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Caspian Sea as a continuation of the history of determining the border of the Republic of Kazakhstan

The article examines the aspirations of our sovereign state to strengthen its foreign policy since 1991 and the process of demarcation of the border, maintaining good neighborly relations with neighboring countries. One of the most important achievements in solving the problem was the decision in August 2018 to demarcate the Caspian Sea border, which is of strategic importance in strengthening the state border of Kazakhstan, preserving the territorial integrity and independence of the country, ensuring national security. The main purpose of our scientific article is to reveal the historical significance of the actions taken on the Caspian Sea, the latest milestone in the actions of the Republic of Kazakhstan to strengthen the country's borders. The scientific novelty of the work is a comprehensive, concise analysis of the measures taken in the Republic of Kazakhstan to clarify the borders of the country since 1991 and the optimal use of the existing experience of Kazakh diplomacy in defining the status of the Caspian Sea. We believe that some of the results of our research can be applied to the study of this topic.

Keywords: Caspian Sea, Convention, border, delimitation, demarcation, memorandum, diplomacy, summit, The Great Silk Way, Kazakhstan-2050.

Introduction

Despite the vastness of the complex world space, since the creation of mankind, the issue of borders and land has changed the destiny of many peoples, states and nations. As a clear example of this, it is enough to look at the causes and backgrounds of many different levels of conflict in history. At the same time, it is enough that some peoples, who have formed their own traditions and ethnic history, unique worldview, are not able to achieve the level of statehood due to unresolved border issues. Therefore, it is important to resolve the border issue for the internal and external security and a bright future of any state.

The first agreed border in world history was established in the II century BC, which was carried out with the installation of a border pillar on the isthmus separating the Peloponnese and Attica, state structures created on the territory of modern Greece [1; 31].

An example of border demarcation in the ancient world was the construction by the Roman emperor Hadrian in Britain of a special 118-kilometer (73-mile) hill of earth, representing the northern border of the Roman Empire [2].

Since then, it has taken several centuries for mankind to create an interstate political mechanism that would address the most pressing issues of our time, such as borders and land. The process of demarcation of the border, which has become a mandatory feature of bilateral peaceful relations for most modern states, is one of the key parts of the above-mentioned global special regulatory system.

However, the Republic of Kazakhstan is one of the former Soviet republics that has focused on strengthening its borders since the beginning of its history. It goes without saying that it is not easy for a young country with a large diplomatic territory to share borders with China, Russia and Iran, which have a clear diplomatic path. However, the responsible persons of our country, who have acted calmly and calmly in this direction, in a historically short period of time have been able to strengthen all aspects of the country's borders, except for the Caspian Sea. The demarcation of the country's borders on the Caspian Sea was achieved only in August 2018, and in this article we decided to analyze the circumstances of the political and historical actions to achieve this goal.

Methods

The steps taken by our country in the field of foreign policy are of great importance for the future history of the country. Therefore, in writing this article, we have relied on special scientific methods used in

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all areas of historical research. In particular, the methods of historical comparability, special classification, historical systematization related to the field of data research were used. Furthermore, in addition to methods common to all historical sciences, an attempt was made to reveal the essence of our article by analyzing and describing the topic of the article as a way to explain specific issues, using methods of critical analysis of historical data and literature.

Results and Discussion

The independence of the Central Asian republics in 1991 changed their geopolitical position. The situation in Kazakhstan shows how difficult the situation on the external borders of the newly independent republics was at the initial stage. Today, 12 out of 14 regions of Kazakhstan belong to the category of border areas, 10 of which for the first time since 1991 have a border with another country [3; 112].

Taking into account the historical experience, the Republic of Kazakhstan also began the history of its foreign policy after independence with the establishment of borders. One of the first tasks in strengthening state sovereignty in this direction was the need for legalization of borders with neighboring countries. After all, the issue of borders is very important for each state in terms of ensuring national security, territorial integrity and independence.

As a result of the work started on January 13, 1993, there was adopted the Law “On the State Border of the Republic of Kazakhstan”. Article 1 of the law, entitled “State Border of the Republic of Kazakhstan” states that “the border of the Republic of Kazakhstan is a line defining the boundaries of the territory of Kazakhstan — land, water, subsoil and airspace and a plane passing vertically along this line.

