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

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Item 4 of the provisional agenda

**IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF THE MARINE ENVIRONMENT OF THE CASPIAN SEA
(TEHRAN CONVENTION)**

Amendments to the organization and documentation

By letter of 29 October 2010, the Acting Minister of Environmental Protection of the Republic of Kazakhstan, Mr. Mazhit Turmagambetov, confirmed the intention of the Government of Kazakhstan to host the third Conference of the Parties (COP3) to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Tehran Convention), from 24 – 26 November 2010, in Aktau, Republic of Kazakhstan.

Based on consultations which followed, the interim Secretariat by letter of 15 November 2010 proposed to postpone COP3 and invited Kazakhstan to provide a new proposal for its organization.

Following further consultations, the Minister of Environmental Protection of Kazakhstan, Mr. Nurgali Ashimov, by his letter of 25 May 2011, informed and invited his counterparts from the Caspian countries to meet for COP3 in Aktau, 10 – 12 August 2011. Following this letter, an invitation was circulated by the interim Secretariat by letter of 10 June 2011, together with a provisional agenda (TC/COP3/1/Rev), annotated agenda (TC/COP3/1/Add.1/Rev) and Organization of Work (TC/COP3/1/Add.2/Rev).

Since the decision to postpone COP3, two clusters of meetings have been held:

- a meeting in Geneva, 11 – 12 February 2011, dealing with protocol preparation; administration and financial management of the Tehran Convention; and planning for 2011;
- two meetings in Ashgabat, Turkmenistan, 14 – 17 March 2011, dealing with National Convention Action Plans (NCAP) preparation and Monitoring, respectively.

From these meetings and related consultations the following conclusions can be drawn:

1. The text of the Protocol Concerning Regional Preparedness, Response and Cooperation in Combating Oil Pollution Incidents as contained in Annex I of

TC/COP3/3, distributed by letter of 24 March 2010, was reviewed and amended by the Meeting in Geneva. The revised text of the Protocol was circulated by letter of 15 February 2011. In this letter mention was also made of the few outstanding issues which delegations expected to be solved through consultations before adoption and signature of the Protocol at COP3.

2. The text of the Protocol on Environmental Impact Assessment in a Trans-boundary Context as contained in Annex I of TC/COP3/4, distributed by letter of 21 May 2010, was reviewed and amended by the Meeting in Geneva. The revised text of the Protocol was circulated by letter of 15 February 2011. In this letter mention was also made of the few outstanding issues which delegations expected to be solved through consultations before adoption and signature of the Protocol at COP3.
3. The text of the Protocol on the Conservation of Biological Diversity as contained in Annex I of TC/COP3/5, distributed in electronic form on 20 August 2010, was reviewed and final amendments were made and agreed upon during the Meetings in Geneva and Ashgabat. The revised text of the Protocol was distributed by letter of 15 April 2011, for internal approval by the Governments of the Caspian States.
4. The text of the Protocol for the Protection of the Caspian Sea against Pollution from Land Based Sources and Activities as contained in TC/COP3/6, distributed by letter of 24 March 2010, was reviewed and final amendments were made and agreed upon during the Meetings in Geneva and Ashgabat. The revised text of the Protocol was distributed by letter of 25 March 2011, for internal approval by the Governments of the Caspian States.
5. Document TC/COP3/7, dated 25 October 2010, on Administration and Financial Management of the Tehran Convention, was considered at the Geneva meeting. Delegations agreed that, pending the discussion and decision on the location of the Convention Secretariat, no changes should be made towards the present situation in which the Secretariat services are provided by an interim Secretariat hosted in form of a UNEP project by UNEP's Regional Office for Europe in Geneva. It was agreed to advance the discussion and decision making on the location of the Secretariat during a breakfast discussion by Ministers and High level Officials at COP3.
6. The substance of the Program of Work as contained in TC/COP3/11, dated 11 February 2011, does not require any change in the understanding that, pending approval by COP3 and supported by the CaspEco Programme Coordination and Management Unit (PCMU) and interim Secretariat of the Tehran Convention (TCIS), its implementation is already underway:
 - NCAPs are under development, coordinated by National Focal Points and an international consultant. At the Meeting in Ashgabat, guidelines and conditions were agreed upon: the NCAP structure and priorities may differ per country; NCAPs should be visionary documents with special attention to internal country coordination arrangements, financing possibilities, public participation and monitoring and evaluation. NCAPs should include lists of concrete activities with timelines and budget indications. The NCAPs should be ready by end 2011 for Government approval at an appropriate high level.
 - The preparation of National Public Participation Strategies (NPPSs) is underway; designated National Focal Points have been requested to have the

plans and their executive summary ready for presentation at Caspian Day and COP3.

