**THESIS APPROVAL FORM**
NAZARBAYEV UNIVERSITY
SCHOOL OF SCIENCES AND HUMANITIES

# THE INFLUENCE OF POWER RELATIONSHIPS ON THE DESIGN OF THE ENVIRONMENTAL INSTITUTIONS IN THE CASPIAN SEA

# БИЛІК ҚАТЫНАСТАРЫНЫҢ КАСПИЙ ТЕҢІЗІНДЕГІ ЭКОЛОГИЯЛЫҚ ИНСТИТУТТАРДЫ ЖОБАЛАУҒА ӘСЕРІ

# ВЛИЯНИЕ ВЛАСТНЫХ ОТНОШЕНИЙ НА СТРУКТУРУ ЭКОЛОГИЧЕСКИХ ИНСТИТУТОВ КАСПИЙСКОГО МОРЯ

BY

Aida Amangeldina
NU Student Number: 201794318

**APPROVED**
BY
(Jessica Neafie)

ON
17 April, 2024

Signature of Principal Thesis Adviser

In Agreement with Thesis Advisory Committee

Second Adviser: Bimal Adikhari

External Reader: Liv Coleman

# THE INFLUENCE OF POWER RELATIONSHIPS ON THE DESIGN OF THE ENVIRONMENTAL INSTITUTIONS IN THE CASPIAN SEA

# БИЛІК ҚАТЫНАСТАРЫНЫҢ КАСПИЙ ТЕҢІЗІНДЕГІ ЭКОЛОГИЯЛЫҚ ИНСТИТУТТАРДЫ ЖОБАЛАУҒА ӘСЕРІ

# ВЛИЯНИЕ ВЛАСТНЫХ ОТНОШЕНИЙ НА СТРУКТУРУ ЭКОЛОГИЧЕСКИХ ИНСТИТУТОВ КАСПИЙСКОГО МОРЯ

by

Aida Amangeldina

A thesis submitted in partial fulfilment of the requirements for the degree of

Master of Arts in Political Science and International Relations

at

NAZARBAYEV UNIVERSITY -

SCHOOL OF HUMANITIES AND SOCIAL SCIENCES

2024

**Abstract**

The thesis aims to answer the research question "How do relatively less powerful states influence the formation of institutional designs?". Institutional designs can be defined as sets of norms, principles, decision-making procedures and rules that reflect states' interests and expectations in a certain issue of international relations, and power relationships between states play an important role in shaping the institutional designs. While it may be expected that institutional designs reflect the interests of only powerful states, the thesis aims to demonstrate that the relatively less powerful states are also able to push their interests. The contribution of the thesis is to identify mechanisms that enhance the ability of relatively less powerful states to promote their interests in forming institutional designs. In particular, it proves that derivative and particular-intrinsic powers can boost the influence of relatively less powerful states. The results are based on the analysis of Kazakhstan's derivative and particular-intrinsic powers during the formation of the Tehran Convention. Kazakhstan's particular-intrinsic power in the form of energy resources and derivative power represented in multivector foreign policy enabled Kazakhstan to attract the interests of more powerful states to cooperate with Kazakhstan and take actions to promote Kazakhstan's environmental interests in the Caspian Sea. As a result of these mechanisms, the interests of Kazakhstan were reflected in the design of the Tehran Convention.

**Table of contents**

A**cknowledgments**

I would like to express my sincere gratitude to my primary advisor Professor Jessica Neafie for her mentorship and support during the process of writing this thesis. Her guidance, expertise and feedback were instrumental in conducting this research and enhancing the quality of the thesis. In addition, I would like to thank my family and friends for their support and encouragement in my pursuit of education.

## Chapter 1. Introduction

Institutions are a set of rules that are created by states to manage certain issues. The prescriptions and proscriptions of institutions are laid down in their designs. In particular, all rules, norms, procedures and principles of institutions are represented in the form of institutional design. It reflects the outcomes of negotiations between states to maintain the existence of institutions. Considering institutional design as a cornerstone of institutions, it is important to consider what factors lead to its formation. One of the main explanations comes from rationalism, which treats states as self-interested actors (Jupille, Caporaso and Checkel 2003, Koremenos, Lipson and Snidal 2001, March and Olsen 1998, Wendt 2001). States pursue their self-interests when developing institutional designs. However, the fulfilment of interests differs due to power relationships within institutions. Rationalism provides two arguments based on power and interests of states which explain the influence of power relationships on the formation of institutional designs**.** According to the power argument, institutional designs are shaped by the preferences of stronger states, while the roles of relatively less powerful states are minimized. The outcome of cooperation primarily depends on the interests of powerful states that are more interested in maintaining the balance of power and pushing their interests and less in achieving common agreement through cooperation (Grieco 2018, Gruber 2000, Krasner 1982, Rosecrance 2001, Solingen 2008, Young 1989, Young and Osherenko 1993a). On the contrary, interest-based argument suggests that states can implement mutual gains by engaging in cooperation, and relatively less powerful states have leverage in bargaining processes, thus affecting institutional designs (Grieco 2018, Hasenclever et al. 1997, Voeten 2019, Young 1989).

This debate on power relationships has changed in favor of relatively less powerful states for several reasons. First of all, a growing number of institutions provide relatively less powerful states with a right to affect the change of institutional designs (Rothstein 1968). If

institutions are credible enough to solve the issue and require a unanimous vote, the possibility of relatively less powerful states promoting their interests increases (Schneider 2011). Another important reason is related to derivative power which is exercised when relatively less powerful states join alliances with other states. In particular, cooperation with powerful states increases the bargaining strength of relatively less powerful actors (Handel 1981, Long 2016, Orazgaliyev 2017, Rothstein 1968, Vanderhill et al. 2020). Finally, due to the possession of particular-intrinsic power relatively, less powerful states are able to oppose the decisions of powerful states and push their interests in the institutional designs (Braveboy-Wagner 2010, Cooley 2014, Long 2016, Madani, Farhidi and Gholizadeh 2022, Orazgaliyev 2017). Powerful states may have privileges in an array of areas over relatively less powerful states. However, relatively less powerful states can make up for the lack of power in those areas with derivative and particular-intrinsic powers. In order to test this assumption, the power relationships in the design of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (hereinafter the Tehran Convention) will be analyzed.

**Background of the Caspian environmental institutions**

The Caspian Sea, which is the largest inland body of water, is surrounded by five littoral states, such as Azerbaijan, Iran, Kazakhstan, Russia, and Turkmenistan. Before the collapse of the Soviet Union, institutions of the Caspian Sea were under the control of Russia and Iran. The first institutions regulating the Caspian Sea were concluded in the 19$^{th}$ century between Persia and the Russian Empire. In 1921, the Russian Soviet Federative Socialist Republic (RSFSR) and Persia accepted a new treaty, thus canceling the validity of the previous treaties. While the 19$^{th}$ century treaties were designed to satisfy the tsarist Russia's interests by diminishing the rights of Persia, the 1921 treaty was aimed at restoring relations between states. The next treaty addressing the Caspian Sea was adopted in 1940. It provided the USSR and Iran with freedom

in shipping and fishing. Moreover, the treaty was drafted in such a way as to exclude the presence of third-party states in the region (Pietkiewicz 2021).

However, after the dissolution of the Soviet Union, the geopolitical situation in the region has changed. Three independent states, Kazakhstan, Turkmenistan and Azerbaijan, became the new owners of the Caspian Sea. A growing number of players interested in the exploitation of natural and biological resources of the Caspian Sea contributed to the initiative of creating environmental management. In 1992, Iran organized a meeting with all littoral states and proposed to create a regional institution addressing the environment of the Caspian Sea. However, no measures were implemented on the creation of environmental regimes until 1994 due to the states' reluctance to follow environmental restrictions on the exploitation of oil and gas. In addition, there was a lack of financial resources and experts to address environmental issues (Bayramov 2020).

In 1994, the littoral states recognized the environmental disaster of the water body, and therefore adopted the Almaty Declaration on Cooperation for the Environmental Protection of the Caspian Sea Region. They not only expressed their intentions to take measures to manage the environment of the Caspian Sea but also asked for the assistance of international organizations. The request was responded to by the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP) and Word Bank in 1995. They initiated the environmental management programme which resulted in the launch of the Caspian Environment Programme (CEP) in 1998. The CEP is a long-term strategy aimed at achieving sustainable management of the Caspian Sea environment through the efforts of the littoral states and the international community. The main policymaking and monitoring body of the CEP was the Steering Committee which consists of representatives from the littoral states and international partners (CEP 2005).

The first phase of the CEP, which lasted from 1998 to 2002, incorporated the formation of the Strategic Action Programme (SAP) and its pillars, such as the National Caspian Action Plans (NCAPs) and the Transboundary Diagnostic Analysis (TDA). The main objectives of the first phase of the CEP were related to the conservation of biodiversity and coastal areas, the improvement of water quality, the conservation of bioresources, and so on. The second phase of the CEP started in 2003 to implement the objectives of the first phase. In particular, it aimed to implement the SAP in the areas of biodiversity, invasive species, and persistent toxic substances and improve the coordination mechanisms and legal frameworks at national levels. The main objective of the second phase was to transfer the ownership of the CEP to the littoral states, while the international organizations would be supportive actors (UNECE 2004). As a result, the five littoral states gathered in Iran in 2003 and signed the Tehran Convention which became the first institutional design addressing the joint management of the environment of the Caspian Sea. Therefore, this research will be based on the analysis of the design of the Tehran Convention to find out the influence of relatively less powerful states.

**Power relationships between states**

The literature on power relationships indicates difficulties with defining strong and weak states. There is no commonly accepted set of criteria that would help to divide state power into strong and weak categories. The current definitions of state powers are primarily based on the lack of material strength in terms of economy, military and population. However, such classification cannot be applied to all situations. There may be cases when state's material strength is not appropriate due to different situational contexts. The dominance in material strength does not guarantee success in making decisions (Long 2017). In addition, it would be hard to differentiate states in terms of absolute strength. A state can be classified as strong within one category and weak within another. Therefore, considering the lack of universal indicators

characterizing weak states, there is a tendency to classify states comparatively in terms of a relative strength. Handel (1981, 190) states that "no state is all powerful and no state is completely weak," thus discouraging the use of absolute strength in the classification of a state's power. Long (2017) also argues that the most important thing in classification is not states' size but their relationships. The way states exercise power instead of owning power matters more. Therefore, he proposes asymmetry-focused approach on the classification of power, according to which relationships are asymmetrical. Instead of division into absolute strong and weak powers, asymmetry-focused approach divides states into preponderant and hypo-powers when states are relatively stronger and relatively weaker, respectively. Therefore, instead of conceptualizing states into weak and strong states, this research classifies them as relatively more powerful and less powerful according to their asymmetric relationships.

Although the classification of less powerful states has existed for a long time, there is still no clear definition. The definition of less powerful states has been considered relative to great powers. It is believed that less powerful states are those states that obey the decisions made by great powers, and studies on less powerful states often focus on the material strength of the state when categorizing them as powerful or less powerful. The definition of powerful states stems from their material strength, whereas the definition of less powerful states stems from the lack of material strength (Long 2015).

Material strength is usually measured in different spheres, the main ones being the military and economic spheres. According to Mitchell (2009), the states that hold military or economic power are named structural powers. Structural powers can be either benign or coercive. While the former considers the interests of other states and commits itself to carrying the costs of institution formation, the latter dismisses the preferences of other members by imposing only its own. The tool of the former is persuasion, and the tool of the latter is pressure. Mitchell assumes that powers resorting to coercion are more effective in pursuing their goals,

since persuasion used by benign powers is more likely to be dismissed by other members. In addition to structural powers, there is another type of power called issue-specific power. States with issue-specific power are not as strong as structural powers, but due to their leverage in specific areas, they can significantly influence institutional design.

Rothstein (1968) believes that the necessity to distinguish states between powerful and less powerful states arose for the first time during the Congress of Vienna. Powerful states needed to differentiate themselves from weak states in order to gain leverage in governing Europe. The main criteria for the difference at that time was the state's military capacity. If a state encompassed military strength, which was measured by the development of artillery and the number of infantry, then it was considered a powerful state. On the other hand, states that did not have such strength were classified as less powerful states.

Another criterion commonly used for measuring the state's strength, along with military and economic indicators, is the size of its population. Maass (2009) considers population size as a more popular quantifiable criteria in comparison with economic and military indicators. This is due to the advantages of population size in terms of data availability and the possibility to correlate with other indicators. At the same time, population size indicators do not suffice to define a state's strength. The problem relies on the lack of commonly accepted cut-off points for determining small population sizes. While for some scholars, states with less than one million people are small states, for others, the cut-off point for population size can vary from 10 up to 15 million people. Therefore, Maass argues that focusing only on quantifiable indicators in determining a state's size and strength is elusive. Instead of preciseness, the accuracy of definition is more important.

The material strength in power measurement corresponds to the compulsory power category proposed by Barnett and Duvall (2005). Compulsory power refers to states that possess material resources which enable them to impose their will intentionally or unintentionally on

other states. Interestingly, Barnett and Duvall also identified another kind of power, named institutional power. In this case, a state's power is measured not by its material capacity but by its influence on institutions. In institutional power, in contrast to compulsory power, states with a lack of material resources can push their interests over other states through institutions. In particular, power in institutions allows states to shape the institutional design in their favor. Even if the institution was created to pursue the mutual gain, powerful states can distribute the outcome unequally, thus obtaining the most benefits. Institutional power can broaden the less powerful state definition by adding institutional criteria. Thus, states that do not have the leverage to shape institutional designs can be referred to less powerful category.