The state border is established and changed by international treaties of the Republic of Kazakhstan approved by the Parliament of the Republic of Kazakhstan [4; 435]. In addition, Article 4 of the Law of the Republic of Kazakhstan “On the State Border of the Republic of Kazakhstan” adopted on January 22, 2013, entitled “Border Policy” states that “Border policy is the responsibility of the Government of the Republic of Kazakhstan and authorized bodies to ensure border security, sovereignty, territorial integrity and means a coordinated activity aimed at preventing and suppressing the violation of inviolability, protection of its state borders” [5].

Taking into account international law and the existing practice of negotiations on border issues, Kazakhstan has reached an agreement with all neighboring countries to maintain the “honorable status” of the current borders, i.e. until the demarcation of the border, the construction of engineering structures, the economic development of border areas, etc. were forced to refrain from unilateral actions [6; 506].

Since gaining its independence, the Republic of Kazakhstan has established itself as a state that pursues a foreign policy that is flexible to the new political situation in the world, pursuing the direction of mutual trust and integration. In the message from the President N.A. Nazarbayev “Strategy “Kazakhstan-2050”: a new political course of the established state” this problem was specially stated “Kazakhstan has become an equal participant in international processes over the years of independence and have achieved a favorable external environment” [7; 137].

In general, the territory of Kazakhstan is bordered by five countries: China (approximately 1,783 km), Kyrgyzstan (1,257 km), Uzbekistan (2,351 km), Turkmenistan (458.3 km), and Russia (7,548 km) [8].

After establishing the legal framework for diplomatic relations with neighboring China, the Republic of Kazakhstan is now focused on resolving the border issue inherited from the USSR government. In general, until 1991, negotiations with China were conducted by a delegation of the Soviet government with the participation of representatives of the allied republics bordering China. For this purpose, in 1992, instead of the government delegation of the former USSR for negotiations with China, there was formed a joint delegation of the governments of the Republic of Kazakhstan, the Kyrgyz Republic, the Russian Federation and the Republic of Tajikistan.

The border issue between China and the Republic of Kazakhstan was first raised in 1992 and resolved during lengthy bilateral talks. The negotiations were based on eight treaties and protocols signed between the Russian Empire and China in the late 19th century, and the state borders of the two countries were regulated by the 1994 China-Kazakhstan State Border Agreement and the 1997 China-Kazakhstan State Border Agreement. The decision on the two “disputed areas” on the border between China and Kazakhstan was made only on July 4, 1998 [9; 14]. Marking of the border with China was carried out by the Kazakh-Chinese border marking commission established in accordance with Article 4 of the Agreement on the Kazakh-Chinese state border of April 26, 1994.

Border marking was carried out by six working groups from July 1996 to December 2001 and ended on May 10, 2002 in Beijing with the signing of the Protocol between the Government of the Republic of Kazakhstan and the Government of the People's Republic of China on demarcation of the Kazakh-Chinese border.

The total length of the marked border was 1782.75 km, of which the land border was 1215.86 km, the water border was about 566.89 km [6; 508].

The documents signed between China and Kazakhstan on the regulation of the state border contributed to the establishment of a stable situation on the border, the prevention of any armed conflicts, the development of friendly relations between the two countries.

As for Kazakhstan's border with the Central Asian republics, although it may seem easy to define and guard the border, it has become a complex issue with its own reasons. The main reason for this was the recent changes in the geopolitical situation in the region and the administrative-territorial divisions of the Soviet Union in 1924–1927, taking into account the ethnic composition, historical and economic characteristics of the peoples of the Central Asian republics. This national-territorial delimitation later created some difficulties in defining the interstate border in the Central Asian region.

Negotiations with Kyrgyzstan, a neighbor of Central Asia, on the demarcation of the state border were held from November 1999 to December 2001. It is based on the Treaty of Eternal Friendship between the Republic of Kazakhstan and the Kyrgyz Republic of April 8, 1997, as well as the Memorandum of Delimitation of the State Border between the Republic of Kazakhstan and the Kyrgyz Republic of July 17, 1998. The Agreement between the Republic of Kazakhstan and the Kyrgyz Republic on the Kazakh-Kyrgyz state border was signed on December 15, 2001 in Astana, and then in July 2003 was approved by the Parliament of the Republic of Kazakhstan. The total length of the joint border was 1241.58 km. To date, the agreement has not entered into force, as the Kyrgyz side has not ratified it [6; 509].

