

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

The Caspian Littoral States:

Republic of Azerbaijan
Islamic Republic of Iran
Republic of Kazakhstan
Russian Federation
Turkmenistan

hereinafter referred to as the Contracting Parties

Noting of the deterioration of the marine environment of the Caspian Sea due to its pollution arising from various sources as a result of human activities, including the discharge, emission and disposal of harmful and hazardous substances, wastes and other pollutants, both in the sea and from land-based sources;

Firmly resolved to preserve living resources of the Caspian Sea for present and future generations;

Acknowledging the need to ensure that land-based activities do not make harm for the marine environment of the Caspian Sea;

Mindful of the danger for the marine environment of the Caspian Sea and to its unique hydrographic and ecological characteristics related to the problem of sea-level fluctuation;

Reaffirming the importance of protection of the marine environment of the Caspian Sea;

Recognising the importance of co-operation among the Contracting Parties and with relevant international organizations with the aim to protect and conserve the marine environment of the Caspian Sea;

HAVE AGREED as follows:

I. GENERAL PROVISIONS

Article 1. Use of Terms

For the purposes of this Convention, the following terms mean:

"Action Plan" - the Action Plan for the protection and sustainable development of the marine environment of the Caspian Sea;

"Dumping" - 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;

"Hazardous substance" – any substance, which is toxic, carcinogenic, mutagenic, teratogenic or bio-accumulative, especially when they are persistent;

"National Authority" - the authority designated by each Contracting Party to be responsible for the co-ordination of actions by such Contracting Party for implementing this Convention and its protocols;

"Pollution" - the introduction by man, directly or indirectly, of substances or energy into the environment resulting or likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health and hindrance to legitimate uses of the Caspian Sea;

"Pollution from land-based sources" - pollution of the sea 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;

"Environmental emergency" - a situation that causes damage or poses an imminent threat of pollution or other harm to the marine environment of the Caspian Sea and that result from natural or man-made disasters;

"Industrial accident" - an event resulting from an uncontrolled change in the course of any activity involving harmful and hazardous substances in an industrial installation for example during manufacture, use, storage, handling or disposal or during transportation of such substances;

"Vessel" - a vessel of any kind that operates in the marine environment, including hovercraft, hydrofoil boats, submarines, towed and self-driving boats, as well as platforms and other manmade offshore structures;

"Invasive alien species" - an alien species whose establishment and spread may cause economic or environmental damage to the ecosystems or biological resources of the Caspian Sea.

Article 2. Objective

The objective of this Convention is the protection of the Caspian environment from all sources of pollution including the protection, preservation, restoration and sustainable and rational use of the biological resources of the Caspian Sea.

Article 3. Scope of Application

This Convention shall be applied to the marine environment of the Caspian Sea, taking into account its water level fluctuations, and pollution from land based sources.

II. GENERAL OBLIGATIONS

Article 4. General Obligations

The Contracting Parties shall:

(a) individually or jointly take all appropriate measures to prevent, reduce and control pollution of the Caspian Sea.

(b) individually or jointly take all appropriate measures to protect, preserve and restore the environment of the Caspian Sea;

- (c) use the resources of the Caspian Sea in such a way as not to cause harm to the marine environment of the Caspian Sea ;
- (d) cooperate with each other and with competent international organizations for the achievement of the objective of this Convention.

Article 5. Principles

In their actions to achieve the objective of this Convention and to implement its provisions, the Contracting Parties shall be guided by, *inter alia*, the following principles:

- (a) the precautionary principle, by virtue of which, where there is a threat of serious or irreversible damage to the Caspian Sea environment, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent such damage;
- (b) “the polluter pays” principle, by virtue of which the polluter bears the costs of pollution including its prevention, control and reduction;
- (c) the principle of accessibility of information on the pollution of the marine environment of the Caspian Sea according to which the Contracting Parties provide each other with relevant information in the maximum possible amount.

