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## LEGAL PROBLEMS OF THE CASPIAN SEA IN THE CONTEXT OF REGIONAL AND INTERNATIONAL COOPERATION

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## INTRODUCTION

Prevention and adaptation are two fundamentally different approaches to enhancing environmental security. Four types of adaptive responses are avoidance, protection, recovery, and adjustment. Examples of how each of these types of response strategies have been employed to address environmental changes in the Caspian region are cited. A combination of preventive and adaptive strategies will be needed to further enhance the environmental security of the peoples of the region. Since the breakup of the USSR, political weather around the Caspian Sea has changed from "calm" to "storm". It is obvious that the change of geopolitical situation and occurrence of new independent states in the Caspian region predetermined parity of new interests. It also resulted in a necessity of serious changes in the international relations in the Caspian region. [8]

## ECOLOGICAL SECURITY PROBLEMS OF THE CASPIAN SEA

Numerous factors make the Circum-Caspian area a unique geographical region. The Caspian Sea is the world's largest inland body of water (lake or "inland sea"), which is 700 miles long and contains six distinct hydrocarbon basins under its waters. It is also a unique and fragile ecosystem, the elements of which are interconnected. A particular feature of the Caspian environment is a substantial variation in water level - in 1930-1940 the Caspian Sea faced a disastrous fall of its water level (by 1.8

meters), while since 1978 it has faced an abrupt rise (by 3 meters thus far). These water level fluctuations, the exact physical genesis of which is still unclear, cause severe environmental problems and significant economic and societal damage to the coastal areas of all littoral states. Other natural occurrences include quicksand phenomena, periodic seismic and surge events, mud volcanic activity, and neotectonic dislocations. As the result, the area, configuration and structure of the Caspian Sea are in the process of constant change.

The Caspian Sea plays an important role in hydrocarbon security in the South Caucasus. The ecological problems of the Caspian Sea and its surrounding zone are related to the extensive development of the region's economy as a historical. These conditions are long-term natural changes (sea-level changes, climate change) as well as acute socio-economic problems of the modern era (transitional period, economic crisis, conflicts, the interference of international companies etc.). So such circumstances affect the stability of the Caspian Sea. In terms of human geography, more than 100 different ethnic, linguistic, cultural and religious (about 70 million) population have been concentrated on the basin, covering approximately four million square kilometers of the Caspian region. Historically, the disparity between the administrative division of different nations and the local population around the Caspian Sea have caused interethnic confrontation. It is enough to note that the ethnic Rus-

sians living in the Caspian basin (at least 10 million) are more than any other ethnic group in the region.

The Caucasus is a region of new states, whose natures present many uncertainties. The absence of real nation states, let alone democracies, (apart from Azerbaijan) is a key problem in the Caucasus and it is the main obstacle to regional security. Several external powers are also involved in the region, which further complicates the situation.

Politically, most states, like Armenia, Georgia and some autonomous republics in Russia, in the region are fragile quasi-states that lack democratic traditions and civil elements in their political and economic structures. These societies face a set of deeply ingrained social and economic problems unlike those in most other countries. In their quest for real independence, regional nations have to grapple with the multiple legacies of the Soviet command-administrative system and the sudden exposure to the world market forces - multiple intra-regional conflicts, internal political instability, unscrupulous business practices, and a deficit in infrastructure and expertise.

Water pollution is a serious problem in parts of the Caspian Sea for several reasons. The rivers that flow into the sea carry a heavy load of pollutants, in particular the Volga River, which accounts for approximately 80 percent of the Caspian inflow. The large Volga basin, in which 40 percent of Russia's population resides along with one third of the country's industry and agriculture, is heavily polluted with industrial wastes, heavy metals, agriculture runoff, and sewage.

The Caspian also receives substantial discharges of pollutants from its many coastal communities and the extensive oil drilling and refining operations, especially in Azerbaijan and Turkmenistan. Oil pollution is likely to become a more serious problem as large investments are made to further develop the region's immense petroleum reserves, including the area off the coast of Kazakhstan. Rising water levels (discussed below) pose additional contamination threats as they inundate oil wells and toxic dumps that were located on previously dry land. The flooding also contaminates surface

and ground waters to levels that exceed acceptable levels by manifold. [1, p.15]

Because the Caspian lacks an outlet, pollutants accumulate over time, is threatening its marine life (including its fish stocks) and other wildlife (such as migratory birds that congregate in the Volga delta), endangering human health, and diminishing the region's potential for tourism. Pollution is only one of several factors that have contributed to the decline of fisheries of the Caspian Sea, which has been a major economic blow to some coastal communities and districts.

