establishment of special commissions for final resolution of the issue of the use of border waters and for resolution of all disputed border and territorial matters. However, only one mixed commission, set up in 1954 and known as the Siyakh Lavrentyev Commission, was successful. It led to the Soviet–Iranian treaty of 14 May 1957 on the border regime and mechanisms for the reconciliation of border conflicts and incidents between the two countries.

Secondly, the USSR began exploitation of the Caspian's oil and gas resources as early as the 1950s.[25] From the nineteenth century the land border ran along the southern part of the Caspian, from Hasankuli[26] to Astara.[27] Only in 1940, in accordance with the Soviet–Iranian Treaty of Commerce and Navigation, which determined a 10-mile fishing zone along the Caspian, was this coastal border line along the south part of the Caspian annulled.

In the absence of an international convention regarding international lakes, apart from those that are part of an international watercourse, international custom appears to be the primary source for establishing the Caspian Sea's legal regime. State practice supports this view that the international boundaries dividing the waters are usually well-established. The practice of delimiting lakes between riparian states shows that lakes are divided so that each coastal state has exclusive sovereignty over the biological and natural resources, water surface and shipping in its national sector. The most popular principles for delimitation of international lakes are: thalveg, coastal line and middle line (median). The thalveg is usually applied to border rivers,[28] and relatively seldom to international lakes.[29] The coastal line principle was mostly applied in a period of colonization of tropical countries and later often replaced by middle line.[30] Invariably, in international practice the principle of geographical middle line[31] and approximate (formal) middle line were most frequently applied. However, for the Great Lakes in North America, tree different kinds of borderlines have been established.[32]

In addition, in international law there are cases of lake borders determined by astronomy,[33] straight line[34] and, in some cases, land boundaries[35] or historical borders.[36] A modified border was applied for the first time in the Russian–Kazakh treaty of 6 July 1998.[37]

Thus there are many different ways of dividing international lakes. This is confirmed by one juridical opinion: 'Delimitation of lakes sometimes referred to the median line of the middle of the water, sometimes to the thalweg, and sometimes followed the banks of the lake or did not purport to be based on any method.'[38] This is why it is difficult to predict which of the known delimitation concepts the riparian states would apply to the Caspian Sea.

With regard to the Caspian's peculiarities, one could say that it is a border lake *sui generis*, i.e. a lake with a special international legal status and regime which could be called a border lake without access to another reservoir (sea or ocean).[39] However, given its specific legal position in previous Soviet doctrine, it does not seem possible to subordinate the Caspian entirely to principles established for international lakes. The idea of its being a closed Russian–Iranian sea in legal terms had already been put forward in Russia's note of 26 June 1919 to the Persian government confirming that, after the withdrawal of English ships, the Caspian Sea would be declared open for navigation by ships sailing under the Persian flag.[40] The first official notes exchanged between the USSR and Iran in Pechlevi harbour in 1927 clearly expressed a similar view.[41] The same statement was also included in the treaties of 1935 and 1940, where the contracting states agreed to treat each other's vessels in a non-discriminatory manner in Caspian ports, but reserved coastal trade only for national vessels which were granted navigation rights on the Caspian.

All of these agreed restrictions on freedom of navigation confirm that the socialist concept of *mare clausum* was applied to the Caspian Sea. Until recently, this socialist doctrine represented an approach based on the theory of 'community of interests' among the riparian states, which are connected with the open sea by a waterway leading exclusively to their respective territories. This is different from the status of the semi-enclosed seas. Given their special geographical conditions, the coastal states could probably claim some special juridical status for such seas.[42] This argument confirms that the Caspian Sea was regarded in Soviet doctrine as a semi-enclosed sea.

Thus, neither UNCLOS nor provisions regarding

international watercourses seem fully to determine the status of the Caspian Sea, although they did include provisions that could, in part, be used to establish a new legal framework for this body of water.