Negotiations on the delimitation of the state border between the Republic of Kazakhstan and Turkmenistan were held in accordance with the Treaty of Friendship and Cooperation between the Republic of Kazakhstan and Turkmenistan of May 19, 1993 and the Memorandum of Delimitation of the State Border between the Republic of Kazakhstan and Turkmenistan of April 9, 1999.

The first round of talks on the delimitation of the Kazakh-Turkmen state border took place in late November 2000 in Ashgabat. It developed and agreed on a methodology for describing the crossing of the Kazakh-Turkmen state border, as well as a list of topographic maps required for the introduction of the border line attached to the Annex. The Kazakh side covered the costs of searching for these cartographic materials, and copies of these documents were provided to the Turkmen side for the preparation of a draft agreement on the state border.

In the second round of negotiations, which lasted only two weeks in Ashgabat in April 2001, the parties agreed on a draft agreement, as well as a description of the border crossing and a set of maps at a scale of 1:100,000. Thus, the length of the land border is 425.8 km, i.e. the length of the state border of Kazakhstan, Uzbekistan and Turkmenistan, except for a small part of 280 meters, which rests at the point of intersection.

The Agreement between the Republic of Kazakhstan and Turkmenistan on the process of delimitation and demarcation of the Kazakh-Turkmen state border was signed on July 5, 2001 during the visit of the President of Turkmenistan S. Niyazov to Kazakhstan.

Another large state bordering Kazakhstan in Central Asia is the Republic of Uzbekistan. Uzbekistan and Kazakhstan first signed an agreement on friendship, cooperation and mutual assistance on June 24, 1992 [10; 73]. Negotiations on the delimitation of the Kazakh-Uzbek state border were held between February 2000 and August 2002. This process is based on the Almaty Declaration of December 21, 1991, the Treaty of Eternal Friendship between the Republic of Kazakhstan and the Republic of Uzbekistan of October 31, 1998 [11; 49].

From the first days of our independence, negotiations have been held with the Russian Federation, which borders on the north-western border of the country, to determine the state border. The length of the world's longest border line between the two countries is about 7,400 kilometers. The borders of 8 regions in the eastern, northern and western areas of Kazakhstan are bordered by Russia, and Kazakhstan is bordered by 22 Russian subjects [3; 112].

From the first days of diplomatic relations between Kazakhstan and Russia, the two sides have stated that they have no territorial disputes with each other, each recognizing each other's sovereignty and inviolability of territorial integrity. At the same time, both sides confirmed that they would leave the borders inherited from the USSR unchanged [3; 115].

The settlement of the Kazakh-Russian state border issue began for the first time with a joint statement of the two leaders on July 6, 1998 and the protocol on the delimitation of the state border of December 12, 1998. Experts, who have been working on the documents for six years, have reached a consensus on all points of the border line. At the time of the disputed areas, experts were quick to find and implement new guidelines that would not complicate the lives of citizens living in border areas.

The first round of talks took place in Moscow in late August-early September 1999. First of all, the parties began to study the documents defining the crossing of the administrative border between the Kazakh SSR and the RSFSR. The rules were adopted in December 1999 in Astana during the second round of negotiations. For four years, negotiations have been held in almost all border areas of Kazakhstan and Russia.

Coordination of the border crossing, its topographic mapping and drafting the description of the border crossing was carried out from west to east, in particular, it started on the shores of the Caspian Sea, the Volga (Edil) delta and ended at the junction of the state borders of Kazakhstan, Russia and China on the Southern Altai ridge [12; 87-88].

An agreement on the Kazakh-Russian state border was signed during the visit of President N.A. Nazarbayev to the Russian Federation on January 17-18, 2005 [13].

Kazakhstani researcher A.N. Shukyzhanova, who covered some areas of our topic in her work, commented on this issue: "State territory and borders are the main attributes of a sovereign state. The state exercises sovereignty within its territory and this order must not be violated by other subjects of international law. Therefore, the international legalization of the border is a strategic measure aimed at defining the spatial boundaries of national sovereignty and the territory of the state ... The demarcation of the state border strengthens sovereignty and ensures stability" [1; 101].