The decline in fisheries has been most notable in the decline in sturgeon stock. Although not much reliable stock, reproduction and catch data are available, there is a general consensus that the sturgeon is on the verge of extinction if no immediate and effective measures are taken. The catch which was reported to be around 49 thousand tons at the turn of the 20th century in Volga is now reported to be less than one thousand. On the Iranian side where the catch data are more reliable and more indicative of the stock, the catch has fallen by two thirds in a decade. The decline in fish stock is also reported to be considerable in Kilka. A 30% reduction is reported in the southern part while reports indicate noticeable reduction in the north. Other fish stock also show decline. Many reasons are cited and disputed for the decline. Dam construction on Volga which damaged the spawning capacity, river pollution and poaching are listed as major contributing factors, but the root causes are basically the lack of environmental consideration amongst politicians and planners, lack of an agreed regional fisheries plan as well poverty in the coastal communities. It should be borne in mind that that fisheries directly and indirectly provide jobs and income to many of the 12 million residing around the Caspian.[4, p. 32]

Biodiversity erosion is a threat in the bio rich Caspian. The sea and its immediate surrounding coastal area can boast of being a unique ecological world heritage. The sea is home to some 150 species of fish including some rare sturgeon species and the frash water seal. The coastal and the river estuaries provide breeding and spawning habitats not only for rare fish, but

also for migratory birds such as black crane which travel from Siberia to Africa. The forests in the southern part are the last remaining of their kind across the globe. [2, p. 24]

The Caspian fishing industry has collapsed as stocks of fish, such as sturgeon, perch, herring and pike, have sharply declined, which is also attributable to unsustainable harvesting and disruption of ecosystems. The catch of these four species declined from 400,000 metric tons in 1950 to only 10,000 tons in 1990. Especially threatened is the Caspian's best-known marine resource, the sturgeon, whose roe was once used to produce 90 percent of the world's caviar. [3]

The rising water levels of the Caspian now appear to be the most serious environmental threat in the region. The level of the sea dropped by approximately three meters from 1929 to 1977, ostensibly due to reductions in the flow of tributary rivers, especially from the Volga, where large amounts of water were diverted for irrigation and entrapments for hydroelectric projects. Water levels then surprisingly began rising and by 1994 was 2.5 meters higher than in 1977 before stabilizing in recent years. [4]

The decline in the environmental quality is serious. While the overall industrial pollution is not as critically high as some environmentalists would have feared it to be, the sea is far from being pristine. Due mostly to the decline in industrial production in the CIS countries, the inflow of industrial contaminants has fallen in the northern part. A rise in production, which is politically desirable, will certainly put additional pressure on the Sea. Dam construction in Volga and Kura have also helped to sediment a considerable quantity of contaminants in reservoirs behind dams, thus helping to prevent outflow of contaminant into the sea. This however has not prevented inflow of certain contaminants, nor has it been of any use for industries that are built downstream of dams. The Caspian Sea has a number of "hotspots" which are areas of concentrated industrial pollution. Although data and information on contamination and pollution is scant and not easily accessible, it could nevertheless be suggested that the areas around Bay of Baku, the estuaries of Volga, Terck and

the inundated oil fields of Kazakhstan are among these hotspots. [3]

The cause of this rise remains a mystery, even though scientists have considered a variety of possible but inconclusive explanations - both natural and anthropogenic. Among these are long-term naturally occurring hydrological cycles, tectonic-plate movements; the building of containment structures-in particular a dike across the Kara-Bogaz-Gol (a semi-enclosed bay on the east side of the Caspian); increased rainfall triggered by human-induced global warming, and oil pollution that may be retarding evaporation.

Land degradation is a fourth environmental problem in the Caspian region as large tracts of the once fertile steppes of the region are reverting to desert. The situation is especially acute in the Kalmykia area west of the Caspian, where the sandy soils were once held in place by native grasses.