In order to measure the powers of the Tehran Convention member states, this research is based on the results of the study conducted by Amer (2022) on measuring the Caspian littoral states' powers. Overall, he used 8 variables, such as geographical, economic, military, political, cultural, scientific, technological and astro space powers, and cross-border international relations to measure the powers of the littoral states. According to the results of the study, Russia took the first place in all indicators compared to other states. As such, the study illustrated power asymmetries in the Caspian environmental institutions in favour of Russia. With regard to the period of designing the Tehran Convention, there is a huge data limitation to measure the littoral states' power relations. It was possible to find data reflecting states' only economic strengths, such as the Gross domestic product (GDP) per capita indicators. The last available data for GDP of all littoral states before the adoption of the Tehran Convention was in 2001. According to IMF (2003), in 2001, the value of GDP for the littoral states was as follows: Azerbaijan - 5.711 billion US dollars, Iran - 113.137 billion US dollars, Kazakhstan - 22.135 billion US dollars, Russia - 309.921 billion US dollars, Turkmenistan - 6.512 billion US dollars. The result also shows that the highest value belongs to Russia. Therefore, in this thesis, Russia is categorized as a more powerful actor and other littoral states as relatively less powerful ones.

**Contributions to power relationships literature**

Considering the growing importance of relatively less powerful states in the formation of institutional designs, this paper aims to identify whether they are able to promote their interests and what kind of mechanisms contribute to their ability to influence the institutional designs. The main contribution of the thesis on power relationships literature is that it demonstrates that derivative and particular-intrinsic powers are the main mechanisms that increase the strength of relatively less powerful states in the bargaining process. It means that relatively less powerful states with power in a particular area and good relationships with other states have the ability to push their interests in developing institutional designs.

In order to test the influence of these mechanisms on relatively less powerful states' ability to shape institutional designs, I will analyze the formation of the Tehran Convention, as it is the first and the main institutional design on the environment of the Caspian Sea. In addition, it contains different power relationships among its member states, such as Azerbaijan, Iran, Kazakhstan, Russia, and Turkmenistan. While Russia is classified as a more powerful state, the other four littoral states can be classified as relatively less powerful states due to power asymmetries. Another reason consists in the possession and exercise of derivative and particular-intrinsic powers by relatively less powerful actors. The most illustrative state that owns both powers is Kazakhstan. The particular-intrinsic power of Kazakhstan is its rich natural resources, whereas its derivative power is multivector foreign policy. It can be assumed that Kazakhstan pushed its interests in designing the Tehran Convention by using these powers.

The thesis work will proceed with three main chapters covering literature review, methodology and analysis sections. The literature review lays out the arguments of power-based and interest-based rationalism and the arguments of liberalism and constructivism on the construction of institutional designs. Due to its arguments supporting the relatively less powerful states' influence in institutional designs, the interest-based rationalism will be selected

as the main theory of the study. In addition, the literature review covers arguments on mechanisms through which relatively less powerful states exercise influence. The research identifies the derivative and particular-intrinsic powers as the main mechanisms used by relatively less powerful states in shaping institutional designs and builds two hypotheses showing the contributions of both of them.

The methodology will explain the selection of the case and methods that will help test the hypotheses of the study. In order to find out the influence of relatively less powerful states on the design of the Tehran Convention, the study will particularly focus on Kazakhstan as a representative case of relatively less powerful states possessing both derivative and particular-intrinsic powers. Its derivative power is reflected in its multivector foreign policy, while the particular-intrinsic power represents its abundant energy resources.

The analysis chapter is dedicated to the analysis of the case and aims to answer the research question of the thesis work on whether the relatively less powerful states are able to push their interests in designing institutions using their derivative and particular-intrinsic powers. It will include four sections. The first two sections will outline Kazakhstan's interests related to the environment of the Caspian Sea and the main provisions of the Tehran Convention, respectively. The third section will analyze the identified interests of Kazakhstan in accordance with the treaty provisions in order to determine whether they were reflected in the design of the Convention. The last section will discuss the mechanisms that contributed to the promotion of Kazakhstan's interests in shaping the Tehran Convention.

## Chapter 2. Literature review and Methodology

### Introduction paragraph

Institutional design is an important part of institutions, as it contains the outcome of cooperation between states during which they expressed their preferences and interests. This study aims to demonstrate that the power relationship argument is changing in favor of relatively less powerful states. I propose that not only powerful states, but also less powerful states are able to promote their interests in shaping institutional designs. My assumption is based on interest-based argument of rationalism, according to which actors exert similar influence in the formation of institutional design. It is possible due to derivative and particular-intrinsic powers of relatively less powerful states. Derivative power is represented in relatively less powerful states' foreign policies aimed at establishing relationships with other states, while particular-intrinsic power envisages developing power in a particular area where relatively less powerful states have advantage. Thus, relatively less powerful states are able to increase their leverage in decision-making process of institutional design by pursuing multilateral foreign policy and exercising preponderance in a certain area.

### Institutional design

According to Krasner (1982), institutional design can be defined as a combination of principles, norms, rules, and decision-making procedures within institutions that are jointly created to realize states' expectations. He also elaborated the definitions of principles, norms, rules, and decision-making procedures. In particular, according to him "principles are beliefs of fact, causation, and rectitude. Norms are standards of behavior defined in terms of rights and obligations. Rules are specific prescriptions or proscriptions for action. Decision-making procedures are prevailing practices for making and implementing collective choice" (Krasner 1982, 186). Krasner emphasizes the importance of separating principles and norms from rules

and procedures. Principles and norms are more important to institutional design than rules and procedures. This is due to the fact that a change in principles and norms leads to a change in the entire institution, while changes in rules and procedures occur within institutions without affecting principles and norms.

One of the conditions for the formation of institutional design is that they should be explicit and public (Koremenos, Lipson, and Snidal 2001). While implicit arrangements can be considered as a form of cooperation, they are not part of institutions. Therefore, publicity, at least among the actors, is an important feature of institutional designs. The components of institutional designs either prescribe or proscribe certain behaviors to states. In addition, they can either be created anew or modified on the basis of old samples after negotiations.

The main theory that explains the formation of institutional designs is rationalism. Rationalism argues that institutions are developed by the preferences of states, which are characterized as profit-seeking actors. According to rationalism, the state preferences are distinguished by permanence, since they remain unchanged and fixed over time and across the same actors. (Jupille, Caporaso and Checkel 2003). In addition, rationalism emphasizes actors' subjective perception of rationality. It means that states themselves decide which is the best outcome that satisfies their interests, not considering objective views. The subjective perception of profit maximization is easier to understand if there is only one state. However, when the number of actors increases, the different subjective views may cause a collective-action problem. In such cases, subjectiveness rises to the group level. States formulate a shared perception of the problem and the optimal outcome (Wendt 2001).

In addition, rationalists focus on the logic of consequences of states' interests. According to this logic, states are interested in achieving the optimal outcome as a consequence of cooperation. The decisions made by states are treated as consequential. Because states calculate the consequences of their common preferences and select the optimal outcome. Furthermore,

they ignore the problem of uncertainty in cooperation, thus assessing the consequences with confidence. The criticism of the logic of consequences comes from the logic of appropriateness, which stresses the importance of identities and rules instead of the state's interests and preferences during negotiations. They argue that a state's behavior is influenced by socially constructed identities and rules (March and Olsen 1998).

By using the rational-choice approach in the analysis of institutional designs, Koremenos, Lipson, and Snidal (2001) identified five dimensions, such as membership, scope, centralization, control and flexibility, that affect the variance of institutional designs. They discovered that a state's decision to choose certain institutional designs is influenced by factors, such as the number of actors, distributional and enforcement problems, as well as uncertainties about actors' behavior, preferences and the state of the world. As a result, they elaborated four conjectures on state behavior in the formation of institutional designs from the rationalist perspective. According to the first conjecture, states develop institutional designs to satisfy their joint interests. The outcome of institutional design should reflect not the preferences of particular states but the joint preferences of all actors who participate in the bargaining process. States may achieve joint preferences by making compromises. The second conjecture argues that cooperation among states may vary depending on issues. Some issues require frequent interaction and close cooperation, while others do not require such a need. The last two conjectures link the problems of the formation of institutional designs with transaction costs and risk aversion. States may be less likely to cooperate if the transaction costs are high and the process of creating institutions is risky.

In addition to rationalism, there are other theories that can explain the formation of institutional design, such as liberalism and constructivism. In the case of liberalism, states' interests are shaped by domestic politics. The preferences of domestic interest groups exert a significant impact on the formation of institutional design. According to domestic-politics

argument, institutions are a result of political compromises representing the interests of domestic coalitions. In addition, the situation may be reversed in such a way, that is the institutions affect the preferences of the domestic group. For instance, states may design institutions to justify their policies in order to prevent public opposition (Pevehouse and Borzyskowski 2017).

Solingen (2008) believes that domestic argument can explain three stages of institution creation, such as genesis, design and effect. At the same time, she believes that the strength of domestic explanation can vary among stages. She argues that domestic-politics arguments can more credibly explain the genesis of an institution than its design and effect. The preferences of domestic coalitions are strong enough to influence the genesis of institutions but not their development. In order to explain the design and effect of institutions, domestic argument usually unites with other arguments. In addition, for the application of domestic argument, it is important that the consequences of institution creation on power distribution, transaction costs and normative convergence are insignificant.

As regards the argument of constructivism on institutional design, it argues that the process of interest formation is social. Constructivists consider the beliefs and expectations of states, instead of their material capacity, as an important condition for the realization of institutional design. In addition, constructivism argues that states' interests are created after the formation of institutions, in contrast to the rational argument which claims that institutions are a product of states' interests. Emphasizing the importance of social interaction, constructivists believe that states can shape institutional design after interacting with each other. At the same time, it is misleading to think that constructivism opposes the interest argument. Constructivism also treats states as rational actors that pursue their interests and behave strategically after social interaction. The difference from rationalist approach may consist only in the source and content

of interests. Therefore, constructivism and rationalism can be treated not as competitive but as complementary arguments (Hurd 2008).

While contributing to the explanations on the formation of institutional designs, both liberalism and constructivism fail to show the interests and influence of states on the formation process. Liberalism focuses on the interests of domestic groups, whereas constructivism attributes the social norms to the basis of institutional design. On the contrary, the explanation of rationalism is primarily based on states' incentives in designing institutions. It argues that states cooperate with each other and construct institutional designs to push their interests. By treating states as rational actors, it provides power and interest-based arguments to explicitly demonstrate the state's ability to shape institutional design.

**Power-based argument**

The power-based argument of rationalism stems from the power explanation, which emphasizes the role of power in making decisions within institutions. The main theory related to power arguments is realism. Realism considers states as the main actors in the international community with conflictual interests and material power. According to realism, institutional design is shaped by the preferences of powerful members (Young 1989). The main condition for the formation of institutional design is a concentration of power in the hands of the strongest states. Institutions are created by powerful members to pursue their interests, and relatively less powerful states are just pawns of the hegemons without leverage to affect the institutional design, whether hegemons are strong or weak. (Krasner 1982). Due to their desperate position, weak states are forced to join institutions created by powerful states in order not to remain outside of cooperation. Interestingly, the power-based argument believe that weak states are not against giving the leverage in shaping institutional design to powerful states since they won't have to make an effort while powerful states provide common goods (Gruber 2000).

In addition, realism argues that powerful states are interested in preserving their dominance in the formation of institutions by preventing power distribution. If the number of members increases, the power is dispersed among several members, and powerful members lose their influence. By controlling membership, the powerful states can maintain power over the institution (Young and Osherenko 1993a). In contrast to the interest argument, which emphasizes the role of states' self-interests in crafting institutional design, the power argument pushes forward the survival of states. States are concerned with preserving their power in order to survive and enhance security in an anarchical world. Instead of gaining the highest gain from cooperation, states are engaged in preventing the relative power of other states and maintaining their dominant positions. Therefore, realists are pessimistic about cooperation since it can cause danger to a state's survival and independence (Grieco 2018).

This assumption about power maintenance corresponds to the specific realism identified by Rosecrance (2001). The main principle of specific realism is preserving the balance of power in institutions. Assuming the dominance of a stronger state, specific realists believe that there is a need for a balance of power. Otherwise, a dominant state may pose a threat to the remaining states. In order to prevent such a threat, states need to balance each other's power. A balance of power can emerge either naturally due to the competitiveness of the international system or artificially through the efforts of states to create a balance. In addition to specific realism, Rosecrance identified another type of realism, named generalist realism, which is similar to interest-based argument. It differs from specific realism in reducing the importance of balance of power and emphasizing the role of states' interests. States join institutions in order to promote their self-interests, not the balance of power.

Krasner (1982) believes that the influence of power on the development of institutional design varies between two different positions. Power, according to the first position, ensures the common good. On the contrary, the power of the second position enables the realization of

the interests of particular states. Both positions are the ways in which hegemons operate. In the first position, they ensure the common good because of profit maximization, not because of being cosmopolitan. In the second position, they only pursue their self-interests.

