

THE CASPIAN SEA, PROTECTION OF ITS WATERS AND RESOURCES FROM POLLUTION

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ABSTRACT

The question of determining the international legal status of the Caspian Sea - the largest drainless saline lake on Earth, a closed inland reservoir located on the southern border of Europe and Asia - has been relevant for many decades. Taking into account the natural riches of the Caspian region, the large oil and gas fields, the significant reserves of sturgeon that form the basis of the world stock and the gene pool that has been preserved on the Earth, the development of biological and mineral resources, shipping and cooperation of the Caspian states are among the priority development areas in terms of preserving the ecosystems of the Caspian Sea.

Keywords: Caspian Sea, protection, security, sources of pollution.

1.INTRODUCTION

The Caspian Sea (lake) is a unique natural water reservoir of oceanic origin, a drainless saline lake that takes in river water, but at the same time, does not connect with the World Ocean with the straits. The reservoir area is over 370 000 square kilometers. Its water is considered to be slightly saline and, compared to the waters of the World Ocean (35%), is only 0.05% - 13%.

It should be noted that in accordance with the provisions of the 1982 UN Convention on the Maritime Law, the fundamental principle of categorizing a water body as "sea" or "lake" is the nature of its communication with the oceans. This feature refers to the open sea water body directly connected to the World Ocean, to the semi-enclosed sea - a water body connected to the World Ocean through other seas, to a closed sea - a water body connected to the World Ocean through a natural narrow passage [Babaev and Zonn, 2005]. At the same time, the rivers and artificial canals are not subject to international maritime law, and therefore they do not convert inland waters into the seas. The physiographic features of the Caspian Sea are not covered by the UN Convention; therefore, the concept of open, semi-enclosed or closed sea cannot be applied to the Caspian Sea, which is thousands of kilometers away from the oceans. The complete isolation of the Caspian Sea led to the fact that its level was established below

the absolute level of the World Ocean level by an average of 27 m. Consequently, in both geographical and legal terms, the Caspian Sea is not a sea.

The Convention on the Legal Status of the Caspian Sea dated August 12, 2018 is an international treaty that united, in the course of the Aktau Summit, the interests of such states as Russia, Azerbaijan, Kazakhstan, Turkmenistan, and Iran. It replaced the Soviet-Iranian treaties of 1921 and 1940, fixing in its content the most important issues of the legal status of the Caspian Sea, the exploitation of its waters and resources. The provisions of the Convention defined the Caspian Sea as a reservoir surrounded by the land territories of the Pre-Caspian states [Kireeva, 2001]. Considering the fact that the Caspian Sea is the world's largest closed inland water reservoir, having no access to the World Ocean and communicating with it only through the Volga-Don shipping canal leading to the Azov Sea, the provisions of the UN Convention on the Maritime Law do not apply to it. At the same time, the unique structure of the reservoir, the structure of its bottom formed under the influence of tectonic processes, the salinity of the waters and the size do not allow applying to it the provisions applicable to transboundary lakes.

The Convention on the Legal Status of the Caspian Sea dated August 12, 2018 implies a special legal status for the Caspian Sea. Without going into details and not giving to the reservoir the definition of a sea or a lake, the "Caspian Five" identified the main surface area of the Caspian as a common property of the parties, and divided the bottom and the subsoil into areas that are operated by the parties by agreement on the basis of bilateral treaties. The basis of the new legal status of the Caspian is proposed to use the formula "let us delimit the bottom for the purposes of subsoil use, and the water is common". This refers to the delimitation of the bottom of the Caspian Sea between the adjacent and opposite Caspian states along a modified median or other mutually acceptable line. Thus, the reservoir status is no longer a matter of dispute, and conflicts between neighboring states will be subject to bilateral, rather than five-sided agreements. The parties to the Convention, guided by the principles and norms of the 1982 UN Charter, Valiullina, 2018 and the international law, taking into account good neighborly relations and a climate of mutual understanding between the Parties, recognizing the responsibility to present and future generations, in order to strengthen cooperation in the use of the Caspian Sea for peaceful purposes, rational use of its wealth and resources, study and protection from pollution, decided to raise the issue of the need to regulate the legal status of the Caspian Sea.