- At the Meeting in Ashgabat it was decided that the Working Group (WG) on Environmental Monitoring, assisted by a core team, would: draft parameters for monitoring the quality of the waters of the Caspian Sea; propose the network of institutional monitoring capacity; map out and make recommendations as to the road towards creating a system of harmonized data collection and analysis; and report to COP3 for guidance.
 - Following extensive consultations CaspEco PCMU will, on 16 and 17 July 2011, convene a meeting in Geneva between environment and fisheries authorities to consider a possible intergovernmental agreement on bio-resources.
7. State of the Environment report (provisional agenda item 10). At the Meeting in Ashgabat, the WG on Environmental Monitoring acknowledged that a full and comprehensive State of the Environment report can only be prepared once the Environmental Monitoring Program is operational and the Protocols, with specific monitoring commitments, are in force. Also, guidance is needed as to what extent SOE reports should only contain facts or include analysis, trends and projections. Important is furthermore up to what extent SOE reports should be independent or government negotiated documents. The WG on Environmental Monitoring has been requested to formulate recommendations on these and related questions, for consideration by Governments. Against this background, it was agreed that the text of the SOE report will be circulated for comments by 10 May 2011; based on the comments the SOE presentation to COP3 will be finalized.
 8. The cost of the Program of Work (POW) for 2011-2012 amounts to US\$682,000 (for a specification of funding sources see the POW, document TC COP3/11). These costs do not include the cost of staff and related operational cost. Up till end 2011 the Convention process will be serviced by TCIS (4 part-time staff) and the PCMU (7 full-time staff), with the cost of staff and related operational cost largely financed by CaspEco. As it stands now, the CaspEco project is scheduled to finish by the end of 2011. Unless the location of the Convention Secretariat changes, the minimum costs of staff and related operational cost for 2012 amount to around US\$310,000 and, in the absence of any other sources of funding can be covered by savings. Before the end of 2011 an assessment will be made of the needs in terms of staff and related operational costs, and potential sources of additional funding will be explored, with a view to prepare and submit a full POW and budget for 2012-2013 to COP4.
 9. Contacts and cooperation with the private sector are being pursued through efforts to generate support from BP for the establishment of the Caspian Information Centre and from Agip KCO for the preparation of the Bio-diversity Atlas.
 10. In light of point 5 above, it is proposed to substitute para 2 A, B and C of the draft Ministerial Statement and Decisions contained in TC/COP3/13 with the following: "Invite UNEP to continue to host and administer the interim Secretariat of the Tehran Convention through its Regional Office for Europe in Geneva, until a permanent Secretariat arrangement has been decided upon and put in place.



UNITED NATIONS ENVIRONMENT PROGRAMME

Programme des Nations Unies pour l'environnement Programa de las Naciones Unidas para el Medio Ambiente
Программа Организации Объединенных Наций по окружающей среде برنامج الأمم المتحدة للبيئة

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Geneva, 15 February 2011

Excellency,

The representatives of the Contracting Parties to the Framework Convention on the Protection of the Marine Environment of the Caspian Sea (Tehran Convention) met in Geneva, on 11 and 12 February 2011, with a view to facilitate the preparation and discussions of the 3rd Meeting of the Conference of the Parties (COP3), to be held from 5 – 7 April 2011 in Aktau, Kazakhstan, and plan the meetings and events in 2011 related to the implementation of the Convention and the CaspEco project.

The meeting considered proposals from the Russian Federation and the Islamic Republic of Iran related to the draft Protocols Concerning Regional Preparedness, Response and Cooperation in Combating Oil Pollution Incidents (Oil Spills Protocol) and on Environmental Impact Assessment in a Trans-boundary Context (EIA Protocol).

Regarding the Oil Spills Protocol it was agreed that:

- the footnote to article 9 of the Oil Spills Protocol should be deleted and with the exception of the bracketed abbreviations, added to the text of the article following insertion of the words “namely the” after the last word “regulations”;
- the words “conference of the Parties” in article 14.2 of the Oil Spills Protocol should be replaced by the words “Contracting Parties”, and that the reference to the financial rules in article 15 should be deleted.

The delegation of Kazakhstan proposed to add the words “to which they are participants” to article 20. The proposal was not supported and it was suggested that consultations take place between the Parties concerned with a view to reach agreement before or at COP3.

The delegation of the Islamic Republic of Iran proposed to introduce an article on reporting, similar to the articles on reporting in other protocols. The proposal was not supported and it was suggested to reintroduce it for decision at COP3.

Regarding the EIA Protocol delegations agreed to delete the 2nd sentence of article 8.2, with the exception of Azerbaijan which reserved its position.

Referring to article 22 of both the Oil Spill Protocol and the EIA Protocol, delegations confirmed that each of the Contracting Parties would be responsible for ensuring an adequate, acceptable translation of the agreed English text of the Protocols into their national language. It was recalled that in case of dispute arising as to the interpretation or application of the Protocols the English text shall be authoritative.

Attached is the text of the Protocols reflecting the agreed editorial changes. Delegations at the meeting expressed the hope and expectation that full agreement on the text will be reached by the time that the Ministers meet at COP3 to adopt and sign the Protocols.

Please accept Excellency, the expressions of my highest consideration,

Christophe Bouvier
Director and Regional Representative for Europe