



UiT The Arctic University of Norway

Faculty of Law

# Identifying obstacles in the effectiveness of legal regimes and protection laws for the Caspian Seal

Azin Vedadi

Under the supervision of Apostolos Tsiouvalas

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*“It is the worst of times, but it is the best of times because we still have a chance.”*

*(Sylvia Earle- Oceanographer)*

## Acknowledgment

If, like the Prophet Noah,  
You have patience in the distress of the flood,  
Calamity turns aside,  
And the desire of a thousand years comes forth.  
“Hafez”

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## **Index of abbreviations**

ATS	Antarctic Treaty System
CITES	Convention on International Trade and Endangered Species of Wild Fauna and Flora
CMS	Convention on the Conservation of Migratory Species of Wild Animals
CSRRC	Caspian Seal Research and Rehabilitation Center
ESPOO	Convention on Environmental Impact Assessment in a Transboundary Context
FAO	United Nations Food and Agriculture Organization
ICJ	International Court of Justice
IMMA	Important Marine Mammal Area
MMPA	Global Plan of Action for the Conservation and Utilization of Marine Mammals
MPA	Marine Protected Area
NCOC	North Caspian Operating Company
SCAMP	Seal Conservation Action and Manage Plan
UNCLOS	United Nations Convention on the Law of the Sea
UNEP	United Nations Environment Program
VCLT	Vienna Convention on the Law of Treaties

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# Chapter 1: Introduction

## 1.1 Introduction

The subject matter of exploration in this thesis is identifying the obstacles and intricate details surrounding the inevitable demise of the Caspian Seal, a remarkable mammal that exclusively resides in the vast expanse of the Caspian Sea. The question revolves around unraveling the complex dynamics behind the remarkable shift in the Caspian Sea Seal population, which has been a notable decline from one million to the current one hundred thousand.<sup>1</sup> Exploring the multifaceted factors and circumstances that have orchestrated this change is essential to comprehensively grasp the intricate interplay affecting the Caspian Seals.

This thesis aims to thoroughly examine the factors contributing to the tragic ending of this unique creature, including its unfortunate demise and the potential measures for its preservation. The Caspian Sea has its complexities in legal terms because it is a sea on one side and a lake on the other. This thesis explores the status of the Caspian Seal from the perspective of the Law of the Sea. But it is very challenging. Because the Caspian Sea is not under the umbrella of the UN Convention on the Law of the Sea (UNCLOS) due to its complex legal situation and condition, and this has led to the protection and conservation of the Caspian Seal being considered as an unregulated issue. However, the thesis has reviewed all the International, regional, and national laws that have dealt with the protection and conservation of marine mammals, particularly the Caspian seals. Furthermore, identifying the obstacles and existing challenges helps us to find the problem as well as to explain improvement strategies in the use of legal regimes and policies, in support of the continuation of life with the value of the seal.

Additionally, since the Caspian Seal is struggling with critical conditions and on the other hand, the regional laws, and conventions regarding the protection of the Caspian Seal do not have the appropriate guarantees of implementation, a conversation has been held with several

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<sup>1</sup> 'Based on the last seven-year census' (Mehr News Agency, 8 August 2015) <<http://www.mehrnews.com>> accessed 8 August 2023.

scientists in the field of Caspian Seal protection. Important Marine Mammal Area (IMMA), refers to designated areas that are recognized for their role in supporting a variety of marine mammal species.<sup>2</sup> If the coastal states of the Caspian Sea consider these key critical areas for the Caspian seals, this approach will enable environmentalists to identify the threats and challenges that these species face in their habitats and the extinction of this species may be prevented.

This thesis further examines the extent of cooperation among the coastal states and most importantly the lack of effective implementation in national and regional conventions.

## **1.2 Problem Statement**

According to the latest estimates, the population of the only aquatic mammal in the Caspian Sea has decreased from one million in 1991 to less than 70,000 in (2019) due to overfishing and marine pollution, and the risk of extinction has become serious.<sup>3</sup> Therefore, it has been deemed necessary for this thesis to look at the regional and international commitments and legal documents and, with the support of conducting qualitative research, identify the obstacles to the effectiveness of the existing regime in place.

## **1.3 The Caspian Sea, the legal conditions governing it, and environmental issues and the ecosystem in it.**

The Caspian Sea has unique characteristics that complicate the application of the UNCLOS in this sea. On the one hand, the Caspian Sea is known as the Mazandaran Sea or the Caspian Sea, and on the other hand, it has earned the title of the largest lake in the world. This sea is in the northern part of Iran, the southern part of Russia, Turkmenistan, and Kazakhstan, and on the other side in the eastern part of the Republic of Azerbaijan. The Caspian Sea was originally a part of the Tethys Sea that connected the Pacific Ocean to the Atlantic Ocean, but eventually, it was enclosed by the movement of the earth's plates and this unique sea emerged.

However, evaluating the Caspian Sea through the lens of international law will reveal a complex and paradoxical position. An enclosed and semi-enclosed sea are defined in Article 122 of the 1982 Convention on the Law of the Sea. According to this article, the Caspian Sea

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<sup>2</sup> Marine Mammal Habitat, 'Important Marine Mammal Areas ( IMMAs)' (Marine Mammal Protected Areas Task Force, 2016-2020) <<http://www.marinemammalhabitat.org/immas>>accessed 4 June 2024.

<sup>3</sup> 'The risk of extinction of the Caspian Seal has increased', (Islamic Republic News Agency, 30 December 2019) <<http://www.irna.ir/news/83611807>> accessed 4 June 2024.

is not a sea because it does not have access to high seas, and the name of the sea is given to it only because of its size.<sup>4</sup> As a result, the legal relationship that governs this sea has not been included under the 1982 convention<sup>5</sup>. Instead, the states bordering the Caspian Sea, Iran, Azerbaijan, Turkmenistan, Kazakhstan, and Russia, will have to agree on the legal relations.<sup>6</sup> The legal status and regime of the Caspian Sea are currently based on Soviet- Iranian treaties from the early 20th century and earlier state practices and agreements.<sup>7</sup>

After the dissolution of the Soviet Union, tensions and disputes among the states bordering the Caspian Sea over the region's rare species and natural resources developed. Because the states took advantage of the non-application of the law of the sea in this sea, and they have been focusing on their own economic and political interests rather than collaborating to safeguard rare species like the Caspian seal and sturgeon. The extinction of the Caspian seal is one of the many issues that the situation has brought up for the Caspian Sea.<sup>8</sup> Iran and Russia, two of the most powerful nations in the region, referred to it as a lake to divide its natural resources between them. This division was established through bilateral treaties that were arranged between the Soviet Union and Iran in the past.<sup>9</sup>

On the other hand, Article 123 of the United Nations Convention, has created the conditions to make the situation in the Caspian Sea more unorganized. This article, on the one hand, provides the rules for semi-enclosed seas, and on the other hand, gives jurisdiction to the coastal states, and also does not provide any framework for this cooperation.<sup>10</sup> Significantly, it is crucial to note that UNCLOS in Article 123, does not exceed mere recommendations, so

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<sup>4</sup> Article 122: "The enclosed or semi-enclosed sea is a gulf, basin or sea surrounded by two or more States and connected to another sea or the ocean by a narrow outlet."

<sup>5</sup> In Montego Bay, Jamaica, the 1982 Convention on the Law of the Sea was signed. The Constitution of the Seas is the name of this convention (UNCLOS.) As a result, it presently constitutes a significant part of international law and functions as a key resource for enforcing the rule of law across the seas and oceans. This agreement establishes a framework of guidelines and standards for international relationships in the context of marine challenges. See Law of the Sea Convention | National Oceanic and Atmospheric Administration, 'What is the Law of the Sea', (NOAA,18 January 2024) <[Http://www.noaa.gov/what is the law of the sea](http://www.noaa.gov/what is the law of the sea) >accessed 20 February 2024.

<sup>6</sup> 'Caspian Sea: Everything about the Caspian Sea; The largest lake in the world', (safarmarket) <<http://safarmarket.com/blog/Caspian Sea>>accessed 20 September 2023

<sup>7</sup> Elchin Ganjaliyev, 'Building Azerbaijan's Legal framework for marine operations based on UNCLOS' [2011-2012] University of Southampton 71

<sup>8</sup> Hanna Zimnitskaya, James Von Golden, 'Is the Caspian Sea a sea; and why does it matter?' [2011] Journal of Eurasian Studies 1

<sup>9</sup> Treaty of Friendship 1922 and The Soviet - Iranian trade and navigation agreement, as mentioned in Hanna Zimnitskaya, James Von Golden, 'Is the Caspian Sea a sea; and why does it matter?' [2011] Journal of Eurasian Studies 2.

<sup>10</sup> Ibid, 4.

it places no substantial obligation upon coastal states.<sup>11</sup> Due to this, Russia and Iran defended the joint ownership of the Caspian Sea, and in 1996, they collaborated to regulate that other neighboring nations would need permission from others to extract resources from the sea's bed.<sup>12</sup> As a result of the non-applicable law of the sea convention in the Caspian Sea, the situation in the Caspian Sea has become more complicated. Because force, power, and competition over the resources of the Caspian Sea have faced a crisis in the ecosystem and the habitat of the species in the Caspian Sea, and one of the most vulnerable species is the Caspian seal, the precious gem of the Caspian Sea. For example, Azerbaijan is the country that has the least cooperation with other coastal countries regarding the protection of the Caspian seal. Sayad Shirazi, head of the Caspian Seal Center in Iran, announced that the military exercise of Azerbaijan with two other countries, Turkey and Pakistan, in the Caspian Sea has caused 14 seal collars to be lost due to a wave of explosions.<sup>13</sup> Also, the corpses of 170 seals in 2021 and 300 seals in 2020 were found on Russian shores because of Russia's military actions in the Caspian Sea. Russia is denying this claim and has stated that trawl fishing nets killed seals.<sup>14</sup>

#### **1.4 The Caspian Seal and its current status**

The Caspian Seal, with the scientific name *Phoca Caspica* or *Puca Capsica*, is an endangered marine mammal that lives only in the Caspian Sea and its tributaries such as the Volga and the Urals. This species is the only mammal in the Caspian Sea, and in terms of overfishing, disturbing living conditions, physical injuries, being caught in special sturgeon fishing nets, hunting babies because of their skin and a well-known virus or unknown that causes their death, is exposed to a sharp decline in population.<sup>15</sup> The factor that has had a very strong effect on the reduction of the Caspian Seal population and has somehow destroyed the life cycle of the Caspian Sea is an invasive species called (*Mnemiopsis leidyi*). These invasive creatures feed on plankton, and this has caused the plankton to decrease by about 90% in the Caspian Sea. Caspian seals feed on Kilka fish, and the reduction of plankton has caused the

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<sup>11</sup> Sergei Viogradov and Patricia Wouters, 'The Caspian Sea: Current Legal problems' (1995) 55 *Journal Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* 613.

<sup>12</sup> Rustam Mamedov, 'International legal status of the Caspian Sea: Issue of theory and practice' (2001) 32 *Turkish Yearbook of International Relations* 217- 259.

<sup>13</sup> 'Caspian Seal' (Fararu) < <http://fararu.com/Caspian-seal> > accessed 30 June 2023.

<sup>14</sup> 'About 170 endangered seals found dead on Russia's Caspian coast' (Aljazeera, 6 May 2021) < <https://www.aljazeera.com/news/about-170-endangered-seals-found-dead-on-russias-caspian-coast> > accessed 30 June 2023.

<sup>15</sup> 'The Caspian Seal is the only marine mammal in the Caspian Sea' (karnaval) < <http://www.Karnaval.ir/blog/Caspian-seal> > accessed 15 March 2023.

population of Kilka fish to decrease. The reduction of Kilka fish has had a negative effect on the number of Caspian Seal. <sup>16</sup>

Scientists are still debating the origins of the Caspian and Baikal Seals. The seals in these lakes were initially thought to be populations of Arctic-ringed seals that had become landlocked in the lakes after the last ice age. Recent mitochondrial DNA analysis points to the possibility that the Baikal and Caspian Seal along with all other seals belonging to the Phocina group may have migrated to the lakes about 2-3 million years ago. The Grey Seal and the Caspian Seal may be genetically related more closely than the Baikal and Arctic Ringed Seals. These species are all originally from ice breeding and have pups with white coats. <sup>17</sup>

In the first decade of the 20th century, the Caspian Seals population was about one million collars; In the seventies (1970), four hundred thousand collars, and during the decade 2005-2015, it decreased to about 100-111 thousand seals.<sup>18</sup> Surveys<sup>19</sup> show that about 20% of the decrease in population and 20% of the decrease in productivity of seals are attributed to environmental pollution, especially agricultural toxins. Statistics from 2005-2015 show that their population was close to 111,000 and the latest estimate (2017) decreased to 70,000. <sup>20</sup> In general, there is a discrepancy in the information available about the population of Caspian Seals in the Caspian Sea. For example, the fishery agency has reported that the total number of Caspian Seals is between 270,000 to 300,000. However, the population, according to the Caspian Environmental Protection Center, is estimated to be considerably fewer at 70,000. <sup>21</sup> The population growth of the Caspian Seal decreased by 3-4% annually in the 2010s. <sup>22</sup>

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<sup>16</sup> 'Caspian Seal' (Eligasht) < <http://www.eligasht.com/blog/travelguide/CaspianSeal>> accessed 15 March 2023.

<sup>17</sup> 'Darwin Caspian Seal Project 2005-2023 < <http://www.caspian-seal.org/info/caspian-seal>> accessed 15 March 2023.

<sup>18</sup> 'Caspian Seal' (Eligasht) < <http://www.eligasht.com/blog/travelguide/CaspianSeal>> accessed 15 March 2023.

<sup>19</sup> 'Nature Tourism Education and Research Institute'(Tabiat) < <https://www.tabiat.ir/home>> accessed 15 March 2023.

<sup>20</sup> 'Russia: Bodies of 2500 seals found along Caspian Sea coast' (BBC News, 2022) <<https://www.BBC.com>>accessed 30 June 2023 and see <[https://www.Hakimmehr.ir/Caspian Seal](https://www.Hakimmehr.ir/Caspian%20Seal)> accessed 30 June 2023.

<sup>21</sup> '2500 dead seals found on Russia's Caspian Coast' (Al Jazeera, 5 December 2022) < [https://www. Aljazeera.com](https://www.Aljazeera.com)>accessed 30 June 2023.

<sup>22</sup> 'Caspian Seal'(Seal Conservation Society, August 2011) <[http://www.pinnipeds.org/seal-information/species-information-pages/the-phocid-seals/Caspian Seal](http://www.pinnipeds.org/seal-information/species-information-pages/the-phocid-seals/Caspian%20Seal)> accessed 15 March 2023.

Also, the reduction of frost and the early breaking of ice, which is the main cause of global climate change, greatly harms the survival of seal pups. However, in some cases, the cause of death remains unidentified. Various factors are contributing to the extinction of a unique species found in the Caspian Sea. One of the major factors is the pollution of the Caspian Sea. On December 4, 2022, a mass death of Caspian seals was observed along the shores of the Caspian Sea. During the report, it was revealed that 140 dead seals were found in Kazakhstan and an additional 2,500 in Dagestan, Russia.<sup>23</sup> Head of the Caspian Environmental Protection Center, Zaur Gapizov, first declared that there were no indications that the animals had been killed or trapped in fishing nets, and further examinations revealed no evidence of contaminants in their body tissues. Three incidents before this terrible incident had happened to Caspian seals in Kazakhstan in the Caspian Sea, which they attributed to natural causes.<sup>24</sup> Following these incidents on the shores of the Caspian Sea, experts concluded that these incidents and mass deaths of Caspian seals are not related to natural causes but are caused by human actions. For example, consider the killing of more than 8 thousand baby seals in Dagestan, Russia. In this incident, Russian commercial hunters massacred Caspian seals because of their unique skin. Therefore, it is impossible to ignore human intervention and actions in the killing of Caspian seals.<sup>25</sup>

The Caspian Seal has experienced a significant decline in population in recent years. Currently, the southeastern shores of the Caspian Sea and Ashuradeh Island are the only habitats for seals in Iran, and most of the population of this species lives in this area.<sup>26</sup> To

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<sup>23</sup> 'Caspian Seal die-off' (Wikipedia, 2022) <<http://www.en.wikipedia.org/wiki/2022-Caspian-Seal-die-off>>accessed 30 June 2023.

<sup>24</sup> '2500 dead seals found on Russia's Caspian Coast' (Al Jazeera, 5 December 2022) <<https://www.aljazeera.com>>accessed 30 June 2023.

<sup>25</sup> 'What factors have taken the breath of Caspian seals?' (Khabarban, 6 December 2022) <https://www.khabarban.com/35645147> Accessed 2 February 2023.

