

## TO REVIEW THE CHALLENGES AND STRATEGIES OF THE DETERMINING FOR LEGAL REGIME OF CASPIAN SEA

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**ABSTRACT:** Caspian Sea is the largest lake in the world and despite the extent not covered by the Law of the Sea Convention. Regarding the specific characteristics of the Caspian Sea, it follows special regime which is on the basis of the Soviet-Iranian agreements of 1921 and 1940 but the collapse of the Soviet Union in 1991 and an increase of two to five countries of the Caspian countries, i.e. Iran, Russian Federation, Azerbaijan, Kazakhstan and Turkmenistan need to create a new order based on a new model that measures among mentioned countries and these arrangements should include commuter ships, fishing and fisheries, environmental protection and exploration of the sea bed. Legal regime of the Caspian Sea during the last decades was affected by a variety of economic, political, geopolitical, strategic and energy security in the world and by entering important oil and gas multinational consortia and opening the trans-regional powers in the leg as a result of investment contracts, exploration and exploitation of natural resources under Caspian Sea by littoral emerging countries, this debate has been raised and attracted the broad political and legal circles at international level. Three newly independent countries are seeking to determine a new legal regime for Caspian. Thus Caspian found a special place in region and subsequently causes new problems in interaction in the region that provided the context of conflict and cooperation among the countries of Caspian domain.

**KEYWORDS:** Caspian Sea, the legal regime of Caspian, countries of Caspian domain, trans-regional powers, challenges and solutions.

### INTRODUCTION

Caspian Sea is one of the largest lakes enclosed in land of the world and its astonishing extent caused it to be known as sea among the world. This basin is connected to open sea only through river and channel by separating two Asia and Europe Continents from each other. Unique characteristics of Caspian Sea basin in the economic, commercial, shipping, air, security, energy below seabed and fishing gave excellent strategic and geopolitical positions to this basin so that many people named this basin New Middle East in recent years.

Legal condition of Caspian Sea in International law is a multidimensional and very complex subject which can be studied from different viewpoints. Therefore, the writer in this paper intends to answer his main question by studying different factors affecting determination of legal regime of Caspian Sea: what are the challenges and strategies of legal regime of Caspian Sea?

To divide Caspian Sea, there are different methods among which four main methods are as follows:

- 1- Condominium
- 2- Partitioning method
- 3- Application of Seas Legal rules and system to Caspian Sea

### 4- Combined method

Considering the above facts, the main hypothesis of the author in this writing is that the most reasonable strategy for reaching agreement is based on acceptance of national -joint legal regime among the coastal countries considering political, security and legal nature of the challenges to determination of legal regime of Caspian Sea.

In this writing, attempt is made to achieve a suitable solution for determination of legal regime of Caspian Sea by studying different approaches of the Caspian Sea countries about its legal status and mentioning history of Caspian Sea, performance of Coastal countries, present condition, role of the superregional powers and future visions, solutions and options of legal regime of Caspian Sea.

### GEOGRAPHICAL POSITION OF CASPIAN SEA

Caspian Sea is the largest enclosed and less saline sea in the world which is called historically Sea and is five times as large as the second lake in the world i.e. Superior (Poor Noori 2004). It is almost as large as Japan so that it includes about 40% of total area of the lakes in the world and even, it is more extensive than Persian Gulf and Oman Sea.

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Although this lake doesn't have all characteristics of a sea, it was called Sea from a long time ago due to its largeness and its salt quantity (Ahmadi Lafooraki 2004). Marco Polo, an Italian explorer was the first person who explored closeness of sea in 1254. Caspian Sea is similar to S which has been encompassed by Russia on the north, by Kazakhstan and Turkmenistan on the east and Iran on the south. Caspian Sea is located in Asia and Europe border and in intersection of Central Asia, Caucasia and Iran and is the largest part left from Tethys Sea which has been partitioned in the Tertiary period due to folding and appearance of mountain ranges such as Alborz, Caucasia etc. and rise of Europe Continent and appearance of Iran Plateau, seas and lakes such as Caspian Sea. Caspian Sea has been extended in meridian direction and is located in the middle latitude. This closed Sea which is separated from oceans is located between 37-47" of northern latitude (equal to latitude of Italy) and 47-55" of eastern longitude from meridian of Italy and has area of 424300 to 438690 km<sup>2</sup> of which 2220 km has been covered with the existing islands based on general conditions of the open seas.