There is no doubt that strengthening Kazakhstan's ties with its south-eastern neighbor PRC is of great historical and political importance in Kazakhstan's border issues. In this regard, in 1996, the Shanghai Agreement on Confidence-Building Measures on the former Soviet-Chinese border was signed between PRC on the one hand and Russia, Kazakhstan, Kyrgyzstan and Tajikistan on the other. All territorial and border requirements were finally resolved during the 1998 Almaty meeting [14; 77-78]. Undoubtedly, this is the result of a prudent state policy of the country.

Although all the land borders of the country have been defined after the first decade of the XXI century, the maritime borders have not yet been clarified. While the position of Kazakhstan, which is interested in domestic economic and political needs, is clear, the determination of the maritime border was strongly influenced by the uncompromising position of some littoral states, including the Islamic Republic of Iran. This includes the definition of national land or boundaries, the attraction of foreign capital, etc. disagreements on issues.

The position Kazakhstan on the status of the Caspian Sea is simple and clear. According to him, since the seabed is a geological continuation of the earth, it should also include national sovereignty. As for the size of the seabed, their coordinates depend on the level of the coastline, i.e., the corresponding continuation of the land plots [15; 68].

The Caspian Sea is located in a geostrategically unique region connecting Europe (the European part of Russia), Central Asia, the Caucasus, the Middle East. For many centuries the Great Silk Way passed through this region [16; 228].

Kazakhstan believes that the bottom and resources of the Caspian Sea should be divided into zones among the Caspian littoral states, within which these states should have exclusive rights to explore and extract natural resources. It was proposed to determine the seabed in accordance with modern international methodology and international practice, taking into account the universally recognized norms of international law on the basis of the agreement of neighboring and opposite states.

The agreement between the Russian Soviet Federative Socialist Republic (RSFSR) and Persia on February 26, 1921 and the trade between the Union of Soviet Socialist Republics (USSR) and Persia in Tehran on March 25, 1940 and the agreements on navigation were the main documents governing relations between the USSR and Iran until 1991. These documents provided for the consideration of the Caspian Sea as a legally owned and shared object. At the same time, these documents did not provide for the legal status of the Caspian Sea, so they gradually did not meet modern requirements.

In general, in 1998–2003, Russia, Azerbaijan and Kazakhstan divided the territory of the northern part of the Caspian Sea through bilateral negotiations, but this issue was not immediately resolved between the parties of Azerbaijan, Iran and Turkmenistan [17; 137].

In order to determine the boundaries of the Caspian Sea, the littoral states have carried out extensive political and diplomatic work. The summits of the heads of state, which began in Ashgabat in 2002, played an important role in the negotiations.

Subsequent summits (II Summit in Tehran in 2007, III Summit in Moscow in 2010, IV Summit in Baku in 2014) considered documents such as maritime security, the size of national belts, partnerships of coastal states in various fields to clarify the borders of the Caspian Sea. The V Summit of the Caspian littoral states, held on August 12, 2018 in Aktau, Republic of Kazakhstan, played an important role in defining the maritime border. At the summit, a document entitled “Caspian Constitution” was adopted and signed by prominent statesmen and politicians from around the world.

At present, all the Caspian littoral states have started the necessary internal procedures for the ratification of the Convention on the Legal Status of the Caspian Sea, adopted on August 12, 2018 in Aktau. On December 26, 2018, the Minister of Foreign Affairs of the Republic of Kazakhstan K. Abdrakhmanov commented on this issue: “we recently received information that the relevant procedures have been performed by the Turkmen side” [18].

The draft convention adopted on the basis of this document was approved by the Meeting of the Republic of Kazakhstan on December 26, 2018, and signed and approved by the President of the Republic of Kazakhstan N. Nazarbayev on February 8, 2019 as the Law “On Ratification of the Convention on the Legal Status of the Caspian Sea”.

On the role of the country in the Caspian Sea in the following paragraphs of Article 2 of this law:

“1. In accordance with this Convention, the Parties shall exercise sovereignty, sovereignty and exclusive rights in the Caspian Sea, as well as exercise jurisdiction.

2. This Convention defines and regulates the rights and obligations of the Parties with respect to the use of the Caspian Sea, including the water, seabed, subsoil, natural resources and surface airspace of the Caspian Sea” [20].