<sup>26</sup> Ashuradeh, the only Iranian island in the Caspian Sea, is an uninhabited and deserted area in Golestan province. Ashuradeh is the largest Iranian island in the Caspian Sea, which is located in the center of the Miankale peninsula of Turkmen port. Turkman Port is one of the northern ports of Iran and one of the most famous ports on the eastern shores of the Caspian Sea, located in Golestan province. Turkman Port Beach is the closest sea beach to Gorgan City. See: 'Attraction' (Kojaro) <<https://www.kojaro.com>> accessed 2 February 2023. The most common passage of Caspian seals is in Ashurade and Miankaleh peninsulas. Because it is near the border of Turkmenistan and Caspian seals have more passage there.

address this issue, the Caspian Seal Rescue Center has been established on Ashuradeh Island with the help of environmental activists and the Dutch National Seal Research Center.<sup>27</sup>

According to the Director of the Caspian Seal Conservation Center, Dr. Amir Sayad Shirazi, the breeding grounds for this mammal located in the north of the Caspian Sea are not suitable due to unfavorable conditions. Dr. Shirazi has warned that the Ashuradeh tourism plan could have a detrimental impact on the life of this marine mammal, and the destruction of the beaches could cause the extinction of the Caspian Seal. In April 2022, the Caspian Seal Protection Center stated that Ashuradeh Island has the largest population of Caspian seals on the coast of Iran and the disruption of the security of this area means serious damage to the biological territory of this species and is against international treaties.<sup>28</sup> It is important to address the issue of protecting the Caspian Seal as soon as possible. The director of the Caspian Seal Protection Center has emphasized the need for an action plan to be developed and implemented to protect the seals. If this issue is not addressed, the seals will not have the necessary space to reproduce in the Caspian Sea. To address this issue, protected areas should be designated for the recovery of the Caspian Seal. Currently, there are protected areas in the south of the country for turtles to lay eggs, but this needs to be extended to include the Caspian Seal.<sup>29</sup>

Threatening pollutants are oil pollution, industrial effluents (including heavy metals), agricultural toxins (types of pesticides), radioactive waste, sewage, and household waste, and noise pollution (for example, caused by the activity of oil and gas refineries, excessive traffic of boats and vessels). Various contaminations poison or make seals sick, and some poisons weaken the seals' immune system against diseases or reduce fertility for a long time. In addition, the reduction of food resources of the Caspian Seal in recent years has occurred due to (1) overfishing, (2) pollution, and (3) the introduction of an exotic invasive species from the

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<sup>27</sup> The Iran Caspian Seal Conservation Center was established in 2008 in Iran by Lenny Hart (founder of the Dutch Seal Research and Rehabilitation Center), Mohammad Mustafa Shahi Ferdous, and Amir Sayad Shirazi on Ashuradeh Island, near the coast of Turkmen port. This center has been officially operating since 2010. Centers that are established to take care of seals have duties and functions in these fields: conducting research and education about the living conditions of seals, treatment and treating seals, and taking care of them until they get rid of the disease, rescue, cultural and artistic to create a proper relationship between humans and seals, communicate with other centers at the international level and launch campaigns in support and taking care of the seals, see See: Instagram. Caspian Seal Rescue@, Caspian Seal Rescue Center in Iran.

<sup>28</sup> 'Farwell to seals in Iran; Destruction of the beaches with the implementation of Ashuradeh tourism plan' (ilna, 11 April 2021) <<https://www.ilna.ir>>accessed 2 February 2023.

<sup>29</sup> 'The silent death of the southern shores of the Caspian Sea due to the construction of Russian dams' (ISNA, 1 May 2022), <<https://www.isna.ir/news>>accessed 5 January 2023.



Atlantic Ocean to the Caspian Sea (called Mnemiopsis Leidy). According to Iran's fisheries statistics, the population of Kilka fish, which is the main food of the Caspian Seal, has decreased by more than 70% in recent years. Another factor is that sometimes Caspian seals are accidentally caught in fishing nets; A problem that occurs abundantly in the waters of Iran. In such cases, if the fishermen do not rescue the seal from the net in time and bring it to the medical center, or the caught seal remains underwater until it suffocates.

The former deputy marine biologist of the country's environmental organization. Parvin Farshchi says:

“The traffic of oil tankers in the north of the Caspian Sea (which also has a small depth) is another reason for the decrease in the population of seals. We faced a challenge in this field. In some months of the year, a part of the Caspian Sea freezes completely, and the traffic of ships is hindered. For this reason, icebreakers must open this route for ships. Carrying out operations like this is parallel and simultaneous with the reproduction of seals and causes many seals and their children to be killed.”<sup>30</sup>

So, in short, the threats to the Caspian Seal can be presented as follows. The six main groups of factors that threaten the health and population of the Caspian Seals are hunting, disease, casualties in fishing nets, sea pollution, lack of food resources, and climate change, among which, except for disease, all the factors that directly or indirectly are related to the human and their destructive activities.<sup>31</sup> Considering the impact of human communities on the reduction and injury of marine mammals - including the Caspian Seals - the necessity of legal attention to this issue is felt more.

Legal attention to this matter includes: efforts to protect this type of seal as a special species that can only be found in the Caspian Sea, the global and regional requirements to preserve the marine environment, any damage to the Caspian Seals show a kind of disregard for the marine environment, should not be forgotten that (Caspian Sea) is a lake and the intensity of pollution in it and the increase in damage to its organisms means the death and destruction of the assets of this unique lake.

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<sup>30</sup> ‘National action plan for the protection of the Caspian Seal, (Harfonline, 14 January 2019), <<https://www.harfonline.ir>>accessed 5 January 2023.

<sup>31</sup> Saeed khavarinejad, ‘Caspian Seal; health-threatening factors and reasons for population decline’, (Diyarmirza, 14 March 2019) <[https://diyarmirza.ir/1397/12/\\_\\_\\_trashed-74/](https://diyarmirza.ir/1397/12/___trashed-74/)>accessed 5 January 2023.

## 1.5 Topicality and Importance of the Thesis

As mentioned at the beginning of the thesis the Caspian Sea is not inherently connected to any sea, so it has its own special and unique legal regime. If we consider the Caspian Sea as an inland sea, it means that it is not subject to the UNCLOS, and its legal regime should be based on the agreement of the countries that share its coastline. However, in this thesis, the author argues that relevant UNCLOS provisions, such as those concerning marine environment protection, should apply to the Caspian Sea.

For example, Article 192<sup>32</sup> should be applicable as it deals with the protection of the marine environment. So, there is still a need for the coastal countries to carefully observe the cooperation in implementing the obligations arising from the convention and to ensure the continued life of the Caspian Seal in the utmost safety, security, food and health care, and pregnancy and childbirth, providing pure support.

Identifying obstacles to the implementation of existing laws is a must. The importance of this important point is that through this action we can strengthen the enforcement guarantee of the laws related to the subject. Action in the process of caring for the Caspian Seal (and in other similar situations) can support the operation of the law in protecting this species. Identifying the shortcomings and weaknesses in the existing laws and the shortcomings related to the implementation of the same laws that we currently have is another step toward improving the level of care for Caspian seals. It seems that cases such as trying to reduce the level of physical harm to Caspian seals (such as seals being caught in fishing nets or fishermen violently dealing with seals and hunting Caspian Seal babies) require providing training with content Support for aquatic life and environmental health and for fishermen and other actors related to marine activities. Caspian seal pups are more targeted by commercial hunters because of their different skin. In general, two human and natural<sup>33</sup> factors have joined hands to make the only mammal species of the Caspian Sea close to extinction.<sup>34</sup>

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<sup>32</sup> “States have the obligation to protect and preserve the marine environment.”

<sup>33</sup> Among the natural causes, we can mention global warming, which is a threat to the destruction of their habitat and food sources. Water pollution has increased due to the harmful substances, chemicals radioactive materials and other pollutants entering the sea are among the categories that require the cooperation of all the countries adjacent to the Caspian Sea. Dealing with this issue requires the establishment of regulations and laws that can be used to punish the guilty country.

<sup>34</sup> ‘Caspian seal’ (Lastsecond), <<https://www.Lastsecond.ir>> accessed 5 January 2023.

As observed by Dr Simon Goodman, an ecologist based at the University of Leeds UK, and member of IUCN’s specialist group that focuses on seals and other pinnipeds:

“Currently, the main threats for Caspian seals stem from human activities, including very high rates of seal mortality in fishing gear set for sturgeon poaching, and habitat degradation arising from coastal development. Also, a concern is reductions in the winter sea ice the seals use for breeding and a decline in the Caspian Sea level predicted for the coming decades due to climate heating.”<sup>35</sup>

## **1.6 Objective of the Thesis**

The main objective of this thesis is to identify the obstacles and deficiencies in the available international legal frameworks for maintaining the Caspian Seal population. In other words, the thesis aims to elucidate the legislative actions and preventive laws that can aid in preventing the extinction of this rare species of mammal, which is the only one that can be found in the Caspian Sea.

This thesis has the following specific objectives:

1. Improving the capacities and legal aspects of the protection of the Caspian Seal species.
2. Suggest solutions and recommendations to develop more legal aspects and processes for law enforcement by all Caspian countries in the protection of the Caspian Seals.
3. Recognition of regulatory gaps to develop and improve living conditions, treatment, care of children and prevent hunting of the Caspian Seal species.
4. Explanation of strategies (system of networks, social institutionalism - N.G.O., education and culture building) for the legal protection of the Caspian seal.

## **1.7 Research Questions**

This thesis aims to provide answers to the following questions to accomplish the objectives:

### **Main Research Question**

What legal framework exists for the protection and conservation of the Caspian Seal population?

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<sup>35</sup> ‘Endangered Caspian Seal habitat awarded important marine mammal area status’ (IUCN, 6 December 2021) <<https://www.iucn.org/news/marine-and-polar/202112/endangered-caspian-seal-habitat-awarded-important-marine-mammal-area-status>> accessed 19 December 2022.

## Sub-Questions

1. What solutions and recommendations can make the trends and processes of law enforcement by the Caspian border countries commit and adhere to the protection of the Caspian Seal?
2. What approaches and methods can the system of networks, social institutionalism, and NGOs apply to ensure the Caspian Seal receives the necessary support and protection?
3. What types of applicable laws<sup>36</sup> can offer the requirements for the Caspian Seal's protection?

## 1.8 Data Collection Method

The main focus of this thesis is based on the fact that:

“Law” is an important factor in the protection of marine mammals at the national, regional, and international levels.”<sup>37</sup> Laws are typically created through a collaborative effort between the community, legal experts, and legislators. This means that customs are established among people, then interpreted and formulated by lawyers, and ultimately approved by legislators.<sup>38</sup> legal doctrines and legal approaches can be useful for legislators when creating new laws and regulations. While they are not considered an official source of law, they can undoubtedly influence the legislative process. This is because legal doctrines can suggest new laws for lawmakers to draft and help shape the direction of legislative efforts.<sup>39</sup> For example, one of the most significant conventions for the preservation of the Caspian Seal is the Tehran, which forms a comprehensive framework for governance and establishes the fundamental standards and procedures for environmental preservation and sustainable development in the Caspian Sea

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<sup>36</sup> The meaning of applicable laws; It means rules and laws that have an executive guarantee. The other thing is to make those rules and laws operational and to monitor their implementation.

<sup>37</sup> Patricia Birnie, ‘The Role of Law in Protecting Marine Mammals’, 15(3) *AMBIO* 137, 137 (1986) [“Birnie, The Role of Law”] as it is referenced in Cameron S. G Jefferies, ‘Marine Mammal Conservation and the Law of the Sea’, Oxford university press, [2016] 33.

<sup>38</sup> Giorgio Del Vecchio, ‘Philosophy of law’, translated by Javad Vahedi, [1380] 108 as it is referenced in Ali Eslamipناه, ‘Doctrine as the source of rights’ (October 2020) Vol 9, No 32, *Quarterly Journal of Private Law Research* 9-23.

<sup>39</sup> Ali Eslamipناه, ‘Doctrine as the source of rights’ (October 2020) Vol 9, No 32, *Quarterly Journal of Private Law Research* 9-28.

region,<sup>40</sup> is the result of legal doctrine that provides the necessary ground for establishing the binding agreement among the 5 countries of the Caspian Sea.

Following Article 38 of the International Court of Justice Statute, legal experts' opinions from different countries are utilized as a way to understand legal legislation in general international law. Consequently, legal approaches have been accepted by international courts as subsidiary means to help interpret national laws.<sup>41</sup> For this reason, the author focuses on a legal approach. The chapter's goal is to assess the legal framework pertinent to the conservation of the Caspian Seals. This thesis, the principles, action plans, standards, and laws and regulations regarding the protection and protection of marine mammals, including the 1982 Convention<sup>42</sup> on the Law of the Sea, the 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)<sup>43</sup>, and the 1979 Convention on Migratory Species,<sup>44</sup> and the Tehran Convention<sup>45</sup> is examined and analyzed. This Thesis focuses on the provision of the Vienna Convention (VCLT), especially the Third section of part III of this Convention, interprets and utilizes the above conventions and proposed Action Plans aimed at safeguarding marine mammals and their habitats, with a special emphasis on the protection and conservation of the extinction of the Caspian Seal.

Apart from the international conventions, regional and national legislations have also been discussed. This is due to the legal intricacies of the Caspian Sea, as highlighted in the introduction. Being classified as both a sea and a lake, and the Caspian seal being regarded as

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<sup>40</sup> 'About the Tehran Convention' (CEIC Portal) <<https://www.Tehranconvention.org/en>> accessed 19 December 2022.

<sup>41</sup> Ali Eslamipanaah, 'Doctrine as the source of rights' (October 2020) Vol 9, No 32, Quarterly Journal of Private Law Research 17.

<sup>42</sup> UNCLOS, known as the Constitution of the Seas, was signed in 1982 in Montego Bay, Jamaica, <<https://www.Legal.un.Org> > accessed 19 December 2022.

<sup>43</sup> A global agreement Known as the Convention on International Trade and in Endangered Species of Wild Fauna and Flora, was created in 1973 and endorsed by 184 nations. Its main goal is to protect the existence of plant and animal species by regulating and monitoring International Trade, <<https://www.fisheries.noaa.gov/>> accessed 19 December 2022.

<sup>44</sup> The Bonn Convention, an environmental treaty of the United Nations, establishes a global platform for the preservation and effective utilization of migratory birds, fish, and terrestrial species as well as their habitats.

<sup>45</sup> The Tehran Convention acts as a comprehensive framework for governing environmental protection and sustainable development in the Caspian Sea region. It establishes the overall guidelines and institutional structure necessary to meet these objectives. In Tehran, the convention was ratified in 2003. The signing of this convention by all five of the Caspian littoral states represents the first legally binding regional agreement. The Russian Federation, Turkmenistan, the Islamic Republic of Iran, the Republic of Kazakhstan, and the Republic of Azerbaijan are among these states, <<https://www.tehranconvention.org/>> accessed 19 December 2022.

a migratory marine species, these factors have prompted all the coastal nations of the Caspian Sea to articulate legal measures for the conservation and safeguarding of the Caspian seal, both independently and collectively. Consequently, the second chapter of the thesis extensively examines the interpretation and analysis of these laws.

Following the comprehensive lists of legal resources outlined in Article 38 of the Statute of the International Court of Justice (ICJ)<sup>46</sup> which functions as a framework for this research, this research endeavor delves into an in-depth examination and examination of various secondary sources of Law. The thesis also has a wide range of supplementary materials, such as the study of books, publications, websites, and reports related to the Caspian Seal. These secondary sources offer insightful data from various perspectives that enhance a more comprehensive understanding of the judicial system.

Another way to collect data is through interviews. In qualitative research, interviews can discover, identify, and provide a large part of the hidden meanings and thoughts of activists and people related to the subject of the research. In this research, the researcher has engaged in conversation with experts in the field of Caspian Seals to gather valuable insights. The experts including Dr. Simon Goodman,<sup>47</sup> Dr. Amir Sayad Shirazi,<sup>48</sup> and Nataliya Shumeyko,<sup>49</sup> have been conversed. These conversations have expanded the researcher's knowledge and horizons about this field and provided up-to-date information on the regulations and protective measures implemented by different countries for the conservation of the Caspian Seal.

## **1.9 Thesis Structure**

This research tries to identify the barriers to the effectiveness of legal regimes and protection methods for Caspian seals. The first chapter introduces the research by outlining the problem, the research questions, and the methodology.

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<sup>46</sup> The International Court of Justice's Statute (1945) is a crucial component of the United Nations Charter.

<sup>47</sup> Professor at the University of Leeds, England, a researcher in the field of Caspian Seals, and manager of the Caspian Seal Darwin Initiative project.

<sup>48</sup> Veterinarian and director of the Caspian Seal Conservation Center in Iran.

<sup>49</sup> is a member of the IUCN protected areas task group in the Caspian Sea region and oversees a few research initiatives on Caspian seals. She also made a significant contribution to the aim of adding Caspian seals to the Russian Red Book.

The second chapter tries to show the type of human interaction with seas and oceans, whether for shipping, trade, extracting natural resources, or releasing industrial effluents, which affects the life of marine mammals and other aquatic animals. A situation in which to reduce the harmful effects, the need to enact laws to protect waters and aquatic animals is raised. Another issue that we will address is the obstacles that weaken the ability of legal regimes and laws that protect the Caspian Seal. The purpose of the second chapter is to describe those international laws and treaties that can strengthen the protection of the Caspian Seal by referring to them.

The third chapter will assess the qualitative findings derived from the examination of conventions, action plans, and dialogues. This evaluation aims to explore more effective solutions and propose measures to enhance countries' behavior towards the management of the Caspian Seal. Moving on to the fourth chapter outlines the main conclusions of the research and provides possible recommendations.

## **Chapter 2**

### **Protection of the Caspian Seal under International and Regional Law.**

This chapter provides a comprehensive understanding of the legal aspects involved in the protection of marine mammals, with a specific focus on seals, including the Caspian Seal. Focus is placed on the regulation at the international, and regional. By delving into the intricacies of the legal frameworks, this chapter seeks to shed light on the challenges that hinder the effectiveness of these frameworks in safeguarding seals and propose measures to enhance their protection.

To achieve this, the chapter will thoroughly examine international laws and treaties that have been put in place to protect marine mammals, especially seals. By analyzing these legal instruments, it will explore the extent to which they address the unique needs and vulnerabilities of seals and identify any gaps that may exist in their protection. Furthermore, the chapter will delve into the role of binding resolutions issued by international organizations in preserving the environment for animals, both on land and in the sea. These resolutions play a crucial role in shaping the legal landscape and ensuring the conservation of marine mammals, including seals. By examining the impact and implementation of these resolutions, the chapter will provide insights into their effectiveness and potential areas for improvement.