Length of this sea is 1280 km and its width is 450 km and the narrowest point from Azerbaijan to Turkmenistan is 160 km. its medium depth is 180 m and depth of the deepest point has been measured to be 1025 (Moosavi Rooh Bakhsh, 2008). Surface of Caspian Sea is 27 m below Ocean level and these numbers may change with gradual rise of seawater. According to prediction of some scientists, water level of Caspian Sea will rise to 22 m until 2020 which is dangerous for coastal installations and oil platforms (Dehghan, 2005).

#### **CASPIAN SEA: SEA OR LAKE?**

If Caspian Sea is a sea or lake is a basic and important question because two major and important legal issues of Caspian Sea zone are based on definition of this water zone as sea or lake. Settlement of legal issues of this water basin has lasted for long term is based on suitable and true response to this mentioned question because it should be first specified if this water zone should be regarded as a lake and as a result, legal effects of a lake should result from it and then it should be regarded as a sea. For this reason, in discussion of the legal status of the Caspian Sea, the fundamental issue is that geographical nature of this water zone should be specified (United Nations Organization, 2002).

Lakes include the pits located on the ground among which water is accumulated. Lakes are distinct from rivers and particularly from their extensive parts in terms of low daily water flow

rate or the absence of water flow rate. In fact, lakes are the more or less stagnant aquifers that is the quantity of water which flows from there is always lower than that of the water which enters there. Salinity criterion of waters which was used by geographers and international law doctrine for separation of lakes from seas has been truly rejected by the contemporary authors. Instead, the criterion which is considered by the authors for distinction of lakes from seas is surface of their waters. Considering the mentioned facts, lake can be defined as water zone which is saline or salt less and is enclosed by the ground and its water flow rate is below one unit in time unit and its water level is different from sea level and has no direct, free and natural relation with it (Dipla, 1998).

Since Convention on the Law of the Sea is not applicable to lakes, there is no way but referring to procedure of the countries and general principles of international law. According to procedure of many countries and general principles of international law, the lake which is adjacent to more than one country should be divided by an agreement of the parties. This division includes extension of border and also drawing of the middle line of lake. There are some cases that lakes were left as joint lakes but the dominating procedure of most countries is that lakes are divided along the ground border. The Victoria, Chad and Albert Lakes are the waters which have been divided along ground border of the coastal countries while Tanganyika Lake has been divided by drawing middle line. The only lake which is managed by condominium or common ownership is a lake which is called Titicaca which is located in border of Bolivia and Peru (Niknami, 2002). It is evident that Caspian Sea countries have full power to determine legal status of Caspian Sea based on agreement from the viewpoint of customary and treaty international law.

#### **POLITICAL AND ECONOMIC SUBJECTS OF CASPIAN OIL EXPLOITATION**

Exploitation of energy of Caspian Sea results from two political and economic subjects and each one of these factors can be directly or indirectly effective on development of energy economic activities in Caspian basin. Political subjects relating to oil development of Caspian Sea include:

Definition of role of Russia in the world after collapse of The Union of Soviet Socialist Republics

- Establishing new balance of regional forces
- Reemergence of regional forces

- National alertness of people in south of the former Soviet Union and emergence of oil-based economic nationalism

Economic subjects include:

- Competition of large multinational companies for participation in exploitation of the existing reservoirs
- Developing oil industries for reducing dependency of oil export of Persian Gulf and keeping stability of oil price
- Tendency of western countries to gain access to energy sources for competition to economy of southeast of Asia

