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Protecting Environmental Security of the Caspian Sea in the Light of the New Legal System

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Abstract

During its historical life, the Caspian Sea has always been a safe place for many races, people, and governments. Unfortunately, humanity does not appreciate this valuable water zone and steps away consciously or unknowingly on the path to its destruction and demolition. Taking path in this way is equal to obliterating the roots of the present generation and future generations. With the aim of evaluating environmental security structure of the Caspian Sea, this research examines a new legal framework for this water zone. The main question of this research is that what is the main strategy for protecting the Caspian Sea environment? The paper hypothesized that in order to effectively protect the Caspian Sea environment, its legal system should be completed and accepted by all five coastal states. Moreover, the research also argued that the Caspian requires effective political and legal decision making to achieve its ideal state both environmentally and economically or socially.

Keywords: Caspian Sea, protection and support, environment, legal system, international law;

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Introduction

First of all, it must be said that "the exercise of government authority over maritime areas has long been a vital and crucial issue."(Salehi,2020:148) Until the collapse of the Soviet Union in 1991, the Caspian Sea was dominated by the two governments of Iran and the Soviet Union.

The intense asymmetry between power and resources between the two countries led to the unofficial and actual control of the region in the hands of the Soviet Union. Therefore, the issues affecting the Caspian basin were often influenced by the Soviet Union's internal policies and joint projects between Iran and the Soviet Union. The sharp rise in the number of Caspian coastal states from two to five countries has caused complicated problems and changed international borders in new conditions (Arshadi, 2007). However, oil and gas reserves have no boundaries on the map. Moreover, contamination is not limited to any designated human boundaries; fish, birds, mammals, and, in general, living organisms are not affected by one's specific nationality. Therefore, this is not only an opportunity, but also a necessary requirement for the Caspian coastal states to work together to solve common problems. Failure to do so will exacerbate environmental damage and security hazards in the region. Although the impact of each of these pollution and other environmental impacts of the Caspian Sea for various geographical reasons on countries and coastal and even non-coastal communities varies, it is obvious that these damage and dangers will not be unique to one of the countries of the region. In other words, the issues of the Caspian Sea have a cross-border nature that has the potential to have an impact on neighboring distant and global climates in addition to the influence on the region and the immediate neighborhood in case of poor attention from the countries of the region and international organizations.

1. The Need to Support and Protect the Caspian

Specific features of the Caspian Sea, including its closure, have contributed to the progressive effect of the polluting and destructive factors on the environment and its ecosystem. Environmental damage and other ecosystem threats in the Caspian basin are numerous. "violent operations include any activity that endangers human life, property or safe



shipping that with goals peaceful is in contradiction with a healthy environment" (Salehi,2020: 236) In some areas, it is almost too late to protect these damages. Some parts of the Absheron Peninsula in the Baku region and in the suburbs like many parts of the Azerbaijani coastline are known as dead regions and much of the sea surface is heavily polluted.

Due to the importance of the environment protection in the process of the "sustainable development", it is crucial for the states to include sustainable development goals in their regulations, laws and policies. In fact, if environmental rules are internalized as a part of the domestic legal system, they will become more prominent and will be more respected (Naderi,2020:137).

The existence of common interests and problems in the region has made coastal states' cooperation in all fields inevitable. Certainly, this cooperation is not limited to environmental cooperation, and the need for sustainable regional development has inevitably led to economic and social cooperation. The notion that the Caspian is missing and destroyed is not only a nightmare for coastal governments and people of these countries for the present and future generations, but also a terrible nightmare for the international and global community. Of course, the costs of preventing this global and regional catastrophe are much less than the consequences of the lack of this divine blessing. The destruction of the Caspian Sea ecosystem can be shaped as soon as possible, but it is unlikely to recover and restore it certainly will be very timely if it is not impossible in some areas. There will be no alternative in some cases including the extinction and destruction of rare and rare species (for example, the genetic reserves of sturgeons of the Caspian Sea). Governmental measures alone cannot ensure sustainable conservation and exploitation of the Caspian Sea. There has been a failure to stop or reduce the Caspian environment due to the lack of a comprehensive approach and coherent activities, as well as a lack of utilization of national and regional power. The severity of pollution and destruction in the Caspian region is so that it is not be possible to rely on issues such as the uncertainty of the agreed legal regime on the Caspian Sea. Negotiations and diplomatic agreements as well as overcoming the existing political bottlenecks, are processes that require time to resolve while protection of the Caspian Sea and the rights of the interested parties are not subject to the agreement of the legal regime. (Pawletta, 2020: 169) Caspian ecosystems and the lives of its organisms do not depend on

