

Conservation of the Caspian Sea Enviro- Economic in the Light of Regional and International Legal Regime

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Abstract

Regional and international environmental regimes are considered tools for protecting the environment. In the classification of regimes based on the obligations of member states of a regime, they are usually divided into positive and negative groups. In positive regimes, governments are required to implement measures in the area of agreement and jurisdiction, while the government in negative regimes is banned from implementing certain measures. The implementation of positive legal regimes is more difficult than achieving negative regimes. Participating governments will need financial, technical, administrative, and legal resources in a positive legal regime to implement these regimes. International agreements must be reflected in the internal legislation of the countries and the behavior of all of them must be changed. In that case, a regime can be effective. In this regard, the Caspian ecological convergence regime in the light of effective protection and conservation can provide a positive approach to the obligations of the five Caspian states.

Key words: International convergence, Legal regime, Environment, Caspian, Conservation.

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Introduction

In the theory of international regimes, there is no definite definition agreed upon by all. In general, there are various definitions of international regimes. Complex definition by Stephan Krasner explains that regimes, principles, rules, and norms are implicit and clear, and the process of decision making in line with them and the expectations of actors converges within the scope of international communication. He explains the relationship between them by explaining his purpose of principles, norms, rules, and decision-making processes. According to Kuhn's definition, regimes are institutions with clear and agreed rules of government that are assigned to a set of specific issues in international relations. (Ladaa, 2005, p.27)

Regimes and organizations are both international institutions with clear rules and regulations, and these rules have been agreed upon by members. The big difference between the two is that organizations can be actors, but regimes cannot. In any case, organizations and regimes are referred to in the daily activities of member states. In this regard, the regional and international regime for a strategic water structure must have definition and supportive regime, which will be addressed in this study.

1. Theoretical View on Environmental Regimes

The history of environmental law about the rules and their applicability by international organizations, unions, or commissions dates back to the nineteenth century. (Kiss, and et al, 2005, p.58) Since the 1970s, global orientation has led to destruction and damage to the environment. Many actors have found that pollution was stopped at the national borders of no country; therefore, it cannot be controlled by national measures and legislation alone. Since the issue of environmental pollution has an international and transboundary nature, responses must also be international in nature. Only multilateral measures will improve the issue. Acid rains, ozone depletion, degradation of diversity, desertification and the controversial issue of global warming are examples of the nature of the global climate of pollution. Numerous environmental regimes have been adopted and implemented during the 1980s and 1990s.

When participant actors realized the benefits of these collaborations, international environmental regimes emerged. Since these interests are often measured by economic dimensions, it is difficult to achieve



common interests among countries with a completely different economic interest. During this, one of the parties may pursue its interests without regard for others. One of the consequences of such selfish ideas is that the result is not desirable by any of the parties. Creating a system can help to achieve a desirable collective outcome. There are certainly various motivations for participating governments in such environmental systems. (Haji Hosseini and Karimi, 2011, p.76)

According to Zurn, 4 tasks should be considered when implementing environmental systems:

1. The beneficiaries will be aware of the issue and this awareness will lead to legislation.
2. The degree of observance of the rules should be transparent and verifiable.
3. Operational rules are confirmed for what is currently possible and do not change the principles and norms.
4. A high degree of administrative and technical information should be available. (Arshadi and Tayebi, 2007, p. 18)

It is necessary to take the basic steps in this regard based on the approach of informed participation in environmental education that has high learning, sustainable impact, social acceptance, and lower costs. Since education is one of the most suitable ways to achieve economic, social, cultural, and environmental development, it is necessary to consider the issue of education and promotion of the environment as one of the requirements for achieving sustainable development. (Kurukulasuriya and Robinson, 2011, p.176) In order to measure the efficiency of international environmental organizations, attention should be paid to concepts such as the attention of sovereignty, the promotion of the conventional environment, the increase of national capacities along with the management of compliance with the laws.