## The question of 'condominium'

Throughout the history of negotiations over a new legal status for the Caspian Sea, Russia and Iran supported the position that the Sea was governed by a condominium regime.[43] However, from the point of view of current international legal practice neither the provisions of the treaties determining its current status nor the prior existing practice of these two states seem to justify such a position. Nor has international law more generally supported the presumption of a condominium regime. There are only a few such unchallenged cases,[44] including Schleswig-Holstein and Lauenburg (1864–6),[45] Sudan (1898–1955)[46] and the New Hebrides (1914–80).[47]

A fundamental statement of the essential conditions necessary for the existence of a condominium regime on an international lake is to be found in the Lac Lanoux arbitration between Spain and France in 1957. The International Court of Justice dealt with Spain's challenge to a proposal from the French government authorizing the building of a hydroelectric power plant utilizing water regularly used by Spanish farmers.[48] Spain considered the French initiative to be a violation of its rights of prior consultation, required if any activity was likely to harm a shared water resource. This could not be decided without a judgment on whether there had been a governing condominium regime or states' sovereignty regime.

The Court concluded that there was a presumption of territorial sovereignty. It argued that:

> restriction on the sovereignty of a state … could only be admitted if there was clear and convincing evidence. International practice does reveal some special cases ... conjointly jurisdiction over certain territories (joint-ownership, co-imperium, or condominium); ... conjointly a certain jurisdiction in the name of those States or in the name of organizations. But these cases are exceptional.[49]

Furthermore, the Court stated that a 'right of veto ... which at the discretion of one state paralyses the exercise of the territorial jurisdiction of another' was seen as prohibited.

Thus, in assessing whether the view taken by Russia and Iran regarding the Caspian Sea as a condominium is justified, the Lake Lanoux case requires the clear agreement of the littoral states regarding the establishment of the condominium regime. In the case of the Soviet Union and Iran, as already mentioned, neither treaties nor state practice have fulfilled this condition.

First, the treaties of 1921 and 1940, which formed the basis of bilateral relations between the two states, did not specifically address the issue of the legal regime of the Caspian. As indicated earlier, only natural resources, military and commercial navigation, freedom to fish in the entire Caspian Sea were regulated, and there were many omissions in the treaties. Other activities such as marine scientific research were not mentioned at all, nor was the question of the boundary line in the Caspian Sea.

Secondly, in 1935 a secret order issued by NKVD head Genrikh Yagoda divided the Caspian in two along the Astara–Gasan–Kuli line. On all Soviet maps, this became the state boundary of the USSR, although it was never recognized in international law. In 1949 the USSR began offshore drilling in Neftianye Karnoi without any confrontation with Iran. In the 1950s Iran did the same along its own shore without consulting the USSR. Moreover, the official publications of both countries state that the reserves in the Caspian seabed where it touches their shorelines belong to the country in question. In 1970 the USSR Ministry of Petroleum, guided by its own bureaucratic interests (mainly the need to each predict the republic's hydrocarbon reserves), divided the seabed of the 'Soviet' part of the Caspian into sectors, which it assigned to each union republic. A median line was used as the basis of this division, but no list of geographical coordinates of points, specifying the geodetic data of the limits, was provided.

An additional case cited when examining the condominium regime in international law is the Lake Constance case, decided by the German Empire Court in Criminal Matters on 23 September 1923. The Court regarded the legal position of this lake as controversial, depending on whether it was subject to a condominium regime or the median line was the frontier. The Court concluded that the general rule of international law did not support the notion of condominium.[50]

## Conclusions: which approach?

The weight of the above arguments suggests that the Caspian Sea is not governed by a condominium regime. It also does not appear to be a sea, so the United Nations Convention on the Law of the Sea does not apply. Nor does it seem to be an international lake. Thus which legal concept should be applied to successfully define the legal status of the Caspian? It is clear that there are great difficulties in resolving this issue.