Extensive efforts of all parties interested in control of large pipeline networks which are applied for supply of oil and gas to global market. But these issues and subjects require cooperation of some countries such as Russia, Georgia, Turkey and Iran, Armenia, Azerbaijan, producers of Central Asia, Pakistan, Afghanistan, India and China. Although the regional countries intend to expand production and extraction and also export of oil from Caspian basin, this issue will lead to some challenges and threats such as armed conflicts. The major key factors of this event are summarized as follows:

- Effect of international oil market and consumers of Asian hydrocarbon sources such as China, India, Japan and South Korea from reservoirs of Caspian Sea countries
- Finding new hydrocarbon sources in Caspian basin
- Fluctuations of oil flow export from Persian Gulf
- Increase in exploitation of Caspian sources for challenging domination of Persian Gulf countries and tension between countries of Caspian when they are effective on the OPEC controlled production (Ehteshami, 2004).

#### **ECONOMIC AND COMMERCIAL GOALS OF AMERICA IN CASPIAN SEA ZONE**

Economic and commercial activity of America were evaluated limited in Central Asia and Caucasia considering resources and facilities of the zone for investment but after clarifying economic status of the zone and also competing with other countries such as China, Japan, Korea, Germany, Turkey and Iran, America encouraged companies of these countries to conduct pilot studies for investment in this zone. Finding potential market for goods in the future years, encouraging essential reforms and providing economic resources are of the major goals of America for investment and economic assistances to countries of the region.

On the other hand, use of rich underground resources of the zone particularly in oil and gas section allows America to diversify energy resources in addition to economic benefits. Exploration and utilization of energy resources such as oil and gas during the recent years in Caspian Sea have related this energy field to international markets.

Introduction of strategic parameter of energy in Caspian Sea has regarded ideas of America as a nonnative actor with Russia and Iran as nonnative actors against each other. In this framework, America and some European countries suggested establishment of natural gas pipeline from Caspian seabed. Usefulness of such suggestion after Nabucco project makes Europe needless of gas resources of Russia. For this reason, this issue has not been received by 5 coastal countries. Regarding the absence of Iran in Nabucco, it should be mentioned that although Iran has been considered as one of the main energy supply options of European Union, America is aware of importance of energy reservoirs of Iran and disagrees on the presence of Iran in this project for guaranteeing Nabucco gas supply in long term only for security and political reasons. The main reason of America for this disagreement is concern about increase of Iran's role in the zone and the world. By imposing economic and technological sanctions and threatening European companies to do sanction in case of investment in Iran, it practically tried to prevent increasing role of Iran in supply of energy to Europe. Activity in the field of oil and gas, mineral resources such as gold, farming and construction of infrastructural installations and hotel are of the most important activities of American companies in Central Asia. Chevron Corporation and Mobile Company in oil and John Deere Company in development and mechanization of farming in Turkmenistan are the examples of hundreds of American companies which have invested in this region or are educating some agreements. America considers this zone for investment and use of cheap labor force in addition that it has regarded this zone as a large market for sale of goods and technology (Heidari, 2009).

Role of Turkey in Caspian Sea basin

Although Turkey isn't a country located in Caspian basin, it is regarded as an important actor in scene of Caspian Sea (Otalof, 1996). Reduction of Russian control on newly independent countries and expansion of commercial benefits of America in Caspian Sea have provided opportunity for Turkey to dominate in the zone. Energy of Caspian Sea is important for Turkey for several reasons.

Turks believe that Turkey is geo-economics and geopolitical axis because it can connect oil and gas pipelines of Kazakhstan and Turkmenistan from Azerbaijan Republic to global markets. On the other hand, it can push aside Russia and Islamic Republic of Iran as an alternative route. Turkey-America –Israel axis with unity and coalition strategy intends to weaken Russia and control Islamic Republic of Iran.