Article 6. Duty to Co-operate

The Contracting Parties shall co-operate on a multilateral and bilateral basis in the development of protocols to this Convention prescribing additional measures, procedures and standards for the implementation of this Convention.

III. PREVENTION, REDUCTION AND CONTROL OF POLLUTION

Article 7. Pollution from Land-Based Sources

1. The Contracting Parties shall take all appropriate measures to prevent, reduce and control pollution of the Caspian Sea from land-based sources.

2. The Contracting Parties shall co-operate in the development of protocols to this Convention prescribing additional measures for prevention, reduction and control of pollution of the Caspian Sea from land-based sources. Such protocols may include, *inter alia*, the following measures:

- (a) the emission of pollutants is prevented, controlled and reduced at source through application, *inter alia*, of low- and non-waste technology;
- (b) the pollution from land-based point sources is prevented, reduced and controlled through licensing of waste-water discharges by competent national authorities of the Contracting Parties;
- (c) licensing of waste-water discharges is based on promoting the use of environmentally sound technology;
- (d) requirements stricter than those provided in sub-paragaphs (b) and (c) of this Article, are imposed according to additional protocols to this Convention when the quality of the receiving water or the affected ecosystem of the Caspian Sea so requires;

- (e) various treatments are to be applied to municipal waste water and, where necessary, in a step-by-step approach;
- (f) in order to reduce organic substances inputs from industrial and municipal sources, the best available environmentally sound technology is to be applied;
- (g) appropriate measures based on best environmental practices are to be developed and implemented for the reduction of inputs of organic substances and hazardous substances from non-point sources, including agriculture;
- (h) measures on their conservation and full liquidation should be taken for some coastal sources of pollution that continue to have negative impact on the Caspian Sea.

3. If the discharge from a watercourse, flowing through the territories of two or more Contracting Parties or forming a boundary between them, is likely to cause pollution of the Caspian Sea, the Contracting Parties shall co-operate in taking all appropriate measures to prevent, reduce and control such pollution, including, where appropriate, the establishment of joint bodies responsible for identifying and resolving potential pollution problems.

Article 8. Pollution from Seabed Activities

The Contracting Parties shall take all appropriate measures to prevent, control and reduce pollution of the Caspian Sea resulting from seabed activities. They are encouraged to co-operate in the development of protocols to this Convention to that effect.

Article 9. Pollution from Vessels

The Contracting Parties shall take all appropriate measures to prevent, reduce and control pollution of the Caspian Sea from vessels and shall co-operate in the development of protocols and agreements to the Convention prescribing agreed measures, procedures and standards to that effect, taking into account relevant international standards.

Article 10. Pollution Caused by Dumping

1. The Contracting Parties shall take all appropriate measures to prevent, hindrance, reduce and control pollution of the Caspian Sea caused by dumping from vessels and aircraft registered in their territory or flying their flag.

2. The Contracting Parties shall co-operate in the development of protocols to the Convention prescribing agreed measures, procedures and standards to that effect.

3. The provisions of paragraphs 1 and 2 of this Article shall not apply when a vessel or aircraft at sea is threatened by the complete destruction or total loss of the vessel or aircraft or in any case which constitutes a danger to human or marine life, if dumping appears to be the only way of averting the threat, and if there is every probability that the damage consequent upon such dumping will be less than would otherwise occur. Such dumping shall be so conducted as to minimise the likelihood of damage to human or marine life or hindrance to legitimate uses of the sea in accordance with the applicable international and regional legal instruments. Such dumping shall be reported to the Contracting Parties.

Article 11. Pollution from Other Human Activities

1. The Contracting Parties shall take all appropriate measures to prevent, reduce and control

pollution of the Caspian Sea resulting from other human activities not covered by Articles 7-10 above, including land reclamation and associated coastal dredging and construction of dams.

2. The Contracting Parties shall take all appropriate measures to reduce the possible negative impact of anthropogenic activities aimed at mitigating the consequences of the sea-level fluctuations on the Caspian Sea ecosystem.