1. 1. Increasing the attention of sovereignty

When a system is properly created, it can affect the importance of the problems that have been created to resolve it. One of the preconditions for the first steps of an environmental system, even before the existence of the system, is to strengthen the importance of environmental problems. Governments must accept the existence of problems and acknowledge their danger. Then, importance should become a priority, and

environmental issues rank in the policy agenda. Governmental attention to this issue should be so high that it would force governments to allocate their limited resources to solve this problem. Of course, severe environmental changes and the political and social situation are causing a sudden increase in concerns. (Naghizadeh, 2012, p.34) Other shortcuts will have slower effects. At the internal level, these methods can be in the form of political activities in society or sovereignty. Individuals and groups active in this field can be in the form of political activities in society or sovereignty. Individuals and groups active in this field can influence the actions of the government by forming networks and by explaining the environmental hazards and asking them to respond to them. This leads to the creation of NGOs that increase international awareness and pressure governments to take action on environmental hazards. The scientific community can generate, aggregate, and publish information and knowledge of these issues. With this collaborative effort, legal debates and scientific evidence can be created and the media can provide the opportunity for the social groups to be heard. Active politicians can also use these networks as a place to announce their ideas for influencing society and linking the issue of the environment and other issues, and ultimately enhancing their priority in political debates. Paragraph 163 of the 2002 World Summit on Sustainable Development establishes that "... countries have a responsibility to strengthen governmental institutions, including by providing necessary infrastructure and by promoting transparency, accountability, and fair administrative and judicial institutions." (Poor Ahmadi Meibudi, and Muhammadi Lord, 2011, p. 78) One of the achievements of this issue in the international arena can be the sharing of information on environmental hazards among all active states. The legal pressure to signal "public shame" can be effective for countries that do not cooperate. Weaker countries can put the issue on the agenda. In addition, the existence of a communication link at the internal level can give priority to environmental issues. Although all of these are indicators of the effectiveness of regimes, there are prerequisites for achieving cooperation among countries to establish the legal framework for the international environment.

1.2. Improving Contractual Environment



In this case, existing systems can have a positive and strong impact on the contractual environment among contributors. However, before creating any kind of regime, there should be a degree of assurance of the existence of an appropriate environment in the form of a contract. An appropriate contractual environment means that governments must make credible commitments to pass common laws, facilitate monitoring of each other's behavior with reasonable expense, and apply coordinated strategies. Governments should be sure of the possibility of establishing and enforcing agreements and the possibility of misconduct in the activities of members should be eliminated. Without a well-established and effective system, it seems very difficult to achieve this. At present, there are several examples of regional and international systems with varying degrees of success. Interaction in a coherent system can enhance the transparency of the relationships among the participants. In addition, implementation of confidence-building measures - for example in the field of safety - can improve the environment for cooperation in other areas. At the beginning, thoughts may contradict each other. Certainly, increasing attention will be good cooperation in order to achieve a secure environment.

1. 3. Appropriate Policies and Enforcement Capacity

When joining an international environmental organization, governments should make reforms in their domestic and foreign policies. The capacity of governments to enforce international law and the acceptance of principles and norms must be promoted and improved. One of the effects of increasing the legal, political, and administrative capacities of governments is to increase the legitimacy of issues and ensure that policy makers are empowered. Capacity building, even before establishment of a system, can be achieved through a variety of tools, such as transferring scientific and economic technologies to financially researching executives, boosting the bureaucratic power of domestic allies, and building capacity in the private sector. In addition to the expansion of network communication with major international institutions such as UNDP, UNEP and the World Bank could be desirable. Increasing capacity is not just about governments, and this implies that activists in civilized societies (through permissions and legal capacity) can play an effective role in the creation and implementation of policies. They should

be able to criticize their governments for action and environmental-related responses. Moreover, they should be able to create warnings about environmental problems and engage in finding solutions and implementing them without prevention of the governments. These cases can occur in a variety of formats. Collaboration with networks and international environmental organizations in the form of lobbying at state and international levels, increasing social awareness through national and local media, local environmental education programs are examples of these kinds of actions.

2. Environmental Development Model

Environment and its related issues are the most important topics in the developmental models and economic relations of today's world. Today, the link between development and the environment is indisputable.