Actions of Turkey can be summarized for excluding Russia and Republic of Iran from regional competitions in Caspian Sea basin:

1. Revocation of share of Islamic Republic of Iran in Caspian Sea Oil consortium in 1995
2. Changing pipeline route from south and north to west
3. Supporting secular states of the zone
4. Encouraging countries of the region to be member of NATO and other European – American structures
5. Helping suppress national–religious forces and many other activities (Ramezani and Mehrabi 2010, 37-38).

#### **IMPORTANCE OF CASPIAN SEA NEGOTIATIONS**

Five countries in margin of Caspian Sea live in the era which is called negotiation era. For this reason, they should resort to the most common, easiest, and oldest and the first peaceful settlement of international disputes i.e. diplomatic negotiation rule because negotiation is the most essential method for disputes settlement and most international disputes are settled in this way. Naturally, neighbors of Caspian Sea are not excluded and they also can settle their legal disputes by resorting to negotiation (Akehurst, 1988). For this reason, article 30 of convention on environmental protection of Caspian Sea 2003 expresses that in case of dispute between the parties regarding enforcement or interpretation of the convention or its protocols, the convention parties will settle dispute through negotiation or other peaceful methods at their option. One of the reasons for importance of negotiation for the Caspian Sea countries is that the direct and confidential nature of negotiation because there is no third party in the negotiation and for this reason, it is different from other ways of dispute settlement particularly, the said countries have emphasized on the absence of the third party in this water zone whether in writing (and 25-article declaration of Tehran) or verbally (in speeches of their authorities).

On the other hand, there is fixed judicial procedure that before any dispute is referred to the Ministry of Justice, it is proper to define and

confine the subject clearly through diplomatic negotiation and there may be legal preliminary negotiations for referring to arbitration or judicial organ beyond this duty based on sound mind.

#### **HEARING THE LEGAL SUBJECT OF CASPIAN SEA BY THE COURT**

Legal proceeding of the international disputes generally and legal disputes of Caspian Sea particularly are of the most important and decisive ways of peaceful dispute settlement. It is natural that the coastal countries of Caspian Sea can settle the dispute decisively in case of failure to reach result through other ways by resorting to legal and judicial way which is realized through International Court of Justice because the court is the only element of United Nations Organization of which members don't represent their respective country. This impartiality assures states and nations for referring their international disputes to this global legal institution.

International Court of Justice has double jurisdictions as a global court: contentious jurisdiction and advisory jurisdiction. International Court of Justice has heard totally 150 cases since 22 May 1947 to 27 April 2011 among which 124 cases were contentious and 26 cases were advisory. The first contentious award of the court which was issued in 1947 related to Kufuor Strip (between England and Albania). The first advisory opinion of the court was announced in 1947 regarding conditions of acceptance of a state for membership in United Nations Organization (Article 4 of Charter) (Madani, 2003).

Since the legal disputes of Caspian Sea are mixed with political issues, they even investigate political history, tastes and potential attitudes of judgment. On the other hand, there is implicit agreement that International Court of Justice as the main judicial element in international field forms session for the disputes which have high legal and political value (Solhchi and Najandi Manesh, 2010). International Court of Justice is representative of the most extensive effort which has been made so far to replace legal rules with force in settlement of international disputes but the court couldn't settle the international disputes generally for two major reasons: firstly, countries don't tend to submit their vital benefits to the certain decisions of the court and secondly, there is disagreement on the rules and norms which are applied (Plato, 2007). Perhaps, these reasons cause doubt of coastal countries of Caspian Sea about reference of the disputes relating to Caspian Sea to the court. This reluctance is higher particularly in

environmental disputes of Caspian Sea because one of the parties in most disputes doesn't tend to name the mentioned dispute as an environmental dispute because it threatens that environmental protection (which is here increasing pollution of the Caspian basin) is in danger (Najandimanesh and Eskandarzadeh, 2007).