According to Voeten (2019), power argument fits the distributive rationalist approach. The power of distributive rationalism ranges among actors. Particularly, actors with more power can influence the outcome of cooperation in their favor. In such cases, the interests of weak states may be overlooked. In order to prevent disagreements due to different powers and interests among actors, the bargaining process plays an essential role in distributive rationalism. Young (1989) also emphasizes the role of the institutional bargaining model in the formation of institutional design. He argues that bargaining leads states to cooperate and promote joint interests. One of the characteristics of institutional bargaining is that it is integrative rather than distributive. Instead of being distributed, payoffs remain integrated among actors during the bargaining process. The second characteristic inherent to the institutional bargaining model is uncertainty about the future. States cooperate and create institutions to reduce uncertainty. Finally, the presence of unanimity among actors is a prerequisite to the development of institutional design through bargaining.

The criticism to power argument relies on the consideration of the role of hegemons not as a rule but as an exception. The argument of power theories about the presence of hegemons as a main condition for institutional design formation was challenged by Keohane (1984). He argues that the power of hegemons has declined while the number of institutions has increased. This shows that the formation of institutional design does not depend on hegemons. Instead of hegemons, the presence of shared interests among actors is a necessary condition for the development of institutional design. Another problem with the power argument is the complexity of measuring power. States with material strength cannot be automatically classified as powerful in the process of institutional design formation. Because powerful states may refuse

to exercise material power if the costs of formation of institutional design are high. In addition, institutions can restrict the influence of hegemons by providing voting rights to all members. Even if relatively less powerful members cannot exercise influence in institutions, they can at least restrain the decisions of powerful states by using blocking power (Young 1989).

**Interest-based argument**

In opposition to the power-based argument for institutional design, which sees cooperation as a negative factor that leads to utility decrease, interest-based argument believes that institutions enable cooperation (Hasenclever et al. 1997). The core of interest-based arguments is the utilitarian model, which treats states as rational actors seeking mutual gains. In contrast to the power argument, utilitarians are against the concentration of power on the one hand, as it will lead to an unequal distribution of gains (Young 1989).

While classifying the power argument as the distributive rationalist approach, Voeten (2019) attributes the interest argument to the rational functionalist approach. The main difference between rational functionalist and distributive rationalist approaches is that the former states that the institutional design serves joint interests, while the latter argues that each state promotes its own interests. While in distributive rationalism, power ranges among actors, in rational functionalism, states act cooperatively and exert similar leverage in the decision-making process.

The main theory that supports the interest-based argument in facilitating cooperation between states and designing institutions is neoliberalism. Neoliberalism agrees with some of the realism's arguments related to states and anarchy. For instance, it also emphasizes the role of states, as realists do, in the formation of institutional designs by treating them as rational actors. Neoliberals believe that states are primarily concerned with individualistic gains from cooperation. In addition, similar to realists, neoliberals acknowledge the negative impact of

anarchy on cooperation processes. However, at the same time, neoliberals believe that, despite the problems caused by anarchy, states can cooperate with the help of institutions. They are more optimistic about the perspectives of institutions compared to realists. The pessimism of realists about institutional designs derives from the fear that other actors can achieve more. On the contrary, neoliberals assume that states are interested only in their profits, not paying attention to the gains of others. Their concern consists not in the gains of others but in the possibility of cheating during cooperation. Cheating can be caused by uncertainty about compliance by partners and high transaction costs to enable cooperation. Neoliberals believe that institutions can prevent cheating by minimizing uncertainty and transaction costs (Grieco 2018).

The problem of the interests-based argument is related to the difficulties with designing institutions which can satisfy the interests of all members. Since states are rational actors concerned with their interests primarily, reaching a compromise is a difficult process. Moreover, some states may be reluctant to come to an agreement due to the uncertainty as to whether compliance will be enforced (Young 1989). Another criticism comes from the power argument, which stresses the role of powerful states in crafting the design. In such cases, stronger states will try to satisfy only their interests, thus challenging interest-based argument's pareto-improving belief in institutions (Solingen 2008).

However, in the 20$^{th}$ century, the power relationship in building institutional designs has changed. This is due to the fact that the ability of relatively less powerful states to push their interests in bargaining processes has increased. Rothstein (1968) explains the increase in relatively less powerful states' influence in institutional design, by arguing that hard power ceased to be a prerequisite for measuring a state's strength. It is related to the creation of the League of Nations which provided relatively less powerful states with the opportunity to participate and make decisions on an equal basis with stronger states in the institution.

According to Handel (1981), institutions provide relatively less powerful states with more favorable conditions than stronger states. They are required to contribute less to institutions, and at the same time, they can obtain more aid due to their vulnerable conditions. Schneider (2011) also believes that relatively less powerful states can exercise influence in the bargaining process of institutions. She identified three periods when the interests of relatively less powerful members are considered. These are the cases when the decisions of reforms are unanimous, when threats by weak members are credible, and when the institution aims to solve the conflict. All in all, relatively less powerful states can exert influence in the upcoming institutional reforms if powerful members do not want to experience the high costs of distributional conflict. In addition, the commitment of states to collective security after the Second World War also played a significant role in strengthening the role of relatively less powerful states. Since collective security was established with the aim of renouncing the use of force, the importance of military capacity in determining a state's strength became controversial. Moreover, relatively less powerful states can now increase their own military capacity. By elaborating military capacity, they can prevent the threat from great powers and promote their interests in the bargaining process (Rothstein 1968).

Therefore, the perception about relatively less powerful states as incapable actors to exert influence in designing institutions has changed. Rothstein (1968) states that not military strength but a state's foreign policy matters in designing institutions. Small states can push their interests in crafting institutional designs through entering into alliances. Likewise, Long (2016) believes that relatively less powerful states can exercise their derivative strength by joining alliances with powerful states. A more friendly relationship with stronger powers is more likely to increase relatively less powerful states' abilities to shape institutional design.

Derivative power can be illustrated in patron-client relationships. Stronger states, in the form of patrons can reward the compliance of relatively less powerful states by satisfying their

interests. However, it is important to clarify that cooperation with not all-powerful states may satisfy relatively less powerful states' interests. While assessing states as rational actors that care primarily about their interests, it is less likely that stronger states are willing to pursue relatively less powerful states' interests in designing institutions if they are also members of institution. Therefore, relatively less powerful states can exercise derivative power with external states that have not been engaged in the creation and development of institutions (Long, 2016). However, the relationships of less powerful states with external powerful states can affect the position of more powerful member states. Another main condition for the use of derivative strength, according to Handel (1981), is the state's freedom of action in the international system. It implies the situation when a state is able to conduct its foreign policy independently and cooperate with external powers. On the contrary, states that are controlled and dictated by great powers or conduct isolationist policies are deprived of the opportunity to exert derivative strength to pursue their interests.

One of the main types of derivative power is omni-enmeshment, when states establish relationships with other states and make a web of integration to follow their long-term goals. As a rule, they implement omni-enmeshment by establishing ties with powerful states, attracting foreign investment and becoming members of international and regional organizations. Omni-enmeshment is explicitly reflected in multivector policies of relatively less powerful states. They establish multivectorism in foreign policy to protect their sovereignty from the influence of powerful states. By engaging in cooperation with developed and stronger states, relatively less powerful states can maintain a balance of power and promote their interests (Vanderhill et al. 2020). Multivector foreign policy can be described as a co-alignment with powerful states. Less powerful states can engage in asymmetrical relationships with more powerful states to minimize their dependence and increase their leverage in international relations. Multivectorism has the elements of balancing and bandwagoning. Less powerful

states can use balancing to preserve their independence and sovereignty from the dominance of more powerful states. Furthermore, if the less powerful states are interested in self-extension and achieving their desired goals and values, they can adhere to bandwagoning. As such, by diversifying their partners and engaging in co-alignment with great powers, the less powerful states are able to prevent more powerful states from establishing a dominant position in joint institutions, and furthermore to convince them to consider their interests in designing intuitions (Contessi 2015).

The influence of multivector policy on strengthening the positions of relatively less powerful littoral states can be illustrated in the Central Asian states. Despite having close political, social, and economic connections with Russia, the Central Asian republics chose to cooperate with other developed states and conduct pragmatic foreign policy after the dissolution of the USSR. As a consequence, one can observe growing relationships between powerful external states and relatively less powerful Central Asian states. Seeing the competition from other powerful states in the Central Asian, Russia is more likely to consider the preferences of its former republics in designing regional institutions (Orazgaliyev 2017). Therefore, it is possible to predict that derivative power increases relatively less powerful states' abilities to shape institutional design. This assumption leads to the following hypothesis:

**Hypothesis 1:** Relatively less powerful states can influence the formation of institutional design by using derivative power.

According to Long (2016), relatively less powerful states' power is not limited to derivative power and includes particular-intrinsic power. While it is believed that stronger states can possess intrinsic power in many areas, including the economy, military and population, relatively less powerful states can have a particular advantage in one of those areas. This falls under the particular-intrinsic power category. Particular-intrinsic power may incorporate different range of resources, such as important strategic location, ideational resources, a state

of transition, rich natural resources and so on. It is important that the state is aware of its strength in a certain area and puts effort to develop it.

The successful examples of particular-intrinsic power in the form of strategic location include Switzerland and Singapore, whose geographical locations allowed them to increase economic and military capacities. Another form of particular-intrinsic power owned by relatively less powerful actors includes ideational resources. Ideational resources imply perception of their identity in the eyes of other states built up by their performances in domestic and foreign policies. For instance, the ideational resources of Scandinavian states consist in their identities as promoters of sustainable development and mediation norms (Long 2016). Being in a state of transition can also work in favor relatively less powerful states. This was the case of Central Asian states when they gained independence after the collapse of the USSR. Many Western states and organizations saw this transition as an opportunity to promote their interests, and therefore engaged in cooperation with newly established states (Cooley 2014). Finally, one of the main particular-intrinsic power exercised by relatively less powerful states is energy resources. Possession of energy resources allows the state to develop not only its economy, but also foreign policy. Energy-producing relatively less powerful states, ranging from Arabian nations to very small Caribbean nations such as Trinidad and Tobago, have increased their political capabilities due to their hydrocarbon resources (Braveboy-Wagner 2010). This is also relevant to the Caspian littoral states. While Russia can be considered as a stronger state in the region by exercising exogenous power in political, economic and military spheres, other littoral states such as Kazakhstan, Turkmenistan and Azerbaijan possess endogenous power. In particularly, the strategic location in the Caspian Sea gives them access to large amounts of natural resources (Madani, Farhidi and Gholizadeh, 2022).

One important condition for the exercise of particular-intrinsic power in energy resources is that the target state should rely on the resources of the relatively less powerful state.

Thereby, relatively less powerful states can use this dependence for their own benefits and as a leverage to push their interests. Stronger actors are more likely to support relatively less powerful states' interests and enter into alliances with them if particular-intrinsic power of relatively less powerful states has a value for them (Braveboy-Wagner 2010). This can be illustrated in the Caspian Sea region. Due to the attractiveness of energy resources in the Caspian Sea, externally stronger states such as the US, China, and European states have been interested in cooperating with relatively less powerful Caspian energy-producing states. For example, the United States initiated the construction of the East-West Energy Corridor when new member states appeared in the Caspian Sea after the collapse of the Soviet Union. It was planned to connect the Central Asian states with the South Caucasus, thus enabling the transportation of Caspian hydrocarbons to the West without interference from Russia and Iran. Within this initiative, the US supported the construction of the Baku–Tbilisi–Ceyhan pipeline. The second largest foreign investor in the Caspian energy sector is China. As a result of the construction of oil and gas pipelines in Kazakhstan and Turkmenistan, Central Asian states became China's major resource suppliers. Furthermore, cooperation between China and Central Asian states has been strengthening since the declaration of the Belt and Road Initiative in 2013 in the capital of Kazakhstan. In addition, European Union states have been actively engaged in the investment of strategically important projects in the territories of relatively less powerful states (Orazgaliyev 2017). It demonstrates that the particular-intrinsic power significantly affects the ability of relatively less powerful states to attract the interests of stronger states and cooperate with them. Subsequently, relatively less powerful states can use such cooperations to pursue their own interests in shaping institutional designs. Therefore, relatively less powerful states are more likely to reflect their preferences in institutional designs if they have particular-intrinsic power. Recognition of the importance of particular-intrinsic power on relatively less powerful states' leverage in forming institutional designs leads to the second hypothesis:

**Hypothesis 2:** Relatively less powerful states can influence the formation of institutional design by using particular-intrinsic power.

**Methodology**

In order to identify the influence of relatively less powerful states on the formation of institutional designs, I will use the case study method, which is directed at explaining theory through conducting case studies (Crowe 2011). It follows the deductive principle, which aims to generalize findings based on theory (Johansson 2007). Reliance on theoretical propositions facilitates the process of data collection (Yin 2003). Therefore, my analysis is based on theories, explaining relatively less powerful states' influence in designing institutions. In particular, the interest-based theory will be used, as was mentioned in the literature review.

The research aims to identify the influence of relatively less powerful states on the elaboration of institutional designs. For the institutional design, I chose the design of the Tehran Convention, as it was the first institution related to the Caspian environment that was jointly designed and adopted by all littoral states in 2003. In particular, Azerbaijan, Iran, Kazakhstan, Russia and Turkmenistan took part in designing the Tehran Convention. Another reason for the selection of the Tehran Convention is related to the presence of different power relationships among actors. Within this group of states, I classify Russia as a stronger state and others as relatively less powerful in relation to Russia, as was illustrated in the first chapter.