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political borders and diplomatic agreements, and their right to life cannot be subject to the agreement of the coastal states. Therefore, coastal governments and leaders of these countries should feel the responsibility for recognizing the right of the present generation and future generations to protect and exploit the Caspian Sea on their shoulders, and to realize that the responsibility. The environmental characteristics of the Caspian Sea also have potential impacts on regional security. Therefore, it is imperative for all coastal states to consider stability of this water zone by utilizing their maximum national power while developing regional cooperation and utilizing the capacities of other international actors including international organizations. In this regard, it is necessary to make efforts to protect this water land by relying on the intellectual and scientific principles including the principles of prevention and the possible use of all legal and executive capacities.

2. Strategic Peace and Security for the Protection of the Caspian Sea

In new studies, several dimensions have been added to the concept of security, and security has become a "multi-dimensional" concept that covers from environmental and economic issues to military threats. Today, the concept of security goes beyond this and it is regarded not as a secondary concept that is subordinate to the variables of power that undergoes transformation because of international developments, but it is regarded as an independent variable in the new political discourses. Today's security is tied to philosophical and intellectual foundations. In this way, security is not only defined not as a "no threat", but rather as a positive definition of "the existence of favorable conditions for the realization of national goals and interests"; In the third wave of global security studies, the third concept is referred to as "security assurance" (Pawletta,2019:26). According to available practical models or theoretical models, three general frameworks are recommended for the establishment of a regional security situation:

A. Power Balance Based Security Model: In this model, there is a multipolar combination of countries with fluid relations based on profit and loss in cross-sections; it may change over time. In this model, the logic of the balance of power has been accepted and no country is in general permanently known as a friend or an enemy. This pattern is based on



apparent and tacit military threats, but the existence of these threats does not mean ignoring the sovereignty, national interests, and the security concerns of other actors. In the case of all countries, there are different levels of common or conflicting interests, and common dimensions allow almost all countries in each region to unite based on the circumstances. According to the model, countries share some common values and interests, and hence have similar definitions of national security and stability. In this framework, countries recognize the existence of other actors, and political priorities of countries are reasonably predictable and constant over time (Pawletta, 2018:66).

B. Hegemonic Model: The second model for creating a regional security framework is a hegemonic pattern that is designed to overcome the interests of an actor over other actors and the operational use of military and economic tools for enforcing deterrence policy. Based on this pattern, the lines of friends and enemies are separated from each other. In this pattern, there is a social approach to dealing with non-affiliated countries; it uses all the various tools and measures to restrict them, including the lack of access to advanced technologies and strategic military equipment (Pawletta, 2018:69).

C. Collective security model: This model looks different to international politics; the central and core idea is that all countries can provide relative security by accepting mutual obligations to limit their military capabilities to their own. In this security approach, only friends and allies are not present, but it is assumed that non-friend countries will accept the same technical constraints on their behavior as friends accept. This work is possible despite mutual distrust. It is also assumed that these legal and technical limitations will also include reciprocal privileges. In this model, security guarantees come about not through domination, but on the contrary, through making impossible the ways in which choices are aimed at gaining domination over rivals. In the partnership and cooperation-based security approach, security is increasingly defined as a cooperative property that is not divisible. This approach does not divide countries into friends, unions, and enemies; but threats against all actors are equal, and all of them want mutual security (Munir, 2005:16). In other words, this pattern is not only based on negative commitments (avoidance of prohibited acts), but also based on positive commitments (avoidance of non-prohibited acts). More than being a series of formulas about how to create regional security

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systems, this approach is a gradual process that seeks to shape the tendencies of government policy makers about security and it provides alternatives for the definition of security versus limited military focus. This approach emphasizes interdependence instead of confronting counseling, deterring confidence, secrecy towards transparency, punishing prohibition and unilateralism (Vaezi, 2012).