In what ways do these environmental problems pose a security threat? Are they likely to be the primary cause, or a contributing factor, to violent conflict in the region, and thus to jeopardize environmental security in the traditional sense? If not, are they having a significant and direct adverse effect on the basic welfare of the people of the region, and thus are appropriately viewed as threats to human security, as defined in the more comprehensive manner? While the Soviet state's aggressive efforts to exploit natural resources underlie most of the severe environmental problems that continue to afflict the area, the communist regime was rather successful in suppressing violence among the groups in the region. Sharp disputes have arisen between Russia and the newly independent states over rights to exploit the immense oil and gas reserves of the area and the routes that would be used to transport oil to markets outside the region. Russia has repeatedly contested the plans of the neighboring Caspian states to develop oil resources, especially where Western companies are involved through joint ventures. It has reserved the right to intervene and demand participation in such projects, which it has described as "illegal seizures" of national resources. [5]

The environmental problems in the Caspian area are more of a direct threat to human welfare than a potential cause of military conflict, and thus are more appropriately considered threats to environmental security as conceived in the more comprehensive manner. The economies of the Russian provinces of Astrakhan, Dagestan, and Kalmykia are tied heavily to fishing. In the case of Astrakhan the fishing industry, including processing plants, canneries, and ship-building, once accounted for approximately 30 percent of the local economy. In these areas pollution could hinder the development of a potentially lucrative tourist industry. As sea level has raised, all five Caspian littoral states have had villages, industries, communication and transportation infrastructure, and arable lands inundated and coastal ecosystems destroyed. By 1995, approximately 10 percent of the agricultural land in Astrakhan Oblast had to be abandoned and upwards of 40 factories in Dagestan had been flooded by the rising waters. By 1995, approximately 10 percent of the agricultural land in Astrakhan Oblast had to be abandoned and upwards of 40 factories in Dagestan had been flooded by the rising waters. The UN Environment Programme in 1994 estimated the cost of the Caspian Sea level rise had already caused damages of \$30 to \$50 billion dollars. [6, p. 100]

It was agreed that ecosystems of the Caspian Sea are currently subjected to severe degradation of their marine life and recreation potential. There are identified environmental issues that have the most serious implications for human security in the region as the following:

1. Flooding resulting from sea level rises, which in turn are affected by both natural variations in climate and anthropogenic factors such as increased runoff and barrages. Flooding has had a significant economic cost through the destruction of coastal property and fisheries.
2. Air pollution caused by hydrocarbon processing (e.g., refineries) and other economic activities, as well as by dust storms exacerbated by desertification.
3. Severe reduction of Caspian fish stocks, resulting, as several papers document, from a combination of water pollution and overfishing. Sturgeon, a matter of considerable eco-

nomic importance as well as symbolic significance for Russia and Iran, have been particularly hard hit.

5. The loss of biological diversity in coastal areas, particularly in river mouths, caused by water pollution and land conversion. Several delta and harbor areas are virtually devoid of animal life.

6. Desertification caused by rather poorly understood climatic changes and human uses of land and water which has been spreading, particularly in Turkmenistan and Kazakhstan.

7. Geological instability, including earthquakes, mudslides and sinkholes that may be significantly affected by the withdrawal of oil, natural gas and water. The claims that oil and gas exploitation may contribute to geological instability will remain highly controversial, and may well be the subject of acrimonious disputes.

Additional environmental problems derive from traditional threats to the peace of the region: civil strife, ethnic tension, terrorism and political instability. These threats are exacerbated by specific vulnerabilities of the Caspian region: its seismicity and ongoing process of water level fluctuation. Recently the littoral states started to work together in the environmental realm. In April 1995 the Caspian Environment Program (CEP) was launched by the World Bank, the United Nations Development Programme (UNDP) and the United Nations Environment Programme (UNEP). The European Union TACIS Programme also participates in the CEP by providing technical assistance and support in project preparation. In an agreement reached in Ramsar, Iran, in May 1998, the regional states agreed on host locations of nine Caspian Regional Thematic Centers and specific roles of each country in implementing the initiative. Participants of the Workshop addressed the issue of effectiveness of the CEP and suggested certain changes in its mechanism. They also suggested that research on environmental cooperation in other regions (the Aral Sea, the Baltic, the Black Sea, the Danube, the Mediterranean, and the Persian Gulf) could provide useful insights on the factors necessary for successful regime and pitfalls to avoid. [7]