One of the other important concerns of coastal countries of Caspian Sea about the court will be documentary sources and evidence of the court. In case sources of international law are mentioned, article 38 of Statute of International Court of Justice immediately occurs to mind of the international lawyers. This article is only guide of the court and explains the rules on which basis the court settles the referred disputes. Based on this article, they have introduced treaties, custom and general principles of law which have been recognized by the civilized nations as the principal sources of decision or international judicial procedure and doctrine as the subsidiary sources of international law and of course, they have emphasized on application of the principle of equity in case of mutual consent of parties to dispute. For example, coastal countries can ask the court to settle their border disputes based on principle of equity and at its discretion for determination of their marine borders in case of mutual consent and agreement. By studying procedure of the International Court of Justice, it is noticed that role of equity in delimitation of the marine borders has been very prominent. On the other hand, although awards and decisions of the court play important role in recognition of the legal rules and are studied and analyzed by scientists of the international law, the court cannot create legal rule (Guillaume, 2011). Therefore, although the court is not obliged to obey its previous awards, it relies on them and mentions them in its issued awards. Therefore, the coastal countries should pay attention to the samples of the awards issued by the court whether in contentious judgments or in advisory opinions, particularly, Islamic Republic of Iran in which issue of reference to International Court of Justice has been posed by its legal thinkers (in case of determining unjust and oppressive share for Iran) (Ghobad Zadeh, 2004). Therefore, since the first source on which the court relies is treaties of 1921 and 1940, in case low share is given to Iran through negotiation, for example, 11% or 13%, it is natural that we may find better position by referring to the court, emphasizing on the legal documents by and between Iran and the former Soviet Union and particularly the mentioned treaties because if only geographical factor satisfies and persuades them, Iran which

has historical right and has utilized it beside this Sea along with Russia for years and participated in the decisions will sustain loss in case it acts based on geographical factor. In addition, acceptance and execution of this division will destabilize the former fundamentals and as a result, Iran will pay cost of collapse of the former Soviet Union because other four countries don't lose anything and Iran will withdraw its rights due to consideration of geographical factor and be satisfied with the little thing.

The most important views about division of Caspian Sea and its sources:

- 1- Use of Caspian Sea and its sources jointly among 5 countries and share of each country and also Iran is 20 % of the sources of Caspian Sea. This view has been considered by Iran during the past years and it seems that Turkmenistan agrees on it but Russia and Azerbaijan Republic high disagree on this plan.
- 2- Division of Caspian Sea based on international law of seas. Based on this plan, Caspian Sea can be divided based on United Nations Convention on law of the seas (1982). Based on his plan which is highly supported by Kazakhstan, share of Iran will be 16% but Iran is threatened by other countries in terms of security with such division. In addition, Azerbaijan is of the opponents of this plan (Asadi Kia, 1995).

Division of Caspian Sea on national parts. This method which was followed by Azerbaijan from the beginning is based on division of sea into national zones belonging to each country and in these regions; states can apply their sovereignty unconditionally. The division criterion in this method is one of the most important issue and if extent of the zone belonging to Iran is suitable, this plan is better than division based on international law of seas for the country but what is considered by Azerbaijan and Kazakhstan in this project is division based on bisector line and 29% of Caspian Sea will belong to Kazakhstan and 21% will belong to Azerbaijan and share of Iran is lower than that of other 4 countries and is between 11 and 13%. Azerbaijan government has started a long-term tension in the zone beside this suggestion considering its strategic relations with America and invitation of American and British Companies to drill oil wells in Caspian Sea. This country is a main factor of barrier in share of Iran based on this plan can be calculated with two methods: A- if we connect two ends of ground borders of Iran in corner of Caspian Sea, a line called Astara-Hosseingholi line will be created. Waters below this line include 11% of total waters of Caspian Sea. This line has not

been distinctive at time of the Soviet Union for activities of Iran in Caspian Sea but two transition points of airplane from airports of Iran to The Union of Soviet Socialist Republics were on this line in flight activities of the airplanes on Caspian Sea.