In addition to exploring the international legal framework, the chapter will also focus on the Caspian Seal protection programs. It will discuss the initiatives taken at different levels, including international and regional to improve the habitats of Caspian seals. By highlighting these initiatives, the chapter aims to showcase the collaborative efforts being made to protect and conserve this particular species of seal.

Overall, it aims to deepen our insight into the obstacles and possibilities associated with preserving these marine mammals. Furthermore, the chapter aims to put forward strategies to secure their enduring survival and welfare.

## **2.1 International basis of environmental law**

In the realm of International Environmental Law, there exists a large number of international treaties, binding resolutions of international organizations, as well as non-binding texts and resolutions, which are important despite being non-binding. These opinions, procedures, action plans, and binding and non-binding resolutions can play a crucial role in developing and implementing policies and regulations to combat environmental issues that exist in the oceans and seas. The disorderly condition of oceans and seas, resulting from pollution caused by shipping and overfishing, particularly the hunting of endangered marine species, has necessitated the establishment of a legal framework and capabilities to safeguard environmental rights and the protection and conservation of endangered marine species.<sup>50</sup>

### **2.1.1 The Biodiversity Protocol concerning the Caspian Seal**

One of the international programs for the protection of the Caspian Seal is the request of the Caspian Seal to the protocol for the conservation of biodiversity in the Caspian Sea. The total population of Caspian seals has drastically decreased recently, mostly because of several reasons such as by-catch, overfishing, oil extraction, coastal expansion, and the effects of global warming. The seals' capacity for survival and development has been negatively impacted by these triggers. Ensuring the existence of a thriving and diverse ecosystem that can sustain the demands of Caspian seals is essential to their recovery.<sup>51</sup>

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<sup>50</sup> Howard S. Schiffman, 'International Law and the Protection of the Marine Environment', P.2, <<https://www.eolss.net/>> accessed 19 December 2022.

<sup>51</sup> 'Caspian Seal Project' (Caspianseal) <<https://www.Caspianseal.org>> accessed 5 January 2023.



Furthermore, it is extremely important to preserve the Caspian seals' living and reproductive environments. These environments are particularly vulnerable to disturbance, destruction, and encroachment by humans. The population loss of seals is exacerbated when they lack proper protection, as it hinders their capacity to breed and locate optimal living conditions.

It is worth noting that the Caspian Seal serves as a symbol creature of the Caspian Sea. As a result, its health has a direct impact on the overall survival of the Caspian Sea environment. By preserving the Caspian Sea's biodiversity, we are effectively protecting not only the seals, but also the sea, ice, and coastal habitats that are vital to the delicate balance of this unique ecosystem. Consequently, it is of the utmost importance to prioritize conservation activities targeted at protecting the Caspian Seal and its habitat, because such actions are ultimately essential for the long-term sustainability of the Caspian Sea's fragile ecosystem.<sup>52</sup>

### **2-1-2 Precautionary Principle**

In the second article of the Biodiversity Protocol, the precautionary principle is mentioned in connection with the Caspian Seal. In this article, it is stated that to prevent the reduction of species, destruction of habitats, and excessive exploitation of fish prey species, it is necessary to implement the precautionary principle. This principle regarding the protection of the sea environment and the dangers that threaten the environment and the mammals in it has been given a lot of attention. According to this principle, governments are obliged to take precautionary measures regarding climate change, prevent pollution of seas and oceans, prevent environmental pollution of the seas, protect and conserve marine mammals, and prevent their overfishing.<sup>53</sup>

While the precautionary principle has been mentioned in numerous treaties, rules, and sources of international law, a precise and universally accepted definition for this principle is lacking. Instead, multiple interpretations and expressions have arisen when attempting to define this

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<sup>52</sup> 'Why the Caspian Seal needs the Biodiversity Protocol' <<http://www.caspianseal.org/attachments/article/27/Caspian>> Accessed 20 December 2022.

<sup>53</sup> Peyman Hakim zade khoei, Shahla Sotodeh, 'The legal system governing the marine environment', third year, twelfth volume, Journal of Modern Jurisprudence, and law 7.

principle.<sup>54</sup> This has led to the five coastal states of the Caspian Sea not providing a clear definition of this principle, which in turn contributes to the abuse of this principle.

For instance, although Russia has not officially implemented this principle in its fisheries legislation, it has predominantly utilized regulatory measures that align with its principle.<sup>55</sup> Also, the membership of Russia, Azerbaijan, and Kazakhstan in the Espoo Convention<sup>56</sup> has not led them to incorporate the precautionary principle into domestic environmental legislation. For instance, Azerbaijan has included the fundamental principles of environmental protection in Article 3 of the Environmental Protection Law<sup>57</sup>, but this specific principle is absent from the list.

Moreover, the principle mentioned above is not explicitly stated in the legislation of Iran. While the Tehran convention is widely regarded as the key convention for safeguarding the Caspian marine ecosystem, Article 5, specifically acknowledges the importance of Precautionary principles to uphold the preservation of the aquatic environment. Nonetheless, the inadequacy of the guiding principles and the absence of robust enforcement measures hinder the convention from effectively fulfilling its responsibilities, namely the comprehensive protection and promotion of sustainable development in the Caspian Sea.

Therefore, it can be concluded that the different interpretations of the neighboring countries of the Caspian Sea, the lack of inclusion of the precautionary principle in their national laws, and the inconsistency and sometimes secrecy of the countries bordering the Caspian Sea make it almost impossible to apply this principle to the exchange of industrial and economic information. However, if the customary nature of preventive measures is included in the national laws of countries, along with the guarantee of their effective implementation and the consideration of caution, this principle can be effective in protecting the water ecosystem of the

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<sup>54</sup> Abbas Kodkhodaei, Asma Salari, 'Caution in international law; Customary principle or general legal principle?' (2018) number 59, Public Law Research Quarterly 37.

<sup>55</sup> Hønneland, Geir, 'Norway and Russia: Bargaining Precautionary Fisheries Management in the Barent Sea', (2014) 5(1) Arctic Review on Law and Politics 75.

<sup>56</sup> Convention on Environmental Impact Assessment in a Transboundary Context came into force on the 10th of 1997. The Espoo Convention sets out the obligations of parties to assess the environmental impact of certain activities at an early stage of planning and lays down general obligations of states to notify and consult each other on all major projects under consideration that are likely to have a significant adverse environmental impact across boundaries, <<https://www.oecd-nea.org/>>\_accessed 20 December 2022.

<sup>57</sup> Law of the Azerbaijan Republic on Protection of the Environment, 1999.

Caspian Sea. It is important to define and harmonize this principle uniformly, and to establish it as a basic and binding rule for the coastal countries of the Caspian Sea.<sup>58</sup>

### **2-1-3 Ecosystem-based approach**

The allocation of human activities in the ocean should be guided by the most up-to-date knowledge and practices. This includes addressing the biotic, abiotic, and human components of systems and all their relationships with one another.<sup>59</sup> Human activities have increased excessively in the environment, especially in the sea, which has made living conditions dangerous not only for this generation but also for the future generation. A concept called the ecosystem-based approach has shone a valuable and hopeful light on the environment and has made environmentalist researchers more hopeful for saving and sustainable use of the marine environment.<sup>60</sup>

The ecosystem-based approach is a holistic and comprehensive strategy for managing, and preserving natural resources, including land, water, and living resources, and achieving sustainable use of the marine environment are the goals of this approach.<sup>61</sup> In fact, the goal of this approach is to preserve and restore natural habitats, which leads to the strengthening of biodiversity. Adopting an ecosystem-based approach to the protection and conservation of marine mammals, especially the Caspian Seal, can ensure the health of this marine species and ensure their availability for the next generation. In the area of Marine Spatial Planning regarding the support and protection of the Caspian Seal, the ecosystem-based approach can play a significant role. In this way, sufficient data and precise modeling of ecosystems and species are required to design effective Maritime Spatial Planning. Furthermore, efforts should be made to obtain further information to fill knowledge deficits. Data on the movements of populations, critical locations such as feeding and breeding areas, and migratory patterns should be collected explicitly to determine susceptibility to human activities.<sup>62</sup>

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<sup>58</sup> Fereshteh Benafi, Alireza Arashpour, Aramesh Shahbazi, 'Obstacles to the implementation of the precautionary principle in the protection of the environment of the Caspian Sea', (August 2022) 25, research paper 203.

<sup>59</sup> 'How to apply the ecosystem-based approach in marine spatial planning', [Birdlife, June 2021] 5<<https://www.birdlife.org>> accessed 10 January 2023.

<sup>60</sup> Keith Alverson, 'Vulnerability impacts, and adaptation to sea level rise, taking an ecosystem-based approach,' [September 2012] the official magazine of the Oceanography Society 231.

<sup>61</sup> 'Ecosystem approach' <<https://www.cbd.int/ecosystem>> accessed 10 January 2023.

<sup>62</sup> 'How to apply the ecosystem-based approach in marine spatial planning', [Birdlife, June 2021] 5<<https://www.birdlife.org>> accessed 10 January 2023.

By adopting an ecosystem-based approach, the legislators of the five coastal countries of the Caspian Sea can enhance the well-being and longevity of the marine ecosystem. This can be achieved through a comprehensive understanding of its functioning and dynamics, as well as recognizing the interconnectedness between human activities and marine ecology. This understanding will enable the development of strategic measures to minimize adverse impacts on the sea. Additionally, the implementation of Maritime Spatial Planning will ensure effective governance and management, leading to long-term success in preserving the Caspian Seal and closely monitoring the outcomes.<sup>63</sup>

#### **2-1-4 International treaties**

The surge in international environmental treaties has been notable, particularly since the late 1970s, surpassing 300 agreements that involve both multilateral and bilateral accords. Although pinpointing the exact number proves challenging, they are fewer than in comparison to the national laws concerning the environment. Nevertheless, international treaties have proven to be effective in promoting environmental sustainability. They serve as a foundation for global cooperation by encouraging collective action, setting ambitious goals, implementing effective measures, and enhancing transparency and accountability. However, it is crucial to recognize that the successful implementation of these treaties relies on the commitment and unwavering engagement of individual nations. Furthermore, countries must strengthen their efforts, enhance collaboration, and embrace innovative strategies to ensure a resilient and environmentally friendly future for the next generation.<sup>64</sup>

### **2-2 A comprehensive study of International and Regional Regulations and Agreements.**

#### **2.2.1 International Agreements and Conventions**

##### **2-2-1-1 Convention on International Trade in Endangered Species of Wild Fauna and Flora 1973 (CITES)**

The positive side of the Washington Convention can be seen in the fact that it has been able to activate a strategy and a suitable role in the internationalization of the idea of marine mammal protection, so that by January 1982, its members had reached 79 countries. Another positive parameter is the fact that its effectiveness is not limited to the member countries, and the

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<sup>63</sup> Gerjan Piet, Pierre Strosser, et al, 'Guidelines for implementing an ecosystem-based approach in Maritime Spatial Planning' [September 2021] 13<[https://www. Op.europa.eu](https://www.Op.europa.eu)> accessed 12 January 2023.

<sup>64</sup> Jurg Vollenweider, 'The effectiveness of International Environmental Agreements' (2012) 346-367.

countries that are not members must submit the reports and documents expected by the convention, according to what the member countries do in the field of trade.<sup>65</sup>

### **2-2-1-2 The Convention on the Conservation of Migratory Species of Wild Animals 1979 (CMS)**

The Caspian Seal, a migratory species that lives in the Caspian Sea, has a typical habit that is influenced by water temperature. Each year, these seals begin on a journey to adapt to altered environmental conditions. As autumn approaches, Caspian Seals move to Russia's coast. This migration is caused by the fact that the Caspian Sea's northern waters become shallow and frozen throughout the winter months. Whenever spring arrives, the seals reverse their path and move southward. During the summer, they seek deeper and cooler regions with an abundance of food. This stunning migration pattern demonstrates these unique species' resilience and tenacity.<sup>66</sup>

The 1972 Stockholm Conference on the Human Environment emphasized the importance of enacting international conventions and treaties to safeguard species living in international waters or undertaking migratory journeys between countries. This recommendation, known as Recommendation 32, was a key component of the Conference's Action Plan. It urged governments to prioritize the protection of these species and recognize the necessity of collaborative efforts to ensure their preservation.<sup>67</sup>

The CMS establishes a set of broad criteria targeted at protecting certain migratory species “which are then to be applied by the parties under national law. The Bonn Convention also facilitates the conclusion of a series of separate regional Agreements, which are open to both parties and non-parties of the CMS, to address the threats facing specific migratory species.”<sup>68</sup> This convention has a series of open agreements that require non-member parties to provide necessary protection to migratory species. Basically, the emphasis of this convention is that all

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<sup>65</sup> Patricia Birnie, ‘Legal measures for the prevention of “pirate” whaling’ (1982) 32.

<sup>66</sup> ‘The continuation of the death of Caspian seals on the coast of Mazandaran’, (Hayat)<<https://www.hayat.ir/news/254681> Accessed 5 June 2024.

<sup>67</sup> United Nations Conference on the Human Environment, [5-6 June 1972] rec. 32, U.N. Doc, Stockholm.

<sup>68</sup> Richard Caddell, ‘International law and the Protection of Migratory Wildlife: An Appraisal of Twenty-Five years of the Bonn Convention’ (2005)115.

countries, whether members or non-members are required to protect migratory species that cross their national borders.<sup>69</sup>

The realization of this demand requires that the countries where migratory species cross their water borders should cooperate and participate with each other. It is noteworthy that the mentioned convention has two appendices. The second article of the convention may be one of the most important articles of this convention. Because governments recognize the importance of protecting migratory species in such a way that states agree to act individually or in-corporation whenever possible and necessary, to provide support and protection measures for migratory species, both those are in favorable and unfavorable status. States try to take appropriate steps to conserve migratory species in their territorial sea and their habitats.

It is noteworthy that in 2017, the Caspian Seal was included in both appendices of this convention by the Environment Department of the Islamic Republic of Iran and the Caspian Seal Research and Rehabilitation Center (managed by Amir Sayad Shirazi). This means that it shows that this convention has been able to draw attention to this type of seals (Caspian seals) and other special marine migratory species. Their responsibility towards make the maximum effort to maintain and restore the seal community, protect their habitat, reduce migration barriers (which are mainly felt when having children), and control any possible factors to endanger the fate of this species.<sup>70</sup>

As mentioned at the beginning of the topic, this convention has two appendices. The task of these appendices is to list the migratory species for which the members of the convention have duties and responsibilities. In the overall task and role of this convention, as stated in the second article of the convention, the members of the convention are trying to take appropriate steps to preserve the migratory species that are mentioned in appendices I and II. It is important to know that the duties of governments and their obligations towards migratory species are different in the two appendices.

The first appendix is about endangered migratory species. The meaning of migratory species in danger of extinction is that these types of species have the ability to face extinction in the future.

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<sup>69</sup> Patricia Birnie, 'Legal measures for the prevention of "Pirate" whaling' (1982) 29-30.

<sup>70</sup> 'The Caspian Seal is listed on the Bonn Convention' (Kaspika) <<http://kaspika.org/en/2017/10/30/tcaspian-seal-is-listed-on-bonn-convention-2>> accessed 25 May 2023.

For identifying migratory species that are in danger of extinction, this convention's Article III includes suggested criteria. According to this appendix, the parties will try to restrict the taking of such species, protect the environment and their habitats, especially during the breeding season, and control other factors that have a negative impact on their lives.<sup>71</sup>

The second appendix of the convention lists the migratory species that are protected through agreements. This convention covers two categories of migratory species. First, species that are in unfavorable conservation status and require international agreements for their protection, as well as those that are in conservation status and owe this conservation status to the international cooperation of countries that through the agreement international are obtained.<sup>72</sup>

Article IV of this convention specifies the rules. Among other things, those species that have an unfavorable conservation status should be prioritized, and in other words, they should be preferred over other species.<sup>73</sup> Another point that is noteworthy and accurate in the fourth article is that it encourages the actors and members of this convention to cooperate with each other at the international or regional level to make agreements for the protection of the species listed in the second appendix.<sup>74</sup> (As mentioned before, the Caspian Seal is included in this appendix). It is also crucial to be aware that this convention also supports and defends species listed in Appendix II that are not under IWC competence.<sup>75</sup>

### **2-2-1-3 Tehran Convention**

The environmental issues in the Caspian Sea caused the Caspian Sea to become the focus of the United Nations and its environmental program,<sup>76</sup> and the Caspian Sea Environment Protection Framework Convention, known as the Tehran Convention, was adopted.

The Tehran Convention was established by the 5 coastal countries of the Caspian Sea (Republic of Azerbaijan, Islamic Republic of Iran, Republic of Kazakhstan, Russian Federation, and Turkmenistan, on November 4, 2003, in Tehran. This convention states that “considering the

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<sup>71</sup> Article IX, CMS convention.

<sup>72</sup> ‘Convention on the conservation of migratory species of wild animals’, (CMS)< <https://www.cms.int/en/species/appendix-i-ii-cms>> accessed 25 May 2023.

<sup>73</sup> Patricia Birnie, ‘Legal measures for the prevention of “pirate” whaling’, (1982) 32.

<sup>74</sup> ‘Convention on the conservation of migratory species of wild animals’, (CMS)< <https://www.cms.int/en/species/appendix-i-ii-cms>> accessed 25 May 2023.

