

**Energy & Climate Policy -  
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**Resource - Rich Countries**  
of the **Caspian Sea** and the  
**International Rule of Law**

Dr. iur. Barbara Janusz-Pawletta



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# Map of the Caspian Sea Region



[http://traveling.nisargsutaria.com/caspian\\_sea\\_ferry\\_travel.html](http://traveling.nisargsutaria.com/caspian_sea_ferry_travel.html)

# International rule of law in Caspian Sea Area

- Transition in the Caspian Sea countries –  
towards international rule of law ?!
- Resource – richness as a precondition for:  
„rule of law” or „rule by law” ?



# Concept of the Rule of Law

- Universal adherence to the rule of law
- Vagueness of the rule's of law meaning
  - formal/substantive aspects
  - distinction: national & international legal orders
- Definition by Kofi Annan (2004): (i) a government of laws, (ii) the supremacy of the law, and (iii) equality before the law



## International rule of law in Caspian Sea area -

# A Government of Laws

- ...means a further codification of the content of international law
- Existing treaties don't clarify CS legal status or regimes (except for environmental protection) but the regional custom partly does
- Necessary but difficult negotiations on the future CS legal status and regimes
  - Draft multilateral treaty on the CS status
  - Bilateral treaties set resources division only between RF, AZ, KZ



## The Supremacy of the Law

- ...means possibility of determinative answers to legal questions through:
- Compulsory jurisdiction (international/regional)
- Negotiation, mediation, arbitration
- Multilateral regional agreements
- Regional governing bodies (CIS, GUAM)



## International rule of law in Caspian Sea area -

# Equality before the law

- ... means sovereign equity of states through:
- Refraining from threat or use of force against the territorial integrity or political independence of any state (limits for resources extraction? transcaspian pipeline?)
- Refraining from intervention in matters within the domestic jurisdiction of any state
- Equal representation within regional organisations (CIS, GUAM)





# Prospects for the Future Strengthening of the International Rule of Law in the Caspian Sea Region

- ... *further codification*...
  - Multilateral approach – legally most appropriate but unlikely – neither towards: legal CS status nor regime setting
  - Bilateral approach – currently applied, economically feasible but politically unstable
- ... *finding law* ... not even on the political agenda
- ... *sovereign equity of states* ... challenge for ENP?



# Thank you for your attention



dr Barbara Janusz-Pawletta  
([bjanusz@feswar.org.pl](mailto:bjanusz@feswar.org.pl))