In internal maps of The Union of Soviet Socialist Republics, this line was used based on division of Caspian Sea for oil and gas activities among the republics inside the Soviet Union. Azerbaijan relies on these maps for division of Caspian Sea. B: another method for division of Caspian Sea is use of middle line with equal distances from the coast. In this case, any country which has convex coast with Caspian Sea has gained higher share and the countries with concave coast will gain the lower share. Kazakhstan and Azerbaijan with their concave coast will have 28.4% and 121%, respectively. Russia with 19%, Turkmenistan with 18% and Iran with 13.6% will gain waters of Caspian Sea (Talaie, 2002).

1- Combined method: division of Caspian Sea into two national and international zones (joint): it means delimitation of sea from coast along 24 miles inside sea as national zone. In these 24 miles, each coastal country will have total jurisdiction over exploitation of space, surface over water and seabed. Determination of the continuation of 24 miles from coast of five countries as coastal interstate common zone. Common zone will be subject to laws and regulations agreed by all coastal countries. Interstate common zone can be exploited equally and exploitation of reservoirs in its subbed and living creatures can be given to the consortium which all 5 countries establish with equal shares. This consortium is established with equal votes and equal investment and its income can be also divided equally. Theory of joint use which is more supported by theorists and perhaps agreed by the states by changing it particularly theory of division of Caspian Sea into two national and interstate zones which supports division of lake into national zone of 24 miles and interstate zone which is closer to international custom and logic and procedure (Shaheidar, 2012).

### CONCLUSION

Caspian Sea has four important and main geopolitical basins which are the main actors in this zone. The Russian Federation didn't pay attention to Caspian Sea and its surrounding for short term after collapse of The Union of Soviet Socialist Republics due to preference over relations with East in its foreign policy and forgot this zone to some extent. Exploration of new energy sources in Caspian Sea basin and

importance of geopolitical position of this basin which is located in route of Europe, Asia and Middle East and plays important role in balance of power in the world and also attention of the western world and America to this basin and conclusion of some important oil contracts with the coastal republics made leaders of Russia anxious. Rotation in foreign policy of Russia was created soon in formulation of new strategies in this basin.

Caspian Sea has no similarity to any of the common lakes between two or more countries in the world due to unique position whether in terms of political and security importance or economic capacity and its role in economic development of its coastal countries or historically and geographically and even in terms of ecosystem. Custom and general international conventions on seas also cannot help determine and divide Caspian Sea. Therefore, the most important legal source which can be regarded as basis is contracts, treaties and historical records and rights and effects resulting from them are applicable until treaties are abrogated implicitly or expressly. Legal regime of Caspian Sea should be completed based on historical and legal records, principle of good neighborhood, principle of equity, observance of economic and security benefits of the coastal countries and with emphasis on environmental protection and far from unilateralism and interference of foreign countries.

Theory of joint use joint use which is more supported by theorists and perhaps agreed by the states by changing it particularly theory of division of Caspian Sea into two national and interstate zones which supports division of lake into national zone of 24 miles and interstate zone which is closer to international custom and logic and procedure.

Theory of full division of Sea into national zones doesn't provide benefits of Islamic Republic of Iran and is not acceptable for environmental, legal and logical reasons because Mazandaran Sea is not a cake which can be divided into separate pieces by marking it or cutting it with knife. A unique sea such as Caspian Sea requires its unique legal regime. Division of this lake into 5 national zones caused lawlessness, personal exploitation, unilateral and selfish profiteering. This profiteering which violates environment conventions and sustainable development convention causes any country to think about its benefit and refuses to pay expense for protecting biology and living creatures and ecosystem of Caspian Sea but when a zone is considered joint and national, interstate commission of 5 coastal countries should be established to supervisor