Furthermore, the Caspian sea is a relatively undisturbed habitat and an enduring natural reserve for its indigenous and other species. With recent changes, its ecosystem could face irreversible damage. The strategy for its protection and preservation brings into focus the need for the adequate prediction of further environmental changes in the system. The factors affecting the Caspian are:

- Natural variability and climatic changes,
- Ecological deterioration in regions of great economical value i.e. the Volga river delta and the adjoining North Caspian Sea,
- The fate of caviar or sturgeon's eggs,
- Anthropogenic forcing,
- The sea-level changes of greater concern are the exposure of toxic waste burial sites by rising groundwater levels,
- The comb jelly *Mnemiopsis* that has invaded the Caspian and is destroying its fisheries,
- (One of the key issues) Caspian Sea oil: Development of transnational export routes increased the risk of oil pollution.

The Caucasus is a region of new states, whose natures present many uncertainties. The absence of real nation states, let alone democracies, is a key problem in the Caucasus and it is the main obstacle to regional security. Several external powers are also involved in the region, which further complicates the situation. One can even argue that, amid the ruins of the Soviet Union, a new type of small state has emerged: the proto-state, characterized by societies that lack democratic traditions and civil elements in their political and economic culture. In addition, the economies of these states are in a state of crisis, undergoing a painful transition towards a market economy and away from a one-sided dependence on Russia. These newly independent states have yet to develop their own strategies to formulate and realize independent foreign policies.

The diversification of these post-Soviet states' ties to other nations involves a partial, and to some extent a major, reorientation towards building relations with their neighbors in the region. The process of establishing new security relations is, however, gaining momentum. For every country, national security is a

priority. Newly independent states are particularly sensitive to security problems as they lack the experience that comes from independent statehood, such as strategic planning and foreign policy formulation.

Newly independent states in the early stages of their existence as sovereign, autonomous actors feel very insecure and quite uncertain about defining their security interests and priorities. As a result, they tend to underestimate certain security threats, exaggerate others, and sometimes even omit vital players. Their strategic vision is often based on historical memories constructed along ethnic lines, creating divisions between "us" and "them" according to the classical pattern of "insiders" and "outsiders", "friends" and "enemies".

The region and context in which these states find themselves can complicate their security problems as well as their foreign policy. Every region has its own distinctive security environment, which is defined by the region's geo-strategic and economic geographical position. This security environment is influenced by the interest of major world powers in the particular area, the interest and relative strength of neighboring states, as well as the security issues and situations within the countries themselves, which result from the pattern of enmities and amities intrinsic to the region.

If one looks at the Caucasus from a strictly geopolitical point of view, certain elements of the regional security complex are in formation: the revival of the "Great Game" between Russia and Turkey and between Russia and the West, as well as further involvement and even meddling by regional powers. There are also struggles to preserve spheres of influence, attempts of some new Caucasian states to escape one-sided dependence on their "former master" and become buffer states instead of remaining impotent satellites, and even some signs of ethnic, religious and cultural contradictions and clashes. [7]

Looking "geopolitically" at the Caucasus and taking into consideration the current situation, one cannot avoid arriving at a somewhat pessimistic assessment of the region's future. There are many flash-points in the Caucasus that can hinder its development and make it a "barren land" politically and economically.

A new phenomenon, whose influence is steadily growing and giving a new dimension to the Caucasus, is international business - primarily oil multinationals. Their increasing role is difficult to overestimate. The significant energy reserves of the region and the difficulty of their transportation via the Caucasus have triggered the interest of international investors and leading powers. At the same time, some elements of the Russian political and military establishment still believe that they can integrate the South Caucasus and Central Asia into a common area dominated by Russia. They support policies in the Caucasus that encourage regional conflict and enable Russia to gain political concessions, maintaining control over CIS borders while deterring foreign investment in the Transcaucasus. Such tactics have brought Russia only limited success.

Russia has neither increased nor maintained its security in the Caucasus. Rather, by creating ethnic conflicts, Moscow has encouraged an exodus of the Russian population, discouraged Russian investment, increased regional distrust of Russia, increased tensions with Turkey, and created a vacuum of constructive policies which could, if implemented, transform Caucasian states into genuine allies of Russia, supportive of its political and economic interests in the region. [6, p. 105]

On the other hand, there are some signs of a rather different approach, detectable among some of Russia's business groups. These groups see a stable and secure economic environment in the Caucasus to be more beneficial, and support a more constructive approach to the region.