In general, the strategic weight of the Caspian region and its proximity to the Caucasus region are based on several factors:

A. Regional instability: The area has undergone armed conflict and instability and it is prone to fall further in the midst of these conflicts and instability;

B. Religious radicalism: The Caucasus region is an important line between Christian and Islamic civilizations and it has undergone local conflicts with a religious dimension; hence, it is at risk of being the field of radical battles;

C. The spread of organized crime: The poverty and weakness of some Soviet successor governments have made the region a corridor for all kinds of smuggling and other organized crimes;

D. Strategic resources: Oil and natural gas resources of the Caspian Sea basin have many requests and the Caucasus region has a rational way of accessing these resources and transferring them to the global markets.

These factors have made the Caspian region a battleground between major powers, especially the Russian Federation and the United States, which shape their aggressive regional policies based on their conflicting interests. Therefore, this region has always faced security problems, due to intrinsic crises such as ethnic conflicts and extraterrestrial factors imposed by interested parties in the region (Pawletta, 2019: 26).

Looking at the history of the Caspian Sea signifies that the security issue of the region has always been a high priority in coastal states relations. Before the collapse of the Soviet Union, the security issues of the Caspian were limited to military and political security. A look at the provisions of the treaties of Iran and the Soviet Union reflects the concerns of the northern neighbor of Iran regarding military and political security. These worries about Iran are also apparent from the possibility of penetration of socialist thinking from the northern borders because Iran's economic policies prior to the collapse of the Soviet Union, as well as the victory of the Islamic Revolution of Iran, were based on the capitalist system and interaction with



the West, especially the United States, and completely in opposition to the economic policies of the Eastern bloc under the leadership of the Soviet Union. Therefore, the two governments have always tried to prevent the impact of components that could overwhelm their military and political security (Pawletta, 2020: 169).

After the collapse of the Soviet Union and the emergence of new states in the region, and especially on the Caspian border, the scope of security concerns of coastal states in addition to the political and military spheres expanded into economic and social spheres. Although some governments sought to deepen relations and diminish these concerns by emphasizing cultural and historical interactions, but the shadow of government security priority is always on widespread regional agreements. The dependence of the economic infrastructure of newly independent states on oil and gas resources has made energy security one of the most important security pillars in the region. In the meantime, the issue of environmental security has become one of the main pillars of security in the Caspian region, in recent years (Salehi, 2016:196).

1.2. Political and Military Security in the Caspian

The political and military security of the Caspian Sea has immense importance for the countries of the region and the world. Due to the division of the Soviet Union's Caspian Sea Fleet, we are faced with a kind of security breach that has not resulted in a conclusion even with the agreements and the coastal states' desire to create an independent naval force. In principle, due to different political-security trends and sometimes opposition among the countries of the region, the militarization of the Caspian coast can make this sea a field of military competition (Vaezi, 2006).

The political and military security of the Caspian Sea is closely linked to the legal regime in the region. However, according to some political analysts, including Russian political analyst Alexander Kenyazov, the issue of stability and security of the Caspian Sea has paramount importance compared to the legal regime. In his view, the result of the legal status of the Caspian Sea is not the most important argument for this sensitive geopolitical area because regional and international conditions are such that the issue of ensuring stability and security in this area is a top priority given the challenges and threats that can come to this space in the future.

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However, some coastal countries with a reluctance to arm the sea can provide new incentives for intervening by trans-regional parties. Each of the countries of the region has a regional and international political and military approach based on its national interests and the conflict among them is quite evident (Kilge, 1992: 300).