Economic growth is considered as one of the development criteria in the targeting of governments, and economic relations play a central role in North-South interactions. (Naghizadeh, 2016, p.45) In recent decades, different approaches of governments to developmental and environmental issues that stem from their different priorities, influenced by different economic, political, and military capabilities, have led to regional and international challenges. In this regard, regional and international systems have been working to bring about convergence among governments by addressing common concerns and taking steps to develop international partnerships to address common concerns. Among these efforts are formation of international and global organizations, programs, and conferences, including the Stockholm, Johannesburg, Rio, Copenhagen, Kyoto and ... conferences, which have often resulted in the issuance of joint statements by governments, the conclusion of regional and international agreements, the definition of joint programs, etc.

The formation of international systems and organizations is considered as one of the ways of developing regional and international cooperation aimed at establishing international justice. The formation of these systems is based on the equal right of governments to determine their own destiny in the international community. Establishing regional and international environmental organizations is also based on the commonality of the global environment, the inability to determine the boundaries of the environment according to the geographical boundaries



of countries, the inability of individual states, and the single and shared responsibility of all states in protecting the national and global environment. Due to the various capabilities of governments in the economic and technical fields, access to resources, as well as heterogeneous social conditions, this common right brings shared but different responsibility for governments. In fact, it is assumed that international organizations, regardless of the will of the great powers, consider environmental concerns in economic relations. In this perspective, international institutions not only do not challenge the independence and rule of local governments, but also are mutually beneficial agreements between independent countries that facilitate cooperative results. These institutions mitigate distrust and hesitance by providing information to member states and help to stabilize supportive expectations by establishing common standards. In this case, national governments are not seeing themselves under the authority of international organizations, and it is possible to monitor compliance with international obligations. In this regard, international organizations are an institutional body for monitoring the environmental observation of the region (and the world). (Ahmadzade, 2018, p.85) Although some believes that international environmental organizations are in fact the continuation of capitalist policies and the new strategy of the international capitalist system in exploiting less developed states, one cannot disregard in no way the decisive role of international systems and organizations in the development and promotion of cooperation among governments, which is fundamental to the realization of environmental protection.

The Caspian region is no exception to the description of the regional situation and the security, political, economic, and social coordinates of the regional governments. In addition to all the factors affecting the development of the will of the states in the field of international relations, the issue of Caspian environment and the necessity to protect it was focus of the first and only document agreed upon by the coastal states. Besides, the strategic position of the Caspian Sea and its impact on the climate and the environment and global relations including political and military security and energy security have led the international community to focus on establishing a Caspian environment program. With these lines, the potential of “Caspian

regional environment” in maintaining regional and international peace and security becomes very clear. Therefore, the establishment of a clear and distinct comprehensive regional system in various dimensions, especially the economic and environmental dimensions, and the development of cultural and social cooperation can be effective in maintaining regional and global peace and security while providing the necessary conditions for realizing sustainable development in the region. (Mir Abbasi, and Jahani, 2011, p.61)

3. Conventional Approaches for the Conservation of the Caspian Sea

By presenting suggestions for the study, this section provides an approach for implementation of the convention on environmental protection and its annexes in the light of the legal status of the Caspian Sea. These proposals are specifically presented in the three following parts.