For the analysis of relatively less powerful states' influence, the analysis is particularly based on the exploration of Kazakhstan's interests. The selection of Kazakhstan as a representative of relatively less powerful states in the environmental institution of the Caspian Sea is related to its possession of both derivative and particular-intrinsic powers. The derivative power of Kazakhstan is represented in its multivector foreign policy which prioritizes cooperation with other states. Kazakhstan has followed and implemented multivectorism since

gaining independence in 1991. Just six months after the collapse of the USSR, the former President Nursultan Nazarbayev pronounced that Kazakhstan would adhere to a multivector approach in the development of its foreign policy. He outlined five regions, such as Europe, Asia, North America, the Pacific Basin and the CIS states, where the multivector policy would be directed. By developing multivectorism, Kazakhstan established beneficial relationships with a number of powerful states, including the US, China and European states, as well as maintained its relations with Russia (Vanderhill et al. 2020).

Kazakhstan's decision to implement multivector policy was caused by security and economic interests. The interests in security were connected with Russia's increasing hegemony in the post-Soviet region. The Kazakhstani government did not want to be a pawn of Russia and used multivectorism to avoid Russia's influence in its domestic and foreign policies. Furthermore, multivector policy acquired huge public support, as it was seen as a tool to maintain and solidify sovereignty and Kazakh identity. Another main reason for developing multivectorism was caused by the economic interests of Kazakhstan. Kazakhstan's economy was in a difficult state after the collapse of the Soviet Union, and foreign investment was seen as a tool to restore and develop the economy (Hanks 2009).

As regards the particular-intrinsic power of Kazakhstan, it is expressed in the abundance of natural resources. According to the US Energy Information Agency's report on the Caspian resources in 1998, Kazakhstan's oil reserves were the largest among other Caspian states, reaching 16 billion barrels, and gas reserves ranged between 53 and 58 trillion cubic meters (Zonn 2000). Most of the energy reserves are located in regions near the Caspian Sea. In 2000, the Atyrau and Mangystau regions, stretching along the Kazakh coastline of the water body, accounted for 46 and 28 percent of Kazakhstan's total oil reserves, respectively (UNECE 2000). At that time, the Atyrau region possessed 43 oil and gas fields, including Tengiz, the largest oilfield in the country. In the early 2000, Kashagan oil and gas fields were discovered in the

region. The number of producing oil and gas fields in the Mangystau region accounted for 27, while the number of explored fields was 69. The total amount of oil produced in these regions in 1998 was equal to 18.2 million tons (Diarov 2001).

It is important to note that Kazakhstan's particular-intrinsic and derivative powers were interrelated. This is due to the fact that Kazakhstan's rich energy resources played a significant role in implementing multivector policy to achieve the abovementioned security and economic goals. Developed states were interested in cooperating with Kazakhstan primarily due to its hydrocarbon resources. Kazakhstan used the Caspian oil and gas resources to attract foreign investors, making them favorable offers. The first agreement with an international energy company was signed in 1993 between former President of Kazakhstan Nursultan Nazarbayev and the then chairman of the Board of Chevron. In particular, Kazakhstan and Chevron agreed on joint venture of Tengiz oilfield for 40 years. Afterwards, the number of international companies interested in the Kazakh natural resources on the Caspian shelf increased. It led to the formation of the Kazakhstancaspiyshelf consortium in 1993 which incorporated six foreign partners, such as Shell, Total, ENI, BG, BP/Statoil, and Mobil, as well as Kazakhstan's national oil company Kazakh Oil. In 1997, Chevron along with ENI, BG, and LUKOIL signed the North Caspian Production Sharing Agreement in Kazakhstan. (Hardin 2012). Overall, during the period between 1993 and 1998 Kazakhstan received $3.2 billion investment for its oil and gas industries. It accounted for two-thirds of Kazakhstan's foreign direct investment inflow (Atanesyan 2000).

Therefore, considering the high interests of developed states in Kazakhstan's particular-intrinsic power in fossil fuels, as well as the impact of its derivative power in the form of multivectorism on facilitating cooperation with stronger states, it is possible to assume that Kazakhstan was able to push its interests in the design of Caspian environmental institutions despite the presence of a stronger state, Russia.

The analysis of the case will be achieved in three stages. At the first stage, I will apply the reflexive thematic analysis proposed by Braun et al. (2019). First, I will familiarize myself with the contents of Kazakhstan's legislative and public documents on the environment of the Caspian Sea during the period from 1991 to 2003, thus covering the timeline from the collapse of the USSR before the adoption of the Tehran Convention. In addition, I will familiarize myself with the content of the Tehran Convention. Next, by reviewing these documents, I will generate themes relevant to the interests of Kazakhstan and to the design of the Tehran Convention. Application of inductive orientation rather than deductive is more relevant in this process due to the need to create themes based on the case. The next two phases, such as revising and defining themes, will help to provide an in-depth understanding of themes. Finally, by analyzing the documents according to themes, I will demonstrate the main interests of Kazakhstan on the environment of the Caspian Sea and the main provisions covered in the Tehran Convention.

At the next stage, I will examine whether Kazakhstan's interests are reflected in the Tehran Convention. I will use descriptive analysis to identify the convergence between Kazakhstan's interests and the Tehran Convention's provisions by grouping them into similar thematic areas.

Finally, I will analyze the causal mechanisms that enabled Kazakhstan to push its interests. In the first step, I conceptualize its particular-intrinsic and derivative powers as casual mechanisms. This step aims to find out whether the causal mechanisms were present in the case study. If the answer is yes, the following step will examine the operationalization of the causal mechanisms in practice. In the case of particular-intrinsic power, Kazakhstan will use its rich natural resources to advance its interests. As regards the operationalization of the derivative power, the impact of Kazakhstan's multilateral approach in its foreign policy on the promotion of its interests will be assessed.

As regards the source of evidence, documentary evidence will be used in this study. I will collect data by accessing the archival documents and searching the Internet. Primarily, Kazakhstan's legal and public documents will be accessed online and by visiting the National Archive of the Republic of Kazakhstan. The information containing Kazakhstan's contributions to the formation of the Tehran Convention will be accessed via the archival database Caspinfo which was created by the Crude Accountability Organization. In particular, I will search for keywords such as Kazakhstan and related cities such as Almaty, Aktau and Atyrau in the period from 1999 to 2003. In addition, the reports and reviews of the international organizations, involved in the development of the management of the Caspian environment, will be used in the study.

## Chapter 3. Analysis

### Introduction paragraph

This chapter aims to answer the research question of the thesis work on whether the relatively less powerful states are able to push their interests in designing institutions using their derivative and particular-intrinsic powers. This will be demonstrated based on the case study of the Caspian Sea's institutional design. Firstly, the chapter aims to outline Kazakhstan's interests, as the interest of the relatively less powerful state, related to the environment of the Caspian Sea before the adoption of the Tehran Convention. The next section of the chapter will analyse the Tehran Convention, as it was the first institution designed by the efforts of all Caspian littoral states to comprehensively address the environment of the Caspian Sea. The third section will analyze the interests of Kazakhstan in accordance with the provisions of the Tehran Convention in order to determine which of them were reflected in the design of the Convention. The last section will explain how Kazakhstan's derivative and particular-intrinsic powers contributed to the promotion of Kazakhstan's interests.

### Kazakhstan's environmental interests in the Caspian Sea

Kazakhstan covers the northeastern part of the Caspian Sea along a coastline of 2,320 km, which is one third of the entire Caspian coastline. This part of the water body is characterized as the shallowest, with an average depth of 4 meters (Amirgaliev et al., 2022). Despite the shallowness, it has been pronounced for its rich and diverse marine species and natural resources. The flora of the Caspian Sea was represented by 967 species of plants, of which 33 endemic species were located in Kazakhstan in early 2000. In addition, the Caspian Sea was a habitat for 56 species of mammals, 278 species of birds and about a hundred species of fish. Kazakhstan listed 5 species of mammals and fish and 31 species of birds in its Red Book (Diarov 2001). In addition to hosting many endemic species, the water body had the

largest reserves of sturgeon species. The littoral states actively fished them for commercial reasons. In Kazakhstan alone, about a thousand tons of sturgeon were caught in 1999, including legal and illegal catches (Interim Secretariat 2010).

In addition, the Kazakh part of the Caspian Sea has abundant reserves of natural resources such as oil and gas. According to the US Energy Information Agency's report, in 1998, the amount of oil reserves of Kazakhstan ranged between 10 billion and 16 billion barrels and gas estimates ranged between 53 and 58 trillion cubic meters (Zonn 2000). In 1993, Kazakhstan adopted the Resolution No. 936 that provided right to conduct geological exploration in the Caspian zone. Therefore, since 1994, Kazakhstan has engaged in exploring and developing its energy resources on the Caspian shelf. In 2000, the Atyrau and Mangystau regions, located along the Kazakh coastline of the water body, jointly accounted for most of Kazakhstan's total energy reserves (Diarov 2001).

Despite the high indicators in the amount of biological and natural resources, the environment of the Caspian Sea had significantly deteriorated in the end of the 20$^{th}$ century. The main environmental issues included pollution from development of energy resources, water level rise and extinction of endemic species. The exploitation of energy resources caused a negative impact on the Caspian Sea, by contaminating its marine environment. The state program for the development of the Kazakh sector of the Caspian Sea dated 2003 laid out that the exploitation of oil and gas and construction of pipelines in the water body led to the 5 million tons of oil spills and contamination of 194 thousand hectares territory of West Kazakhstan. Another environmental issue was related to the water level rise which took place in the Caspian Sea during the period between 1978 and 1995. The increase in the Caspian water level led to the flood on the Kazakh coastline. In particular, the area exposed to flood was up to 17,000 square meters covering the settlements of west regions, agricultural enterprises, as well as oil and gas fields (UNDP 2004). In total, 20 oil fields in Atyrau region and 8 oil fields in Mangystau

region were flooded, according to the State report “State of natural resources and the environment in the republic of Kazakhstan” prepared by the Ministry of Ecology and Natural Resources of the Republic of Kazakhstan (hereinafter MNRPE RK 2001). The last main environmental issue that Kazakhstan faced in the Caspian sector was the extinction of marine resources. In 2000, the bodies of more than 12 thousand endemic Caspian seals were found in the Kazakh sector of the water body (Interfax 2022).

Acknowledging the environmental issues in the Caspian Sea and its biological and economic importance for the country, Kazakhstan was highly interested in protecting the Caspian environment. The first legal framework addressing the status of the Caspian Sea in Kazakhstan was the Resolution of the Council of Ministers of the Kazakh SSR dated April 30, 1974, No. 252 “On the declaration of a protected area in the Northern part of the Caspian Sea”. According to the Resolution, the area of the Caspian Sea located in the territory of the Republic of Kazakhstan including the deltas of the Volga and the Ural rivers was regarded as a protected area and the development of fisheries and water transport in the area was under the state control (Kazhydromet report, 2002).

In addition, Kazakhstan took a number of measures on facilitating cooperation between the Caspian littoral states on the environmental management. In 1994, the Prime Minister of the Republic of Kazakhstan adopted an order “On the problem of the Caspian Sea” that incorporated Kazakhstan’s interests in facilitating cooperation between the littoral states. In particular, the Directives of the order prioritized the management of the Caspian environment through the cooperation with other Caspian states and prescribed the Kazakh delegation to initiate the creation of the interstate council that would contribute to the coordination of the environmental issues by uniting the governments of the littoral states. In addition, the Directives emphasized the need to respect the sovereignty and interests of Kazakhstan in the course of cooperation processes.

Kazakhstan's initiative on promoting cooperation in the Caspian Sea was further demonstrated in gathering the officials of the littoral states in 1994 that led to the adoption of the Almaty Declaration on Cooperation of the Environmental Protection of the Caspian Sea Region. It was the first legal act that was jointly designed and adopted by the littoral states to solve the environmental issues in the water body (Janusz-Pawletta 2021). Afterwards, in September 2003, Kazakhstan hosted the conference "Caspian Ecology 2003" which was the first international environmental conference dedicated to the environmental safety of the Caspian Sea during the development of oil resources. More than 150 delegates from 11 countries, including four Caspian littoral states, participated in the conference. As a result of the conference, the "Aktau Caspian Declaration" was adopted, which comprised the claims of the littoral states to improve the ecosystem of the Caspian Sea by incorporating stakeholders and civil society, develop the national legislations and standards on the environmental safety of the water body, as well as to facilitate the implementation of joint actions, such as signing the Tehran Convention (Crude Accountability 2003).

In addition, Kazakhstan developed many policies and legislation that prescribed requirements and measures on improving the environmental conditions of the Caspian Sea. In particular, they covered provisions on preventing pollution and conserving the marine environment, as well as implementation requirements of provisions related to monitoring, reporting and enforcement. Therefore, it is appropriate to analyze the interests of Kazakhstan, dividing them into three thematic areas, such as pollution, marine environment and implementation.

**Pollution**

Kazakhstan is interested in preventing pollution in the Caspian Sea caused by the activities related to the extraction and production of energy resources. Recognizing the

abovementioned negative consequences of oil and gas production on the environment of the Caspian Sea, Kazakhstan took a number of measures to prevent and minimize pollution. The main areas of pollution provisions were aimed at preventing pollution caused by exploitation of oil and gas, oil accidents, pollution caused by dumping, emergencies and pollution from other human activities.