Oil is not a new phenomenon for the Caucasus, where the tradition of oil exploitation has existed for a century. However, the current situation is completely different from the previous one. The disintegration of the USSR and the discovery of significant new oil reserves in the Caspian basin have pushed the Caucasus into the international spotlight.

Azerbaijan will benefit directly from its oil reserves. Georgia can benefit from Caspian oil by serving as a transit route, and can strengthen its security through the international community's interest in maintaining the stability of such a route.

Paradoxically, Caspian oil may be both beneficial and dangerous to Azerbaijan and Georgia because of Russia's increasing fear and dissatisfaction, perceiving Western influence in the Caspian region as a threat to its security and economic interests. Armenia can also gain as a transit country if the Nagorno-Karabakh conflict is resolved. Russia cannot stop oil extraction in the Caspian, but it pursues an active policy in controlling oil transportation routes, aiming at becoming a transport monopolist. The conflict of interest between Russia, Azerbaijan and Georgia is clear, and Russia has enough instruments to make the South Caucasus less attractive to Western energy companies and governments. It is clear that Russia's policy does not contribute to Georgia's security and wellbeing. On the other hand, if Russia chooses a more "geo-economic" approach to Caspian oil and contributes to its development and delivery to international markets, it will concurrently contribute to regional cooperation in the Caspian region. No economic development can take place in the Caucasus without security, regional cooperation and benefits from Caspian oil. It seems that in the long run, the positive involvement of Russia in regional security and economic cooperation in the Caucasus would be beneficial for Russia itself. It would, in fact, contribute more to Russia's own security and wellbeing.

Geostrategic and political characteristics of the Caspian region is strategically important and hence a focus of attention by major international players, notably the United States and the European Union. This factor is related to its considerable energy resources and its potential to become a partial alternative to Persian Gulf oil and gas. [7]

The most significant non-energy related source of the Caspian region's strategic importance is its proximity to other strategically significant regions, such as the Persian Gulf, Russia, the Black Sea and China. This proximity implies that developments within the Caspian littoral states affect the interest of major international and regional actors and, in turn, lead these actors to try to influence the character and direction of security, political and economic developments within the Caspian region, in or-

der to make them compatible with their own needs and interests.

The military dimensions of this particular view of the Caspian region's strategic importance is reflected in Russia's efforts to develop a Collective Security System in the context of the Commonwealth of Independent States (CIS) and in efforts by the North Atlantic Treaty Organization (NATO), in the framework of its Partnership for Peace (PFP) program, to establish closer military relations with a number of post-soviet states, including Azerbaijan, Turkmenistan and Kazakhstan.

As long as Russia-Western relations remain good, the above-noted efforts could be complementary and contribute to overall regional stability. However, in the last few years it has become clear that security, economic and other interests of Russia and the West do not always coincide. And while it is not inevitable that Russia-Western relations will deteriorate, it is clear that the competitive aspects of their relations are likely to become more pronounced in the future. This will be especially likely in regions such as the Caspian Basin that Russia considers to be a special zone of its interest. [8]

Since the collapse of the USSR, long established stability of compromise around the Caspian has left its place to competition and confrontation. While the USSR and Iran were the only coastal states in the Caspian basin during the Cold War, five states came to share the control over the Caspian Sea in the Post-Soviet period, and they were quick to declare their rights to the particular parts of the Sea in a unilateral manner, which led to controversies. After the collapse of the USSR and the gained independence of the Caspian littoral states have created a few ways of influence for the environment by using of the Caspian Sea's natural resources on the different levels. Over the years, industrial waste has been thrown into the Caspian Sea, which causing significant damage to the sea's ecology. Many factors in the Caspian Sea have created a unique and fragile ecosystem that connects the elements of the water basin, making the sea a unique geographical region. Water pollution in some parts of the Caspian Sea is a serious problem. The ecology of the Caspian Sea mostly depends on the eco-

logical status of rivers flowing to the Caspian Sea. Almost all of the rivers flowing into the sea have become a channel that pollutes the sea in this and some other way.