<sup>75</sup> International Whaling Commission, Small Cetaceans’, (IWC,2015) <<http://iwc.int/smallcetacean.>> accessed 25 May 2023.

<sup>76</sup> United Nations Environment Programme (UNEP).

deterioration of the marine environment of the Caspian Sea due to pollution from various sources as a result of human activities, including the discharge, release, and disposal of harmful and dangerous substances, waste and other pollutants both in the sea and from land resources; Countries should be determined to protect the living resources of the Caspian Sea for the present and future generations.”<sup>77</sup>

It can be said that the Tehran Convention seeks to protect the marine environment of the Caspian Sea, which can be seen in the introduction of this convention.<sup>78</sup> Also, this convention, like all environmental conventions, pays special attention to the cooperation and interaction of the coastal countries of the Caspian Sea for the protection of the environment of the Caspian Sea.

Article 4(B) of this convention states that individually or jointly take all appropriate measures to protect, preserve, and restore the environment of the Caspian Sea; (C) use the resources of the Caspian Sea in such a way as not to cause harm to the marine environment of the Caspian Sea. Based on Article 12 “Parties shall take all appropriate measures to prevent the introduction into the Caspian Sea and to control and combat invasive alien species, which threaten ecosystems, habitats or species”. From the articles presented in this convention, it can be concluded that the protection of the marine environment of the Caspian Sea is the responsibility of all member states. The member states are required to fulfill their duties in this area either individually or collectively. Article 14 of this convention can be considered as one of the most important articles regarding the preservation and protection of marine living resources in the Caspian Sea.

The Convention contains valuable points as follows:

“Parties shall have regard to the protection, preservation, restoration, and rational use of marine living resources, ensure that marine species are not endangered by over-exploitation, catch of target species and that minimizes by-catch of non-target species; protect, preserve, and restore endemic, rare and endangered marine species; Conserve biodiversity, habitats of rare and endangered species, as well as vulnerable ecosystems. Also, the second paragraph of this article

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<sup>77</sup> ‘Tehran Convention’, (Tehran Convention) < [https://tehranconvention.org/system/files/tc-interim-secretariat/tehran\\_convention\\_text\\_final\\_pdf.pdf](https://tehranconvention.org/system/files/tc-interim-secretariat/tehran_convention_text_final_pdf.pdf)> accessed 25 May 2023.

<sup>78</sup> Ibid. (Reaffirming the importance of protection of the marine environment of the Caspian Sea).



emphasizes the importance of cooperation between members regarding the protection of marine biological resources.”<sup>79</sup>

It considered contracting parties in the development of protocols to undertake the necessary protection, preservation, and restoration of marine biological resources. “We hope that the Tehran Convention Process, which serves as an overarching framework and lays down systemic mechanisms for environmental protection and sustainable development in the Caspian Sea region, can help in this regard. All our research, analyses, and studies can be used to develop targeted transnational policies to reverse the current seal population decline.”<sup>80</sup> Says Ms. Tasmagambetova, Founder of the Caspian Seal Research and Rehabilitation Center.<sup>81</sup>

#### **2-2-1-4 The global plan of action for the conservation and Utilization of marine mammals (MMAP)**

Another one of the most important legal regimes regarding the protection of marine mammals is the global Plan of Action for the Conservation and Utilization of Marine Mammals (MMAP), designed in collaboration with the UNEP<sup>82</sup> and FAO<sup>83</sup> between 1978 and 1983. The goals of this program can be mentioned as follows. This program seeks to “assist participating governments in the region in their efforts to develop and improve marine mammal conservation policies and practices, conservation and recovery of all marine mammal species and populations, and protection of their habitats in the region (e.g. feeding, breeding, and calving grounds, movement corridors, etc.), and establishment of regional cooperation programs to increase scientific, technical, and educational exchange among relevant national, regional, and international organizations.”<sup>84</sup> Overall, this program supports all marine mammal species and seeks to increase public knowledge and understanding of the state of marine mammals and improve the law and its application.

By approving a comprehensive action plan and following its implementation, the countries along the Caspian Sea can take an important step in protecting and supporting the Caspian Seal. This cooperation is significant because the Caspian seal is a migratory species that crosses the geographical borders of all five coastal countries. The action plan aims to ensure the long-term survival and well-being of these creatures, as well as the health of the Caspian Sea ecosystem.

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<sup>79</sup> Article 14, Tehran Convention.

<sup>80</sup> Kathrine Torday Gulden, ‘Transnational collaboration to save the Caspian seal’, (Nibio, 03 March 2023) <<https://www.nibio.no/en/news/transnational-collaboration-to-save-the-caspian-seal>> accessed 25 March 2023.

<sup>81</sup> CSRRRC.

<sup>82</sup> United Nations Environment Program.

<sup>83</sup> United Nations Food and Agriculture Organization.

<sup>84</sup> ‘Action plan for the conservation of marine mammals (MMAP)’ <<http://wedocs.unep.org>> accessed 3 June 2023.

By adopting and implementing this plan, which includes research, habitat protection, cooperation between the five coastal countries, and increasing awareness among coastal communities, the decline and extinction of this unique species can be prevented, and this is crucial for the preservation of the Caspian Sea ecosystem as well.

### **2-2-1-5 UNCLOS and Marine Mammals**

UNCLOS generally, and especially in negotiations at the Third United Nations Conference on the Law of the Sea, is notable for the consensus negotiating process employed as well as the comprehensive negotiating texts that embodied compromise and fostered cooperation between groups of nations with seemingly disparate interests.<sup>85</sup> UNCLOS is the primary convention about international ocean governance and is referred to as the “Constitution of the Oceans.”<sup>86</sup> UNCLOS was concluded in 1982 and came into force in 1994. UNCLOS is important for the conservation and management of marine mammals globally.

Marine mammal conservation and protection are greatly aided by the United Nations UNCLOS. UNCLOS emphasizes the necessity of protecting and preserving marine mammal populations since it acknowledges their enormous importance. In this regard, articles 64, 65, and 120 of the Convention can be mentioned. Also, part XII of the convention specifically deals with the protection and conservation of the marine environment. It is therefore abundantly evident that this treaty aims to balance the opposing interests of humanity's boundless wants and the preservation of unique marine animal species and non-renewable resources.

The UNCLOS expressly covers the management and conservation of marine mammals in Article 65.<sup>87</sup> The article makes it quite evident that coastal states must act to protect marine mammals from overexploitation and to further their conservation. These steps include conservation plan execution, hunting and fishing activity restriction, and the creation of protected zones. Also, Article 120 of the Convention mentions that the management and

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<sup>85</sup> Hugo Caminos & Michael R. Molitor, ‘Progressive Development of International Law and the Package Deal’, (1985) 79 AM. J. INT’L L. 871, 873, cited in Cameron S. G Jefferies, ‘Marine mammal conservation and the Law of the Sea’, (Oxford publication, August 2016) 92.

<sup>86</sup> Tommy T.B. Koh, ‘A Constitution for the Oceans’ (adapted from remarks made between Dec. 6 and 11, 1982), <[http://www.un.org/Depts/los/convention\\_agreements/texts/koh\\_english.pdf](http://www.un.org/Depts/los/convention_agreements/texts/koh_english.pdf)> accessed 5 June 2023 (last visited Feb. 16, 2016) [“A Constitution for the Oceans”].

<sup>87</sup> According to Article 65” States shall cooperate with a view to the conservation of marine mammals and in the case of cetaceans shall in particular work through the appropriate international organizations for their conservation, management and study.”

protection of marine mammals on the high seas is also subject to Article 65. So, UNCLOS is trying to implement articles 65 and 120 in a meaningful way and fulfill its role as an important international tool for the protection and conservation of marine mammals.

When talking about the marine environment, it means the rights of all seas, oceans on one side, and the life of living organisms and resources in the sea on the other side. Therefore, the marine environment can be defined as the environment that includes the surface and the bottom of seas and oceans, marine mammals, highly migratory species, marine living resources, coral reefs, and closed and semi-closed seas.<sup>88</sup>

Regarding the Caspian Seal, it is important to note that, despite being a migratory species, the Caspian Seal has suffered from neglect and harm because of the deficiencies in the legal and judicial systems of the five Caspian Sea coastal nations. This has accelerated the seal's decline. The complex situation of the Caspian Sea, which is considered a sea on one side and a lake on the other, has led to the extinction and destruction of the Caspian Seal. The legal aspects of the Caspian Sea were discussed in detail in the previous chapter, highlighting the complexity of the situation. Unfortunately, this complexity has led to the Caspian Sea not being covered by UNCLOS. As a result, the coastal nations have been able to overlook the significance of protecting the Caspian Seal, the sole marine mammal in the Caspian Sea.

However, despite its shortcomings, Article 23 of the Law of the Seas has been effective in restricting the escape and neglect of marine mammal protection in countries bordering closed and semi-closed seas. This article contains provisions for countries bordering an enclosed or semi-enclosed sea. Article 123 of the UN Convention on the Law of the Sea urges states to join in regional agreements or conduct other measures to coordinate their efforts in marine mammal conservation and management. The purpose of this article is to encourage worldwide collaboration and cooperation in addressing marine mammal conservation concerns in various regions. According to this Article, the coastal countries of the Caspian Sea must coordinate the implementation of their rights and obligations regarding the protection and conservation of the Caspian Seal ecosystem.

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<sup>88</sup> Yousef H, Almutairi, 'Protection of Marine Environment under International Law and Kuwaiti Criminal Law' (SJD Dissertation, Pace University School of Law, 2016) 63.

It is also worth mentioning that UNCLOS establishes the legal foundation for addressing issues such as marine pollution and habitat destruction, both of which pose substantial dangers to aquatic life. UNCLOS indirectly contributes to the conservation of marine mammal habitats by regulating activities that may disrupt marine ecosystems. This holistic approach guarantees that marine mammal preservation and conservation are considered in the context of maintaining the health and integrity of marine ecosystems. Article 194 of the 1982 Convention on the Law of the Seas indicates the protection and conservation of rare or fragile ecosystems as well as the habitats of greatly reduced or endangered species.

In conclusion, UNCLOS is an important international tool for the preservation and conservation of marine mammals. It provides comprehensive principles for the sustainable management of marine resources, highlights the importance of international cooperation, promotes scientific research, and addresses threats to marine mammal populations. States can collaborate to guarantee the long-term survival of marine mammals and the long-term health of marine ecosystems by adhering to the guidelines and regulations specified in UNCLOS. The significance of UNCLOS in ensuring the future of marine mammals needs to be emphasized.

Article 192 of the Convention expresses this precisely. Because it requires countries to support and protect the marine environment. So, in the international arena, international rules and regulations, and action plans for the protection and conservation of marine mammals have been approved. As a result, although the five coastal countries of the Caspian Sea are not members of some of these conventions, the governments and coastal countries of the Caspian Sea can benefit from the performance, regulations, principles, and recommendations of these conventions regarding the protection of the Caspian Seal habitat.

It should be mentioned here that in the field of conservation and protection of marine mammals (in general) or paying attention to endangered species, a series of international-global - actions and cooperation have been established. Although they are not directly related to the UNCLOS, it is possible to use their teachings, rules, and strategies. What is in question is the correct use of methods that can be used for regional sectors and countries related to the issue. In this way, there are ways based on which international cooperation has been established for the protection of marine mammals so that regional sectors can exploit them. One of these historical cases is the Northern Pacific Fur Seal Convention 1911 (*Callorhinus ursinus*). The earliest international agreement for the preservation of wildlife is this convention. In addition, this treaty is

considered one of the milestones in the development of the law of the seas, especially the forerunner of the Marine Mammal Protection Law of 1972.<sup>89</sup>

### **2-2-1-6 Regional Conventions for the Conservation of Seals**

The "Fur Seal Convention" (also known as the "Convention for the Preservation and Protection of Fur Seals") was ratified in 1911 by Japan, the United States, the United Kingdom, and Russia. Despite Japan's withdrawal from the agreement in 1941, the North Pacific Fur Seal Commission was founded by the 1957 Interim Convention on Conservation of North Pacific Fur Seals, which had the authority to conduct research and determine catch limits. This regime functioned until 1984 when it lapsed because the United States prohibited all commercial fur seal hunting. At that point, legal authority to manage fur seals reverted to the state level.<sup>90</sup> There are three other treaties in the marine mammal management sector. The first one is the Convention in Conservation of Antarctic Seals (1972) (Antarctic Seal Convention). which is defined as "the entire complex of arrangements made to coordinate relations among states concerning Antarctica. The ATS applies to the ocean, ice shelves, and islands located south of 60°, and preserves the continent for "peaceful purposes."<sup>91</sup> The ATS includes several binding instruments, namely: The Antarctic Treaty, a Protocol on Environmental Protection to the Antarctic Treaty, Recommendations as adopted by the parties to the Antarctic Treaty, the Antarctic Seal Convention, and the Conservation of Antarctic Marine Living Resources.<sup>92</sup> The Northwest Atlantic Seals Agreement, signed by Canada and Norway in 1971, is another bilateral agreement that aims for the best possible conservation of the seal stocks in this area and a reasonable usage of these resources.

Therefore, from all the international regulations and conventions mentioned in the above section, it can be concluded that the cooperation and participation of the coastal countries of the Caspian Sea are vital for the protection and preservation of the Caspian Seal. Nations can solve the problems facing these incredible creatures and work together to ensure their existence for future generations. International agreements, joint projects, and achievements highlight the positive impact of global cooperation in

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<sup>89</sup> 'North Pacific Fur Seal Treaty of 1911' <<https://celebrating200years.noaa.gov/events/fursealtreaty/welcome.html>> accessed 7 July 2023.

<sup>90</sup> Marine Mammal Commission, 'Annual Report to Congress: 1997', (1998) at 65, <<http://mmc.gov/reports/annual/pdf/1997annualreport.pdf>> accessed 7 July 2023.

<sup>91</sup> The 1959 Antarctic Treaty, art. 1, 1 Dec. 1959, 12 U.S.T. 794, 402 U.N.T.S. 71; Scientific Committee on Antarctic Research, The Antarctic Treaty System: An Introduction, (2016) <<http://www.scar.org/treaty/>> accessed 7 July 2023 ["Antarctic Treaty"].

<sup>92</sup> Ibid. the Antarctic Treaty, which entered into force in 1961, was initially signed and ratified by 12 nations (Argentina, Australia, Belgium, Britain, Chile, France, Japan, New Zealand, Norway, South Africa, the United States, and the Soviet Union); 20 May 1980, 33 U.S.T. 3476, 1329 U.N.T.S. 48. As it is referenced in Cameron S. G. Jefferies, Marine mammal conservation and the Law of the Sea, Oxford university press (2016) 40.

protecting marine animal populations and ecosystems. Countries must continue to work together and take collective responsibility for conserving the oceans and the amazing wildlife they inhabit to pursue a sustainable future.

## **2-2-2 Regional Protection Programs to Support the Caspian Seal**

### **2-2-2-1 Caspian Seal Habitat Awarded Important Marine Mammal Area Status (IMMAs)**

“The Caspian Seal was added to the national Red Book of Russia and the List of Rare and Endangered Species of Plants and Animals of Kazakhstan in 2020, making it Red Listed in all five Caspian countries. Following a proposal initiated by the Islamic Republic of Iran, the Caspian Seal was added to Appendices I and II of the United Nations Convention on the Conservation of Migratory Species of Wild Animals in 2017.”<sup>93</sup>

Marine animals such as whales, dolphins, and Seals play a key role in keeping our oceans healthy and balanced. The concept of Important Marine Mammal Area Status (IMMA) was created to conserve these incredible species and their habitats. The International Union for Conservation of Nature's Marine Mammal Protected Area Task Force created IMMA as an international effort. Its goal is to identify and protect crucial areas for marine mammals based on their eating, breeding, and migration patterns.<sup>94</sup>

The Important Marine Mammal Areas (IMMAs) program began in 2013 and was officially launched in 2016 as an innovative approach to the ocean habitat preservation problem, mostly the lack of safeguards provided for marine mammals and their ecosystems.<sup>95</sup>

Marine mammal populations are helped by IMMA designation in a variety of ways. Conservationists and governments have the opportunity to concentrate their efforts and resources on protecting these critical ecosystems by designating specific regions as IMMA.

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<sup>93</sup> Erich Hoyt, ‘Habitats of the Endangered Caspian Seal identified as Important Marine Mammal Areas’ (published by Cambridge University Press, 01, March 2022) see <<https://www.cambridge.org/core/journals/oryx/article/habitats-of-the-endangered-caspian-seal-identified-as-important-marine-mammal-areas/>>accessed 26 May 2023.

<sup>94</sup> ‘Marine Mammal Protected Area Task Force’ (Marinemammalhabitat)<<https://www.marinemammalhabitat.org/immas/>>accessed 26 May 2023.

<sup>95</sup> Erich Hoyt, ‘Marine Protected Areas for Whales, Dolphins and Porpoises’, (2nd Edn, 2011), London: Earthscan. Hoyt, E. (2018). “Marine protected areas,” in Encyclopedia of Marine Mammals, 3rd Edn, eds B. Würsig, J. G. M. Thewissen, and K. M. Kovacs (San Diego, CA: Academic Press), 569–580, and Notarbartolo di Sciara, G., Hoyt, E., Reeves, R., Ardron, J., Marsh, H., Vongraven, D., et al. (2016). Place-based approaches to marine mammal conservation. *Aquat. Conserv.* 26, 85–100. doi: 10.1002/aqc.2642 as it is referenced in Michael J. Tetley, Gill T. Braulik et al, the important marine mammal area network: A tool for systematic spatial planning in response to the marine mammal habitat conservation crisis, see: <<https://www.frontiersin.org/articles/10.3389/fmars.2022.841789/full#B24>> accessed 26 May 2023.