The requirements for preventing pollution during gas and oil operations on the territory of Kazakhstan, including the northern part of the Caspian Sea, were comprehensively addressed in the Law No. 2350 "On Oil" dated 1995. It has pollution provisions to regulate the exploration and production of natural gas (Article 30-4). In particular, they require the users engaged in the extraction of natural gas to comply with environmental safety standards, utilize associated and natural gas and prohibit their flaring, except in cases of environmental emergencies. The requirements for oil production were developed in the Article 36. The first three subsections of the Article set out requirements for regulating pollution from seabed activities, such as conducting oil operations, exploration and production of oil, and construction and operation of oil and gas pipelines at sea, respectively. All of these subsections commit the contractors involved in oil operations to adhere to environmental standards to protect the marine environment. The first and second subsections oblige the contractors to prevent marine pollution by developing programs that cover measures to control oil, ensure preparedness for oil emergencies and eliminate their consequences. Furthermore, the first subsection puts liability on the contractors carrying out oil operations for damage to the environment resulting from oil pollution at sea and obliges them to liquidate or minimize the extent of pollution by taking all appropriate measures. It shows that the Law adheres to the "polluter pays" principle which commits polluters to bear the costs of preventing and reducing pollution.

Another legal framework of Kazakhstan that incorporated provisions for preventing pollution during the exploitation of energy resources in the Kazakh sector of the Caspian Sea

was the Law No. 2828 “On subsoil and subsoil use” dated January 27, 1996. The objective of the law was to manage the operations carried out in the subsoil of Kazakhstan in order to ensure its rational use and protection of environment. The requirements for subsoil use operations within safety zone obliged users to minimize pollution from operations on the marine environment, take liability for environmental damage caused by pollution resulting from subsoil use operations, comply with Kazakhstan’s environmental legislation during all stages of subsurface use and prevent pollution in surface and groundwater, emissions of pollutants into the atmospheric air, desertification, soil erosion and environmental damage. (Article 48).

The pollution provisions were also envisaged in the National Caspian Action Plan of the Republic of Kazakhstan which contained instructions on the adherence to environmental safety standards and rules during oil operations. In particular, the five-year priorities of the Plan included the development of programs for elimination of oil pollution during exploration of oil fields and production of oil (CEP 2002). In addition, the “State program for the development of the Kazakh sector of the Caspian Sea” dated 2003 set out the principles for the development of the Kazakh sector of the Caspian Sea that included environmental conditions for preventing pollution during gas operations. The priority measures of the program for the period 2003-2015 outlined the development of regulatory framework to minimize pollution from industrial sources by prohibiting gas flaring, except for emergency situations and ensuring the disposal of waste only after the state environmental assessment. In addition, the measures on preventing pollution around the Kazakh part of the Caspian Sea included the development of projects directed to eliminate oil pollution in the contaminated areas of oil fields. For example, there were projects in the oil industries in the city of Atyrau dealing with the elimination of oil pollution (MNRPE RK 2001).

Importantly, the pollution provisions also addressed the requirements for oil accidents. The abovementioned Law No. 2350 “On Oil” (1995) prescribed measures related to oil

accidents in the Article 30-2 that obliged the contractors engaged in oil operations to comply with established standards and take measures that are necessary and effective to prevent oil accidents. One of such measures laid out in the article was the development of programs that facilitate the prevention of accidents during oil operations. In addition, the measures taken by the government of Kazakhstan on preventing oil accidents in the period between 1998 and 2000 were laid out in the (MNRPE RK 2001). One of the important measures on regulating oil accidents was the preparation of the National plan for prevention of oil spills and response to them on the sea and inland waters. Notably Kazakhstan prepared the plan in May in 2000 earlier than in other Caspian littoral states. The plan covers the instructions on information dissemination and the preparation of necessary equipment for oil incidents. In addition, the oil companies operating in Kazakhstan prepared oil response plans. For instance, the Offshore Kazakhstan International Operating Company prepared a plan for response to oil spills by identifying different levels of pollution and appropriate response strategies.

Another group of pollution provisions addressed pollution caused by dumping of waste of untreated water. The abovementioned Law No. 2350 “On Oil” (1995) contains the requirement on discharge of waste. In particular, the sixth subsection of the Article 36 prohibits the discharge of waste into the sea during oil operations and permits the discharge of industrial waters if authorized and controlled by state regulatory authorities and if cleaning is carried out in accordance with established standards. In addition, the “Special environmental conditions for conducting geophysical research in the Kazakh part of the Caspian Sea” (1995) which were designed to protect the biodiversity and ecosystem of the Kazakh part of the Caspian Sea during seismic exploration contains conditions for preventing pollution in the water body. In particular, they are aimed at regulating pollution caused by dumping through prohibiting the discharge of untreated water and waste into the Caspian Sea. The requirement on preventing pollution caused by dumping of waste was further stipulated in the “Special environmental requirements in the

State Protected Area in the northern part of the Caspian Sea" (1999) which were also applied to geophysical research conducted in that area. They prohibited dumping or storing production waste at the bottom of the water body and obliged people conducting geophysical research to have installations in drilling platforms and vessels for storing wastewater and garbage.

During that time period, Kazakhstan was also interested in preventing environmental emergencies due to the exploitation of energy resources. The document "Special environmental conditions for conducting geophysical research in the Kazakh part of the Caspian Sea" (1995) have conditions for users in charge of exploration drilling to prepare action plans, equipment and personnel for emergency situations take measures to prevent emergencies by using environmentally safe technologies and minimizing hydrocarbon and gas flaring. In addition, the Law "On Environmental Protection" (1997), which was designed to improve the state of environment and promote the rational use of natural resources in Kazakhstan, specifies that in the case of emergencies and excessive emissions of pollutants, the users exploiting natural resources must notify the authorized body about the accident (Article 25).

Finally, Kazakhstan designed provisions for preventing pollution from other human activities such as construction of dams. For instance, the Article 36 of the Law "On Oil" (1995) states that the construction of artificial islands, dams and structures for conducting offshore oil operations, scientific research or other purposes can be permitted if marine resources and ecosystems are protected.

**Marine environment**

Recognizing the importance of preserving endemic biodiversity inhabiting the northern coast of the Caspian Sea, Kazakhstan put significant efforts on elaborating marine environment provisions. Primarily, the provisions were aimed at protecting the habitats of marine species during the exploration and production of natural resources and restoring their population.

The first provisions were addressed in the document “Special environmental conditions for conducting geophysical research in the Kazakh part of the Caspian Sea” (1995) that addressed the maintenance of population of marine species in the Kazakh sector of the water body during geophysical research. According to the conditions, it was forbidden to conduct seismic exploration in nesting sites of waterfowl and near-water birds, as well as in the habitats of seals in order to protect their population.

In addition, the National Environmental Center of the Republic of Kazakhstan prepared the project “Conservation of flooded wells of oil fields and exploration wells in order to preserve biological diversity” which prescribed measures on protecting marine resources by minimizing drilling works around the habitats of marine species, avoiding habitats when building ship routes and using geotextile material to prevent dissemination of pollutants. Furthermore, there were measures taken to identify the causes of mass extinction of seals in 2000 (MNRPE RK 2001).

The management of the Caspian marine resources was further comprehensively addressed in the National Caspian Action Plan (NCAP) of the Republic of Kazakhstan adopted in 2002 within the framework of the CEP. As main problems to marine resources, it outlines a decrease of stocks and overuse of commercial marine species, pollution of habitats and ecosystems, and threats to biodiversity such as poaching. In order to prevent these problems, the NCAP set priorities for a period of five years which incorporated the realization of a state monitoring of the conditions of biodiversity, assessment of effects of anthropogenic activities on marine resources, conducting an audit, zoning the habitats of endangered species, restoring the marine species and ecosystem, elaboration of guidelines for the rational use and conservation of marine resources and etc. Notably, the problem with fish management was addressed separately by recognizing the problem with the decrease of fish stocks, particularly sturgeons and a reduction of spawning grounds. The priorities for fish management comprised

development of fisheries programs, conservation of rare and endemic fish species, guarding the sturgeons during the spawning period and so on. In addition, the NCAP reveals the alien invasion problem and suggests elaborating and implementing a plan to prevent mnemiopsis.

Lastly, Kazakhstan's interests in preserving the Caspian marine resources before the adoption of the Tehran Convention were reflected in the "State program for the development of the Kazakh sector of the Caspian Sea" (2003). One of the principles of the program was the development of the Kazakh sector of the Caspian Sea by protecting the marine environment and developing environmental safe technologies and equipment. The priority measures of the program for the period 2003-2015 included the development of regulatory framework for the preservation and rational use of marine resources and coastal zone, as well as restoration of feeding and spawning grounds for fish and habitats of commercial animals in the Caspian Sea.

**Implementation: monitoring, reporting and enforcement**

In order to strengthen the effectiveness of pollution and marine environment provisions, Kazakhstan incorporated environmental impact assessment and monitoring requirements in the abovementioned legislative and normative acts dedicated to the environment of the Caspian Sea. For instance, the Law "On Oil" (1995) has a provision that requires contractors to monitor the state of environment prior to the beginning of oil operations and create a system containing information from monitoring (Article 48). Another provision requires conducting environmental assessment of the impact of oil operations and obtaining a positive result before concluding a contract for oil operations, such as (Article 47). The Law "On subsoil and subsoil use" (1996) also sets the positive result of an environmental impact assessment of the planned activities as a prerequisite for conducting subsoil use operations (Article 50).

The similar requirements on monitoring and environmental impact assessment can be found in the Law "On Environmental Protection" (1997). It states that one of the main

responsibilities of nature users is to conduct monitoring of their activities on the environment (Article 20). The measures enabling state monitoring of environment are thoroughly envisaged in the Article 24 that prescribes designation of the authorized body and creation of unified system to observe and assess the state of environment. In addition, the law commits the nature users to conduct environmental impact assessment before starting the projects in order to determine their consequences on environment (Article 46).

The special environmental requirements of the "Special environmental requirements in the State Protected Area in the northern part of the Caspian Sea" (1999) also prescribed conducting environmental impact assessment and monitoring before the beginning of exploration activities, during the work and upon completion in order to regulate the consequences of the activities on the Caspian environment. Furthermore, the State report "State of natural resources and the environment in the republic of Kazakhstan" (2001) emphasized a necessity to establish a system to manage oil pollution and special groups to work on monitoring oil spill incidents by assessing their extent and consequences on ecosystem, as well as on preventing and eliminating oil pollution by looking at the international experience.

While actively designing provisions on protecting the environment of the Caspian Sea, Kazakhstan put less effort on enforcing the compliance with the pollution and marine environment provisions. The compliance mechanisms are primarily vague and unspecified. The legislation and policies of Kazakhstan on the management of the Caspian environment do not include procedures for facilitating the enforcement and monitoring of provisions. Procedures in case of noncompliance and violation also miss in the documents. Therefore, it is possible to assume that the compliance with provisions was exercised voluntarily. In addition, the environmental measures of Kazakhstan did not envisage specific rules on liability and compensation for damage caused to the environment of the water body.

**Summary of Kazakhstan's environmental interests**

Kazakhstan, possessing rich biodiversity and natural resources in the northeastern part of the Caspian Sea, was highly interested in protecting the environment of the water body when the Tehran Convention had not yet been designed and adopted. Its interests were reflected in a number of legislative and public documents dedicated to the Caspian environment. Overall, they covered provisions on preventing pollution and protecting the marine environment of the water body, as well as requirements on conducting environmental impact assessment and monitoring. Since Kazakhstan intensively exploited the natural resources on the Caspian shelf, the provisions and requirements on protecting the environment were primarily applied to energy sector. In particular, the pollution provisions covered prescriptions on preventing pollution caused by exploitation of oil and gas, oil accidents, pollution caused by dumping, emergencies and pollution from other human activities, whereas the marine environment provisions prohibited seismic exploration and drilling works in the habitats of the Caspian marine species. While incorporating environmental impact assessment and monitoring requirements, the legislative and public documents did not provide for enforcement requirements. Overall, it can be expected that Kazakhstan will push these specific interests in designing the Tehran Convention.

## Analysis of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea

The Tehran Convention was signed and adopted by five Caspian littoral states in 2003. The objective of the Tehran Convention is aimed at preventing the Caspian environment from different sources of pollution, as well as protecting its biological resources. In addition, it emphasizes the rational and sustainable use of biological resources, that corresponds to the principle of sustainable development, which provides for the provision of resources at present without compromising the ability to regenerate for future generations (Article 2). Furthermore, the Tehran Convention incorporates other internationally recognized principles and rules into its provisions and requirements.

In general, the Convention consists of provisions regulating pollution and preserving marine resources of the Caspian Sea, as well as principles and procedures that establish requirements for the implementation of those provisions. Based on the provisions and requirements of the Convention, it is possible to analyse the treaty by identifying three thematic areas such as pollution, marine environment and implementation, similar to the analysis of Kazakhstan's interests.

### Pollution

The pollution thematic area includes pollution provisions that are aimed to regulate pollution from different sources, such as land-based sources, seabed activities, vessels, dumping, other human activities and environmental emergencies. Pollution from land-based sources is defined as pollution "from all kinds of point and non-point sources based on land reaching the marine environment, whether water-borne, air-borne or directly from the coast, or as a result of any disposal of pollutants from land to the sea by way of tunnel, pipeline or other means" (Article 1). Article 7 commits the contracting parties to "take all appropriate measures

to prevent, reduce and control" land-based pollution. In addition, it envisages the creation of a protocol to manage pollution from land-based sources by licensing of waste-water discharges, applying environmentally sound technologies and treatments, and following best environmental practices. These measures are comprehensively covered in the Moscow Protocol that addresses the emissions of pollutants from land-based sources, inputs of pollutants from the atmosphere and pollution from activities that harm the Caspian environment in marine and coastal areas. It was signed in 2012, although it entered into force only in 2023 due to the prolonged ratification processes in Kazakhstan and Russia where it was ratified in 2021 and 2023, respectively (tehranconvention webpage).