Article 12. Prevention of Introduction, Control and Combatting of Invasive Alien Species

The Contracting Parties shall take all appropriate measures to prevent the introduction into the Caspian Sea and to control and combat invasive alien species, which threaten ecosystems, habitats or species.

Article 13. Environmental Emergencies

1. The contracting Parties shall take all appropriate measures and cooperate to protect human beings and the marine environment against consequences of natural or man-made emergencies. To this end, preventive, preparedness and response measures, including restoration measures, shall be applied.

2. For the purpose of undertaking preventive measures and setting up preparedness measures, the Contracting Party of origin shall identify hazardous activities within its jurisdiction, capable of causing environmental emergencies, and shall ensure that other contracting Parties are notified of any such proposed or existing activities. The Contracting Parties shall agree to carry out environmental impact assessment of hazardous activities, and to implement risk-reducing measures.

3. The Contracting Parties shall cooperate for the setting up of early warning systems for industrial accidents and environmental emergencies. In the event of an environmental emergency, or imminent threat thereof, the Contracting Party of origin shall ensure that the Contracting Parties likely to be affected, are, without delay, notified at appropriate levels.

4. The Contracting Parties shall take all appropriate measures to establish and maintain adequate emergency preparedness measures, including measures to ensure that adequate equipment and qualified personnel are readily available, to respond to environmental emergencies.

IV. PROTECTION, PRESERVATION AND RESTORATION OF THE MARINE ENVIRONMENT

Article 14. Protection, Preservation, Restoration and Rational Use of Marine Living Resources

1. The Contracting Parties shall have particular regard to the protection, preservation, restoration and rational use of marine living resources and shall take all appropriate measures on the basis of the best scientific evidence available to:

(a) develop and increase the potential of living resources for conservation, restoration and rational use of environmental equilibrium in the course of satisfying human needs in nutrition and meeting social and economic objectives;

(b) maintain or restore populations of marine species at levels that can produce the maximum sustainable yield as qualified by relevant environmental and economic factors and taking into consideration relationships among species;

(c) ensure that marine species are not endangered by over-exploitation;

(d) promote the development and use of selective fishing gear and practices that minimise waste in the

catch of target species and that minimise by-catch of non-target species;

(e) protect, preserve and restore endemic, rare and endangered marine species;

(f) conserve biodiversity, habitats of rare and endangered species, as well as vulnerable ecosystems.

2. The Contracting Parties shall co-operate in the development of protocols in order to undertake the necessary measures for protection, preservation and restoration of marine biological resources.

Article 15. Coastal Zone Management

The Contracting Parties shall endeavour to take necessary measures to develop and implement national strategies and plans for planning and management of the land affected by proximity to the sea.

Article 16. Caspian Sea Level Fluctuation

The Contracting Parties shall co-operate in the development of protocols to the Convention prescribing to undertake the necessary scientific research and, insofar as is practicable, the agreed measures and procedures to alleviate implications of the sea level fluctuations of the Caspian Sea.

V. PROCEDURES

Article 17. Environmental Impact Assessment

1. Each Contracting Party shall take all appropriate measures to introduce and apply procedures of environmental impact assessment of any planned activity, that are likely to cause significant adverse effect on the marine environment of the Caspian Sea.

2. Each Contracting Party will take all appropriate measures to disseminate results of environmental impact assessment carried out in accordance with paragraph 1 of this Article, to other Contracting Parties.

3. The Contracting Parties shall co-operate in the development of protocols that determine procedures of environmental impact assessment of the marine environment of the Caspian Sea in transboundary context.

Article 18. Co-operation Between the Contracting Parties

1. The Contracting Parties shall co-operate in formulating, elaborating and harmonising rules, standards, recommended practices and procedures consistent with this Convention and with the account of requirements, commonly used in international practice, in order to prevent, reduce and control pollution of and to protect, preserve and restore the marine environment of the Caspian Sea.