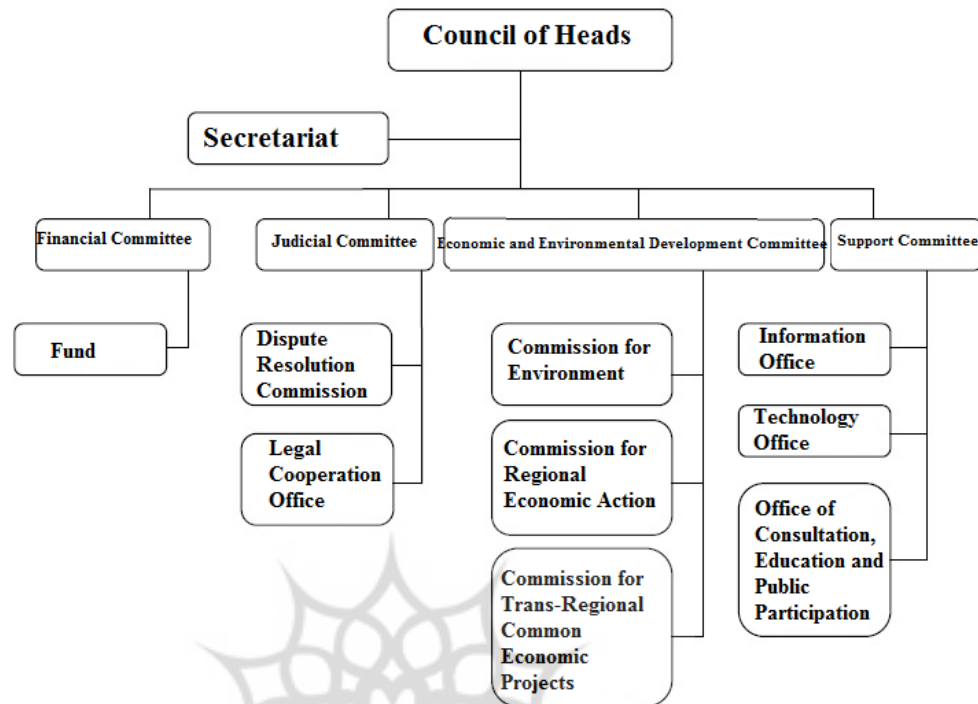
3.1. Establishment of Caspian Sea Cooperative Organization: A Strategy for Regional Security Development

So far, the union or regional organization in the Caspian Sea has not been formed in cooperation with the five coastal countries due to the absence or failure to realization of the common interests and, consequently, the lack of convergence of the Caspian littoral states, which has exacerbated the presence of transatlantic actors in the Caspian Sea. The establishment of the Caspian Sea Cooperative Organization could be a strategic way to promote regional cooperation, regional and international security development, and ultimately achieving sustainable development in the Caspian region. Although the proposal was submitted by the Islamic Republic of Iran in previous years, it has not been established for various reasons. The lack of a regional executive organization with specific operational capabilities in the areas of financial, human, equipment and technical, legal, and judicial responsibilities has led the Caspian Environment Program not to meet expectations.

Factors affecting regional divergence among the Caspian coastal states, including geopolitical and strategic position (univariate), unbalanced regional power, different maritime status, energy resources and cultural factors combined with the historical history of some states in exploiting other states and fears of states and the nations from the return to the previous conditions, the longstanding international constraints governing Iran in recent decades, as well as Russia in the past years, have



led nations and governments not to be willing to have a regional convergence. Thus, there is no definite and coherent regional ruling political and economic system in the region. Another reason for the need to create a regional security model is the necessity of developing a regional security model. Based on the explanation given about security patterns, the collective security model seems to be more desirable than other patterns, and the key to providing collective security is collaboration. Extensive use of this term requires that the frameworks of this cooperation be as systematic and structured as possible. The establishment of the Caspian Regional Cooperative Council is a step towards systematic and structured regional cooperation in various areas of interest to the regional governments. (Rezaei, 2011, p.31) Among the factors considered in shaping the will of the regional governments, the issue of the environment is the only factor of convergence that has led to the only regional agreement. The uneven economic situation of the governments of the region has caused environmental approaches to be shadowed and set in the light of economic priorities, and the expectations of this area are not much needed and perhaps not realized. Therefore, the comprehensiveness of the proposed organization's competencies in the economic, environmental and, to some extent, political and social sectors is one of the essential elements that must be taken into account in organizing its structure in order to provide the necessary basis for the achievement of sustainable development. In other words, the jurisdiction of the organization is like an umbrella that covers various areas. However, the organization is not considered a political cooperative organization. Although the proposed structure of the proposed organization is not within the scope of this study, the following structure can be considered as a preliminary proposition. (Kashani, 2008, p.39)



The council consists of heads of coastal states that meet on an annual or extraordinary basis (in accordance with the rules of procedure adopted at the first meeting of the council) and its resolutions will be unanimous. Each state has a right to vote, and council meetings will be convened each year in one of the member states, determined by the English alphabet order. Major topics including the definition of joint regional policies in the various areas agreed upon as well as the approval of the duties of the secretariat and committees and such matters will be the authority of the council. The secretariat of the organization will also have routine duties of secretariats similar to international agreements and other duties approved by the council of heads of state. Relations between committees, committees with governments and, in general, administrative arrangements of the organization are conducted through the secretariat.