The region of Central Asia and the Caucasus has always been one of the important areas in Iran's foreign policy and relations. Cultural-historical reasons, economic and commercial reasons, and political-military reasons can be considered as the main reasons for the importance of this region in Iran's foreign policy. Iran's immediate neighborhood with the Caucasus region inevitably affects Iran in terms of political and security developments in the region. For this reason, in the new era, stabilizing the political and security conditions in the area and preventing the spread of insecurity in it has always been one of the main concerns of Iran.

Accordingly, the policy of Iran in the region of Central Asia and the Caucasus in the post-Soviet period was based on three principles:

1. Having good neighborly relations with the countries of the region and expanding economic and cultural cooperation with these countries. In Iran's view, strengthening the economic development process in the region will not only bring about the collective benefits of all the countries of the region and its neighbors, but will also reduce the political and security crises in the region.
2. Opposition to the region's insecure factors, especially the irresponsible foreign powers' involvement in the political and security issues of the region. In Iran's view, some foreign powers are taking steps that ultimately lead to an escalation of the crisis in the region without worrying about the consequences of the crisis and insecurity in the region due to geographical distances,
3. Collaboration with effective and responsible powers. In Iran's opinion, cooperation with influential countries that can play a positive and constructive role will not only guarantee the common interests of these countries, but will also strengthen and enhance development and stability in the region because of common security and economic concerns (Snyder, 1999: 106).

In general, after the collapse of the Soviet Union, Iran emphasized several concepts. One of these concepts is the formation of the Caspian Sea Cooperation Organization, which was faced with obstacles by Russia.



Perhaps one of the reasons for this is that Russia does not want to easily share partnerships on issues that are held by Russia. The second concept that Iran considered the Caspian Sea theme was the Sea of Peace and Cooperation, which has been more or less considered and there is no serious dispute about that. The third concept is the civilization of the Caspian Sea. It seems that the issue of Caspian civilization has not been successful enough, despite the emphasis placed by the coastal states and their implicit agreement on the Caspian civilization due to the lack of agreement among governments on the indicators, lack of monitoring systems, and the unilateral actions by countries in developing military and security activities and programs. Of course, it should be noted that the Caspian Sea has not been civilized from the outset, and Russia has acted in the Caspian Sea operation by transferring part of its fleet from the Black Sea. In this context, the actions taken by other countries including the transfer of small-sized frigates (which, of course, have a greater role in identifying and regulating than military ones) can be seen as an action to militarize this sea (Ahmadzade,2018). Overall, it can be concluded that Iran has considered the Central Asian region, the Caucasus, and the Caspian region as its security zone and cannot be indifferent to its ethnic, political, military and security controversy. Iran faces several security challenges in its peripheral environment due to regional developments and processes. The Islamic Republic of Iran is also located in an area that has no stable and agreed security arrangements. Hence, in order to reduce the security threats posed by the peripheral environment and in order to help improve regional security, Iran has selected the security-based approach according to cooperation with other regional actors to resolve disputes and resolve security challenges and problems. In this regard, Iran's approach to its perimeter environment is based on a collaborative security model (Dad Andish, 2007). Avoiding Caspian militarization is considered one of the main axes emphasized at summits and meetings of the heads and representatives of coastal states. Some political experts have reasons for the presence of trans-regional military forces in the Caspian Sea, including the following:

1. From the point of view of energy security for the global economy, Western governments, especially the United States, are regarded events in the Caspian states as threats and are concerned about the spread of threats in the region.

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2. Some regional governments are turning to the presence of the Western military, especially the United States in their own country, as an aid to dealing with threats and as a factor against the traditional influence of Russia.

3. The plans of the Western governments in the form of partnership for peace, NATO expansion to the East and ... should not be ignored.