Pollution from the seabed activities implies pollution from the exploitation of raw materials on the seabed of the Caspian Sea, whereas pollution from vessels includes pollution from any kind of marine transportation. These provisions are covered under Articles 8 and 9, respectively, which oblige the contracting parties to "take all appropriate measures to prevent, control and reduce pollution" from the respective sources. In addition, the articles prescribe the parties to elaborate a protocol. This can be attributed to the Aktau Protocol that manages oil pollution incidents caused by seabed activities and vessels, as well as from land-based sources.

Another source of pollution is caused by dumping, and it is defined by Article 1 as "any pollution to the Sea from any deliberate disposal into the marine environment of wastes or other matter from vessels, aircraft, platforms, or other man-made structures in the Caspian Sea or any deliberate disposal of vessels, aircraft, platforms, or other man-made structures in the Caspian Sea." Article 10, which prescribes the control of pollution from dumping, puts the responsibility for pollution on "vessels and aircraft registered in their territory or flying their flag," though it does not clarify the types of pollutants and the threshold of pollution. Pollution caused by dumping can be permitted in the case of emergencies when there is a danger to human and marine lives and when dumping is the only option to prevent the threat.

Pollution that was not covered by the abovementioned provisions can be managed under the Article 11 which prevents pollution from other human activities, such as dams building, land reclamation and coastal dredging. It aims to minimize the negative consequences of anthropogenic activities associated with sea-level fluctuations on the Caspian environment.

The final pollution provision covers measures to deal with environmental emergencies caused by either natural or anthropogenic factors (Article 13). First, it commits the contracting jurisdictions and notify other parties about them. After that, the contracting parties should conduct environmental impact assessment of harmful activities. In the case of emergency or imminent threat, the parties are obliged to identify the activities that can cause environmental emergencies and notify the affected states. Finally, the Article prescribes measures to the contracting parties to ensure preparedness and response to environmental emergencies by preparing appropriate equipment and qualified personnel.

**Marine environment**

The provisions related to the protection of the Caspian marine environment primarily oblige the littoral states to maintain and restore the population of the marine living resources, as well as to prevent their overexploitation. A special attention is paid on endemic, rare and endangered marine species. The parties need to preserve their population and habitats. In addition, the parties should increase the potential of marine living resources to fulfil human nutrition needs and socio-economic goals (Article 14).

The Tehran Convention also addresses the problem of invasive alien species that arises after the introduction of flora and fauna into different environment that leads to negative consequences for original marine resources and habitats. The Convention particularly emphasizes the adverse impact of invasive alien species on the economy and environment of

the Caspian Sea (Article 1). Therefore, it commits the littoral states to take measures to prevent and control the invasive alien species in the water body (Article 12).

Other provisions of the marine environment protection address the coastal zone management and sea level fluctuations of the Caspian Sea. According to them, the management of coastal areas should be incorporated into the national strategies and plans of the littoral states, while the management of sea level fluctuation requires the development of additional protocol (Articles 15 and 16). The provisions on marine environment were further elaborated in the Ashgabat Protocol.

**Implementation: monitoring, reporting and enforcement**

The implementation of these provisions requires the contracting parties to comply with international principles, such as the precautionary principle and "the polluter pays" principle. The precautionary principle suggests that the scientific uncertainty cannot be a reason for delay of preventive work in case of a threat of inevitable damage to the Caspian environment (Article 5 (a)). It corresponds to the Principle 15 of the Rio Declaration which was the first to fully reflect the precautionary principle.

The origin of the "the polluter pays" principle of the Tehran Convention can also be traced in the Rio Declaration, particularly in the Principle 16 (Pietkiewicz, 2021). According to this principle, the polluter must bear "the costs of pollution including its prevention, control and reduction" (Article 5 (b)). However, the Convention does not specify whether the polluter is responsible for the decontamination and restoration of the environment. In addition, the Tehran Convention requires the littoral states to comply with the principle of accessibility of information on the pollution of the marine environment of the Caspian Sea that commits the states to disseminate relevant information to each other (Article 5 (c)).

There are additional requirements for the littoral states to facilitate the implementation of the provisions of the Convention. They are included in procedures such as environmental impact assessment, monitoring, exchange of information and cooperation. Environmental impact assessment prescribes the contracting parties "to introduce and apply procedures of environmental impact assessment of any planned activity" that can damage the marine ecosystem of the water body, as well as to share the results of assessment with other parties. In addition, it proposes the cooperation of the parties in the drafting of the protocol (Article 17). It was implemented in 2018, when the Protocol on Environmental Impact Assessment in a Transboundary Context was adopted and signed. The environmental impact assessment procedure is mandatory, in particular, for the provision on environmental emergencies, which obliges the parties to carry out an environmental assessment of harmful activities (Article 13).

One of the requirements commonly used in the international environmental agreements is monitoring, which obliges the contracting parties to collect information on environmental commitments and create databases (Pietkiewicz, 2021). This requirement is applied in the Tehran Convention, according to which the contracting parties should create a centralised database and information management system to store data and develop monitoring programmes (Article 19).

The procedure related to the exchange of information sets a requirement for the contracting parties to regularly exchange data on the provisions of the Convention directly or through the Secretariat. The contracting parties are also obliged to ensure the provision of public access to the information connected with the environmental state and management of the Caspian Sea (Article 21).

The Tehran Convention reiterates the need for cooperation and joint actions between the littoral states in implementing the Convention and elaborating additional regimes, such as protocols and the Action Plan on managing pollution and marine environment of the Caspian

Sea. In addition, the cooperation between the parties is expected during the identification of pollution sources, development of programmes and plans to reduce pollution and monitor water quality and quantity, and elaboration of discharge limits for waste (Article 18). The cooperation requirement is also set in the Article 20 which commits the contracting parties to cooperate in the conduct of research and elaboration of environmentally sound methodologies and technologies to manage pollution in the water body (Article 20). Looking back at the complicated way of unification of the littoral states in designing the Tehran Convention, it is not surprising that the treaty pays special attention to cooperation between the parties.

In order to ensure the compliance with provisions, the Tehran Convention established the Conference of the Parties (COP), whose functions include reviewing the content and implementation of the Convention and its protocols, reviewing the reports by the contracting parties related to pollution and marine environment of the Caspian Sea, adoption of additional protocols and amendments to the Tehran Convention, appointment of the Executive Secretary and so on. According to the Article 22, the COP should include one representative from each contracting parties and hold ordinary and extraordinary meetings in the territories of the littoral states. In addition, the Convention established its Secretariat and designated it with functions, such as organizing meetings of the COP and consulting with the contracting parties to implement the Convention and its protocols. In addition, the Convention envisages that the contracting parties will cooperate in the elaboration of procedures to implement the compliance with provisions (Article 28).

However, the core responsibility on compliance with provisions are left within the scope of the littoral states. The reporting requirement of the Convention commits the contracting parties to designate a national authority to delegate the responsibilities for the implementation of its provisions (Article 26). In particular, it obliges the national authorities of the contracting parties to “submit to the Secretariat reports on measures adopted for the implementation of the

provisions of this Convention and its protocols in format and at intervals to be determined by the Conference of the Parties" (Article 27). However, the reporting requirement has several drawbacks. It does not require the contracting parties to provide detailed information and review of national strategies, legislation and regulations in relation to the implementation of provisions. Furthermore, there is no specific conditions on the preparation and implementation of reports. Conditions indicating the time period and regularity of submission of the reports are also missing from the Convention (Pietkiewicz, 2021). The similar disadvantages can be found in other requirements related to liability and compensation for damage and settlement of disputes. The Convention does not establish rules on liability and compensation in the case of damage on the Caspian environment due to violating its provisions, and on the contrary, assigns this task to the littoral states. (Article 29). The means of dispute settlements are also lie within the choices of the contracting parties (Article 30). Thereby, the Tehran Convention has flexible enforcement mechanisms, allocating more sovereign rights to the littoral states in managing the environment of the Caspian Sea.

**What the Tehran convention did or failed to do to solve environmental problems on the Caspian?**

To sum up, the design of the Tehran Convention incorporates provisions on preventing pollution and protecting the marine environment, as well as requirements, such as environmental impact assessment, monitoring, exchange of information, compliance and cooperation that facilitate the implementation of provisions. Although the Convention was designed to cover the majority of environmental issues in the Caspian Sea and apply the international principles, there are significant drawbacks in its implementation and enforcement.

One of the problems with provisions is that they are not supported by practical requirements, except for those obliging the contracting parties to take relevant measures. The

legal commitments were envisaged to be implemented by developing additional protocols, although without fixed time frame and order of adoption. At present, there are four protocols of the Tehran Convention, such as the Protocol Concerning Regional Preparedness, Response and Co-operation in Combating Oil Pollution Incidents (Aktau Protocol), the Protocol for the Protection of the Caspian Sea against Pollution from Land-based Sources and Activities (Moscow Protocol), the Protocol for the Conservation of Biological Diversity (Ashgabat Protocol) and the Protocol on Environmental Impact Assessment in a Transboundary Context. However, only the first two of them entered into force, whereas the Ashgabat Protocol has not been ratified by Azerbaijan and Russia, and the Protocol on Environmental Impact Assessment in a Transboundary Context by Iran (tehranconvention webpage).

Furthermore, the Convention has weak enforcement mechanisms. The reporting requirement on the implementation of provisions is written vaguely without specifying rules for the reporting procedure. The procedures related to liability and compensation for damage and settlement of disputes are also left without precise requirements. The Convention asks the littoral states themselves to establish the rules on those procedures. In addition, the Convention emphasizes the maintenance of cooperation between states in implementing its provisions and elaborating of further protocols. Thus, it actually allocates the responsibility for compliance with provisions to the contracting parties.

**How did the Tehran convention reflect Kazakhstan's interests?**

**Natural environmental: pollution and marine environment**

The first and second sections of this chapter outlined provisions on the Caspian environment that were incorporated in the design of the Tehran Convention, as well as in Kazakhstan's policies before the adoption of the Tehran Convention. This section illustrates the convergence between Kazakhstan's interests related to the environment of the Caspian Sea and the Tehran Convention. The analysis will be based on the abovementioned three thematic areas, such as pollution, marine environment and implementation requirements.

The first thematic area on pollution includes provisions on preventing pollution in the Caspian Sea. The pollution provisions in Kazakhstan's policies were mainly aimed at minimizing pollution caused by development of energy resources in its sector of the water body. In particular, they cover prescriptions on preventing pollution caused by exploitation of energy resources, oil accidents and emergencies, and pollution caused by dumping and from other human activities. The pollution provisions on exploitation of energy resources envisaged the compliance with environmental safety standards during gas and oil operations, development of programs and projects for prevention and elimination of pollution and prohibition of gas flaring, except for emergency situations. The provisions also outlined the requirements for taking measures on preventing oil accidents and emergencies, such as the development of appropriate programs and action plans, dissemination of information about the accident, preparation of necessary equipment and personnel and using environmentally safe technologies. As regards the provisions on pollution caused by dumping, they prohibit discharge of untreated water and waste into the Caspian Sea and require installation of equipment for storing wastewater and garbage in drilling platforms and vessels. There were also pollution provisions on other human activities, such as construction of structures for conducting offshore oil operations and scientific research in the water body, that required the compliance with environmental standards.

As regards the Tehran Convention, its pollution provisions address pollution from land-based sources, seabed activities, vessels, environmental emergencies, dumping and other human activities. All abovementioned Kazakhstan's provisions are reflected in these provisions. In particular, Kazakhstan's provisions on managing pollution from exploiting energy resources correspond to provisions on land-based sources, seabed activities and vessels. This is because provisions on land-based sources regulate pollution coming from all kinds of activities on land, while seabed activities and vessels particularly focus on pollution caused by the exploitation and transportation of raw materials. Kazakhstan's provisions on oil accidents and emergencies align with the Convention's provisions on environmental emergencies that also set out requirements for notification and ensuring preparedness and response measures. Finally, there is a convergence between Kazakhstan's and the Convention's provisions on preventing pollution caused by dumping and other human activities.

The second thematic area comprises the provisions on marine environment of the Caspian Sea. Kazakhstan's main interest towards the Caspian marine environment is aimed at protecting the endemic marine resources located in its sector from negative impact of energy exploitation. Specifically, its provisions prohibit or require the minimization of seismic exploration and drilling works in the habitats of marine species. In addition, the provisions prescribe the development of programs and guidelines for conserving and restoring their population and habitats. Kazakhstan also developed measures for preventing the intervention of invasive alien species, such as mnemiopsis, into the water body. The marine environment provisions of the Tehran Convention are also aimed at protecting, conserving and restoring the Caspian marine biodiversity, as well as preventing invasive alien species. Thereby, the marine environment provisions also illustrate the convergence between Kazakhstan's interests and the Tehran Convention.

**Weak mechanisms of enforcement**

The third thematic area is dedicated to the implementation requirements of provisions, such as monitoring, reporting and enforcement. The provisions of Kazakhstan and the Tehran Convention share similarities not only in the management of pollution and marine environment, but also in implementation procedures. Both groups of provisions incorporate the "polluter pays" principle, according to which the polluters bear the costs of pollution. In addition, there are similarities in the requirements on environmental impact assessment and monitoring. The provisions of Kazakhstan prescribe assessing the impact of oil operations on the environment of the Caspian Sea and establishing an authorized body responsible for environmental impact assessment. Its provisions on monitoring require the creation of a system containing information from monitoring. The provisions of the Tehran Convention also envisage conducting environmental impact assessment and monitoring of activities that affect the marine ecosystem and the development of relevant programmes and centralised databases.