Implementing actions to decrease hazards such as pollution, habitat deterioration, noise pollution, and unsustainable fishing techniques are all components of this strategy. IMMA designation additionally assists in helping to promote awareness about the importance of marine mammal conservation among local people and governments.

During the International Committee on Marine Mammal Protected Areas (ICoMMPA) conferences in 2009, 2011, and 2014, it was concluded that it is necessary to take actionable measures for the important habitats of marine mammals in the world, to reach a broad agreement. An agreement in terms of conducting research-scientific studies and cooperation for greater synergy.<sup>96</sup> As a result of the above strategy, it can be seen on December 6, 2021, the IUCN Special Group for Marine Mammal Protected Areas, the joint work of the IUCN Diversity Commission and the World Commission on Protected Areas announced that three important marine mammal areas for the Caspian Seal have been identified.<sup>97</sup>

Caspian Seal Habitat Awarded Important Marine Mammal Area Status is one of the best decisions regarding the protection of the Caspian Seal, this unique species of the Caspian Sea. This action increases hope for the survival and revival of this species. This represents an important improvement in regional collaboration and a better level of environmental protection, which is crucial for the preservation of the Caspian Seal itself as well as the region's natural ecology.

The three Caspian Sea IMMAs are: (1) Caspian Seal Breeding Area IMMA; (2) Caspian Seal “Molting and Haul Out Areas IMMA; and (3) Caspian Seal Transitory Migration and Feeding Area, IMMA.”<sup>98</sup> It should be noted that these three important areas of marine mammals that have been identified in the Caspian Sea are not protected areas, but they are necessary for the future and revival of this endangered species. As mentioned, there is no special marine protected area in the Caspian Sea to protect the Caspian Seal, in terms of being able to prohibit

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<sup>96</sup> Erich Hoyt, ‘ICMMPA 3: important marine mammal areas —a sense of place, a question of size,’(in Proceedings of the Third International Conference on Marine Mammal Protected Areas (ICMMPA 3), Adelaide, Australia, 9-11 Nov. 2014, Adelaide, SA). <<https://www.frontiersin.org/articles/10.3389/fmars.2022.841789/full#B24>> Accessed 26 May 2023.

<sup>97</sup> Erich Hoyt, ‘Habitats of the Endangered Caspian Seal identified as Important Marine Mammal Areas’, (published by Cambridge University Press, 01 March 2022) <<https://www.cambridge.org/core/journals/oryx/article/habitats-of-the-endangered-caspian-seal-identified-as-important-marine-mammal-areas/>> accessed 26 May 2023.

<sup>98</sup> ‘Caspian Seal habitat awarded’, (Kaspika) <<http://kaspika.org/en/2021/12/06/caspian-seal-habitat-awarded-imma-status-2/>> accessed 26 May 2023.

the economic and industrial activities of the Caspian Sea countries. It is hoped that with this action, the key habitats of the Caspian Seal, the winter breeding ice, the migration routes, and the places where the animal chooses to breed and rest, will face more protection. Nataliya Shumeyko, from A.N. Severtsov Institute of Ecology and Evolution of the Russian Academy of Sciences, Moscow, and IMMA Regional Coordinator for the Caspian Sea commented: “While the legislative protections are welcome, investment is still needed to fund active conservation measures to reduce seal mortality and protect these habitats. We all must do more for this endangered species.”<sup>99</sup>

As previously noted, “IMMAs are not protected areas but they are intended to assist with national and global programs to help countries select high biodiversity areas to fulfill the targets of 30 percent protection by 2030 (“30 by 30”) as supported by many international bodies and more than 100 countries around the world.”<sup>100</sup>

The creation of these areas of importance for marine mammals, due to the “vulnerability of many marine mammals, marine mammals have been overlooked by many national efforts to create MPAs, the role of marine mammals as umbrella species which helps ensure that a properly designed conservation plan will be beneficial to the broader ecosystem, the role of marine mammals as flagship species representing powerful political and public levers for the conservation of less popular or well-known organisms, communities or habitats.”<sup>101</sup>

As a result, securing the Caspian seal's crucial Marine Mammal Area Status has proven to be a crucial step toward the protection and conservation of the Caspian seal population. Because it helps to maintain biodiversity, scientific research, and sustainable economic development. Subsequently, constant efforts and international cooperation are required to ensure these unique species' long-term survival as well as their health. IMMA operates as an affirmation of our obligation to safeguard and maintain the marine ecosystems that sustain us all.<sup>102</sup>

### **2-2-2-2 Russia-Kazakhstan program**

The Caspian Seal is called the ‘spirit and symbol’ of the Caspian Sea. Because it is important to protect and control the health of the ecosystem and biodiversity of the Caspian Sea. As a result, the inclusion of the Caspian seal in the list of rare and endangered species would increase support for the protection of this unique species, which is only found in the Caspian Sea, and it

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<sup>99</sup> Ibid.

<sup>100</sup> Ibid.

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‘Marine Mammal Protected Area Task Force’(Marinemammalhabitat)<<https://www.marinemammalhabitat.org/immas/>>accessed 26 May 2023.

<sup>102</sup> Ibid.



is a very important ground for the establishment of a protected area soon. Part of the Russia-Kazakhstan program is research that is supported by the North Caspian Operating Company (NCOC). This research, which is for the years 2019 to 2023, is about the study of the Caspian Seal in the north of the Caspian Sea. The purpose of this program is to collect information about the status of the Caspian Seal, its welfare, abundance, and the condition of the habitats of the Caspian Seal.

“The specialists participating in the program, with the support of NCOC, carried out transboundary monitoring of the Caspian seal population to better understand its current abundance, reproductive potential, and food base to develop measures and recommendations for its conservation.”<sup>103</sup> “The Caspian Seal Research Program in the Northern Caspian (2019-2023) is aimed at taking all necessary measures to preserve biological diversity, protect, restore, and ensure sustainable and rational use of biological resources of the Caspian Sea. This important program will provide us with sufficient data in the coming years to understand whether Caspian seals breed successfully and whether they can maintain their population in the natural environment.”<sup>104</sup>

### **2-2-2-3 An Action and Management Plan for the Protection of the Caspian Seal**

An Action and Management Plan for the Protection of the Caspian Seal was approved by the coastal countries of the Caspian Sea based on the framework convention of the protection of the marine environment of the Caspian Sea (Caspian Environment Program (2007)), which unfortunately lacked any legal enforcement guarantee. This program has included measures to stop hunting, reduce by-catch, and create a protected area for the protection of the Caspian Seal, until today none of the coastal countries of the Caspian Sea have taken measures to implement this program.

### **2-2-2-4 Caspian Seal Action Plan CasPECO 10 April 2007**

The Caspian Seal Conservation Action Plan is a comprehensive approach to guarantee the future of this endangered species. It is probable to reverse a decrease in Caspian Seal populations and guarantee their long-term survival through collaborative research, habitat

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<sup>103</sup> ‘Research priorities- The Caspian Seal Air’ (Kaspika)< <http://kaspika.org/en/2021/12/29/research-priorities-the-caspian-seal-and-air-2/>> accessed 1 June 2023.

<sup>104</sup> Ibid.

conservation, education, and policy implementation. Also, humankind has the opportunity to make major steps toward a healthy and balanced future for the Caspian Sea and its inhabitants by recognizing the importance of preserving biodiversity and protecting vulnerable species.

The Caspian Seal project team collaborated with experts from each Caspian country and the Caspian Environment Programme to develop the Seal Conservation Action and Management Plan (SCAMP). The approach details the precise steps required to avoid the population decrease and begin the recovery process. Through the Caspian Environment Programme, the region's governments formally recognized the plan as the Caspian Seal Conservation Action Plan (CSCAP) in 2007. Initial goals are to reduce mortality due to human activities like hunting and fishing bycatch, as well as establish protected areas that contain important habitat zones.<sup>105</sup>

Although the plan is well-developed, the region's countries must still adopt the most critical recommendations. To achieve effective conservation plans, collaborative initiatives including all involved parties are required. The cooperation of the five coastal countries of the Caspian Sea, i.e. Iran, Kazakhstan, Azerbaijan, Russia, and Turkmenistan, is very important to ensure the success of the action plan. This collaboration could facilitate data sharing on research and implementation of conservation measures, and scientific research to better understand the population dynamics, habitat requirements, and threats of the Caspian Seal across borders. Also, the protection of biodiversity should be addressed as the main environmental area of the Caspian Seal, because the protection of the Caspian Seal is equal to the sustainable development of biological resources and saving the ecosystem of the Caspian Sea.

As a result, this action plan pursues 6 important goals. Institutional arrangements, protection of Caspian seals and their habitat, protection, and monitoring of Caspian seals, reduction of factors affecting the population of Caspian seals, public awareness, and financial implementation. By implementing these measures, we can work towards the preservation of the Caspian Seal and its habitat, safeguarding their future for generations to come.<sup>106</sup>

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<sup>105</sup> 'Conservation Action Plan', (Caspianseal)< <http://www.caspianseal.org/info/scamp>> 5 January 2023

<sup>106</sup> Susan Wilson, Igor Mitrofanov, 'Caspian Seal Action Plan', (Tara seal research and Mc Gill University, April 2007) 1-14.

## 2-2-2-5 Caspian Seal Action Plan CaspECO May 2011 <sup>107</sup>

“The Caspian Seal is a ‘flagship’ species, i.e., a charismatic ‘ambassador’ for the Caspian, and it is also to some extent an ‘umbrella’ species, since the protection of seal habitat may also protect that of sturgeon, fish, and other species, and it is a ‘condition indicator species’, since the health of the seal reflects the ecosystem health and levels of pollutants within the Caspian system.”<sup>108</sup>

Conservation of this species is therefore the joint responsibility of the five Caspian littoral States. Since the cause of the catastrophic population decline (excessive hunting) is clear, the required conservation action (stopping hunting) is equally clear.<sup>109</sup> Solutions to the other, ongoing threats faced by the seal population will require a combination of conservation measures, as outlined in the Caspian Seal Conservation Action Plan (CSCAP; March 2007). This was designed to implement Article 14 of the 2003 Tehran Convention concerning Caspian Seals and was agreed by all 5 littoral States in 2007, although none of the measures have, as yet been implemented.<sup>110</sup> Legal protection for the Caspian Seal should be implemented under national law in all five Caspian countries. This protection would have the potential to be stronger if the Caspian Seal is added to the red book of each country. However, the establishment of protected areas can protect seals from incidental or unintended consequences of human activities in certain areas by regulating or relocating such activities.

In the following, the position, type of action, and strategies of countries neighboring the Caspian Sea are briefly stated; In this connection, research findings show that the Republic of Azerbaijan has banned the hunting of Caspian seals since 1950. Unfortunately, in recent decades, hunting of this mammal has been done in some cases. On the other hand, the concern about tourists' access to the Caspian Seal in Apsheron National Park, which is one of the sights of Baku in the

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<sup>107</sup> ‘CaspEco project, Seal Special Protected Network (SSPA)’, (Final Report, University of Leeds, May 2011) <[http://archive.iwlearn.net/caspianenvironment.org/NewSite/DocCenter/Seal/Caspian\\_seaCISS\\_main\\_report\\_to\\_CEP%20\\_Final\\_June\\_2005.pdf?dir=NewSite/DocCenter/Seal/&file=Caspian\\_seaCISS\\_main\\_report\\_to\\_CEP%20\\_Final\\_June\\_2005.pdf](http://archive.iwlearn.net/caspianenvironment.org/NewSite/DocCenter/Seal/Caspian_seaCISS_main_report_to_CEP%20_Final_June_2005.pdf?dir=NewSite/DocCenter/Seal/&file=Caspian_seaCISS_main_report_to_CEP%20_Final_June_2005.pdf)> Accessed 5 January 2023.

<sup>108</sup> Sascha k Hooker, Leah R Gerber, ‘Marine Reserves as a tool for ecosystem-based management: the potential importance of megafauna’ (2004)54(4) Bioscience 27–39, as it is referenced in the ‘CaspEco project’ (2011) 3.

<sup>109</sup> D Thompson, ‘Conservation management strategies for pinnipeds’ (Presentation to Caspian Seal Conservation Workshop (Agip KCO). Atyrau, Sep 17<sup>th</sup>-18<sup>th</sup>, 2009), Sea Mammal Research Unit, University of St Andrews, as it is referenced in the ‘CaspEco project’ (2011) 2.

<sup>110</sup> ‘CaspEco project, Seal Special Protected Network (SSPA)’(Final Report, University of Leeds, May 2011)<<http://www.caspianseal.org/attachments/article/27/Annex%203%20CaspEco%20seals%20final%20report%20May%202011.pdf>> 5 January 2023.

Republic of Azerbaijan, is also raised. What is the fact that the Caspian Seal, which is one of the attractions of this country, has always been protected so that local fishers do not catch this marine mammal. In September, the peak of visiting this park is to see seals.<sup>111</sup> The park includes an important site for the Caspian Seal in Shakhova Kosa and its surrounding waters.

The next country in this Action Plan is Iran. Iran has three coastal regions. Gomishan,<sup>112</sup> Miankalah<sup>113</sup>, and Gorgan Bay,<sup>114</sup> these three areas that can be considered as prospective SSPAs. In addition to these three regions, Lisar region and Boujag National Park are protected areas. Due to the weak cooperation of the Gilan and Mazandaran Fisheries Organization with the Environment Organization, it is difficult to accept a special area for seals. Therefore, the Department of Environment and the Department of Fisheries want to provide a possibility for the triple formation of seals, fishing, and ecotourism in a way that they can achieve a peaceful coexistence in every life. Currently, cultural and educational measures aim to reduce conflicts between seals and fishermen.

The third country in this Action Plan is Kazakhstan. It can be said that since 2000, Kazakhstan has cooperated with international teams<sup>115</sup> in the field of research and monitoring of the Caspian Seal population.<sup>116</sup> A prominent example of these collaborations can be seen in the IUCN Red Book.

The Russian Federation, as the fourth country neighboring the Caspian Sea, has put increasing the protection level of the Caspian seal on its agenda. This increase in the level of protection is considered to deal with the decrease in the population of marine mammals in the Caspian Sea and to compensate for the decrease in the protection status of the Caspian Seal. It is noteworthy that the Council of Mammals of Russia has approved this issue. “The island of Mala

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<sup>111</sup> ‘Attraction Caspian Sea’, (Kojaro) <<https://www.Kojaro.com>> accessed 20 June 2023.

<sup>112</sup> Gomishan is a city in Golestan Province in the north of Iran.

<sup>113</sup> Miankale Wetland is an important attraction in Behshahr, impressing nature lovers with its pristine and gorgeous scenery and rare plants.

<sup>114</sup> Gorgan Bay, located in the southeast of the Caspian Sea, is the largest Bay in this region. It was formed by the expansion of the Miankala Peninsula. Situated between the provinces of Mazandaran and Golestan, Gorgan Bay holds significant geographical importance.

<sup>115</sup> Like EOTOX, Darwin, CISS.

<sup>116</sup> ‘CaspEco project, Seal Special Protected Network (SSPA)’, (Final Report, University of Leeds, May 2011)<<http://www.caspianseal.org/attachments/article/27/Annex%203%20CaspEco%20seals%20final%20report%20May%202011.pdf>> 5 January 2023.

Zemchuzniya<sup>117</sup> is considered to be a priority seal habitat, although its existence is vulnerable to hydrodynamic changes.”<sup>118</sup> Astrakhan National Park does not have the necessary resources and facilities to monitor the island of Malazemchuzniya, and therefore no progress has been made in the management of the Caspian Seal there. It seems that under the SSPA project, the expected solutions to strengthen management can be achieved. “Fishing exclusion zones have been created in the Russian sector of the Caspian, and these could also create protected areas for seals, but these zones so far exist on paper only and have not yet been implemented.”<sup>119</sup>

The last investigated country in the Caspian Sea neighbors is the Republic of Turkmenistan. Between the years 2006-2009, Turkmenistan was able to take some actions in the development of some knowledge about the current habitats and range of the Caspian Seal in the geography of Turkmenistan's neighborhood with the Caspian Sea. 4 main areas have been identified. However, efforts have been made to pay attention to the protection of Caspian seals.

#### **2-2-2-6 The Caspian Seal Conservation Center in Iran**

In 2007, following the publication of evidence of a 90% decline in the population of Caspian seals in less than 30 years, the name of the Caspian Seal as an endangered species was added to the Red List of the World Conservation Union, and the Dutch Zeehondencreche Center with half a century of experience in protecting seals, started the Caspian Seal protection program. The reason why Iran was chosen among the 5 countries along the Caspian Sea to establish the center was the presence of coastal protected areas and the greater acceptance of Iran's public institutions compared to the other 4 countries (Turkmenistan, Kazakhstan, Russia, and the Republic of Azerbaijan). Mrs. Lenie Hart, the founder and president of the Dutch center, and the late Dr. Mohammad Mostafa Shahi Ferdous, the head of its veterinary department, were the founders of a similar center in Iran.<sup>120</sup> Lenie ‘t Hart started the Caspian Seal conservation project in 2008. As a result, the first and only center for the protection of the endangered Caspian seal species in Iran was officially started in 2010. This center was constructed with the

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<sup>117</sup> This island was designated as a national monument in 2002 and is now part of AstraKhan National Park.

<sup>118</sup> ‘CaspEco project, Seal Special Protected Network (SSPA)’, (Final Report, University of Leeds, May 2011) <<http://www.caspianseal.org/attachments/article/27/Annex%203%20CaspEco%20seals%20final%20report%20May%202011.pdf>> 5 January 2023.