(Ansarian, Tayebi, 2021, p.103)

Committees such as support committees, economic and environmental development, judiciary, and finance can be established. The support committee will consist of three offices, including the Information Office, the technology office, and the office of advice, training, and public participation, which will be the trustee of the assigned tasks. For example, the information office will be responsible for gathering all relevant information in the environmental, economic,



and ... sectors as well as sharing and exchanging information among member committees and member states. Topics such as studies and research in the field of technology are the responsibility of the office of technology. Provision of advice, public information, training, management, and public participation are considered in the realm of the duties of the relevant office. (Whitney, 2018, p.5) One of the most important proposed committees is the economic and environmental development committee, which includes commission for environment, a commission for regional economic action and a commission for trans-regional common economic projects. The Commission on Environment is responsible for the planning, implementation, monitoring, and evaluation of agreements and approvals of the Council of Ministers. The structure of the Caspian Environment Program can be integrated to this commission. Obviously, every commission can be concerned with the creation of committees and technical departments. Given the necessity of an integrated approach to development and environment as well as the inseparability of these two issues, the committee is somehow responsible for establishing a sustainable development in the region. Co-operation in the implementation of economic projects has been considered in two axes of regional and trans-regional schemes. The regional economic development plan is a project implemented jointly and through one of the common developmental methods agreed by all coastal states within the Caspian region. This proposition is based on the proposal to determine the scope of the Joint Development Zone. The integrated approach to development and the environment in the Caspian Sea, which is the main approach of the proposals, has the potential to produce synergistic results from the individual capabilities of the states. In other words, by utilizing the capabilities of human resources as well as equipment, technology, finance, information, and research capabilities of each state, these potentialities can be exploited in the implementation of transnational development projects and in the form of joint investment projects. Obviously, this can be a way of strengthening the funds for implementing joint plans and programs in the region. This is the basis of the proposal of the commission for transnational economic projects. Perhaps this proposal may be interpreted to some extent by idealism, but it should be noted that many of today's human achievements are the result of ideas that were initially impossible. (Janusz, 2005, p.6) Of course, rights and

duties of coastal states in cooperating in this way require extensive and continuous expert meetings to reach agreement. Each Caspian coastal state has national laws and regulations in accordance with its national and international needs and priorities, it has accepted various international obligations, and it is bound to comply with these international obligations. Paying attention to these commitments and assignments in creating any shared system is a fundamental issue that requires the development of legal cooperation between these states. Along with this, it is necessary to consider the necessity of explaining a dispute resolution system in the region. Obviously, this system will be an arbitrary arbitration system or a compulsory arbitration in the event of agreement between the coastal states. The existence of a regular structure is inevitable in order to create a coherent system in this regard. Hence, the committees called the dispute resolution commission and the legal cooperation office have been proposed in the proposed structure of the Caspian cooperative organization. The last proposed committee of this structure is the financial committee that is responsible for the financial management of the proposed organization. Establishing a fund is one of the tools for financial management of an organization that will fund the implementation of regional projects. Looking at the past experiences and the current status of implementation of legal requirements for the protection of the Caspian environment, one can conclude that the lack of efficient financial structure is one of the main challenges of not fulfilling the objectives of the Convention on the Protection of the Caspian Environment and its extension protocols. Obviously, the continuation of the previous approach, based on the membership fee of the coastal states, will not be enough for the required regional programs because it is virtually impossible to fund regional projects from this place. Hence, in the proposed structure, part of the fund's resources will be available from the sources of transatlantic economic projects or even from the implementation of regional economic development projects. International funds can be considered as another source of funds. As stated, the proposed model is an overview of the subject; an agreement in its details will definitely require expert meetings of the representatives of the beneficiary governments. Certainly, the Caspian coastal states are responsible for protecting the Caspian Sea for the present and future generations although the joint responsibility is different for each state.



Capacities, extent of the country, population, coastline length, investment volume ... are components that affect the difference in rights and responsibilities of coastal governments (Seyrafi, 2020, p.278).