New subjects of international law came into existence as a result of the disintegration of the USSR: Russian Federation, Azerbaijan, Kazakhstan and Turkmenistan. Thus, five states (Four newly independent states and Iran) had to share the control over the Caspian Sea in the Post-Soviet period. International negotiations on the Caspian problems, especially on determination of its international legal status, can be divided into three stages; First stage, which may be defined as the period of investigation, acquaintance and search after reasonable solutions, covers 1991-1994. Second stage covers 1995-1999, during which new ideas and postures were generated, range of serious multilateral meetings and conferences, discussing the national postures toward the Caspian Sea and other issues, and were held. The third and the last stage go back to January 2000, i.e. to the moment when the new leader of Russia, Vladimir Putin, rise to the power. His arrival precipitated development of a new approach by the Russian Federation regarding the Caspian region and its problems.

During this period the Caspian states as well as the interested countries (USA, Turkey, China, Western European states and others) began to consider the Caspian Basin as one of the main sources of energy in the world, and determination of the Caspian Sea's legal status became the key question. Formation and identification of the national postures proceeded from the interests of the different states. At the same time formation of priorities of the Caspian states began, and each state tried to take the initiative in order to better defend their national priorities. The most active state during this period was Islamic Republic of Iran whereas Russia observed developments in the post-Soviet era and Caspian region in silence, and new Caspian states just began to declare their intentions. Within the framework of the intergovernmental conference ECO (Economic Cooperation Organization - February 17, 1992, Tehran), Iran for the first time put forward the idea to establish an Organization of the Caspian Sea

in order to promote cooperation in exploitation of region's reaches. As Alen Jiru notes, Iran, putting forward such a motion, hoped to locate the headquarter of the new organization within its territory so as to link the questions and problems of the Caspian Sea and its foreign policy together in future.

The second stage might be described as a "developed geopolitical game with extending geography and circle of the participants", issue of formation of the new legal status of the Caspian Sea became important not only for the coastal states, but also for other countries of the American, European and Asian continents. This stage was marked by a great number of official meetings, scientific conferences, frequent changes in positions and priorities of the coastal states, and straight political collisions during negotiations.

The Azerbaijani delegation, however, declared that huge energy resources of the region and their importance for the coastal states as well as for other countries have made the problems of the Caspian Sea a global issue. This approach was later supported by the European Union, which created a commission of experts in April 1996 under the TACIS framework, "to study reform supporting means in the sphere of resource transportation and to define alternative decisions for their [i.e. regional states] export from the Caspian region and Central Asia to western markets".<sup>41</sup> This decision was aimed to work out special proposals on large-scale projects alluring to investors. On the basis of recommendations of working groups, TACIS worked out an Interstate Oil and Gas to Europe (INOGATE) program.

Interstate relation practice in the sphere of the Caspian Sea problems indicates the fact that when official negotiations of the coastal countries come to a standstill, states (more often it is Russia or Iran) call an international scientific conference and look up to scientists for help in upholding their positions. Thus, soon after the unsuccessful negotiations, in Tehran in December 1995, an international scientific conference on "Caspian Petroleum and International Security", organized by the international nongovernmental organization Peace and Consent Federation, Moscow branch of the Russian scien-

tific fund, Petroleum and Capital magazine and German Friedrich Ebert Foundation, was held in Moscow on March 5-6, 1996, by the initiative of the Russian Federation with the assistance of the American Centre of Post-Soviet Researches 4 3 Representatives of oil companies, scientists, experts and officials from Russia, USA, Germany, Kazakhstan, Azerbaijan, Greece and Georgia participated the Seminar program and participant addresses indicated the complex nature of the issues under discussion. Among the issues raised were the share and position of the Caspian petroleum and gas on the world global fuel and energy markets; challenges of the international legal status of the Caspian Sea; features of ownership on natural resources of the sea and its bottom; economic and political problems affecting production, selection of transportation routes of the Azerbaijani oil and, in this connection, interests of CIS, Iran, China, Turkey, USA and other western states; social and ecological consequences of development of oil and gas fields of the Caspian shelf. [8]

By 1997, the Caspian Sea problem began gradually to grow out of multilateral negotiation framework of the Caspian states and become a global one. On May 13-14, 1997 summit of chiefs of states and chief executives of ECO countries (Turkmenistan, Afghanistan, Iran, Kazakhstan, Kirgizstan, Pakistan, Uzbekistan, Turkey and Tajikistan) met in Ashkhabad. Among other issues, they also discussed such issues as infrastructure prospects, transport development, and international oil and gas pipelines from the Caspian basin. It was noted during the summit that "considering the fact of huge power resources of the Caspian Sea and their importance for economy of large number of states located outside of the region that lacked fuel, problems of the Caspian Sea grow out of the regional framework".