<sup>119</sup> Ibid.

<sup>120</sup> ‘Dutch vet dedicates years to save Caspian Seals in Iran’, (TehranTimes) <<https://www.tehrantimes.com/news/443606/Dutch-vet-dedicates-years-to-save-Caspian-seals-in-Iran>> accessed 8 June 2024.

efforts of Ms. Lenie Hart, the founder of the Dutch Seal Rehabilitation and Research Center, Mohammad Mostafa Shahi Ferdous, and Dr. Amir Sayad Shirazi on Ashurade Island near Turkmen Port. Dr. Shirazi says about the activities of the Caspian Seal Research and Treatment Center: "Education and culture for local fishermen, especially in Golestan and Mazandaran provinces, rescue of seals trapped in fishing nets, sampling and collecting information from carcasses to research and finally releasing the treated seals is one of the most important actions of this center."<sup>121</sup> Caspian Seal Research and Treatment Center is not financially supported by any government organization, including the Environmental Protection Organization and other organizations. Dr. Shirazi says:

“All the costs of this center are provided by Mrs. Lenie Hart and volunteers who cooperate with us for the saving Seals. Attracting the participation of the people living in the region with the aim of saving the Caspian Seals is one of the important principles of the activities of the "Caspian Seal Research and Treatment Center”.<sup>122</sup>

So, Mrs. Lenie Hart is known as the "seal savior". She travels to Iran every year and supports and protects the Caspian Sea diamond (Caspian Seal) at her own expense.<sup>123</sup>

### **2-3 Increasing public awareness and supporting and protecting the Caspian Seal through the Caspian Seal Conservation Centers**

The Caspian Sea neighboring nations cannot deal with the issues and environmental concerns of coastal areas independently. Consequently, they necessitate the participation of all local and regional interest groups in coastal areas. Good governance entails the participation of social and economic activists, community-oriented institutions, and the media at the local, regional, and global levels in addressing environmental challenges in the Caspian Sea. Participation, comprehensiveness, and transparency are good governance traits that have been established in integrated coastal management.<sup>124</sup>

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<sup>121</sup> 'Lenie't Hart; The Savior of the Caspian Seal', (Yadbegir)< <http://www.yadbegir.com/new/?p=36501>> 25 September 2023.

<sup>122</sup> Ibid.

<sup>123</sup> 'Conservation with Lenie 't Hart, a Dutch veterinarian who has spent half a century trying to save Caspian seals', (hakimemehr,2015) < <http://hakimemehr.ir/fa/news/19985/>> accessed 25 September 2023.

<sup>124</sup> Elahe Kolaei, Mahdi Shayeste, 'Good governance and integrated management of coastal areas of the Caspian Sea', (Number 3, 2013) 40, Environmental Quarterly 10.

Developed societies generally consider their progress dependent on cultural and planning activities and strive for their economic and social development and try to spread this procedure to all nations and in this way, they use various tools.<sup>125</sup> While the environment in Iran and the Caspian Sea's neighboring countries has suffered from a lack of cultural development and public unawareness of environmental issues, many problems have impacted the Caspian Sea's environment, and one of these environmental problems is the danger of extinction of the Caspian Seal. So, the participation of the local and regional people of the Caspian Sea is the main factor in the effective implementation of integrated management on the shores of the Caspian Sea and reducing its environmental problems.

The Caspian Seal Conservation Center in Iran, for example, has succeeded in changing the culture and views of local people, particularly fishermen about seals. This center has been able to hold symbolic movements such as pasting the Caspian Seal image on ships, organizing and participating in environmental tours, attending meetings and conferences, and holding educational workshops for students and local people to highlight the importance of protecting and supporting the Caspian Seal and bring the sensitivity of the issue to the ears of managers.<sup>126</sup> Also, this center has taught fishermen how to both catch and save the Seals caught in fishing nets. Now, for a long time, when fishermen see a Seal in their fishing trap, they save it carefully and sometimes they are forced to cut their nets.<sup>127</sup>

Indeed, by engaging indigenous people and incorporating their knowledge into preservation efforts, this institution has been able to raise community understanding of seals in addition to executing programs that are scientifically and culturally sensitive.

As a result, Marine mammal protection and conservation necessitate an entire strategy that incorporates culture, science, and community involvement. It can construct an approach toward sustainable cohabitation with these amazing species by embracing cultural customs, traditions,

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<sup>125</sup> Saifullah Saifullahi, 'Sociology of Iran's social issues: a collection of Articles and Opinions' [2002] Sina Research Society 41.

<sup>126</sup> Zahra Dastani, 'The relationship between the culture of the inhabitants of the southern shores of the Caspian Sea and the death of the Caspian seal was investigated. The lovely Caspian seals are on the red list of extinction', (Ebtakar newspaper, 07 October 2017) < <https://www.pishkhan.com/> > accessed 5 October 2023.

<sup>127</sup> 'Turkmen dagger dance to save the Caspian Seal', (hamshahrionline August 2016)< <https://www.hamshahrionline.ir/news>> accessed 5 October 2023.

and indigenous knowledge. Furthermore, by acknowledging marine mammals' heritage, society may build a sense of responsibility and raise awareness among individuals and communities. People can ensure the long-term survival of marine environments and the cultural heritage linked with these incredible species for future generations by collaborating.

#### **2-4 What kind of rights do we need for a better environment?**

The information obtained by the author from library studies and interviews shows that the pressure of international organizations, especially organizations active in the field of environment (whether marine environment, land, or policies to deal with climate change) led to the fact that the battle and effort to protect the environment found an international status. This issue has fostered a new form of cooperation among countries, organizations, and individuals involved in the matter. The emergence of environmental rights in various countries necessitates a comparative analysis of these rights. Such research should enable us to identify the overall direction of environmental rights development and facilitate future coordination and integration of these rights. It is worth noting that due to the increasing factors promoting cooperation between countries, the establishment of an international organization dedicated to the environment, such as the World Environment Organization or the United Nations Environment Program, appears necessary.<sup>128</sup>

The purpose of this action is that the behavior of the countries neighboring the Caspian Sea, with the Caspian Seal and the agreements between the same countries, by an upstream organization (which also performs the role of observer and companion) seems necessary. The fact is that legislative or administrative decisions in many countries are either the same proposals given by the United Nations on environmental protection or are derived from them. To achieve the mentioned goal, following the Stockholm conference, which is a global activity to preserve the environment, the foundation of a flexible but continuous program was written, which was the (United Nations Environment Programme (UNEP)).

This program not only provides the possibility of coordination of techniques and research but also laws and sub-axis of legal aspects. In other words, as much as the legal view of the

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<sup>128</sup> The organizations in question are as follows:

1- Greenpeace, 2- World Wildlife Fund, 3- United Nations Environment Program, 4- Nature Conservation, 5- Friends of the Earth International Network, 5- Intergovernmental Panel on Climate Change, 6- Climate Group, and 7 - Climate Reality project.



processes and challenges and issues of the countries regarding the environment of the seas and consequently the marine mammals (including the regional cooperation of the countries in the Caspian basin to protect the Caspian seal), by international institutions be monitored and supported, perhaps through this means, the issue of executive guarantee of laws and regulations can be strengthened.

This type of monitoring has caused the United Nations Environment Program (UNEP) to make decisions at the global level. Taking such decisions at the global level, which has been completed by some regional organizations such as the European Community, the Council of Europe, or the Organization for Economic Cooperation and Development,<sup>129</sup> has created a strong factor for unity.<sup>130</sup>

#### **2-4-1 Applicable laws and environmental rights**

Due to its universal and young nature, environmental rights have the advantage that they can be raised and exploited all over the planet from land to seas and oceans, forests and mountains, protected habitats, and aquatic animals. From the experiences of legislators and the ideas, theories, and thoughts of activists (all of which are related to environmental protection), it is possible to strengthen the impact and role-playing aspects of laws, as well as to increase the level of enforcement of laws. Policies to deal with climate change have shown that: “we, the people of the world, are at the edge of climate change.”<sup>131</sup>

The people of the Caspian Seal region must also accept that they are on the verge of losing the Caspian Seal. Therefore, relying on legal measures and regional agreements, they should play active roles in saving this marine species. The history of the formation of the activities of a country neighboring the Caspian Sea or several neighboring countries to protect the Caspian Seal (or the entire countries neighboring the Caspian Sea) shows that (despite the establishment of the Caspian Seal Conservation Center by Mrs. Lenie 't Hart in 2010 in Iran) there has been no visible (and effective) change in the behavior of people and countries with the Caspian Seal. Earlier in this thesis, referring to the action plan for the protection of the Caspian Seal by the five coastal countries of the Caspian Sea,<sup>132</sup> we mentioned that, firstly, there was no specific

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<sup>129</sup> OCDE.

<sup>130</sup> Mostafa Taghizadeh Ansari, 'Environmental rights in Iran' (Samt publication 2008) 78.

<sup>131</sup> Anthony, Giddens, 'The politics of climate change' (Cambridge, Polity Press 2015) 63.

<sup>132</sup> CaspEco 2011 final report (Azerbaijan, Iran, Kazakhstan, Turkmenistan, and Russia).

initiative for the challenges, and secondly, it was said that Russia's policy Currently, the seal hunt continues. A policy that is contrary to the objectives of the action plan for the protection of the Caspian Seal.

### **2-4-2 Actions and Expected Activities<sup>133</sup>**

According to what was described and explained in the text of this research, it is appropriate for the governments (countries) to discuss their needs and necessities for the prevention of Caspian seals' injuries, with the cooperation of institutions related to the prevention of The extinction of this species (including the United Nations and sub-sections for the protection of the Caspian Seal, as well as regional centers supporting the marine environment - with an emphasis on mammals and marine species) should be identified and implemented. These expected actions are the result of the data and information that are based on them, and the experiences gained (and according to the continuous analysis of scientific and research information in the field of environmental protection) precise and targeted implementation actions should be taken. As a result of the studies of this research and the conversations conducted with the administrators and activists<sup>134</sup> of this issue, the establishment of quick warning systems and the necessary mechanisms for immediate action (to deal with the pollution of the Caspian Sea that has arisen from the neighboring countries) is a primary necessity.

Training fishermen to maintain and protect seals and pups, instead of hunting them or physically dealing with them, is another action that can create a culture of respecting the environment and living beings. In this thesis, the Caspian Seal Protection Program – CSCAP- by the coastal countries of the Caspian Sea was mentioned, which calls for the necessity and development of multilateral regional cooperation. Also, another text entitled The Action and Management Plan for the Protection of the Caspian Seal raises serious responsibilities to reduce hunting and prevent environmental pollution in the Caspian Sea. Finally, the countries neighboring the Caspian Sea should bring themselves closer to each other by putting regional and international laws as the focus of a multilateral agreement in the form of joint responsibilities based on their sense of common duty. The executors should know the measures that will result in the

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<sup>133</sup> All these acts are discussed regarding the Caspian Seal by the author.

<sup>134</sup> including Sayad Shirazi, Simon Goodman, and other views presented in the publications and news reports that were mentioned earlier.

continuation of the survival of the Caspian Seal, supporting the babies, feeding the seals, and preventing hunting or killing them.

The protection and conservation of the Caspian Seal is a serious issue that demands international dedication and collaboration. Caspian seals are the life of the Caspian Sea. This means that their presence or absence significantly affects the overall health and biodiversity of the marine ecosystems of the Caspian Sea.

The success of these conventions relies heavily on the cooperation and active involvement of countries. Through the exchange of scientific research, implementation of best practices, and sharing of resources, nations can collaborate effectively to tackle shared challenges and discover groundbreaking approaches to conserving the Caspian Seal. Furthermore, working together enables the creation of holistic conservation strategies that consider the migratory patterns and habitats of the Caspian Seal, which frequently extends to Countries bordering the Caspian Sea.

As a result, the protection and conservation of the Caspian Seal necessitates international, regional, and national cooperation and engagement. These treaties establish norms, regulations, and structures for the conservation of these magnificent creatures. Countries can safeguard the future existence of the Caspian Seal and preserve the delicate balance of our marine ecosystems by collaborating.

## **Chapter 3**

### **Qualitative results from research data**

#### **3-1 Introduction**

This chapter presents the qualitative results obtained from conventions, action plans, and discussions with skilled and expert individuals in the field of rescue and protection of the Caspian Seal. These efforts aim to safeguard the Caspian seal population and their habitat.

#### **3-2 Qualitative results and topic description**

This Chapter has been meticulously composed by synthesizing the valuable insights gained from a singular, in-depth conversation with both Dr. Shirazi and Dr. Goodman. This engaging discussion, conducted in an online meeting, serves as a foundational element. Furthermore, the

chapter is intricately woven with findings derived from an extensive review of action plans, detailed reports, books, and insightful articles mentioned in the previous chapter. This multifaceted approach ensures a rich and comprehensive exploration of the subject matter.

According to the author's assessment of qualitative results, the chapter's approaches can be used to take action to prevent the death of seals. But unfortunately, we are facing several big obstacles that do not allow us to act according to our expectations. On the one hand, we are facing the phenomenon of global warming, climate change, and reduction of the ice level in the habitats of the northern Caspian Sea, which provides the basis for limiting the areas of accumulation and reproduction of seals. This limitation is such that it gets deeper continuously. It was mentioned earlier that it seems that three factors and elements (humans), (environmental pollution), and (marine accidents caused by collisions with vessels) are among the things that are a powerful threat to Caspian seals. In addition to these three factors that were mentioned, various diseases should also be mentioned. The closeness and limitations of the Caspian Sea also play a prominent role in the drastic reduction of the population of this endangered species. In Russia, fishing and commercial exploitation of the Caspian Seals continues. This situation requires an effective strategy to save the Caspian Seals and if this process continues, the extinction of this type of seal will gain uncontrollable acceleration and speed. This circumstance forces us to consider more serious solutions. Solutions that can manage the behavior of the neighboring countries toward the Caspian Seals and warn them to avoid and significantly prohibit them from activities such as contaminating the seawater through oil refining, which is the most dangerous factor in the mortality of seals. Currently, seal deaths, immune system deterioration, and infertility are all caused by oil refinery pollution of the seas in Russia, Kazakhstan, and Azerbaijan.

The above cases have already been mentioned, but what is important is the emphasis on the passivity of the high authorities of the countries towards the marine environment. Officials always consider themselves responsible in the field of environment and understand the need to protect marine life, but in practice, they have paid the least attention. In other words, they have done the least effective action. The least of which was in the form of a qualitative assessment and calculation of profit and loss, and these Caspian seals were the losers in the politics and ruling of the authorities.

In conclusion, it should be said that if the biological diversity protocol of the Tehran Convention, which was implemented for caviar fish, is also implemented for Caspian seals, we

can hope that Caspian seals will return from the path of extinction to the path of life in the Caspian, the largest lake in the world.

According to experts, Iran is considered the most active country in the Caspian region when it comes to seal protection. The measures taken by Iran to prevent the extinction of Caspian Seals far surpass the limited efforts or inaction of other Caspian countries. One significant step taken by the Iranian government is the signing of a memorandum of understanding on environmental cooperation between the Marine Deputy of the Environmental Protection Organization and the Netherlands Seal Research and Restoration Center. This collaboration aims to preserve the Caspian Seals and benefit from the expertise of the Netherlands Seal Research and Restoration Center.

A qualitative look at the Subject:

Countries neighboring the Caspian Sea should look at the Caspian with a far from indifference. Countries like Russia, Kazakhstan, Azerbaijan, and Turkmenistan, host a variety of fish, especially a rich source of food and other marine species, including small fish and plankton, edible fish, seals, and birds. The Caspian Sea is both the largest lake in the world and a self-sufficient sea. The nature of the Caspian Sea has made it a unique habitat for marine animals and plants. But it has also made it vulnerable to agricultural, industrial, and oil pollution.

The Caspian Sea reveals contradictions, such as its abundant oil and gas resources while supporting sturgeon fish and other fish, including ornamental fish. Historically, this sea provided up to 90% of the world's caviar, but sadly, unrestricted (and unmanaged) fishing has resulted in a 90% decline in the population of these fish over the previous century. <sup>2</sup> Qualitative findings from this study indicate that, in addition to the Caspian Sea's growing pollution, the spread of the invasive species called (Nemopsis) in recent years has had a significant negative influence on the Caspian Sea environment. The diversity of plankton has decreased due to this intruder, which has also affected the aquatic food chain. <sup>3</sup> The above content is a re-emphasis that with a qualitative perspective, humankind must distance themselves from the organizational indifference that takes place on the part of all countries neighboring the Caspian Sea and terminate this slow process which gradually takes over marine life, including the Caspian Seals.

The truth is that environmental activists have realized that there is not much hope for improvement and progress in the care and protection of the Caspian Seal and marine food resources through institutional operators. Based on this, the strategic solution is establishing clear and effective laws, guaranteeing strict implementation of laws, continuous control and monitoring, and development of social culture in interaction with the Caspian Sea and its unique creatures. In an obvious way, efforts should be made to achieve the life and survival of the Caspian Seal through understanding the joint responsibility of humans and nature and insisting on the law and culture that guarantee the implementation of justice. Our results in this research study are not quantitative results, and its outputs do not deal with numbers and figures. In fact, all its components, data, and information are qualitative, and, accordingly, every finding in this research is obtained from experimental thoughts, social science structures, and theoretical ideas. In fact, when it comes to the marine environment, sea creatures, and the need to preserve the environment of biological resources that are the source of sustainable development, expectations are raised that have legal aspects. In this chapter, these aspects are mentioned. Based on this, the following expectations are raised.