However, the reporting and enforcement requirements of both groups of provisions are weak. Kazakhstan did not comprehensively address the enforcement requirements in its provisions. There is a lack of reporting procedures, and the requirements related to liability and compensation for environmental damage are designed vaguely. The same holds true for the Tehran Convention. Although it lays out the requirements on reporting procedures, they do not specify conditions on the preparation and implementation of reports. Furthermore, it leaves the responsibility for elaboration of requirements on liability and compensation for environmental damage to the contracting parties themselves. Thereby, while elaborating provisions on the management of the environment of the Caspian Sea, Kazakhstan and the members of the Tehran Convention overlooked their implementation.

Overall, this section illustrated that the provisions and requirements of the Tehran Convention line up with Kazakhstan's interests related to the environment of the Caspian Sea.

Almost all pollution and marine environment provisions of Kazakhstan were laid out in the design of the Tehran Convention. In addition, they have similar requirements on environmental impact assessment and monitoring. Furthermore, both of them have weak enforcement requirements. The next section will outline the mechanisms that contributed to Kazakhstan's ability to push its interests in designing of the Tehran Convention.

**Kazakhstan's mechanisms in pushing its interests in the Tehran Convention: particular-intrinsic and derivative powers**

This section will represent the mechanisms that Kazakhstan used to promote its interests in the design of the Tehran Convention. The main mechanisms include Kazakhstan's derivative and particular-intrinsic powers. Specifically, its derivative power in the form of multivectorism and particular-intrinsic power as rich natural resources contributed to Kazakhstan's ability to advance its environmental concerns about the Caspian Sea from the domestic to the international level, thus facilitating the formation of the Tehran Convention.

Kazakhstan's particular-intrinsic power is related to the development of energy resources. The reason for developing this type of particular-intrinsic power was caused by severe economic difficulties that Kazakhstan experienced in the first years of its independence. In 1990, its exports accounted for less than half of its imports, thus causing balance of payments deficits. There were no technological and intellectual resources that would improve the state's economy. The only resource that Kazakhstan possessed was the rich reserves of energy resources in its sector of the Caspian Sea. Therefore, Kazakhstan used its particular-intrinsic power in energy resources to attract foreign investment. It was presumed that the foreign investment inflow in hydrocarbon resources would contribute to strengthening Kazakhstan's socio-economic spheres. The former President of Kazakhstan, Nursultan Nazarbayev, emphasized the importance of foreign investment for the country's economy in his address to the people in 1996 (Crude Accountability 1999). Therefore, Kazakhstan was actively engaged in attracting the interests of other states in developing the energy resources on the Caspian shelf. As was mentioned in the methodology part, Kazakhstan concluded agreements with international energy companies, such as Chevron, ENI, BG, BP/Statoil, and Mobil and received $3.2 billion in investment in the late 1990s.

However, Kazakhstan's objectives in developing energy resources were not limited to economic interests and included environmental interests related to the Caspian Sea. In addition to developing domestic policies on protecting the Caspian environment, Kazakhstan was highly interested in improving the environment of the entire water body by cooperating with other littoral states. Therefore, Kazakhstan used its particular-intrinsic power in energy resources to attract the interests of relatively more powerful states in its energy sector to promote its environmental interests. This can be explicitly illustrated by the example of the United States. In particular, the United States made contributions to the promotion of Kazakhstan's interests on the Caspian environment due to its interests in Kazakhstan's hydrocarbons. The United States recognized the high potential of the Caspian energy resources and was significantly interested in accessing them after the collapse of the USSR. In particular, the development of energy resources in the Caspian Sea was one of the priorities of the administration of President Bill Clinton. Kazakhstan's first international energy agreement was signed with the American multinational energy corporation Chevron. After signing the agreement, President Nazarbayev declared that Chevron will use environmentally safe technologies in production and transportation of hydrocarbons and take measures aimed at protecting the environment of the Caspian Sea (Crude Accountability 1999).

Kazakhstan managed to use the interests of the United States in its energy sector to boost its environmental interests in the Caspian Sea. Importantly, Kazakhstan realized its particular-intrinsic power by exercising derivative power towards the United States. Kazakhstan's derivative power consists in its multivector foreign policy which it has pursued since gaining independence in 1991. Its multivectorism has been directed towards establishing pragmatic relations with more powerful states in order to implement its security and economic interests (Hanks 2009). However, Kazakhstan used multivectorism also to accomplish its environmental interests. It can be observed in the way Kazakhstan promoted its environmental concern in the

Caspian Sea. For instance, Kazakhstan's exercise of multivectorism towards the United States consisted in persuading the United States to take actions that would implement its environmental interests. The government of Kazakhstan was able to get support from the United States to implement its initiatives on the Caspian environment. One of the contributions made by the United States to promote Kazakhstan's interests on the Caspian environment is sponsoring Kazakhstan's initiatives to host conferences and seminars dedicated to the environment of the Caspian Sea. For instance, thanks to the sponsorship of the United States, the conference "Legal aspects of oil spill response" was held in Astana in 2001. The conference discussed the development of the necessary legislative and regulatory standards for responding to oil spills, as well as the possibility of establishing cooperation between local and international experts in this field. At the conference, US Ambassador Richard Jones voiced the need to develop integrated approaches to the development of Kazakhstan's oil and gas sector without harming the environment, which consisted in modernizing technology and methods of oil production, operation and transportation. The ambassador also stated the readiness of the United States to help develop such an approach and carry out work on cleaning up oil pollution sites in the Caspian Sea (Crude Accountability 2001). In addition, in February 2002, with the sponsorship of the American Development Agency USAID, a seminar "Prevention of environmental pollution during oil operations" was held in Almaty. The seminar was aimed at familiarizing oil companies in Kazakhstan with methods and regulatory documents on pollution prevention and waste management (Crude Accountability 2002).

Such formal meetings held with the assistance of the United States significantly contributed to the formation of Kazakhstan's environmental interests on the Caspian Sea that were discussed in the first section. In addition, the United States sponsored Kazakhstan's initiatives on organizing international seminars in order to gather the littoral states on discussing ways to coordinate the Caspian environment and to declare its interests to other Caspian littoral

states. For instance, in 1998, the government of Kazakhstan hosted the Caspian Regional Seminar on Oil Spill Prevention, Emergency Preparedness and Response measures with the sponsorship of the United States. By incorporating about 200 representatives of the five littoral states, international and non-governmental organizations, as well as of oil companies, the seminar contributed to the exchange of information on preparedness and response to oil spill incidents. The chairman of the seminar, the Minister of Ecology and Natural Resources of the Republic of Kazakhstan, Mr. Daukeyev stated that Kazakhstan is highly interested in preventing oil spill pollution and taking appropriate response measures to protect the environment of the Caspian Sea (Crude Accountability 2001).

In addition, the United States contributed to Kazakhstan's efforts to attract the attention of the international community on the management of the Caspian environment. In 1995, the United States organized the trip of the Minister of Ecology and Natural Resources of the Republic of Kazakhstan to the United States to present the report "Protection of biological diversity in the Caspian Sea and its coastal zone." This document attracted the attention of international organizations, and particularly the experts of the World Bank expressed their concern about the state of the Caspian environment (Crude Accountability 1999). Furthermore, in the same year, representatives of other littoral states joined Kazakhstan's actions to attract the attention of the international community on the environment of the Caspian Sea. All the Caspian littoral states cooperated and submitted the Project on the conservation of the biological diversity of the Caspian Sea to the Global Environment Facility (MNRPE RK 1999). As a result of these actions, in 1995, the World Bank, UNDP and UNEP began their assistance to the Casian littoral states in achieving joint environmental management of the Caspian Sea (Crude Accountability 1999).

Furthermore, Kazakhstan's particular-intrinsic and derivative powers caused Russia to change its position on the Caspian environment and the legal status. At the beginning, Russia

criticized the unilateral development of the Caspian energy resources by the littoral states, as it was the sole owner of the Caspian rich biodiversity and natural resources before the collapse of the Soviet Union. Although it shared the management of the Caspian Sea with Iran, the real power belonged to Russia. Therefore, after the dissolution of the USSR, Russia was reluctant to lose its power and strived to maintain its dominance over the water body. It was demonstrated in October 1994, when the Russian government appealed to the United Nations to show its commitment to prevent the littoral states from taking unilateral actions in the Caspian Sea. One month later, the Russian Energy Minister made an announcement to the littoral states, requiring them to cease the exploitation of Caspian natural resources. In order to make their objections more persuasive, the Russian officials used the Caspian environment in their statements. They claimed about the negative consequences of construction of oil and gas pipelines in the Caspian Sea on its environment (Kelkitli 2019). Iran also joined Russia's position, and in 1998 the foreign ministers of both states made a statement, showing their objection to the "construction of pipelines for transit of oil and gas over the Caspian seabed which may cause irreparable damage to ecology of this water body" (Zonn 2008, 78).

However, Kazakhstan was able to oppose Russia's criticism. The former President of Kazakhstan, Nursultan Nazarbayev, answered Russia's statements on environmental consequences by claiming that "we, in Kazakhstan, do not overestimate the role of seabed pipelines" (Zonn 2008, 78). Furthermore, by using its particular-intrinsic and derivative powers, Kazakhstan convinced Russia to take joint actions on the environmental management and delimitation of the Caspian Sea. Just as in the case of the United States, Kazakhstan attracted Russian investors to its energy sector. In particular, the Kazakhstani government transferred to Lukoil 50% share of its Kumkol oil project and 20% share of the implementation of the Caspian Pipeline Consortium that involves the Tengiz oilfield. In addition, in 1997, Kazakhstan signed a production-sharing agreement with Lukoil to develop the Karachaganak oilfield. As a result,

Russia was highly interested in Kazakhstan's particular-intrinsic power. Furthermore, Kazakhstan's derivative power also affected the Russian government. Russia recognized that, due to multivector foreign policy, Kazakhstan's energy resources in the Caspian Sea became very competitive, attracting the interests of the United States and other investors. In order not to lose its share in the Kazakh sector of the water body, Russia took a more benevolent position towards the interests of Kazakhstan. For instance, Russia changed its interests on the delimitation of the Caspian Sea from the condominium approach to the division of the seabed along the median line principle which was proposed by Kazakhstan. In 1998, two states signed a joint agreement on the delimitation of the seabed area of the Northern Caspian (Kelkitli 2019). Furthermore, in 2000, the governments of Kazakhstan and Russia adopted a declaration on cooperation in the Caspian Sea. In the declaration, the governments appealed to other Caspian littoral states to jointly solve the legal status and manage the marine environment of the Caspian Sea. In order to implement joint management of the Caspian environment, they proposed to create a strategic center for monitoring the environmental conditions of the water body (Zonn 2008). These actions significantly facilitated the formation of the Tehran Convention. Thus, Kazakhstan's particular-intrinsic power along with derivative power enabled Kazakhstan to promote its environmental interests in designing the Tehran Convention.

**How did Kazakhstan's mechanisms contribute to the formation of the Tehran Convention?**

All in all, Kazakhstan was able to advance its environmental interests related to the Caspian Sea in the design of the Tehran Convention by using its derivative and particular-intrinsic powers. Kazakhstan's ability to push its interests was caused by its particular-intrinsic power in energy resources. In particular, Kazakhstan attracted foreign investors to develop energy resources in its sector of the Caspian Sea. It used the foreign investments not only to

satisfy economic interests, but also to implement environmental interests. By using derivative power in the form of multivectorism, Kazakhstan persuaded its more powerful investors to boost its interests on the Caspian environment. Kazakhstan was able to organize the conferences and seminars on the Caspian environment thanks to the sponsorships made by its foreign investors, the main of which was the United States. Its interests were aimed at facilitating cooperation between all the Caspian littoral states in order to develop joint management of the Caspian Sea. Kazakhstan's intention to achieve joint management of the water body was reflected in its official documents, as well as in its actions directed to cooperate with the littoral states. For instance, it hosted several conferences and seminars on protecting the Caspian environment by bringing together other littoral states. During these gatherings, Kazakhstan demonstrated its interests in protecting the marine environment of the Caspian Sea from pollution caused by hydrocarbon development activities. By putting so much effort on the management of the Caspian Sea, it is possible to consider Kazakhstan as one of the main actors involved in the design of the Tehran Convention.

## Chapter 4. Conclusion

This paper was aimed at examining the ability of relatively less powerful states to influence the formation of institutional designs through the use of derivative and particular-intrinsic powers. While it may be expected that the main power in designing institutions belongs to relatively more powerful states, this research demonstrates that relatively less powerful states are also able to shape institutional designs. To this end, the thesis was based on the interest-based argument of rationalism which supports the relatively less powerful states' ability to push their interests in shaping institutional designs. It argues that states exert similar influence in the bargaining processes, and the outcome of institutional designs reflects the joint interests of all actors. This argument was supported by the literature on relatively less powerful states that introduced derivative and particular-intrinsic powers as less powerful states' mechanisms to push their interests. Therefore, the analysis was based on testing the interest-based argument by using the case-study method. For the case-study, the institutional design dedicated to the environment of the Caspian Sea was chosen. In particular, the design of the Tehran Convention was analyzed since it was the first environmental institutional design in the Caspian Sea and incorporated different power relationships.