2.METHODS

As a methodological basis of the study, we used the method of system-structural analysis, which helps to reveal the importance of the influence of the international legal status of the Caspian Sea on the protection of its waters and resources from pollution. For the purpose of modern interpretation of convention norms, the combination of historical and political science methods and international legal analysis is the most promising methodology. In addition to the general scientific methods, the private scientific, as well as the formal logical method, the comparative jurisprudence and legal modeling methods were used to solve the problems underlying the research.

3.RESULTS AND DISCUSSION

Today, there are natural objects in the world that require, by virtue of their uniqueness, the establishment of a special legal regime for environmental protection. The Caspian Sea is one of such facilities.

Speaking about the uniqueness of the biological environment of the Caspian Sea, it is necessary to note the dwelling in it of living organisms that are not found anywhere else. One example is the Caspian seal, whose number has decreased by 80% over the past decades. The Caspian Sea, along with the rivers flowing into it, contains the main world sturgeon gene pool - 6 species and 1 subspecies: beluga, thorn, sterlet, Russian sturgeon, Persian sturgeon, North Caspian sturgeon, South Kurin sturgeon, which are considered the oldest and most valuable fish of the planet. The Caspian is the only reservoir in the world that has preserved the relict gene pool and sturgeon stocks (up to 60 thousand tons) Vernadsky, 1988].

At the same time, the unique geographical location of the Caspian Sea on the continent determined its extreme environmental vulnerability to various kinds of pollutants. The Caspian Sea is a closed reservoir, into which a significant amount of various waste, synthetic substances, oil and petroleum products, industrial products, plastics and its microparticles, ballast water, being the source of the spread of pathogenic alien microorganisms and much more, falls from various sources. Only a small part of these substances decomposes or is recycled, everything else either settles on the bottom, or is absorbed by fish and mammals, causing diseases and mutations, or covers the water with a dense film, preventing the penetration of sunshine necessary for life Gusev, 1970].

Considering the significant salinity of the Caspian Sea, there was an erroneous idea of the unlimited capacity of the marine environment of a reservoir, like the waters of the World Ocean, to dissolve all pollutants entering it through the activity of microscopic algae inhabiting it for a long time. Nevertheless, despite the ability of marine Caspian waters to self-purification, and taking into account the amount of salts dissolved in them, which can reduce the concentration of impurities, toxic compounds enter the circulation of substances in the ecosystems almost immediately after entering the water, without waiting for dilution. Pollution of the Caspian Sea with household garbage, plastic waste and its microparticles, sewage, oil and petroleum products, chemical and radioactive substances, according to research, indicate that the process of self-restoration of the reservoir has slowed down significantly Bekyashev, 2017].

In his writings, V.I. Vernadsky rightly pointed out that the nature is becoming increasingly at the service of humanity at present, on the one hand, and, demands even greater support and protection from it at the same time. With increasing depth and organic connection of society with nature, human history increasingly coincides with the history of nature, and, conversely, the history of nature coincides with the history of humanity, primarily experiencing its increasing pressure Valiullina, 2018].

According to the provisions of the 1982 UN Convention on the Maritime Law, all states are interested in organizing close cooperation in ensuring the protection of the marine environment at all levels, both global and regional. At the same time, the importance of regional conventions on the protection of waters and living resources of individual seas from pollution, which supplement, develop and strengthen agreements of a global nature, is emphasized. Such international agreements, according to the Convention (Article 122), are concluded in relation to enclosed or semi-enclosed seas -

bays, basins or seas, surrounded by two or more states and communicating with other seas or oceans through a narrow passage, or consisting entirely of territorial seas or exclusive economic zones of two or more coastal states.

Regional cooperation not only ensures the development and implementation of its own internal regulations applicable to the region and mechanisms for the protection of environment, including the marine environment, but also has the potential to influence the effectiveness of the implementation of the provisions of the universal conventions, as well as assist in strengthening the subregional and bilateral cooperation in implementation of a single task to ensure the protection of marine environment.

4.CONCLUSIONS

Today, the issue of ensuring the international legal protection of marine environment of the Caspian Sea is the most significant for the Caspian region. The legal problems of the Caspian Sea belong to the category of universal, requiring compromise approaches and joint decisions in the framework of protecting the natural environment of this unique marine basin, preserving, reproducing and rational use of its bioresources. Today, the struggle for our habitat is as fundamental as the issues of energy security, the fight against international terrorism Vernadsky, 1988].