One solution may be the model of a joint development approach, as exemplified in the two agreements between Japan and South Korea which constitute the only officially announced boundary settlement in the northwest Pacific region.[51] In 1974, after six years of negotiation, agreements were concluded between the two countries regarding exploration rights in overlapping zones.[52] The first agreement created a joint development zone in the area of the overlapping claims. It was divided into nine sub-zones, which were to be developed by concessionaires appointed by each country. The concessionaires were required to reach agreements among themselves, later to be approved by the states, and the laws of each country apply to its

concessionaires, if the latter are the operators. The parties can terminate this agreement by mutual consent if the development zone is no longer regarded as exploitable. The second agreement delimits a continental shelf boundary along an equidistant line. These joint development agreements do not settle any maritime borders between Japan and South Korea and are a way of finessing the situation. However China has constantly regarded them as a violation of its rights.[53]

Ideally, the legal status of the Caspian Sea should be determined by unanimous agreement among all the riparian states. During the early 1990s, all consultations were conducted at the level of state representatives but they were unsuccessful. Later, the negotiations shifted to the bilateral level.[54] Nevertheless, it will not interfere with the process of reaching an agreement on the legal status of the Caspian if treaties are concluded on other matters concerning its legal regime.[55] The first such example is the Framework Convention for the Protection of the Marine Environment of the Caspian Sea, concluded in November 2003 between all five Caspian coastal states.

A number of points emerge from this analysis.

1. The existing treaties on the Caspian Sea, concluded before the dissolution of the Soviet Union, create a legal framework for the Caspian region and remain binding for all Caspian states until they are changed by their common consent. However, they have many omissions or are partly obsolete.

2. Even if the Caspian were to be recognized as a sea, UNCLOS would not apply to it, because only Russia has ratified it, and its provisions regarding enclosed or semi-enclosed seas were not regarded as part of customary international law.

3. The historical evidence suggests that the Caspian could be designated an international lake. This would lead to the application of one of the international principles of the division of international lakes. However, with regard to the specific legal position of the Caspian Sea in the previous Soviet doctrine, it does not seem possible to subordinate the Caspian entirely to principles established for international lakes.

4. Throughout the history of negotiations over a new legal status for the Caspian Sea, Russia and Iran supported the position that it was a condominium regime. However, from the point of view of current international legal practice neither the provisions of the treaties determining its current status nor the prior existing state practice between the Soviet Union and Iran seem to justify such a position.

5. One possible solution to the dispute over the Caspian's legal status could be a model of a joint development approach, as exemplified, for instance, in the agreement between Japan and South Korea.

What remains beyond dispute is that the Caspian Sea is a water basin surrounded by five sovereign states, which must determine its legal status. After the benefits for each of these states are taken into account, such a decision needs to be unanimous.

## Endnotes

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6 League of Nations Treaty Series (LNTS), No. 268.

7 1921 The Treaty of Friendship, Art. 14.

8 LNTS, No. 4069. The ratification instruments were exchanged in June 1936. The official change from Persia to Iran occurred in 1935.

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11 *Documenty Vneshney Politiki SSSR* (Soviet Documents on Foreign Policy), Moscow, 1965, pp. 428–34.

12 1940 Treaty of Commerce and Navigation, Art. 9(8).

13 A. N. Vylegjanin, 'Basic Legal Issues of the Management of Natural Resources of the Caspian Sea', in W. Ascher and N. Mirovitskaya (eds), *The Caspian Sea*: *A Quest for Environmental Security* (Dordrecht, Boston, London: Kluwer Academic Publishers, 2000), p. 165.

14 For the text see United Nations Conference on the Succession of States in Respect of Treaties, Official Documents, Vol. III, Conference Documents (United Nations Publications, Sales No. F.79.V.10).

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[17] Informal Working Paper 11, Second Committee, 20 August 1974, and Informal Working Paper 11, Rev.1,

[18] C.2/Informal Meeting/13.

[19] Summary Record of Second Committee, 43rd Meeting, 23 August 1974, p. 31.

[20] *II Yearbook of the International Law Commission 1956*, p. 277–8.