### **3-3 Legal expectations aimed at strengthening regional instruments to protect the Caspian seal.**

Qualitative research has yielded substantial results in terms of legal expectations targeted at enhancing regional mechanisms for the preservation of the Caspian Seal. To overcome the obstacles and assure the long-term viability of Caspian seal protection, the actions of all five Caspian Sea coastline countries are required. Favorable conditions for these charismatic Caspian Sea creatures can be supplied with the assistance of other countries, the exchange of knowledge, and the implementation of protective measures.

Regarding the protection of the environment of the Caspian Sea and the Caspian Seal, and according to the main question of this thesis, both library studies and activists' remarks,<sup>135</sup> the following points are emphasized:

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<sup>135</sup> As explained in the methodology section in chapter one.

1. Establishing and creating a specific and clear legal system that includes executive guarantees and criminal penalties (such as regulations for preventing air pollution).<sup>136</sup>
2. Establishing a general law in which part of the regulations is to protect the Caspian Sea and the Caspian Seal. Naturally, this section should also have an executive guarantee and criminal regulations (such as the law of pastures and forests).
3. The necessity of using a legal theme independent of violations against the Caspian seal (and the environment of the Caspian Sea) like the law of Hunting and Fishing.<sup>137</sup>
4. Protected Areas must be established, habitat preservation strategies must be implemented, and activities that might influence the Caspian Seals must be regulated.

### **3-4 The existing regulatory gaps (or legal gaps) that affect the protection and conservation of the Caspian Seal**

should be noted that a codified plan for the protection of the Caspian Seal has not been prepared. Naturally, the lack of a codified program has denied the possibility of coordination between the five countries bordering the Caspian Sea. However, conferences may be conducted annually and discussions concerning the preservation of the Caspian Seal and other vulnerable species may occur.<sup>138</sup> In general, the acquisition of information, the existence of a codified program, and the development of laws with an emphasis on the environment of the Caspian Sea and the Caspian Seal are requirements for participating. In addition, participation in decision-making and public participation requires facilitating policies. A category that needs attention and importance. The emergent process of rules in this field (public participation and adoption of facilitating policies) shows how the proposed systems become norms and norms become rights, and this is very important for the legitimacy of norms.<sup>139</sup>

The methods and recommendations that can make the processes and the increasing implementation of laws by the Caspian border countries commit and adhere to the protection of the Caspian Sea are that all five countries bordering the Caspian Sea<sup>140</sup> should synergize with

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<sup>136</sup> Mostafa Taghizadeh Ansari, 'Environmental rights in Iran' (Samt publication 2008) 27.

<sup>137</sup> Approved on 1967/June/06, the price of hunting animals (Caspian Seal) in terms of claims for losses and damages, the subject of paragraph (c) of Article 3 of the Hunting and Fishing Law, approved by the meeting of the Supreme Council for Environmental Protection on December 29, 2013, is 15 million.

<sup>138</sup> Amir Sayad Shirazi, 'Caspian Seals are waiting for the implementation of the protection program' (Iran Students News Agency (ISNA, 2021) < <https://www.isna.ir/news/1400052014247> > accessed 7 October 2023.

<sup>139</sup> Loretta Gundlink et al, 'Environmental law', Volume 2 (Publisher Tehran University 2010), Translated by Dr. Mohammad Hassan Habibi 316.

<sup>140</sup> Azerbaijan, Iran, Turkmenistan, Kazakhstan, Russia.

a regional agreement, and, through joint efforts, provide the foundation of a structured and flexible conservation program to help endangered species and restore their habitat.

The findings from library studies and comments and experiences gained during recent decades since 1970 show that the Caspian neighbors have not treated the Caspian Seal properly. As a result, this endangered marine mammal is at risk of extinction. Currently, the director of the Caspian Seal Conservation Center<sup>141</sup> considers the breeding place of the Caspian Seal in the north of the lake to be inappropriate.<sup>142</sup> “The director emphasizes the need to address this issue in the Caspian Seal Protection Action Plan and define protected areas for Caspian Seal breeding.”<sup>143</sup> Furthermore, Dr. Amir Sayad Shirazi, director of the Caspian Seal Conservation Center, “focuses on the Miankale and Ashuradeh protected areas, which are the only protected areas of Gilan province in Iran”<sup>144</sup>, in his interview with Deutsche Welle Farsi. He further states,

“If the Ashuradeh tourism plan is to be implemented, the Caspian Seals will no longer come to the shores of Iran. Because these animals are reclusive and try to stay away from humans. Most of the reports we have had about the presence of seals are related to the eastern part of the Caspian coast, namely Miankale and Ashuradeh. If we are going to lose these protected areas, we should say goodbye to Caspian Seal.”<sup>145</sup>

In 2017, with the proposal of the Environmental Protection Organization of Iran, the name of the Caspian Seal was registered in the Convention on the Protection of Migratory Species (CMS) and two appendices of this convention came into force by many countries.<sup>146</sup> Therefore, destroying Ashuradeh and Miankale protected areas is against international laws and conventions.

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<sup>141</sup> Amir Sayad Shirazi, the director of the Caspian Seal Conservation Center of Iran.

<sup>142</sup> Amir Sayad Shirazi, ‘Caspian Seals are waiting for the implementation of the protection program’ (Iran Students News Agency (ISNA, 2021) < <https://www.isna.ir/news/1400052014247>> accessed 7 October 2023.

<sup>143</sup> ‘Iran’s tourism plan in Ashuradeh threatens the habitat of the Caspian Seal’ (Deutsche Welle Farsi, 31 August 2019) <<https://www.dw.com/fa-ir/50239786>> accessed 7 October 2023.

<sup>144</sup> Ibid.

<sup>145</sup> Ibid.

<sup>146</sup> Amir Sayad Shirazi, ‘Caspian Seals are waiting for the implementation of the protection program’ (Iran Students News Agency (ISNA, 2021) < <https://www.isna.ir/news/1400052014247>> accessed 7 October 2023.



Referring to the activities of non-governmental organizations for the protection of the Caspian Seal, Shirazi states that, in the form of non-governmental groups such as the Caspian Seal Conservation Center in countries such as Iran, Russia, Turkmenistan, Kazakhstan, and Azerbaijan, have started working to protect this species. However, the consensus of the officials and governments of the above five countries has not been achieved in this field because the costs of research work, especially the census, have been high. Governments should thus consider this, but so far, no agreement has been reached.

Dr. Shirazi, in addressing the involvement of various governmental organizations and institutions dedicated to marine affairs and Caspian Seal Conservation, highlighted the inclusion of entities such as fisheries, ports, and shipping. Also, he stated that the Ministry of Education actively engages in shaping the environmental awareness of children through the implementation of educational programs, with a particular emphasis on coastal regions. Apart from hunting, factors contributing to the extinction of the Caspian seal include industrial activities in coastal regions, influxes of sewage, and the introduction of toxins from urban environments into rivers. A forewarning came from the director of the Netherlands Seal Treatment and Research Center<sup>147</sup> that without a concerted effort and effective regional cooperation among the Caspian Sea's neighboring countries to implement protective measures, the remaining seal population could feasibly vanish entirely within the coming decade if the current situation persists.<sup>148</sup>

### **3-5 Obstacles to the effectiveness of legal regimes and protective laws for the Caspian seal**

As mentioned in the second chapter, legal regimes and international and regional laws have been considered for this marine species, but many obstacles prevent the effectiveness of these conventions and action plans. The primary issues that impede the successful implementation and application of legal frameworks created for Caspian seals are addressed in this section.

One of the important obstacles is the lack of a binding convention between the five neighboring countries of the Caspian Sea and the lack of cooperation between them. Seals are migratory creatures that pass through vast areas of the Caspian Sea, making their conservation a regional

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<sup>147</sup> Ms. Lenie 't Hart.

<sup>148</sup> 'Worry about the extinction of the Caspian Sea seal in the next 10 years' (Shoaresal, 3 August 2016) <[www.Shoaresal.ir/fa/news/Caspian seal](http://www.Shoaresal.ir/fa/news/Caspian%20seal)> accessed 7 October 2023.

concern. However, inconsistent and insufficient regulations between countries and the lack of a national vision for the protection and preservation of the Caspian Seal prevent the effective protection of these creatures. The biological well-being of the Caspian Sea and its neighboring regions will remain vulnerable unless collaboration among coastal authorities improves.<sup>149</sup>

Even when strong legal frameworks exist, their efficiency is undermined by ineffective enforcement guarantees. Inadequate resources, such as finance, personnel, and technology, make it difficult to track and enforce compliance with protective laws. To dissuade illicit activities such as illegal hunting, overfishing, and habitat damage, stricter penalties for infractions and increasing investment in surveillance systems are required.

The effectiveness of every conservation project is dependent on public awareness and education. Many individuals, however, are ignorant of the risks to marine mammals and their critical role in sustaining healthy marine ecosystems. Weak public knowledge and educational campaigns impede efforts to acquire public support and involvement.<sup>150</sup> In environmental law, there are regulatory and disciplinary laws whose purpose is to control and, in some cases, prohibit activities that can lead to the destruction of the natural environment. These regulations, like all regulatory rules, must be coordinated (according to the law) with the need to provide the goals of public order (security, peace, and public health), which is one of the traditional goals of mankind. The purpose of all these regulations is to oblige people to comply with biological laws and general ecological balance.<sup>151</sup> Consider the possibility that this process does not occur; for instance, suppose that people do not try to respect biological principles and ecological harmony. The Caspian Seal is currently being affected by this behavior, which makes environmental legislation less effective.

Conservation attempts frequently collide with economic interests, providing a significant barrier to the success of protective legislation. Neglecting the evaluations of the environmental stage and without studying the implementation of economic programs such as the creation of

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<sup>149</sup> 'Conservation efforts' (caspiansealrrc) <<https://caspiansealrrc.com/conservation-efforts/>> accessed 7 October 2023.

<sup>150</sup> Hossein Sadeghi, Mehdi Fathi, 'Culture, Sustainable development, and Environment' (June and July 2018) 29 and 30 Cultural Engineering Quarterly 8-20.

<sup>151</sup> Mostafa Taghizadeh Ansari, 'Environmental rights in Iran' (Samt publication, 2008) 28.

industries, construction of tourism space, overfishing and construction are other inefficient factors that have a significant impact on the laws related to the Caspian Seal protection.

## **Chapter 4**

### **Conclusions and Recommendations**

#### **4.1 Research findings**

A wide range of actions are needed to formulate recommendations and suggestions to care for the Caspian Seal. Numerous categories with deep divisions can be found throughout the data and information in this research. When discussing the need for a national action plan for seals, the goal is to raise awareness about the danger faced by the Caspian seal among the nations surrounding the Caspian Sea. Additionally, it is expected that neighboring countries will recognize the Caspian Sea and the Caspian Seal as national issues. The neighboring countries should accept that the damage to the Caspian Sea and the death of seals is not the problem of this or that neighboring country, but they should all feel responsible. Furthermore, consider themselves committed against all the dangers that threaten the Caspian Sea and the seals.

In this regard, the countries along the Caspian Sea, which play an important role in the development and strengthening of comprehensive legal frameworks for the protection and preservation of the Caspian seal, should prioritize joint efforts to protect the Caspian seal in their environmental programs. For example, the countries along the Caspian Sea can update the Tehran Convention with amendments and additional protocols, taking into account the latest research and scientific developments regarding the Caspian seal, and add effective and stringent and effective enforcement guarantees. Furthermore, it is necessary to strengthen cooperation among the countries regarding the sharing of scientific data. By exchanging information on the evaluation of the seal population, especially during the breeding season, valuable protection measures can be implemented. This exchange of information can contribute to a deeper understanding of the dynamics of the Caspian seal population and potential threats over the long term. Finally, establishing an Important Marine Mammal Area can significantly contribute to promoting and strengthening shared commitments regarding the conservation and protection of the Caspian seal. This promotion of a collective commitment is one of the key components of a strong legal framework. Ensuring the collective commitment leads to a sustainable future for the Caspian Seal and a healthy and wider ecosystem for the Caspian Sea.

It is expected that the neighboring countries of the Caspian Sea will study the Caspian Sea and the Caspian Seal throughout history. According to this research, the number of Seals has fluctuated over the past 100 years. This level of reduction and extinction is not far from expectation and belief. So, if the Caspian Seal is supposed to decrease in the present and future history with the same process, in practice, humans have effectively exposed the generation of this unique marine mammal to the greatest possible risk of extinction. The neighboring countries of the Caspian Sea should see themselves as a governmental organization. An organization that has moral and humanitarian obligations to the people, the Caspian Sea, and the Caspian Seal. The truth is that the supporters and researchers of the Caspian Seal are waiting for such an attitude. An attitude that is usually known as developmental commitments. In the meantime, an organization that reflects this developmental commitment sees its strategic plan in the horizon of history and in the future history and future generations. A commitment full of emotion, with a rational and practical behavior arising from a serious interest in the environment. The above content relies on ethical behavior. A method that is usually popular among those committed to the environment and supporters of animals. Promoting such action and, in parallel, holding training classes to observe professional ethics regarding keeping the water of rivers and seas clean and not harming marine animals are among the ways that can prevent harmful behavior towards marine animals. Therefore, the neighboring countries in the Caspian Sea should implement behaviors that will promote the development of appropriate and ethical behavior of people with seals and other aquatic animals. A category that must be made common since childhood. Education has a valuable effect. Training that makes the fishermen's view towards seals soft and flexible. Because the fishermen's idea is that seals hunt fish, and that is the reason why the fishing capacity for fishers has decreased. Meanwhile, other factors reduce the hunting capacity. Improper fishing, overfishing, and polluting seawater with chemical and industrial waste are the main factors in the limitation and reduction of fish, not the presence of Caspian seals.

The findings of this research are based on the conclusion that the need to pay attention to the legal provisions to defend the rights of animals, especially endangered animals, should be taken into consideration by the neighboring countries of the Caspian Sea. In other words, if there is a legislative gap and no strong enforcement mechanisms are established to safeguard the Caspian seal and other aquatic creatures, it is critical to investigate the matter and deal with emerging threats. One of the essential aspects of the legal structure in the protection of marine animals and mammals is the guarantee and enforcement power for the provisions of the law. One of the

essential aspects of applying the law is the guarantee of its implementation, and if this guarantee of implementation is weak, evasion of the law and legal provisions happens simply and easily. In any case, it is necessary to develop the protection patterns of the Caspian Seal in every possible way. Because each of the legal, social, educational, organizational, cultural, and biological aspects (from the point of view of ecological protection) requires its special method. From this point of view and according to the above, the components of the results, recommendations, and suggestions have been explained around the axes that can present the most important methods, strategies, recommendations, and prioritization relatively.

## 4.2 Recommendations

According to the factors mentioned in number 4, which is based on the activities that happen in the Caspian Sea and concerning seals, the methods and recommendations for the protection of Caspian seals can include the following:

1. Drafting a convention between the neighboring countries or the Caspian Sea to prepare a codified and valid joint program, to improve the living conditions, feeding, breeding, and care and protection of the Caspian Seal and other aquatic and marine mammals.
2. Strengthening professional links with Netherlands seal rehabilitation and research centers to develop educational, medical, and therapeutic programs about Caspian Seal, feeding, reproduction, and breeding places, attracting veterinarian expertise in seals and population control and preventing adult and newborn seal mortality.
3. Establishing executive laws and guarantees (with harsh penalties and significant compensation for violators) for any behavior that impedes the Caspian seals' survival, health, and habitat.
4. Continuous and sustainable confrontation with industries that pollute the land and sea environment. The agreement resulting from the negotiation between governments and industrial owners can serve to implement environmental standards.<sup>152</sup>

It appears that there is a need to examine the barriers and gaps to prepare a clear road map for the legal protection of Caspian seals. The first phase in this road map is the development and implementation of a national action plan for seal protection, with the participation of all surrounding Caspian Sea neighbors. In this approach, we may improve our understanding of

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<sup>152</sup> Loretta Gundlink et al, 'Environmental law' (Mohammad Hassan Habibi tr, Volume 2, 2010, Tehran University 2010)324.

the most serious threats to seal survival, and no case should be overlooked. In this context, governments, organizations, non-governmental organizations (NGOs), and educational institutions can assist us in raising awareness and educating communities about the importance of cultivating a sense of responsibility for the conservation of marine mammals.

After that, it is necessary to specify the properties and facilities of the helper. efforts have been made to establish a network of protected areas in the Caspian Sea, including the Ramsar Wetland under the Tehran Convention. This initiative promotes international cooperation and offers substantial assistance. A better understanding of the Caspian Seal's challenges can be found and addressed by increasing worldwide collaborative activities such as information sharing and joint research programs. Similarly, greater global cooperation can provide a more favorable environment for innovation, problem-solving, and advancement in the field of maintaining and safeguarding the Caspian Seal. This will eventually lead to better results, more efficiency, and more effectiveness in tackling the issue of Caspian seal life sustainability in the Caspian Sea.

On the other hand, it is necessary to develop and promote the enforcement of the laws, in the protection of Caspian seals and to prosecute the guilty countries or natural people. In parallel with these measures, it is suggested to always strengthen and continuously update this road map by studying and examining the background of the legal regimes and historical relations of neighboring countries with the Caspian Sea. This road map should be developed until the laboratory and scientific use of the Caspian Seal is under the supervision of legal experts and social institutions supporting the Caspian Seal.