2. The Contracting Parties shall co-operate in the formulation of an Action Plan for the Protection of the marine environment of the Caspian Sea in order to prevent, reduce and control pollution and to protect, preserve and restore the marine environment of the Caspian Sea.

3. In fulfilment of their obligations as set in paragraphs 1 and 2 of this Article, the Contracting Parties shall work, *inter alia*, jointly or individually:

- (a) to collect, compile and evaluate data in order to identify sources that cause or likely to cause pollution of the Caspian Sea and to exchange information among the Contracting Parties, as appropriate;
- (b) development of programmes for monitoring quality and quantity of water;
- (c) development of contingency plans for pollution emergency cases;
- (d) to elaborate emission and discharge limits for waste and to evaluate the effectiveness of control programmes;
- (e) to elaborate water quality objectives and criteria and to propose relevant measures for maintaining and, where necessary, improving existing water quality;
- (f) to develop harmonised action programmes for the reduction of pollution loads from municipal and industrial point and diffuse sources, including agriculture, urban and other runoff.

Article 19. Monitoring

1. The Contracting Parties shall endeavour to establish and implement individual and/or joint programmes for monitoring environmental conditions of the Caspian Sea.

2. The Contracting Parties shall agree upon a list and parameters of pollutants which discharge into and concentration in the Caspian Sea shall be regularly monitored.

3. The Contracting Parties shall, at regular intervals, carry out individual or joint assessments of the environmental conditions of the Caspian Sea and the effectiveness of measures taken for the prevention, control and reduction of pollution of the marine environment of the Caspian Sea.

4. For these purposes, the Contracting Parties shall endeavour to harmonise rules for the setting up and operation of monitoring programmes, measurement systems, analytical techniques, data processing and evaluation procedures for data quality.

5. The Contracting Parties shall develop a centralised database and information management system to function as a repository of all relevant data, serve as the basis for decision-making and as a general source of information and education for specialists, administrators and the general public.

Article 20. Research and Development

The Contracting Parties shall co-operate in the conduct of research into and development of effective techniques for the prevention, control and reduction of pollution of the Caspian Sea and, to this effect, the Contracting Parties shall endeavour to initiate or intensify specific research programmes, where necessary, aimed, *inter alia*, at:

- (a) developing methods for the assessment of the toxicity of harmful substances and investigations of its affecting process on the environment of the Caspian Sea;
- (b) developing and applying environmentally sound or safe technologies;
- (c) the phasing out and/or substitution of substances likely to cause pollution;
- (d) developing environmentally sound or safe methods for the disposal of hazardous substances;

- (e) developing environmentally sound or safe techniques for water-construction works and water-regulation;
- (f) assessing the physical and financial damage resulting from pollution;
- (g) improvement of knowledge about the hydrological regime and ecosystem dynamics of the Caspian Sea including sea level fluctuations and the effects of such fluctuations on the Sea and coastal ecosystems;
- (h) studying the levels of radiation and radioactivity in the Caspian Sea.

Article 21. Exchange of and Access to Information

1. The Contracting Parties shall directly or through the Secretariat exchange on a regular basis information, in accordance with the provisions of this Convention.

2. The Contracting Parties shall endeavour to ensure public access to environmental conditions of the Caspian Sea, measures taken or planned to be taken to prevent, control and reduce pollution of the Caspian Sea in accordance with their national legislation and taking into account provisions of existing international agreements concerning public access to environmental information.