The main contribution of the thesis work is the demonstration of mechanisms that enable relatively less powerful states to promote their interests in shaping institutional designs. In particular, the analysis of Kazakhstan as a representative case of relatively less powerful states in environmental institutions of the Caspian Sea revealed that derivative and particular-intrinsic powers help relatively less powerful states develop and introduce their interests to other states. Based on the analysis of the legal and public documents, the paper outlined the main interests of Kazakhstan in the environment of the Caspian Sea. Primarily, they include preventing pollution in the Caspian environment caused by exploitation of energy resources, dumping and from other human activities, as well as preparing preventive and response measures to oil

accidents and emergencies. Kazakhstan was also interested in protecting and restoring the population of the Caspian marine resources and therefore elaborated provisions on prohibiting seismic exploration and drilling works in the habitats of the marine species. In addition, the provisions included environmental impact assessment and monitoring requirements, although the enforcement requirements were not mentioned. In general, according to the results of the descriptive analysis, the identified interests of Kazakhstan were fully reflected in the design of the Tehran Convention.

Kazakhstan was able to promote its interests on the Caspian environment by exercising its derivative and particular-intrinsic powers. In particular, thanks to its derivative power in multivector foreign policy and particular-intrinsic power in energy resources, Kazakhstan was able to take actions that affected the development of its environmental interests in the management of the Caspian Sea. Its particular-intrinsic power attracted the interests of more powerful states to engage in cooperation with Kazakhstan. The abovementioned interests of the United States and Russia in Kazakhstan's energy resources increased Kazakhstan's ability to promote its interests related to the management of the Caspian environment. This is because relatively more powerful states showed support for Kazakhstan's initiatives on the Caspian environment due to their interests in Kazakhstan's particular-intrinsic power. Furthermore, Kazakhstan used its derivative power, such as multivectorism, by establishing pragmatic relationships with the United States and Russia to persuade them to contribute to its efforts to promote environmental interests in the Caspian Sea. With the support of the United States in the form of financial and organizational assistance, Kazakhstan was able to demonstrate its interests to the littoral states and the international community. Moreover, Kazakhstan's multivector diplomacy towards the United States caused Russia, the most powerful player in the Caspian environmental institutions, to support Kazakhstan's interests. Seeing competition from the externally powerful state, Russia adopted Kazakhstan's approach to the legal status

and joint environmental management of the Caspian Sea. Consequently, these measures led to the incorporation of Kazakhstan's identified interests into the design of the Tehran Convention.

Overall, this thesis was able to prove that relatively less powerful states are able to push their interests in designing institutions using their particular-intrinsic and derivative powers. The results of the study can be generalizable to other less powerful states that possess particular-intrinsic and derivative powers. In particular, relatively less powerful states, despite a lack of material capabilities, can influence the formation of institutional designs by attracting the interests of more powerful states and persuading them to take actions that will increase their interests. Further studies can examine the impact of other mechanisms, such as institutional power, that also contribute to relatively less powerful states' abilities to build institutional designs.

**References**

Abbott, Kenneth W., and Duncan Snidal. 2000. “Hard and Soft Law in International Governance.” *International Organization* 54(3): 421–56.

Amer, Anwar. 2022. “A new model for the method of measuring state power: an applied study of the states bordering the Caspian Sea.” BSU International Journal of Humanities and Social Science.

Atanesyan, Konstantin. 2000. "Regional Developmental Requirements and the Role of Caspian Development," in William Ascher and Natalia Mirovitskaya (eds) The Caspian Sea: A Quest for Environmental Security, Dordrecht, Boston, and London: Kluwer Academic Publishers.

Barnett, Michael, and Raymond Duvall. 2005. “Power in International Politics.” *International Organization* 59(01): 39–75.

Bayramov, Agha. 2020. “Conflict, Cooperation or Competition in the Caspian Sea Region: A Critical Review of the New Great Game Paradigm.” *Caucasus Survey* 1-20: 1–20.

Braveboy-Wagner, Jacqueline. 2010. “Opportunities and Limitations of the Exercise of Foreign Policy Power by a Very Small State: The Case of Trinidad and Tobago.” Cambridge Review of International Affairs 23(3): 407–27.

CEP. 2002. National Action Programme on Enhancement of the Environment of the Caspian Sea. Ministry of Environmental protection of the Republic of Kazakhstan.

CEP. 2003. National Action Programme on Enhancement of the Environment of the Caspian Sea.

CEP. 2005. An Introduction to the Caspian Sea and the Caspian Environment Programme. Artemis Creative Designers Co. Ltd.

Clarke, Victoria, and Virginia Braun. 2019. “Thematic Analysis.” *The Journal of Positive Psychology* 12 (3): 297–98. https://doi.org/10.1080/17439760.2016.1262613.

Contessi, Nicola. 2015. “Foreign and Security Policy Diversification in Eurasia: Issue Splitting, Co-alignment, and Relational Power, Problems of Post-Communism.” 62:5, 299-311. DOI: 10.1080/10758216.2015.1026788

Cooley, Alexander. 2012. Great Games, Local Rules. New York: Oxford Univerisity Press.

Crowe, Sarah, Kathrin Cresswell, Ann Robertson, Guro Huby, Anthony Avery, and Aziz Sheikh. 2011. “The Case Study Approach.” BMC Medical Research Methodology 11 (1). https://doi.org/10.1186/1471-2288-11-100.

Crude Accountability. 1999. Review of the Caspian Sea: Oil and People Part 2, Chapters 4-5. Caspinfo webpage. https://www.caspinfo.org/ru/1999-2005/1999/06/1999.06.30_21.html

Crude Accountability. 1999. Washington focuses on Caspian dreams. Caspinfo webpage. https://www.caspinfo.org/ru/1999-2005/1999/07/1999.07.31_26.html

Crude Accountability. 2001. From the archive of the Caspian Environmental Program. Caspinfo webpage.

Crude Accountability. 2001. The conference "Legal Aspects of Oil Spill Response" sponsored by the U.S. Government was held in Astana. Caspinfo webpage.

Crude Accountability. 2002. Communication from NGOs in the region. Caspinfo webpage. https://www.caspinfo.org/ru/1999-2005/2002/02/2002.02.28_13.html

Crude Accountability. 2003. Results of the Caspian Ecology 2003 Conference. Caspinfo webpage.

Diarov. 2001. The impact of the activities of the oil and gas complex on the natural environment of the Northern Caspian Sea. Caspinfo webpage.

Grieco, Joseph M. 2018. Cooperation among Nations Europe, America, and Non-Tariff Barriers to Trade. Cornell University Press.

Handel, Michael I. 1981. “Weak States in the International System.” London: Frank Cass.

Hanks, Reuel R. 2009. “‘Multi-Vector Politics’ and Kazakhstan’s Emerging Role as a Geo-Strategic Player in Central Asia.” Journal of Balkan and Near Eastern Studies 11(3): 257–67.

Hardin, Katherine. 2012. Kazakhstan’s Energy Sector since Independence: Two Decades of Growth and Challenges Ahead? Atlantic Council Issue Brief.

Hasenclever, Andreas, Peter Mayer, and Volker Rittberger. 1997. *Theories of International Regimes*. Cambridge; New York: Cambridge University Press.

Hurd, Ian. 2008. “Constructivism,” in The Oxford Handbook of International Relations, ed. Duncan Snidal and Christian Reus-Smit. Oxford: Oxford University Press.

IMF. 2010. World Economic Outlook Database. http://surl.li/sqvpt

Interim Secretariat of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea and the Project Coordination Management Unit of the “CaspEco” project. 2010. Caspian Sea State Of The Environment Report.

Interfax. 2022. Dozens of dead seals found on the coast of the Caspian Sea in Kazakhstan. https://www.interfax.ru/world/838115

Janusz-Pawletta, Barbara. 2021. *The Legal Status of the Caspian Sea*. Springer Nature.

Johansson, Rolf. 2007. On Case Study Methodology. *Open House International*, *32*(3), 48–54. https://doi.org/10.1108/ohi-03-2007-b0006

Jupille, Joseph, James A. Caporaso, and Jeffrey T. Checkel. 2003. “Integrating Institutions: Rationalism, Constructivism, and the Study of the European Union.” *Comparative Political Studies* 36(1-2): 7–40.

Kelkitli, Fatma. 2019. Russia's Caspian policy: efforts to hold ground in a contested region. Gazi Akademik Bakış 12 (24): 67-89.

Keohane, Robert Owen. 1984. *After Hegemony: Cooperation and Discord in the World Political Economy.* Princeton, N.J: Princeton University Press.

Koremenos, Barbara, Charles Lipson, and Duncan Snidal. 2001. “The Rational Design of International Institutions.” *International Organization* 55(4): 761–99.

Krasner, Stephen D. 1982. “Structural Causes and Regime Consequences: Regimes as Intervening Variables.” *International Organization* 36(2): 185–205.

Long, Tom. 2016. “Small States, Great Power? Gaining Influence through Intrinsic, Derivative, and Collective Power.” *International Studies Review* 19(2): 185–205.

Long, Tom. 2017. “It’s Not the Size, It’s the Relationship: From ‘Small States’ to Asymmetry.” International Politics 54(2): 144–60.

Maass, Matthias. 2008. “The Elusive Definition of the Small State.” *International Politics* 46(1): 65–83.

Madani, Kaveh, Faraz Farhidi, and Sona Gholizadeh. 2022. “Bargaining Power in Cooperative Resource Allocations Games.” *Algorithms* 15(12): 445.

March, James G., and Johan P. Olsen. 1998. “The Institutional Dynamics of International Political Orders.” *International Organization* 52(4): 943–69.

Mitchell, Ronald B. 2010. *International Politics and the Environment*. Los Angeles: Sage.

MNRPE RK. 1999. National Strategy and Action Plan on Conservation and Sustainable Use of Biological Diversity in the Republic of Kazakhstan. Kokshetau.

MNRPE RK. 2001. State of natural resources and the environment in the republic of Kazakhstan. Kokshetau.

Orazgaliyev, Serik, Wojciech Ostrowski, and Paul Kubicek. 2017. “Competition for Pipeline Export Routes in the Caspian Region: The New Great Game of the New Silk Road?” Cambridge Journal of Eurasian Studies 1: 1–23.

Orazgaliyev, Serik, Wojciech Ostrowski, and Paul Kubicek. 2017. “Competition for Pipeline Export Routes in the Caspian Region: The New Great Game of the New Silk Road?” *Cambridge Journal of Eurasian Studies* 1: 1–23.

Pevehouse, Jon C. W., and Inken von Borzyskowski. 2017. “International Organizations in World Politics” In The Oxford Handbook of International Organizations, edited by Jacob Cogan, Ian Hurd, and Ian Johnstone. Oxford University Press.

Pietkiewicz, Michał. 2021. “Legal Status of Caspian Sea – Problem Solved?” *Marine Policy* 123: 104321.

Rosecrance, Richard. 2001. “Has Realism Become Cost-Benefit Analysis?: A Review Essay.” *International Security, 26*(2), 132–154. https://doi.org/10.1162/016228801753191169

Schneider, Christina J. 2011. “Weak States and Institutionalized Bargaining Power in International Organizations1.” *International Studies Quarterly* 55(2): 331–55.

Solingen, Etel. 2008. “The Genesis, Design and Effects of Regional Institutions: Lessons from East Asia and the Middle East.” *International Studies Quarterly, 52*(2), 261–294. https://doi.org/10.1111/j.1468-2478.2008.00501.x

UNDP. 2004. Environment and Development Nexus in Kazakhstan. LEM Printhouse.

UNECE. 2000. Environmental Performance Reviews: Kazakhstan. Geneva: United Nations Economic Commission for Europe.

UNECE. 2004. Environmental Performance Reviews: Azerbaijan. Geneva: United Nations Economic Commission for Europe.

Vanderhill, Rachel, Sandra F. Joireman, and Roza Tulepbayeva. 2020. “Between the Bear and the Dragon: Multivectorism in Kazakhstan as a Model Strategy for Secondary Powers.” *International Affairs* 96(4): 975–93. https://academic.oup.com/ia/article/96/4/975/5855019.

Voeten, Erik. 2019. “Making Sense of the Design of International Institutions.” *Annual Review of Political Science* 22(1): 147–63.

Wendt, Alexander. 2001. “Driving with the Rearview Mirror: On the Rational Science of Institutional Design.” *International Organization* 55(4): 1019–49.

Young, Oran R. 1989. “The Politics of International Regime Formation: Managing Natural Resources and the Environment.” *International Organization* 43(3): 349–75.

Young, Oran R., and Gail Osherenko (1993a) ‘International regime formation: findings, research priorities, and applications’, In Oran R.Young and GailOsherenko (eds), Polar Politics: Creating International Environmental Regimes. Ithaca, NY: Cornell University Press.

Zonn, I. 2000. Ecological Consequences of Oil and Gas Development. In: Ascher, W., Mirovitskaya, N. (eds) The Caspian Sea: A Quest for Environmental Security. NATO Science Series, vol 67. Springer, Dordrecht. https://doi.org/10.1007/978-94-011-4032-4_5

Zonn, I. 2008. “The Caspian Sea: Threats to Its Biological Resources and Environmental Security.” Semantic Scholar. https://www.semanticscholar.org/paper/The-Caspian-Sea-%3A-threats-to-its-biological-and-Zonn/b3d35afe9853bb2bed8749665dfc14f7d2aa0b60