3.2. Joint Development Zone and Development Cooperation: Key to Realizing Sustainable Regional Development

The commonality of natural resources among countries is one of the factors that create international challenges. Common natural resources are sources that pass naturally and without human intervention through land or sea boundaries and enter the territory of another country. (Ivy, 2002, p.3) Terms such as international natural resources or transboundary natural resources are also used to express this. Common natural resources in general include resources located in disputed areas of the state and resources without boundary constraints. Although international law recognizes the sovereignty of states over the natural resources of the continental shelf, there are significant legal gaps in the common natural resources between two or more governments. Nevertheless, the practices of governments and international authorities as well as legal doctrine imply a legal form based on the cooperation of relevant governments in exploiting these resources. The fluidity of oil and gas, as compared to other non-mobile natural resources, make it different to regulate the legal regime. Even the nature of oil and gas reservoirs varies with water and other seemingly similar resources. Although oil and gas emigrate from natural resources, there is still little room for relocation when so-called petroleum traps are stuck (Karataeva, 2020, p.237).

In the area of exploitation of common natural resources, and in particular common resources of oil and gas, the practice of governments is focused on concluding bilateral or multilateral treaties. According to article 38 of the statute of the International Court of Justice, treaties are considered as one of the main sources of international law. International law recognizes the sovereignty of states over the natural resources of the subterranean and sub-sea basins on the continental shelf and the exclusive economic zone as a monopoly and inherent right. In other words, since the continental shelf is a natural continuation of the land of states, this right mixes with the principle of sovereignty and it can be considered as a customary right. Regarding common natural resources or natural resources in disparate areas, the reference of a state to the

sovereignty and unilateral exploitation of them is in contradiction to maintaining the integrity of the reservoir and the sovereignty of the states; in fact, it violates the sovereignty of the other country with respect to the common source. Hence, international law, as the guardian of international order, must seek to provide a solution to this problem. (Janusz and Pawletta, 2021, p.35) Countries in the world have developed mechanisms in the light of bilateral relations, in order to maintain maximum productivity of joint reservoirs. These mechanisms included the establishment of boundary agreements, the assignment of these fields, and the conclusion of joint development and unitization⁴ agreements in cases where negotiations have not led to success. The concept of joint development is theoretically used by experts in various meanings. Given the common elements in definitions of lawyers, it can be said that joint development is a conceptual term referring to a collective exploration and extraction based on agreement between governments that is defined in relation to a region and its legal framework is the agreements and conventions between relevant governments (not companies and governments, not companies with each other). The agreement between the governments in the first round defines the scope of the region; then, it determines the contribution of each state and the operational exploitation. The use of this concept focuses more on areas of conflict and areas without boundaries. (Karataeva, 2020, p.240) Joint development can take various forms, such as the Single State Model, the Compulsory Joint Venture System Model, and the Joint Authority Model. This division is based on the operational method of joint development (Janusz and Pawletta, 2021, p.42).

3.3. Determination of the Caspian Sea as Particularly Sensitive Sea Area

⁴ Unitization: Unitization refers to cases where oil and gas fields are located in the border regions of two or more countries, and these countries have been restricting border limits. In other words, the oil and gas field is located at the bottom of the defined boundary lines between countries in land or sea. Transboundary unitization deals with cases where the oil and gas field is on the shared border between two or more countries, when the borders of the designated countries are defined and limited, and the field of discovered oil and gas is in the scope of this field is known well. In addition, the beneficiary countries cooperate through a treaty or agreement on specific issues regarding their development of the oil and gas field. Each state exercises sovereignty in this region; but field exploitation is carried out by a group of companies or privileged individuals who operate on the basis of a contract and within the framework of a single plan (Mir Abbasi and Jahani, 2011, 61).



Identifying particularly sensitive sea areas from the innovations of the International Maritime Organization that dates back to the late 80's. Since 1990, the MEPC (Marine Environment Protection Committee) was selection of particularly sensitive sea areas, which was selected in 1990 in the MEPC separations. Particularly sensitive sea areas are an area of marine that may be the goal of international shipping operations environment due to the importance of identifying the ecological, social, economic, or scientific characteristics. When designating a particularly sensitive sea areas, an Associated Protective Measure (APM), which includes measures for the creation of appropriate legal instruments for such an action, must be approved or endorsed by the International Maritime Organization (IMO) in order to prevent, reduce, or eliminate identified threats or damage.

