

Legal regime of Caspian Sea: condominium, division, or continuation of multilateral cooperation

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Extended Abstract

Introduction

Before the 18th century A.D., the large enclosed today of Mazandaran sea belonged to Iran. After emerging Czarism in Russia and imposing the shameful treaty of Turkmenchay and Gulistan, the measurement and interests of Iran in Caspian Sea decreased gradually. After collapsing of the Soviet Union in December 1991, new governments emerged including Kazakhstan, Azerbaijan and Turkomania in the margin of Caspian Sea. In the current geopolitical situation, these countries old not act according to the concluded treaties between soviet union in 1921-1940 because they achieving their interests in Caspian Sea, thus, they asked to change the legal regime and to determine a new legal regime in Caspian Sea.

Because of darn's civil and geographical situation in the south margin of Caspian Sea, Iran recognizes that it is Iran's natural right to attempt to determine legal regime of this sea and to achieve to its eligible national interests.

Research Methodology

The article, through a suitable and proper scientific method, attempts to provide a descriptive and analytical explanation of data that have been collected from librarian resources, and then, by focusing on the different systems in terms of taking advantage of Caspian sea in common and distribution forms, it tries to present a new functional solution for costal countries in order to benefit from sources and interests of Caspian sea.

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Results

Before the eighteen century, Iran was the exclusive owner of a huge part of Caspian Sea. When the Tsars came to power and the disgraceful treaties of Turkmanchai and Golestan were imposed on Iran, however, Iran's space and interest were decreased gradually in the Caspian Sea. Although, as Southern neighbor, Iran later claimed 50 percent of the Caspian Sea, Russians, had given Iran a very small portion of this Iranian sea by imposing a hypothetical line of Astara- Hoseingholi Gulf. This issue has caused Iran to face difficulty using the resources even in this small portion of the sea. After the Soviet Union was disintegrated in 1991, Iran gained the opportunity to claim her lost rights in the Caspian Sea and expand her national interest in the sea. Like Russia, Iran's stance was based on treaties of 1921 and 1940 indicating that all littoral States can enjoy joint use of the Caspian Sea. In new legal regime of the Caspian Sea, Iran, first, emphasizes the joint exploitation and the principle of joint ownership or proposes a just division of 20 percent share. System of joint ownership that is more emphasized by Russians, and supported by Iran and Turkmenistan, used to be desirable due to using water resources of the Caspian Sea. This system, however, is not very scientific and reasonable in exploiting the seabed in the present condition. On the other hand, the division principle proposed faces some problems due to lack of the principle of considering the equal rights of State members, the geographical shape of the Caspian Sea, and the length of the coast lines of the adjacent countries being different. To Iran, the division method they try to impose is not fair since Iran will lose the most.

Conclusion

Having the change in legal regime of the Caspian Sea delayed will reduce the feeling of responsibility of the littoral States for the preservation of the sea environment and will cause the constantly immethodical and destructive exploitation of the sea resources. Exploitation of the Caspian Sea in a joint system does not promote ownership feeling among the littoral States and decreases their responsibility in utilizing sea resources and preserving it. The use of the principle of division in the legal regime of the Caspian Sea is appropriate in case Iran gains a share of twenty percent. Since Iran is historically, socially, culturally, and politically different from other littoral States, the continuous bilateral or multilateral cooperation will be against its interests in such a way that they show less interest to Iran in their cooperation. Exploitation of the Caspian Sea in any way possible such as joint system, division principle, and bilateral or multilateral cooperation requires littoral states' cooperation. They need to cooperate with each other in order to keep the Caspian Sea a nonmilitary space, to preserve its environment, to reduce pollution, to stop superfluous fishing of biological resources, to produce and proliferate aquatics, and to control the fluctuations of water.

Key Words: caspian Sea, division, continuation.

References

1. Aghaee, B., 1366, **the Caspian Sea regime**, Law Magazine, No. 8.
2. Ahmadipoor, Z., 1375, **importance of the legal regime of the Caspian Sea**, Journal of Geographical Research, No 43.
3. Amini,G.R., 1378, **Caspian Sea and Iran's National security**, Proceedings of the National Maritime conference the organization of the budget plan.
4. Azmodeh A., 1369, **Caspian Sea and its physical characteristics**, No 19.
5. Barimani A., 1350, **Mazandaran sea**, Tehran university press.
6. Behjat, J., 1379, **geopolitic of the Caspian Sea economic and political information monthly**, No 11.
7. Cherchil R., 1367, **International law seas**, translation of Bahman Aghaee, Office of political studies of the forgin ministry.
8. Dabir, M. R., 1374, **Legal regime of the Caspian sea**, Journal of central Asian studies, No. 10.
9. Entekhabi, N., 1379, **Fasibility of constructing oil pipline from the Caspian**, Economic and political monthly, No.11.
10. ghasemzade, F., 1377, **Caspian sea**, Journal of geographical researches, No 48.
11. Karimi Bavand, A.R., 1372, **water Level risk of the Caspian Sea**, Journal of Earth sciences. Geology organization, No 9.
12. Karimi,D.,1370, **legal system of Caspian Sea**, Ms Thesis of Tehran University.
13. Keya dokht, A., Soroosh, 1369, **the use of satellite data on Fluetuations of the Caspian Sea water Journal of geographical researches**, No 19.
14. Mirheydar, D.,1373, **New geopolitic**, Journal of geographical researches, No 34.
15. Mirsanjari, M., 1370, **Right of the Caspian Sea or passive subject**, Hamshahri Newspaper 28 Esfand.
16. Mofakham Payan, L., 1375, **Caspian Sea**, Translation of Jafar khomami zadeh. Hedayat press.
17. Mojtahed zadeh, P., 1379, **Geopolitic view of the Caspian region**, Central Asia. Economic and political Monthly, Numbers of 11, 12.
18. Mojtahed zadeh, P., 1379, **Legal Regime of the Caspian Sea**, Economic and political monthly, No of 5 and 6.
19. Mojtahedy, A., 1372, **Considering causes of Caspian Sea Fluctuation water**, Magazine, No 2.
20. Papoli Yazdi, M.H., 1375, **Geopolitic**, Geographical researches monthly No 43.
21. Sheikh-Al-Eslami, J., 1379, **Great Revolution and economic and Treaty 1921 between Iran and sov ET political monthly**, No7.
22. Varuschenkog, S.I., 1987, Changes in Caspian sea regime and undrained water bodies in recent times. Nauka, Mo scow (in Russian).
23. Kaplin, P., 1995, the Caspian: it's past and future, enclosed seas and large lakes of Eastern Europe and middle Asia.
24. Dumont, H. j., 1998, The Caspian Lake:history,24.biota structure,and function.