Thus, our country has been able to define the maritime borders in its history peacefully and economically and politically on an equal footing with other states.

Conclusion

Determining the status of the Caspian Sea, which has become an important milestone in the completion of the demarcation of the external border of Kazakhstan, is included in the priorities and objectives of foreign policy in 2014 in the document “Concept of Foreign Policy of the Republic of Kazakhstan for 2014–2020”, which was developed in accordance with the message of the President of the Republic of Kazakhstan “Strategy “Kazakhstan-2050”: a new political course of the established state”. In particular, it clearly states that “Kazakhstan will continue to work on completing the international legalization of the state border, as well as on determining the legal status of the Caspian Sea and strengthening stable and friendly relations between the coastal states on the basis of universally recognized principles and norms of international law” [19; 131].

As noted above, the Republic of Kazakhstan has so far been able to fully strengthen its land borders. Although the issue of strengthening the border between the Caspian Sea and the Caspian Sea has remained a major task in the history of the foreign policy of the Republic of Kazakhstan since the first decade of the twentieth century, this milestone has been reached. Thus, in August 2018, the V Summit of the Caspian States, held in Kazakhstan, completed the first stage in the history of Kazakhstan in terms of maritime, and in terms of state, the last stage of resolving the state border.

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Каспий теңізі — Қазақстан Республикасының шекарасын айқындау тарихының жалғасы ретінде

Мақалада егеменді мемлекетіміздің 1991 жылдан бастап жүргізген сыртқы саяси бағытты бекемдеуге ұмтылысы және шекаралас елдермен тату көршілік қатынасты сақтай отырып жүргізген шекараны айқындау жұмыстарының барысы қарастырылған. Мәселені шешудегі маңызды жетістіктің бірі 2018 жылдың тамыз айында қол жеткізілген, яғни Қазақстанның мемлекеттік шекарасын бекітуде, елдің аумақтық тұтастығы мен тәуелсіздігін сақтауда, ұлттық қауіпсіздікті қамтамасыз етуде стратегиялық маңызы бар Каспий теңізінің шекарасын межелеу жұмыстарының шешімін тапқандығы. Мақаланың негізгі мақсаты — Қазақстан Республикасының Каспий теңізіндегі қызметінің соңғы кезеңінде еліміздің шекарасын нығайту жөніндегі қызметінің тарихи маңызын ашу. Жұмыстың ғылыми жаңашылдығы — 1991 жылы Қазақстан Республикасында басталған еліміздің шекарасын нақтылау шараларын жан-жақты, қысқаша талдау және Каспий теңізінің мәртебесін анықтауда қазақстандық дипломатия бар тәжірибесін оңтайлы пайдаланғандығын көреміз. Зерттеу жұмысымыздың кейбір нәтижелерін осы тақырыпты оқу барысында оқу үрдісінде пайдалануға болады деп есептейміз.

Кілт сөздер: Каспий теңізі, Конвенция, шекара, делимитация, демаркация, меморандум, дипломатия, саммит, Ұлы Жібек жолы, Қазақстан-2050.

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Каспийское море как продолжение истории определения границ Республики Казахстан

В статье рассмотрены процессы легитимации границ Казахстана, а также ход реализации внешнеполитического курса на укрепление статуса суверенного государства и сохранения добрососедских отношений со всеми приграничными странами, начиная с 1991 года. Одним из важных достижений является решение вопроса по разграничению границ Каспийского моря, достигнутое в августе 2018 года, имеющего стратегическое значение в плане обеспечения национальной безопасности, утверждения государственных границ Казахстана, сохранения территориальной целостности и независимости. Основная цель настоящей статьи — раскрыть историческое значение деятельности Республики Казахстан по Каспийскому морю на самой последней стадии ее деятельности по укреплению границ страны. Научная новизна работы заключается во всестороннем, кратком анализе мероприятий по уточнению границ страны, начавшемуся в 1991 году в Республике Казахстан, и оптимальное использование казахской дипломатией сложившегося опыта по определению статуса Каспия. Мы полагаем, что некоторые результаты нашего исследования могут быть использованы в учебном процессе при изучении указанной темы.

Ключевые слова: Каспийское море, Конвенция, граница, делимитация, демаркация, меморандум, дипломатия, саммит, Великий Шелковый путь, Казахстан–2050.

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