Then, two international scientific conferences held on June 24-27, 1997 in Moscow and later in Astrakhan on "Oil and Ecological Safety of the Caspian Region" had a great influence on genesis of the idea about necessity of determination of the new international legal status of the Caspian Sea for environmental reasons. Although the participants of this forum did not



deal with the question of the Caspian Sea legal status, they, nevertheless, appealed interested parties "to work out and accept an international convention on the Caspian Sea legal status".

The process of the Caspian Sea problems universalization was further reflected in the resolution of EU Parliamentary Assembly on December 3, 1997.69 The Resolution 624 argued that a huge amount of foreign companies began "a wild race" for leading in the development of natural riches of the Caspian sea and that Azerbaijan, Kazakhstan and Turkmenistan was under pressure of the states, which challenge benefits from resources exploitation.70 The assembly further expressed a wish that the establishment of the international stability, coordinated by participation of all interested states and companies, would end the "war of oil pipelines".

The third stage of the coastal states' multilateral relations in the Caspian basin has taken place since January 2000. The new stage is mainly related to the changes in the Russian policies vis-à-vis the region. The new president of the Russian Federation, Vladimir Putin, had long before the presidential elections declared his desire to deal with the Caspian Sea. Having been elected President in March 2000, he proclaimed the Caspian region a zone of special interest to Russia.88 Then the Security Council of Russia met in April 21, 2000 to discuss the situation in the Caspian region and Russian policy towards it. Defining the Caspian Sea as a "traditional zone of national interest of Russia", Russian foreign minister I. Ivanov meant that Moscow decided to focus efforts to advance its interests.89 Then the Security Council of the Russian Federation created a post of special representative of the president of Russia for the Caspian Sea legal status regulation, to which long-time head of Gazprom, V. Kaluzhny was nominated. It was clear that the Security Council came to a decision that the unsettled status of the Caspian Sea, when the coastal states competed for development of its raw resources, threatens the Russian interests. As a result, we saw a new Russian Caspian concept, put forward by Putin, build around the issue of the Caspian Sea legal status. Therefore Kaluzhny, soon after presidential elections, visited Azer-

baijan, Turkmenistan and Iran to restart the meetings of working commissions on the legal status and also to prepare the ground for a new meeting to be held in Moscow in August 2000. However the trip ended in a fiasco in Ashkhabad and Tehran, and the proposed conference was postponed.

The Caspian Convention establishes exclusive rights and responsibilities of the five littoral states on the fate of the unique water basin. The so-called "Constitution" of the Caspian Sea was signed in August at the fifth Summit of Heads of the Caspian littoral states in Actual after 22 years of systematic talks. Convention gives Caspian "a special legal status" - it was declared neither lake nor sea. If viewed as a sea, the Caspian basin would be subject to the International Maritime Law, and rights to use the Caspian Sea wouldn't be limited to the coastal countries. This is definitely against the interests of Russia and Iran in the region. On the other hand, as a lake, its area would be divided equally between the five countries, and this leads to controversy in the distribution of hydrocarbon reserves. According to the Convention, water surface remains in common use for all coastal countries, with states granted jurisdiction over 15 nautical miles of water from their coasts and fishing rights over an additional ten miles. The seabed, rich in natural resources, is divided between neighboring countries in accordance with international law, based on the agreement of the neighboring states. The provision on the inadmissibility of third-party armed forces in the Caspian Sea can be regarded as one of the key points of the Convention. The convention also permits the construction of pipelines, which only require the approval of the countries whose seabed they pass. At the same time, such projects should comply with environmental safety. The signing of the Convention has been regarded as a triumph of multilateral diplomacy by the international community and the world media. The cooperation between Caspian states based on convention is expected to accelerate energy projects, allowing the implementation of the Trans-Caspian Pipeline that is the most crucial one.