VI. INSTITUTIONAL ARRANGEMENTS

Article 22. The Conference of the Parties

- 1. A Conference of the Parties is hereby established.
- 2. The Conference of the Parties shall consist of one representative for each of the Contracting Parties, who shall have one vote. Each representative may be assisted by one or more advisers.
- 3. The first meeting of the Conference of the Parties shall be convened not later than twelve months after the date of the entry into force of the Convention. Thereafter, the Conference of the Parties shall hold ordinary meetings at regular intervals to be determined by the first meeting of the Conference of the Parties.
- 4. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference of the Parties, or at the written request of any Party provided that it is supported by at least two other Contracting Parties.
- 5. The meetings of the Conference of the Parties shall be held in the territories of the countries of the Contracting Parties on the basis of rotation in alphabetical order of English language or at the location of the Secretariat
- 6. The Chairmanship of the Conference of the Parties shall be held in turn by each Contracting Party in alphabetical order of the names of the Contracting Parties in English language. Should the Chairmanship fall vacant, the Contracting Party chairing the Conference shall designate a successor to remain in office until the term of chairmanship of that Contracting Party expires.
- 7. The working languages of the Conference of the Parties shall be English and the State languages of all Contracting Parties. The Secretariat will provide for the official UN languages.
- 8. All decisions of the Conference of the Parties shall be made by unanimous vote of the Contracting Parties.
- 9. The Conference of the Parties shall, at its first meeting, decide on:
 - a) establishing such other institutions of the Convention as may be deemed necessary;
 - b) the arrangements for the permanent Secretariat of the Convention, including its location and staffing;
 - c) the rules of procedure and financial rules for itself and its subsidiary bodies.

10. The functions of the Conference of the Parties shall be:
 - (a) to keep under review the implementation of this Convention, its protocols and the Action Plan;
 - (b) to keep under review the content of this Convention and its protocols;
 - (c) to consider and adopt any additional protocols or any amendments to this Convention or to its protocols and to adopt and amend the annexes to this Convention and to its protocols;
 - (d) to receive and consider reports submitted by the Contracting Parties and to review and evaluate the state of the marine environment and, in particular, the state of pollution and its effects, on the basis of reports provided by the Contracting Parties and by any competent international or regional organisation;
 - (e) to consider reports prepared by the Secretariat on matters relating to this Convention;
 - (f) to seek, where appropriate, the technical and financial services of relevant international bodies and scientific institutions for the purposes of the objective of this Convention;
 - (g) to establish such subsidiary bodies as may be deemed necessary for the implementation of this Convention and its protocols;
 - (h) to appoint the Executive Secretary of the Convention and such other personnel as may be required, taking into account the equitable representation of the Contracting Parties;
 - (i) to perform such other functions as may be required for the achievement of the objective of this Convention.

Article 23. *The Secretariat of the Convention*

1. The Secretariat of the Convention is hereby established.
2. The Secretariat shall be comprised of the Executive Secretary of the Convention and such other personnel as required to perform the functions specified hereafter.
3. The Executive Secretary shall be the chief administrative officer of the Secretariat of the Convention, and shall perform such functions which are necessary for the administration of the work of the Secretariat of the Convention, as determined by the Conference of the Parties and in accordance with the rules of procedure and financial rules adopted by the Conference of the Parties.
4. The functions of the Secretariat shall be:
 - (a) to arrange for and service meetings of the Conference of the Parties and its subsidiary bodies;
 - (b) to prepare and transmit to the Contracting Parties notifications, reports and other information received;
 - (c) to consider enquiries by and information from the Contracting Parties and to consult with them on matters relating to the implementation of this Convention and its protocols;
 - (d) to prepare and transmit reports on matters relating to the implementation of this Convention and its protocols;
 - (e) to establish, maintain the database of and disseminate national laws of the Contracting Parties and international laws relevant to the protection of the Caspian Sea;
 - (f) to arrange, upon request by any Contracting Party, for the provision of technical assistance and advice for the effective implementation of the Convention and its protocols;
 - (g) to carry out functions as may be established under the protocols to this Convention;
 - (h) to co-operate, as appropriate, with relevant regional and international organisations and programmes;

- (i) to perform such other functions as may be determined by the Conference of the Parties.