Certainly, the development of the region could not be achieved without the stability and security of the Caspian Sea. Moreover, there can be no significant economic growth as long as security in the region is not established. In addition, the security category cannot be tied to determining the legal regime of the Caspian region (although the effect of the legal regime on security is undeniable). Hence, it would not seem to be the most important discussion of the legal status of the Caspian Sea for this sensitive geopolitical area because regional and international conditions are so that the issue of ensuring stability and security in this area is a top priority with regard to the challenges and threats that can come to this space in the future. Considering the recent regional and international developments, and especially the direct interventions of the United States and its allies in the internal affairs of the countries, which Syria, Iraq, Ukraine, etc. are prominent examples in, it seems that the regional powers must think and take measures that prevent the occurrence of chaos and instability in this sensitive geopolitical area (Alizadeh, 2005). However, some coastal countries can provide new incentives and interventions for the transnational parties to intervene due to their reluctance to arm the sea. Interestingly, some experts and analysts are discussing issues that can express the views of the ruling elites of their countries. The consequences of increased militarization in the region could have dangerous consequences for the Caspian coastal states in the future. The military presence of foreign countries in the Caspian Sea is a threat to regional security. The security agreement, which does not allow the military presence of non-Caspian parties, originally came to Azerbaijan, Turkmenistan and, to a certain extent, Kazakhstan because it is not possible to imagine the establishment of a Western or non-Caspian naval force in Iran or Russia. That is, the existence of this agreement for Iran and Russia is a kind of guarantee from Baku, Ashgabat, and Astana to stop attracting foreign troops to this region.



Nevertheless, this guarantee will be ineffective, regardless of the mechanisms of control and trust (Vaezi, 2005).

2.2. Energy Security in the Caspian

Energy economy has always been a significant part of the issues in this area and its policies have always been a top priority for governments. The realization of energy policy and goals directly depends on energy security. In fact, it will not be possible to realize any of the related policies or objectives without the security of energy. Energy security refers to the continuous and reliable supply at reasonable prices in energy carriers, implying also the reduction of geopolitical, economic, technical, environmental, and psychological threats to energy markets. Energy security is defined by the availability of a sufficient and reliable supply of energy to satisfy demand. In a nutshell, energy security encompasses three basic concepts of the global energy chain including price, sustainability, and the environment. In consumer countries, energy security is considered as equivalent of energy independence of importing from other countries and energy security is equivalent to supply security, based on domestic production. From the point of view of consumers, energy security means that there is, firstly, easy access to global oil and gas resources without risk; secondly, these resources are reasonably diverse in terms of the geographic region of the resources as well as the transmission routes; thirdly, the flow of oil and gas generally comes from places that are likely to be stable and unchanged in their governments for a long period. Security of energy is one of the issues directly addressed by governments in political units. Although international oil and gas companies have their own concerns in this regard, energy and supply are one of the permanent concerns of governments and states (Dad Andish, 2005).

The Caspian region has traditionally been an oil producer, but its importance as a natural gas producer is growing rapidly. Except for the production of Azerbaijani oil, the Caspian Sea had remained largely untouched by the collapse of the Soviet Union. The Caspian Sea has significant reserves, but faces many challenges in extracting oil and natural gas resources, including transportation as well as finding sufficient investment for major projects in the region. Caspian oil and gas fields are relatively remote from the consumption markets and the transfer of oil to a benchmark that can bring it to the global markets requires huge

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infrastructure costs (Pawletta, 2019: 16). So far, export of oil and natural gas from the region has relied on the former Soviet Union pipeline system. This dependency was not significant when all coastal countries - except Iran - were part of the Soviet Union, and these pipelines were in line with the needs of the Soviet Union. When these countries became independent, they have been able to use this geographic location as a bargaining tool in determining the routes of export of Caspian resources (Ramezani, 2011).