[21] 'Wherever there is a salt-water sea on the globe, it is part of the open sea, provided it is not isolated from, but coherent with, the general body of salt water extending over the globe, and provided that the salt-water approach is navigable and open to the vessels of all nations. The enclosure of the sea by the land of one and the same State does not matter, provided a navigable connection of salt water, open to vessels of all nations, exists between such sea and the general body of salt water, even if that navigable connection itself be part of the territory of one or more littoral States', in L. Oppenheim, *International Law*, ed. H. Lauterpacht, 8th edn (London and New York: Longmans, Green, 1955), Vol. I, p. 587.

[22] Ibid., pp. 477–8.

[23] N. Polat, *Boundary Issues in Central Asia* (Ardsley, NY: Transnational Publishers, 2002), p. 161.

[24] R. Mamedov, 'International Legal Status of the Caspian Sea in its Historical Development', XXX *Turkish Yearbook of International Relations*, Ankara, 2001, pp. 131–3.

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[26] Art. 1 Convention between Persia and Russia, Defining the Boundary between the two Countries East of the Caspian Sea, see *British State Papers*, vol. 73, pp. 97ff.

[27] Art. III Convention between Russia and Persia for the Territorial Interchange of Faruze in Khorassan, belonging to Persia, and Hissar, within the confines of the Transcaspian Region, and Abbas Abad, on the right bank of the River Araxes, belonging to Russia; see *British State Papers*, Vol. 86, pp.1240ff.

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[29] Lake Superior, The US Supreme Court Minnesota v Wisconsin [1920] 252 US 273; Lake Borgne, The US Supreme Court Louisiana v Mississippi, 1906, 26 S. Ct. 408,571 and 202 US 1, 50, 58.

[30] Lake Malawi, 1890 German–British agreement and 1891 Luso-British agreement; 1954 Great Britain–Portugal agreement in Lisbon; Caspian Sea, 1828 Turkmanchay Treaty, 1940 Soviet–Iranian Trade and Navigation Agreement.

[31] Lake Tanganyika; Lake Lugano, 2 June and 15 February 1932 Lapas protocols; 1941 Convention on Italian–Swiss border.

[32] 9 August 1842 Webster-Ashburton treaty and 11 April 1908 Washington agreements, *British and Foreign Papers*, vol. 101, p. 210 and 224, see C.A. Esterhay, 'Restoring the water quality of the Great Lakes: the joint commitment of Canada and United States', *Canada–United States Law Journal,* Cleveland, Ohio, 1981 No. 4, pp. 208–31.

[33] Lake Victoria, 1 July 1890 Treaty; see C.O. Okidi, 'Legal and policy regime of Lake Victoria and Nile Basins', *International Journal of Law Libraries*, Munich, 1980, Vol. 20, No. 3, pp. 395–413; partially Lake Chad, 1898, 1904 and 1906 Treaties; Lake Prespa, 5 July 1926 Florence Protocol; Lake Tanganyika, 5 August 1924, English–Belgian protocol, *British and Foreign Papers*, vol. 123, p. 462.

[34] Lake Ochroid, 1926 Florence Protocol; Lake Doyran, 21 May 1959 Border Treaty between Yugoslavia and Greece; Lake Khanka, 24 June 1860 Beijing Treaty.

[35] Lake Ladoga, 1939 Finland-Soviet Union boundary agreement; Albania-Yugoslavia boundary, Lake Ohrid, 1939, I.B.S., No. 116, p. 4.

[36] Lake Nowsild, 4 June 1920 Trianon Treaty.

[37] 'Agreement on the Delimitation of the Seabed of the Northern Sector of the Caspian Sea for the Purpose of Extending Their Sovereign Rights to the Exploitation of its Subsoil', text appended to a letter dated 13 July 1998 from the Permanent Representatives of Kazakhstan and the Russian Federation to the Secretary-General of the United Nations. See UN Doc.A/52/983.

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[40] Agreements of 9 August 1919, State Papers, cxii, p. 760.

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[45] Convention of Gastein, 1865.

[46] The Cromer-Ghali Agreement, 1899.

[47] Treaty between Great Britain and France, 1914.

[48] 24 ILR (1957), pp. 101–42.

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