## CONCLUSION

Starting from identification of environmental threats and vulnerabilities, developmental needs, and political, economic and security constraints, it also identifies possible strategies to enhance environmental security in the Caspian Sea. A coordinated regional strategy, with a specified sequence of consultations and negotiations, should include different types of societal responses to environmental crisis: prevention of new threats, mitigation of the magnitude of existing threats, adaptation of population to perceived threats as well as creation of emergency response mechanisms. At present, the exploitation and conservation of the Caspian Sea's resources depend on whether the adjacent independent states find reliable and efficient ways to solve these problems. The above mentioned environmental problems of the Caspian Sea can have a significant and direct impact on the well-being of the peoples of the region and therefore this factor considered as a threat to a wider definition of human security. So there is no doubt that environmental threats will increase in coastal areas in the near future if regulatory measures are not applied in human activity and cooperation between the Caspian littoral states. Therefore, the situation requires the cooperation of the Caspian littoral states and mostly, their practical cooperation.

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## Xülasə

## Yeganə Baxşiyeva

**Regional və beynəlxalq əməkdaşlıq kontekstində Xəzər dənizinin hüquqi problemləri**

Ətraf mühit dəyişikliyinə milli və insan təhlükəsizliyi üçün təsirlərini 1960-cı illərdən bəri alimlər qeyd etsələr də, soyuq müharibənin kəskin şəkildə azalması və global ekoloji problemlərin artması ilə əlaqədar ekoloji təhlükəsizlik anlayışı yalnız 1980-ci illərin sonlarında geniş yayılmağa başlamışdır. Ekoloji təhlükəsizlik əsasən, iki bir-birindən fərqli şəkildə şərh edilmişdir: müharibə və digər silahlı münaqişələrin ekoloji səbəblərinə yönəlməsi daha ənənəvi konsepsiya ilə ətraf mühitdəki stresslərin insan təhlükəsizliyinə necə təhdid yaratdığını araşdırır. Xəzər regionunda əsas ekoloji təhlükələr suyun çirklənməsi, dəniz təsərrüfatlarının azalması, dəniz səviyyəsinin dəyişməsi və torpaqların pozulması ilə əlaqədardır.

Bu məqalədə Xəzər bölgəsindəki iqtisadi, siyasi və ekoloji inkişafın mürəkkəbliyi haqqında əhəmiyyətli bir şərh verilir və Xəzər dənizi bölgəsində baş verən ekoloji dəyişikliklərin ətraf mühitin təhlükəsizliyi ilə bağlı olması araşdırılır. Xəzər dənizi Sovet İttifaqının dağılmasından sonra davam edən genişmiqyaslı ekokatastrofiyanın (nəticə olaraq qismən təbii Qafqazın) bir nümunəsidir.

**Açar sözlər:** *Xəzər dənizi, çirklənmiş hövzə, sahiləyi dövlətlər, ekoloji təhlükəsizlik, maraqlı beynəlxalq dövlətlər.*

## Резюме

## Егяна Бахшиева

**Правовые проблемы Каспийского моря в контексте регионального и международного сотрудничества**

В то время как последствия экологических изменений для национальной безопасности и безопасности человека были отмечены учеными с 1960-х годов, концепция экологической безопасности стала широко модной только в конце 1980-х годов с резким спадом холодной войны и ростом озабоченности глобальными экологическими проблемами. Экологическая безопасность интерпретируется двумя принципиально разными способами; с более традиционной концепцией, сосредоточенной на экологических причинах войны и других вооруженных конфликтов, в то время как всеобъемлющая концепция рассматривает то, как экологические стрессы создают непосредственную угрозу безопасности человека. Основными экологическими угрозами в Каспийском регионе являются загрязнение воды, сокращение объемов промысла, изменение уровня моря и деградация земель.

В этой статье содержится значительный комментарий о сложностях экономического, политического и экологического развития в Каспийском регионе, а также рассматриваются экологические изменения, происходящие в регионе Каспийского моря с точки зрения возникающей экологической безопасности. Каспийское море является примером продолжающейся крупномасштабной экокатастрофы (отчасти в результате естественного Кавказа), а также примером политических разногласий и временного правового вакуума, последовавшего за распадом Советского Союза.

**Ключевые слова:** *Каспийское море, загрязненный бассейн, прибрежные государства, экологическая безопасность, заинтересованные международные государства.*