The amount of oil produced and exported from the Caspian Sea is not comparable to other oil-rich regions of the world such the Persian Gulf. Nonetheless providing security for the production and transportation of oil and gas to the world markets is important for the Caspian Sea countries, as well as for the importing countries due to a variety of reasons, such as the Western policy of diversifying energy supplies and reducing the dependence on traditional sources of energy supply, on the one hand and the role of oil revenues in the political and economic life of the Caspian countries on the other hand. The geographical situation of the region, the social, economic, and political conditions of the Caspian Sea countries, the existence of the centers of potential crisis and some controversies in the region, as well as the process of global security and political developments are considered as factors affecting the production and supply of oil and gas to the consumer markets. It can be reviewed at three levels: national, regional, and international. The production and export of Caspian oil will be at the peak of production at a rate of 3-4% of the world's oil demand, and this figure is not comparable to other oil-rich regions of the world, including the Arab states of the Persian Gulf, but providing energy security for the Caspian Sea is important for several reasons (Damirchiloo, 2007). The Caspian oil is outside OPEC's oil, and the oil flow of the sea could reduce OPEC's power. If the Caspian oil industry develops, this sea can be the balance of competition among the major rivals of the international oil market.

The Caspian region's role in securing international energy security is indisputable, especially for the United States and China as two major international actors and members of the UN Security Council. Indeed, the national security of the United States of America depends on providing enough energy to support American economic growth (Naghizadeh,2016). Therefore, the issue of energy security plays a vital role in the continuation of the role of the US superpower. Therefore, the Caspian Sea can



contribute to the national security of the United States through the quantitative and qualitative development of energy infrastructure and facilities. The American effort to engage in the Caspian region, apart from the issue, is also linked to other factors, including the confrontation with Russia's role in energy security, the prevention of Iran's role in energy, the replacement of OPEC oil in the global energy market, and the prevention of oil price shocks. The issue of China's energy security and the Caspian region's role in providing or threatening this security is also subject to this situation. Economic development and its continuity are the most important means of legitimizing the Chinese Communist Party (Snyder, 1999: 112). One of the most important diplomatic issues for China's fourth-generation leaders in the Western region is ensuring stability and security of energy. China, in its talks with the West, wants to separate economic issues from political and security challenges (Damirchiloo, 2007). The geopolitical position of the Caspian region is one of the factors that have led the great powers, especially the United States, to pay particular attention to the region (Yadegari, 2005). In this regard, oil is considered a good cause for their presence in a region that has been closed for about 70 years. The developments taken place in the region and in particular in Afghanistan over the past year have led the region to be considered a potential source of terrorist activity, organized crimes, proliferation of weapons of mass destruction and drug trafficking as well as justifying the presence of the United States in the region (Pawletta, 2018:61). The diversification of energy sources, the economic benefits of participating in Caspian oil projects and the attempt to integrate the countries of the region into Western political and economic structures are among the issues that make the region's oil and gas issue subject of concern for these countries. It is clearly emphasized in Western publications that multibillion Western investments in the Caspian energy sector are influenced by political considerations more than the economic aspect (Ahmadipour, 2010)

3.2. Environmental Security in the Caspian

The relationship between the environment and human security has been the subject of many research studies (Naderi, 2020:137), but this has not been seriously taken into account in recent years in international environmental policies. Environmental security has been explained through environmental changes, population size and population growth, and uneven distribution

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(or access) to resources. Protecting the biodiversity of vulnerable seas requires more government attention. Requiring governments to protect the marine environment and protect its living resources it is a requirement of international environmental law (Talaie, 2017) Among these factors, equal access to resources is not confined to physical boundaries.

International attention to environmental security peaked in the 1980s. The development of the concept of security in the context of the environment causes that this concept, despite simplicity and overall acceptance, to be regarded somewhat indeterminate and beyond certain security models and causing a lack of coherence. Hence, it will be difficult to find a solution for specific issues. So far, there have been several definitions of environmental security, which are referred to below (Fardipour, 2007):

1. Environmental security is a situation where a country or a region of good governance, strong management, and sustainable use of natural and environmental resources will take effective steps towards economic, social and political stability and to ensure the welfare of its population.

2. Environmental security is the protection of the natural environment, the vital interests of citizens, society and the state from the internal and external influences (arising from) the negative trends and threats in development that threaten human health, diversity and sustainable functioning of the ecosystem and the survival of the human species. In this regard, environmental security is an integral part of national security.

3. Environmental security is the protection of the vital interests of the individual, society and the natural environment against the threats posed by human and environmental encounters in the environment.