# Bibliography

## Conventions and Agreements

Law of the Azerbaijan Republic Protection of the Environment, 1999

Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Tehran Convention), 4 November 2003

Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention), 23 June 1979

United Nations Convention on the Law of the Sea (adopted 10 December 1982, entered into force 16 November 1994) 1833 UNTS 3

United Nations Environment Program (UNEP)

Washington Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) 1973

## Report

‘CaspEco project, Seal Special Protected Network (SSPA)’, (Final Report, University of Leeds, May 2011) <  
[http://archive.iwlearn.net/caspianenvironment.org/NewSite/DocCenter/Seal/Caspian\\_seaCISS\\_main\\_report\\_to\\_CEP%20\\_Final\\_June\\_2005.pdf?dir=NewSite/DocCenter/Seal/&file=Caspian\\_seaCISS\\_main\\_report\\_to\\_CEP%20\\_Final\\_June\\_2005.pdf](http://archive.iwlearn.net/caspianenvironment.org/NewSite/DocCenter/Seal/Caspian_seaCISS_main_report_to_CEP%20_Final_June_2005.pdf?dir=NewSite/DocCenter/Seal/&file=Caspian_seaCISS_main_report_to_CEP%20_Final_June_2005.pdf)> Accessed 5 January 2023

## Literature

Almutairi H. Y, ‘Protection of Marine Environment under International Law and Kuwaiti Criminal Law’ (SJD Dissertation, Pace University School of Law, 2016) 63

Alverson K, ‘Vulnerability impacts, and adaptation to sea level rise, taking an ecosystem-based approach,’ [September 2012] the official magazine of the Oceanography Society 231

Benafi F, Arashpour A, Shahbazi A, 'Obstacles to the implementation of the precautionary principle in the protection of the environment of the Caspian Sea', (August 2022) 25, research paper 203

Birnie P, 'Legal measures for the prevention of "pirate" whaling' (1982) 32

Birnie P, 'The Role of Law in Protecting Marine Mammals', 15(3) *AMBIO* 137, 137 (1986) ["Birnie, The Role of Law"] as it is referenced in Cameron S. G Jefferies, 'Marine Mammal Conservation and the Law of the Sea', Oxford university press, [2016] 33

Caddell R, 'International law and the Protection of Migratory Wildlife: An Appraisal of Twenty-Five years of the Bonn Convention' (2005)115

Camino H & Molitor R. M, 'Progressive Development of International Law and the Package Deal', (1985) 79 *AM. J. INT'L L.* 871, 873, cited in Cameron S. G Jefferies, 'Marine mammal conservation and the Law of the Sea', (Oxford publication, August 2016) 92

Dastani Z, 'The relationship between the culture of the inhabitants of the southern shores of the Caspian Sea and the death of the Caspian seal was investigated. The lovely Caspian seals are on the red list of extinction', (Ebtakar newspaper, 07 October 2017) <<https://www.pishkhan.com/>> accessed 5 October 2023

Del Vecchio G, 'Philosophy of law', translated by Javad Vahedi, [1380] 108 as it is referenced in Ali Eslamipناه, 'Doctrine as the source of rights' (October 2020) Vol 9, No 32, *Quarterly Journal of Private Law Research* 9-23

Eslamipناه A, 'Doctrine as the source of rights' (October 2020) Vol 9, No 32, *Quarterly Journal of Private Law Research* 9-28

Ganjaliyev E, 'Building Azerbaijan's Legal framework for marine operations based on UNCLOS', [2011-2012] University of Southampton 71

Geir H, 'Norway and Russia: Bargaining Precautionary Fisheries Management in the Barent Sea', (2014) 5(1) *Arctic Review on Law and Politics* 75

Giddens A, 'The politics of climate change'(Cambridge, Polity Press 2015) 63

Gundlink L et al, 'Environmental law' (Mohammad Hassan Habibi tr, Volume 2, 2010, Tehran University 2010)324

Hakim zade khoei P, Sotodeh S, 'The legal system governing the marine environment', third year, twelfth volume, *Journal of Modern Jurisprudence, and law* 7

Hooker. k S, Leah R Gerber, 'Marine Reserves as a tool for ecosystem-based management: the potential importance of megafauna' (2004)54(4) *Bioscience* 27–39, as it is referenced in the 'CaspEco project' (2011) 3.

Howard S. Schiffman, 'International Law and the Protection of the Marine Environment', P.2, <<https://www.eolss.net/>> accessed\_19 December 2022



Hoyt E, 'Habitats of the Endangered Caspian Seal identified as Important Marine Mammal Areas' (published by Cambridge University Press, 01, March 2022) see <<https://www.cambridge.org/core/journals/oryx/article/habitats-of-the-endangered-caspian-seal-identified-as-important-marine-mammal-areas/>>accessed 26 May 2023

Hoyt E, 'ICMMPA 3: important marine mammal areas —a sense of place, a question of size,' (in Proceedings of the Third International Conference on Marine Mammal Protected Areas (ICMMPA 3), Adelaide, Australia, 9-11 Nov. 2014, Adelaide, SA). <<https://www.frontiersin.org/articles/10.3389/fmars.2022.841789/full#B24>> Accessed 26 May 2023

Hoyt E, 'Marine Protected Areas for Whales, Dolphins and Porpoises', (2nd Edn, 2011), London: Earthscan. Hoyt, E. (2018). "Marine protected areas," in Encyclopedia of Marine Mammals, 3rd Edn, eds B. Würsig, J. G. M. Thewissen, and K. M. Kovacs (San Diego, CA: Academic Press), 569–580, and Notarbartolo di Sciara, G., Hoyt, E., Reeves, R., Ardron, J., Marsh, H., Vongraven, D., et al. (2016). Place-based approaches to marine mammal conservation. *Aquat. Conserv.* 26, 85–100. doi: 10.1002/aqc.2642 as it is referenced in Michael J. Tetley, Gill T. Braulik et al, the important marine mammal area network: A tool for systematic spatial planning in response to the marine mammal habitat conservation crisis, see: <<https://www.frontiersin.org/articles/10.3389/fmars.2022.841789/full#B24>> accessed 26 May 2023

Khavarinejad S, 'Caspian Seal; health-threatening factors and reasons for population decline', (Diyarmirza, 14 March 2019) <[https://diyarmirza.ir/1397/12/\\_\\_\\_trashed-74/](https://diyarmirza.ir/1397/12/___trashed-74/)>accessed 5 January 2023

Kodkhodaei A, Salari A, 'Caution in international law; Customary principle or general legal principle?' (2018) number 59, *Public Law Research Quarterly* 37

Kolaei E, Shayeste M, 'Good governance and integrated management of coastal areas of the Caspian Sea', (Number 3, 2013) 40, *Environmental Quarterly* 10

Mamedov R, 'International legal status of the Caspian Sea: Issue of theory and practice' (2001) 32 *Turkish Yearbook of International Relations* 217- 259

Piet G, Strosser P, et al, 'Guidelines for implementing an ecosystem-based approach in Maritime Spatial Planning' [September 2021] 13<[https://www. Op.europa.eu](https://www.Op.europa.eu)> accessed 12 January 2023

Sadeghi H, Fathi M, 'Culture, Sustainable development, and Environment' (June and July 2018) 29 and 30 *Cultural Engineering Quarterly* 8-20

Saifullahi S, 'Sociology of Iran's social issues: a collection of Articles and Opinions' [2002] Sina Research Society 41

Sayad Shirazi A, 'Caspian Seals are waiting for the implementation of the protection program' (Iran Students News Agency (ISNA, 2021) <<https://www.isna.ir/news/1400052014247>> accessed 7 October 2023

Taghizadeh Ansari M, 'Environmental rights in Iran' (Samt publication 2008) 78

Thompson D, 'Conservation management strategies for pinnipeds' (Presentation to Caspian Seal Conservation Workshop (Agip KCO). Atyrau, Sep 17<sup>th</sup>-18<sup>th</sup>, 2009), Sea Mammal Research Unit, University of St Andrews, as it is referenced in the 'CaspEco project' (2011) 2

Tommy T.B. Koh, 'A Constitution for the Oceans' (adapted from remarks made between Dec. 6 and 11, 1982),  
<[http://www.un.org/Depts/los/convention\\_agreements/texts/koh\\_english.pdf](http://www.un.org/Depts/los/convention_agreements/texts/koh_english.pdf)> accessed 5 June 2023 (last visited Feb. 16, 2016) ["A Constitution for the Oceans"]  
United Nations Conference on the Human Environment, [5-6 June 1972] rec. 32, U.N. Doc, Stockholm

Viogradov S and Wouters P, 'The Caspian Sea: Current Legal problems' (1995) 55 Journal Zeitschrift für ausländisches öffentliches, Recht und Völkerrecht 613

Vollenweider J, 'The effectiveness of International Environmental Agreements' (2012) 346-367

Wilson S, Mitrofanov I, 'Caspian Seal Action Plan', (Tara seal research and Mc Gill University, April 2007) 1-14

Zimnitskaya H, Von Golden J, 'Is the Caspian Sea a sea; and why does it matter?' [2011] Journal of Eurasian Studies 1

## Websites

'About 170 endangered seals found dead on Russia's Caspian coast'(Aljazeera, 6 May 2021)< <https://www.aljazeera.com/news/about-170-endangered-seals-found-dead-on-russias-caspian-coast>> accessed 30 June 2023

'Caspian Seal' (Eligasht) < <http://www.eligasht.com/blog/travelguide/CaspianSeal>> accessed 15 March 2023

'The Caspian Seal is the only marine mammal in the Caspian Sea' (karnaval) < <http://www.Karnaval.ir/blog/Caspian-seal>> accessed 15 March 2023

'2500 dead seals found on Russia's Caspian Coast' (Al Jazeera, 5 December 2022) < [https://www. Aljazeera.com](https://www.Aljazeera.com)>accessed 30 June 2023

'About the Tehran Convention' (CEIC Portal)  
<[Https://www.Tehranconvention.org\en](https://www.Tehranconvention.org/en)>accessed 19 December 2022

'Action plan for the conservation of marine mammals (MMAP)'< <http://wedocs.unep.org>> accessed 3 June 2023

'Attraction Caspian Sea', (Kojaro) <<https://www.Kojaro.com>> accessed 20 June 2023  
'Attraction'(Kojaro) <<https://www.kojaro.com>> accessed 2 February 2023

'Based on the last seven-year census' (Mehr News Agency, 8 August 2015)  
<<http://www.mehrnews.com>> accessed 8 August 2023

'Caspian Sea: Everything about the Caspian Sea; The largest lake in the world', (safarmarket)  
[http://safarmarket.com/blog/Caspian Sea](http://safarmarket.com/blog/Caspian%20Sea)>accessed 20 September 2023

'Caspian Seal die-off' ( Wikipedia, 2022) <[http://www.en.wikipedia.org/wiki/2022- Caspian-Seal-die-off](http://www.en.wikipedia.org/wiki/2022-Caspian-Seal-die-off)>accesssed 30 2023

'Caspian Seal habitat awarded', (Kaspika) <<http://kaspika.org/en/2021/12/06/caspian-seal-habitat-awarded-imma-status-2/>> accessed 26 May 2023

'Caspian Seal Project' (Caspianseal) <<https://www.Caspianseal.org>> accessed 5 January 2023

'Caspian seal' (Lastsecond), <<https://www.Lastsecond.ir>> accessed 5 January 2023

'Caspian Seal'(Fararu) < <http://fararu.com/Caspian-seal>> accessed 30 June 2023

'Caspian Seal'(Seal Conservation Society, August 2011) <[http://www.pinnipeds.org/seal-information/species- information-pages/the-phocid-seals/Caspian Seal](http://www.pinnipeds.org/seal-information/species-information-pages/the-phocid-seals/Caspian%20Seal)> accessed 15 March 2023

'Conservation Action Plan', (Caspianseal)< <http://www.caspianseal.org/info/scamp>> 5 January 2023

'Conservation efforts' (caspiansealrrc) <<https://caspiansealrrc.com/conservation-efforts/>>  
accessed 7 October 2023

'Conservation with Lenie 't Hart, a Dutch veterinarian who has spent half a century trying to save Caspian seals', (hakimemehr,2015) < <http://hakimemehr.ir/fa/news/19985/>> accessed 25 September 2023

'Convention on the conservation of migratory species of wild animals', (CMS)<  
<https://www.cms.int/en/species/appendix-i-ii-cms>> accessed 25 May 2023

'Darwin Caspian Seal Project 2005-2023 < [http://www.caspian seal.org/info/caspian-seal](http://www.caspian%20seal.org/info/caspian-seal)>  
accessed 15 March 2023

'Dutch vet dedicates years to save Caspian Seals in Iran', (Tehrantimes)<  
<https://www.tehrantimes.com/news/443606/Dutch-vet-dedicates-years-to-save-Caspian-seals-in-Iran>>accessed 8 June 2024

'Ecosystem approach' <<https://www.Cbd.int/ecosystem>> accessed 10 January 2023

‘Endangered Caspian Seal habitat awarded important marine mammal area status’ (IUCN, 6 December 2021) <<https://www.iucn.org/news/marine-and-polar/202112/endangered-caspian-seal-habitat-awarded-important-marine-mammal-area-status>> accessed 19 December 2022

‘Farwell to seals in Iran; Destruction of the beaches with the implementation of Ashuradeh tourism plan’ (ilna, 11 April 2021) <<https://www.ilna.ir>>accessed 2 February 2023

‘How to apply the ecosystem-based approach in marine spatial planning’, [Birdlife, June 2021] 5<<https://www.birdlife.org>> accessed 10 January 2023

‘International Whaling Commission, Small Cetaceans’, (IWC,2015) <<http://iwc.int/smallcetacean>.> accessed 25 May 2023

‘Lenie’t Hart; The Savior of the Caspian Seal’, (Yadbegir)<<http://www.yadbegir.com/new/?p=36501>> 25 September 2023

‘Marine Mammal Protected Area Task Force’(Marinemammalhabitat)<<https://www.marinemammalhabitat.org/immas/>>accessed 26 May 2023

‘National action plan for the protection of the Caspian Seal, (Harfonline, 14 January 2019), <<https://www.harfonline.ir>>accessed 5 January 2023

‘Nature Tourism Education and Research Institute’(Tabiat) <<https://www.tabiat.ir/home>> accessed 15 March 2023

‘North Pacific Fur Seal Treaty of 1911’ <<https://celebrating200years.noaa.gov/events/fursealtreaty/welcome.html>> accessed 7 July 2023

‘Research priorities- The Caspian Seal Air’ (Kaspika)<<http://kaspika.org/en/2021/12/29/research-priorities-the-caspian-seal-and-air-2/>> accessed 1 June 2023

‘Russia: Bodies of 2500 seals found along Caspian Sea coast’ (BBC News, 2022) <<https://www.BBC.com>>accessed 30 June 2023

‘Tehran Convention’, (Tehran Convention) <[https://tehranconvention.org/system/files/tc-interim-secretariat/tehran\\_convention\\_text\\_final\\_pdf.pdf](https://tehranconvention.org/system/files/tc-interim-secretariat/tehran_convention_text_final_pdf.pdf)> accessed 25 May 2023

‘The Caspian Seal is listed on the Bonn Convention’ (Kaspika) <<http://kaspika.org/en/2017/10/30/tcaspian-seal-is-listed-on-bonn-convention-2>> accessed 25 May 2023

‘The continuation of the death of Caspian seals on the coast of Mazandaran’, (Hayat)<<https://www.hayat.ir/news/254681>

‘The risk of extinction of the Caspian Seal has increased’, (Islamic Republic News Agency, 30 December 2019) <<http://www.irna.ir/news/83611807>> accessed 4 June 2024

‘The silent death of the southern shores of the Caspian Sea due to the construction of Russian dams’ (ISNA, 1 May 2022), <[https://www. Isna. ir/news](https://www.Isna.ir/news) >accessed 5 January 2023

‘Turkmen dagger dance to save the Caspian Seal’, (hamshahrionline August 2016) <

<https://www.hamshahrionline.ir/news>> accessed 5 October 2023

‘What factors have taken the breath of Caspian seals?’ (Khabarban, 6 December 2022)

<https://www.Khabrban.com35645147> Accessed 2 February 2023

‘Why the Caspian Seal needs the Biodiversity

Protocol’<<http://www.caspianseal.org/attachments/article/27/Caspian>>

‘Worry about the extinction of the Caspian Sea seal in the next 10 years’ (Shoaresal, 3 August 2016) <[www.Shoaresal.ir/fa/news/Caspian seal](http://www.Shoaresal.ir/fa/news/Caspian%20seal)> accessed 7 October 2023

<[https://www.Hakimmehr.ir/Caspian Seal](https://www.Hakimmehr.ir/Caspian%20Seal)> accessed 30 June 2023

Accessed 20 December 2022

Kathrine Torday Gulden, ‘Transnational collaboration to save the Caspian seal’, (Nibio, 03 March 2023) <<https://www.nibio.no/en/news/transnational-collaboration-to-save-the-caspian-seal>> accessed 25 March 2023

Marine Mammal Commission, ‘Annual Report to Congress: 1997’, (1998) at 65, <<http://mmc.gov/reports/annual/pdf/1997annualreport.pdf>.> accessed 7 July 2023

Marine Mammal Habitat, ‘Important Marine Mammal Areas (IMMAs)’ (Marine Mammal Protected Areas Task Force, 2016-2020)

<<http://www.marinemammalhabitat.org/immas>>accessed 4 June 2024

The 1959 Antarctic Treaty, art. 1, 1 Dec. 1959, 12 U.S.T. 794, 402 U.N.T.S. 71; Scientific Committee on Antarctic Research, The Antarctic Treaty System: An Introduction, (2016) <<http://www.scar.org/treaty/>> accessed 7 July 2023 [“Antarctic Treaty”]

UNCLOS, known as the Constitution of the Seas, was signed in 1982 in Montego Bay, Jamaica, <<https://www.Legal.un.Org> > accessed 19 December 2022