IMO is the only international entity responsible for examining PSSAs proposals and adopting executive measures for international shipping. The Marine Environment Protection Committee (MEPC) of the International Maritime Organization began its study on the issue of particularly sensitive sea areas in response to Resolution 9 of the International Conference on Tanker Safety and Pollution, 1978, about protection of marine areas with particular value. The resolution invited the Inter-governmental Maritime Consultive Organization (IMCO's original name changed to IMO in 1982) to contribute to any prediction needed in relation to the International Convention for the Prevention of Pollution from Ships (MARPOL) to protect these areas from marine pollution from ships and evacuation. These areas are determined through maritime areas around the world that have particular value from renewable resources or from the point of view of their importance for scientific purposes and need to be protected from marine pollution from ships and evacuations.

By identifying the importance of these issues, the MEPC approved the concept of PSSAs and determined a particularly sensitive sea area.

In general, there must be three factors in determining a particularly sensitive sea area:

- (1) The area should have certain aspects (ecological, socio-economic, or scientific).
- (2) The area should be exposed to damage caused by shipping activities

(3) There must be a measure⁵ with a recognized legal basis that can be approved by the IMO in order to prevent, reduce, or eliminate the risks posed by these activities.

If approved by the IMO, the result is the identification of a particularly sensitive sea area and the adoption of one or more of the approved ship abrogation measures. It is worth noting that such a particularly sensitive sea area may include the sea of land or the offshore areas beyond national jurisdiction. Proposals must be submitted in accordance with the IMO rules and regulations. Another way to protect sensitive marine areas is through the creation of marine protected areas. These areas are effective in protecting the marine nature outside the IMO area and management tools. It is important to recall that this tool does not preserve sea areas from international shipping activities. Marine protected areas requiring protection from international shipping should be subject to the IMO's attention depending on the protective action in order to be considered as particularly sensitive sea areas (or special areas under MARPOL). It should be noted that particularly sensitive sea areas could include special zones and marine protected areas and vice versa. Discussions on the concept of PSSA continued from 1986 to 1991 and led to the adoption of guidance (PSSAs Guidelines) by Resolution A. 720 (17) to identify areas and designate particularly sensitive sea areas. PSSA Guidelines have been designed to provide guidance and guidance to States Parties to the International Maritime Organization in identifying and addressing specific sensitive sea areas and, in general, helping to:

- ensure that in the process all interests – those of the coastal State, flag State, and the environmental and shipping communities – are thoroughly considered on the basis of relevant scientific, technical, economic, and environmental information regarding the area at risk of damage from international shipping activities and the associated protective measures to prevent, reduce, or eliminate that risk.

- provide for the assessment of such applications by IMO (Pecoraro, 2021, p.284) In 2005, the International Maritime Organization revised the Guidelines for particularly sensitive sea areas. The 2005

⁵ Referring to “measure” or “Associated Protective Measure” is both singular and plural in the Guidance Document for these areas. This is important for diagnosis of whether it is determined only one measure/ Associated Protective Measure or more tahne one measure/ Associated Protective Measure. Therefore, the use of this term in singular or plural forms must be understood as referring to opposite meanings.



guidelines for particularly sensitive sea areas A.982 (24) include key differences compared to previous edits, such as:

1. When determining a particularly sensitive sea area, an APM, which considers the requirements for establishing a proper legal document such as a measure, must be passed or approved by the IMO in order to prevent, reduce, or eliminate a threat or damage related to shipping. Therefore, all PSSA requests must specify a proposal for at least one APM although it is possible to propose more APMs at larger levels of the proposals.

2. In order to determine a PSSA, the area should at least have one of the criteria set out in section 4 of the PSSA Guidelines and the supporting documents must be provided to determine at least one of the criteria in the proposed area. However, there is no need to have the same code throughout the region.