4. Environmental security is the general public safety of environmental hazards with the origin of natural and human processes caused by ignorance, accident, maladministration, or deliberate intrinsic origins within national borders.

5. Environmental security is a human-environment interaction that involves rebuilding the environment damaged by military actions and improving the scarcity of resources caused by environmental degradation and ecological threats, which can lead to social disorders and conflict (Firouzpour, 2021:33).

6. Environmental security is the protection of the physical environment of society while meeting its needs without reducing natural resources.



7. Environmental security is the release of social instability caused by environmental degradation.

8. Environmental safety is the natural cycle of production and waste materials for nature in a way that improves overall consistency.

A comprehensive look at the issue of environmental security is in direct connection with the issue of "human security." In short, the comprehensive concept of environmental security is closer to the overall concept of "human security." Environmental hazards are a direct threat to human security in all health, economic, and social aspects, and violations of the basic principles of human rights. Concerning the Caspian Sea, this can be seen in terms of sharp increase in unemployment rate of the fishing industry due to the reduction of fish stocks, subsequently, shipping companies are affected.

The Caspian region has become increasingly important in terms of regional and global environmental security. The new geopolitical and economic requirements of the region (after the collapse of the Soviet Union) have created a mixture of competition, cooperation, and ideological, economic, political, and legal controversy. The serious debate is how the Caspian Sea and its resources are divided among coastal governments (Naderian, 2007). The oil and gas resources of the Caspian Sea have caused each country to have different positions regarding the legal regime of the sea, which does not have the necessary consistency.

3. Conclusion

Protecting the environment of the Caspian Sea and preventing the pollution of this water area should be the most important element of the agreement on the way to completing the legal system. For this reason, we are talking about the completion of the legal system, because the legal system of the Caspian Sea was concluded between Iran and the creation of the former Soviet Union, and it should still be relied on.

However, in order to effectively protect the environment of the Caspian Sea and prevent its further pollution, efforts must be made to complete and strengthen its legal system, which is acceptable to all neighboring states. The legal system in question, taking into account the geographical conditions it includes the right to cross the "Volga Dan" and "Volga Baltic" canals that the development of all neighboring states were open but after a few decades it is still not possible as a result, the Caspian Sea states have

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moved towards a two- and three-pronged division which conflicts with the effective and complete protection of the environment.

Nowadays, Caspian littoral states have reached relatively clear agreements on the environment, territorial waters and the special fishing zone such as agreements the 1996 Joint Declaration on the Caspian Sea between Iran and Kazakhstan, Joint Statement 1998 Iran and Turkmenistan, 1998 Joint Statement of Iran and Russia, 2001 Joint Declaration of Iran and Russia, The Convention on the Legal System of the Caspian Sea of August 12, 2018 has been added to this system. But the lack of a legal order accepted by all coastal states has a negative effect on the effective protection of the Caspian Sea environment.

For effective protection of the environment while completing and consolidating the legal system accepted by all coastal governments there should be serious opposition to the construction of a pipeline from the lake bed for environmental reasons and in order to determine the responsibility of the coastal states for the damages to the environment, a serious effort and a precise legal framework should be determined.

References

- Arshadi, A.Y., & Tayyebi, S. (2007) Investigating the legal regime of the Caspian Sea with emphasis on the legal status of coastal states. *Journal of Legal Justice*.
- Barbara Janusz-Pawletta. (April 2020) Legal framework for the interstate cooperation on development and transport of fossil natural resources of the Caspian Sea, *The Journal of World Energy Law & Business*, Volume 13, Issue 2, (2020) Pages 169–184.
- Barbara Janusz-Pawletta , (2019) *Legal History and the Present State of Use of the Caspian Resource*, Springer-Verlag Berlin Heidelberg, pp 13-31.
- Barbara Janusz-Pawletta, (2018) *Interrelations between Territorial Delimitation and the Regime of the Use of the Caspian Sea*, Springer-Verlag Berlin Heidelberg, pp51-73.
- Ladaa, M. (2005) *Transboundary issues on the Caspian Sea*. International Centre for Conversion, 13-18.
- Vaezi, M. (2012). *Caspian Energy: Center of regional cooperation in the Caucasus*. *Central Asian and Caucasian Quarterly*. No. 69.