Realizing the importance of the problem and the need for urgent and coordinated decisions on preventing the rapid pollution of the waters and resources of the Caspian Sea over the past two decades, major regional agreements have been developed and adopted: The Framework Convention for the Protection of the Marine Environment of the Caspian Sea dated November 4, 2003 and protocols to it.

Following the adoption of the Convention on August 12, 2011 in Aktau (Kazakhstan), the Third Session signed the Protocol on Regional Readiness, Response and Cooperation in the Event of Incidents Causing Oil Pollution. And in December 2012 in Moscow, following the 4th session of the Conference of the Parties to the Tehran Convention, the Protocol was signed on the Protection of the Caspian Sea from Pollution from Land-Based Sources and as a Result of Land-Based Activities Brinchuk, 2009].

The purpose of these agreements is to protect the marine environment of the Caspian Sea from pollution from the sources on land, from ships and from the atmosphere, including the protection, conservation, restoration, sustainable and rational use of its biological resources.

The Conventions do not contain provisions aimed at preventing pollution of the sea from the atmosphere, while resolving this issue is of paramount importance in terms of the fact that the marine environment and atmosphere are in constant interaction, constantly exchanging substances, heat and energy. In this connection, it is quite natural that the first oceanologists and meteorologists investigated both media together. As L.M. Gusev rightly noted in his writings, "it is now already clear to everyone that there is no separate ocean physics and atmospheric physics, but there is a physics of interacting media". In this regard, all pollutants entering the atmosphere, ultimately end up in water.

It is important to emphasize that when signing the above conventions, the contracting parties undertook to implement the most important international principles, the implementation of which is aimed at preserving the unity of the ecosystem of the Caspian Sea, protecting and conserving its waters and resources. To date, there is no single international document where the most important principles of environmental

law would be enshrined, as well as the key principles in the field of ensuring the protection of the oceans from pollution are not fixed. Nevertheless, it is important to designate, by analogy with the principles of international maritime law, the fundamental principles for the protection of the Caspian Sea from pollution, to some extent enshrined in the agreements concluded by five Caspian states, namely:

- the principle of protection of the ecological systems of the Caspian Sea;
- the principle of preventing pollution of the marine environment of the Caspian Sea;
- the principle of a precautionary approach to the use of the spaces of the Caspian Sea;
- the principle of using the Caspian Sea for peaceful purposes;
- the principle of conservation of biological diversity and sustainable use of marine resources;
- the principle of conservation and rational use of marine living resources;
- the principle of cooperation of the states in ensuring the protection of the Caspian Sea from pollution.

Being the key provisions governing the topical issues of ensuring the protection of the Caspian Sea from pollution, these principles, important features of which are stability and consistency, have a longer duration, unlike the rules of law that are created, changed or cease to exist in a relatively short time. Accepting them as a basis will allow, taking into account the varying capabilities of states, to create an effective system of domestic legislation in the field of rational use and protection of the sea from pollution.

5.CONCLUSION

The threat of an ecological catastrophe, which arose due to the wasteful attitude of human towards the environment, towards all its components, the inefficient use of resources, put humanity in a situation, in which the adoption of urgent measures is the only possible way out. Nevertheless, there are more and more perfect ways and methods of using its spaces and resources, wildlife, seabed every year. Marine equipment, marine machinery, marine transport are becoming more and more perfect. However, the measures to protect the seas and oceans from pollution are extremely small.

In his writings, V.I. Vernadsky rightly pointed out that the nature is becoming increasingly at the service of humanity at present, on the one hand, and, demands even greater support and protection from it at the same time. With increasing depth and organic connection of society with nature, human history increasingly coincides with the history of nature, and, conversely, the history of nature coincides with the history of humanity, primarily experiencing its increasing pressure.

In the modern world, it is necessary to establish a more perfect system of ecological relations, since, despite all the efforts being made, with the present state, the process of environmental degradation does not slow down. Economic interest always prevails over the desire of states to implement measures to protect the environment, including water, in all areas of production.

"The function of nature in relation to human", - emphasizes M. M. Brinchuk - "is a legally significant, it is laid as the basis for protecting the environment from the harmful, destructive effects of human activity". In order to resolve the international and national environmental problems, society needs to develop a new system of environmental relations, in which the transformation of interstate relations will be carried out in the

direction of giving the highest priority to the problem of environmental safety. Modern environmental law should contain paramount requirements for the rational use of all natural objects: land, water, forests, etc., in order to ensure the optimal possibility of implementing the ecological function of nature.

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