over exploitation and vulnerability and pollution of Caspian Sea. Undoubtedly, this commission will establish a fund for environmental development of Caspian Sea so that all members remit 1% of income of their national zone to this fund. Division of the sea into two national and joint zones prevents from lawlessness and unsustainable development and also allows the coastal states to earn income by exploiting the national zone and develop their own countries. The presence of a joint zone and national zone realizes goals of coastal states for sustainable development, demilitarizing Caspian Sea, protecting environment and ecosystem of Caspian Sea and creates sanction and more mutual responsibility. In the joint zone, the states with equal votes and collective decision will decide about demilitarization and prohibition of nuclear weapon in the zone and environmental protection. Full division of Caspian Sea leads each one of 5 coastal countries to recall their military allies or warships of the foreign powers to their coastal zone. In national-joint method, countries can be divested of this exclusive jurisdiction. Islamic Republic of Iran has emphasized that it will not be satisfied with share below 20% but it should be acknowledged that it will face difficulty in administration of its historical right considering blackmail of foreign powers and their hidden and obvious interferences. It can be predicted that neither the coastal states will grant 20% nor reference of such subject to international arbitration will give us such right. The only legal and logical way and mechanism which may lead to 20% of share of the Sea for Iran will be division of the lake into the national and joint zone. Heavy and sensitive space and slow and risky trend which Iran faces in determination of legal system of Caspian Sea require more wisdom, sensitivity and coordination of authorities so that their wisdom results in positive judgment of the future generations about them. Therefore, resorting to bilateral agreements can be effective in solution of the present difficulty without progress in reaching collective agreement among coastal countries of Caspian Sea for determination of its legal system. In this way, one can achieve an overall agreement for legal regime of this Sea through bilateral agreements among these countries. Of course, it should be noted that these bilateral agreements cannot include the zones which are recognized by law of seas as territorial waters. It is evident that agreement on legal regime of Caspian Sea will also provide way for increase of cooperation in different fields.

#### REFERENCES

- Aghaei SD. Practice of diplomacy and negotiation techniques, Tehran: Publishing and printing Institute of Tehran University 2008.
- Amirahmadi H. Challenges in the Caspian Region: Proceedings of the Caspian at a glance, Translation:Salalah Habibi, Tehran: The Institute for Caspian Studies 2001.
- Amyrahmdyan B. Oil and Security in the Caucasus. *Central Asia and Caucasus Studies Quarterly* 2006; 56: 25-31.
- Anonymous. The United Nations. In: *International Law of the seas*, Poornouri M, Habibi M (Translators), Tehran: National Institute of Oceanography 2007.
- Asdykya B. the legal regime of the Caspian Sea. *Legal Journal* 1995; 8: 30.
- Bahgat G. American oil diplomacy in the Persian Gulf and the Caspian Sea. University Press of Florida 2003.
- Dipla H. border in International lakes. Translation: Abraham Bygradh, *Law Journal* 1998; 22: 35-55.
- Ehteshami A. The Caspian Politics, energy and security. *Journal of policy* 2004; 2: 12.
- Ghobadzadeh N. Legal regime and the positions of coastal states America's role in the region. Tehran: Publications Office of Political and International Studies Department of Foreign Affairs 2004.
- Guillaume G. The Use of precedent by International Judges and Arbitrators. *Journal of International Dispute settlement* 2011; 2: 1.
- Heidari M. The NABUCCO and trans-regional energy security and regional actors. *Central Asia and Caucasus Studies Quarterly* 2009; pp:66.
- Madanee J. *Public International Law & Principles of Government Relations*. Tehran: Paydar 1998.
- Momtaz J, Mizrahi S. Iran views of the Caspian Sea legal regime. *Central Asia and Caucasus Studies Quarterly* 2001; 35: 43.
- Momtaz J. Challenges and perspectives of Caspian Sea legal regime. *Economic and political information* 1997; 12: 23.
- Nazmi M. Review the legal regime of the Caspian Sea. *Parliament and Strategy* 2002; 9: 231.
- Niknami N. The legal regime of the Caspian Sea littoral states' position. *Andeeshe sadegh* 2002; pp:6.
- Nzhndymnsh H, Askndrzadh A. Need for the establishment of the International Court of the Environment. *Economic and political information* 2007; 22: 245-246.
- Torabi SH. Similarities and contrasts to other positions in the legal regime of the Caspian littoral states. *Central Asia and Caucasus Studies Quarterly* 2001; 35: 361.