- Vaezi, M. (2006) Persian Gulf security arrangements. *Journal of Strategy*. No. 40.
- Kilge, R. K., & M.S. (1992). Myagkov Charges in the water regime of the Caspian Sea. *Geojournal* 27.3: 299-307.
- Snyder, C. A. (1999) Regional security structures. In *Contemporary Security and Strategy*. Palgrave, London. pp. 102-119.
- Ahmadzade, Muhammad Javad (2018). The New Legal System of the Conservation of the Caspian Sea Environment, Master's thesis for international law supervised by Dr. Sobhan Tayebi, Damavand Azad University, Iran.
- Dad Andish, P. (2005) New image of Russian national security policy. *Studies of Central Asia and the Caucasus*. No. 52.
- Vaezi, M. (2007). Geopolitics of the crisis in Central Asia and the Caucasus. Ministry of Foreign Affairs.
- Ramazani Bunesh, F. (2011) Turkmenistan's foreign policy and the principle of neutrality: dialogue with Hasan Beheshtipour. International Peace Studies Center IPSC.
- Ahmadipour, Z., & Vali Qolizadeh, A. (2010). Investigation and analysis of Caspian's role in regional geopolitical equations. *Geography Quarterly*, 8(27).
- Naghizadeh, A. (2016). An Approach to the Implementation of the Convention on the Conservation of the Caspian Sea: its requirements and annexes in the light of the Caspian Sea Legal Status. Ph.D. Thesis. Islamic Azad University. Science and Research Branch. Faculty of Environment and Energy.
- Damirchiloo, M. (2007). Developments of the Legal Regime of the Caspian Sea: An Iranian Outlook. *Central Eurasian Studies*. 1(1).
- Yadegari, H. (2005). National Energy Report Collection: US. Institute of International Energy Studies. Tehran.
- Fardipour, S. (2007) Strategic Relationships between China and Russia and its Impact on the Security Environment of the Islamic Republic of Iran. Islamic Consultative Research Center.
- Naderian, M.A. (2007) Oil Geopolitics and American International Position. *Energy Economy*. 96.
- Kaviani Rad, M. (2011) Processing the concept of environmental security (the relation between security and ecology). *International Geopolitical Quarterly*. 7(3).

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- Alizadeh, N. (2005). Legal Status of the Caspian Sea and the Environmental Convergence of the Caspian Sea Countries. M.A. thesis. University of Tehran. Faculty of Law and Political Science.
- Salehi, javad (Fall Winter 2016) Enforcement of the criminal jurisdiction of the coastal government based on domestic law in contrast to treaties with the authority of the flag-owning government, Quarterly Journal of Criminal Law Teachings, Razavi University of Islamic Sciences, No. 16, 187-222.
- Salehi, javad (Winter 2020) Restrictions on the exercise of criminal jurisdiction by the coastal State in matters foreign ship in the light of international jurisprudence, Quarterly Journal of Public Law Studies, Volume 05, Number 4, 146-193.
- Salehi, javad (Spring 2020) The Convention on the Law of the Sea on the management and exploitation of the genetic resources of the high seas and the sharing of its benefits, Journal of Legal Studies, Volume 12, Number 1, 226-251.
- Farhad Talaei, International Law of the Seas, (2017) Third Edition, Tehran: Jangal Publishing.
- kosar Firouzpour, (07 January 2021) The Urgency for Conservation of the Marine Environment in the Course of Scientific Research in Areas Beyond National Jurisdictions, The Iranian Review for Law of the Sea and Maritime Policy (IRLSMP), No.1 pp. 18-44.
- Shima Naderi (July 29, 2020) Localization of the Sustainable Development Goals in the Persian Gulf Marine Environment: Challenges and Opportunities, The Iranian Review for Law of the Sea and Maritime Policy (IRLSMP), Vol. 1, No. 1 (2020), pp. 137–174.