3. Member States that are seeking IMO approval for a particularly sensitive sea area should submit a request to the Marine Environment Protection Committee in accordance with the provisions of the PSSA Guidelines, Part 4, and information on the potential damage caused by international shipping activities to the area, including APM's proposal to prevent, reduce or eliminate the potential damage potential. Requests must be made in accordance with the specific instructions in Section 4 and the IMO's rules in this regard.

To prepare a PSSA request, each Member State that needs technical assistance to facilitate the development and completion of the PSSA plan may request this assistance from the IMO. At the same time as reviewing the PSSA plans, the IMO should examine the available technical and economic resources for the development of member states and governments with a transition economy. The request for the registration of particularly sensitive sea areas is possible only by an IMO member state. To succeed in developing a particularly sensitive sea area, a national team of professionals in the relevant country should be formed.

The team should be composed of members who can describe and record the characteristics and location of the area, as well as the damage or potential damage present in the area. The team should also be composed of members familiar with the operation of the ships in the area and the IMO's measures in the direction of the damage. Representatives

of the proposing countries in the IMO should also be involved in facilitating the registration and presentation of plans.

Following the designation of particularly sensitive sea areas, the determination of the area and related conservation measures widely disseminated by the International Hydrographic Organization (IHO) through the provision of information in the tables among maritime administrations. Notice to shipping companies is also considered by the IHO through notices for seafarers from a range of countries.

According to the PSSA's Guide, all IMO member states have the responsibility to ensure that all ships of the country in question observe the precautionary measures taken to protect particularly sensitive sea areas. Nevertheless, in proposing conservation measures as part of a particularly sensitive sea area plan, the proposing countries should consider precise considerations in strategies to ensure that measures are accepted by international ships. These strategies, especially in the efficient legal system, depend largely on customary issues, such as jurisdiction, evidence, standards of proof of violation, statutory, administrative, or criminal licenses, and the rights of defendants. The IMO suggests that an effective compliance program should include all of the following:

- Monitor compliance through regular inspections, reviews, and tests
- Police inspection patrols
- Reporting and motivational procedures including encouragement for self-reporting
- Sufficient investigations of reported or discovered violations in other ways
- Legal enforcement system against violations
- Public education and awareness program
- Co-operation with other partner governments

Shipping activities in general can create environmental hazards to the marine environment. These environmental and ecological risks especially affect particularly sensitive sea areas. (Janusz and Pawletta, 2021, p.68) The environmental hazards associated with shipping include:

1. Operational discharges
2. Accidental and intentional contamination
3. Physical damage to organisms and natural habitats



Due to shipping activities, destructive impacts and losses have been imposed on marine environments and vital resources in the seas. With the growth of global trade, shipments have expanded, which also increases the potential for damage. In the course of routine and routine activities, accidents and arbitrary behavior of ships, various materials are discharged directly into the water and the marine environment and indirectly into the atmosphere. These materials include oil and petroleum compounds, toxic waste liquids and waste and toxic solids. Anti-sediment systems, hazardous aquatic organisms, pathogens, and even noises and ships, cause harm to marine organisms and their habitats through physical damage. These severe effects may include the destruction of habitats and the contamination of anti-sediment systems and other materials through the maturation and mammals' exposure to ships.

Conclusion

The environmental degradation of the Caspian Sea can take place as soon as possible, while the revival requires a very long time, and it will be impossible in some cases. It is important to note that none of the Caspian coastal states alone can afford to take over the Caspian Sea. Therefore, the only available and effective version for the treatment of this disease is the systematic and structured cooperation of coastal states in such a way that the rights, duties, and responsibilities of all interested parties are explicitly defined and systems of monitoring, supervision, taking corrective measures, and dispute settlement is clearly explained. The current crisis requires that we do not waste the opportunity to save the Caspian, based on the time-consuming process of determining the regional legal regime. In other words, the absence of a legal regime governing the region cannot justify ignoring the environment of this sea. We should try to protect the Caspian when the Caspian is there. Free movement of merchant shipping and the civilization of this sea as well as the joint exploitation from shared resources (transboundary) by the coastal states from and promoting cooperation and participation in the protection of this water zone can certainly have a positive effect on the final agreement of the legal regime since environment is merely a component of the convergence and agreement by all coastal states among the components of the divergence and convergence of states.

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