VII. PROTOCOLS AND ANNEXES

Article 24. Adoption of Protocols

1. Any Contracting Party may propose protocols to this Convention. Such protocols shall be adopted by unanimous decision of the Parties at a meeting of the Conference of the Parties. Protocols shall enter into force after their ratification or approval by all the Contracting Parties in accordance with their constitutional procedures, unless the protocol does not envisages a different procedure for adoption. Protocols shall form an integral part of this Convention.

2. The text of any proposed protocol shall be communicated to the Contracting Parties by the Conference of the Parties at least six months before the meeting of the Contracting Parties at which the protocol is proposed for adoption.

Article 25. Adoption of Annexes and Amendments

1. The annexes to this Convention or to any protocol shall form an integral part of the Convention or of such protocol, as the case may be, and, unless expressly provided otherwise, a reference to this Convention or its protocols constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to procedural, scientific, technical and administrative matters.

2. Annexes to this Convention or to any protocol shall be proposed and adopted according to the procedure laid down in Article 24.

3. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to any protocol.

4. If an annex or an amendment to an annex is related to an amendment to this Convention or to any protocol, the annex or amendment shall not enter into force until such time as the amendment to this Convention or to the protocol concerned enters into force.

VIII. IMPLEMENTATION AND COMPLIANCE

Article 26. Implementation of the Convention

1. Each Contracting Party shall designate a National Authority to co-ordinate implementation of the provisions of this Convention in its territory and under its jurisdiction.

2. The provisions of this Convention shall not affect the right of the Contracting Parties individually or jointly to adopt and implement more stringent measures than those provided for in this Convention.

Article 27. Reports

Each National Authority shall 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. The Secretariat shall circulate the received reports to all Contracting Parties.

Article 28. Implementation and Compliance

The Contracting Parties shall co-operate in the development of procedures to ensure compliance with the provisions of this Convention or its protocols.

Article 29. Liability and Compensation for Damage

The Contracting Parties, taking into account relevant principles and norms of international law, shall undertake to develop appropriate rules and procedures concerning liability and compensation for damage to the environment of the Caspian Sea resulting from violations of the provisions of this Convention and its protocols.

Article 30. Settlement of Disputes

In case of disputes between Contracting Parties concerning the application or interpretation of the provisions of the present Convention, the Contracting Parties will settle them by consultations, negotiations or by any other peaceful means of their own choice.

IX. FINAL CLAUSES

Article 31. Signature, Ratification, Acceptance, Approval and Accession

1. The Convention shall be open for signature only by Caspian Littoral States at the city of Tehran, Islamic Republic of Iran from 4 November 2003 to 3 November 2004.
2. The Convention shall be subject to ratification, acceptance or approval by the Caspian littoral States. It shall be open for accession by any Caspian littoral State in accordance with their national legislation from the date on which the Convention is closed for signature.
3. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depository.

Article 32. Reservations

No reservation may be made to this Convention.

Article 33. Entry into Force

The Convention shall enter into force on the ninetieth day after the date of deposit of the instrument of ratification, acceptance, approval or accession by all Caspian littoral states.

Article 34. Amendment of the Convention or Protocols

1. Any Contracting Party may propose amendments to this Convention or to any protocol. Such amendments shall be adopted by unanimous decision of the Parties at a meeting of the Conference of the Parties.
2. The entry into force of the amendments to this Convention or to any protocol shall be subject to the same procedure as for the Convention itself.

Article 35. Depository

The Islamic Republic of Iran shall assume the functions of the Depository.

Article 36. Authentic texts

This Convention, of which the Azerbaijani, English, Farsi, Russian, Kazakh and Turkmen texts are equally authentic, shall be deposited with the Depository. In case of dispute arising as to the interpretation or application of this Convention or its protocols, the English text shall be authoritative.

Article 37. Relationship with the negotiations of the legal status of the Caspian Sea

Nothing in this Convention shall be interpreted as to prejudge the outcome of the negotiations on the final legal status of the Caspian Sea.

IN WITNESS WHEREOF the undersigned, being duly authorised to that effect, have signed this Convention

Done at the city of Tehran on the fourth day of November of 2003.