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

Distr.: General
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Original: English

**CONFERENCE OF THE PARTIES
Fourth Meeting
Moscow, 10-12 December 2012**

Items 5 and 12 of the provisional agenda

CONVENTION SECRETARIAT LOCATION AND ARRANGEMENTS

Note by the interim Secretariat

1. Attached as Annex I is a note submitted by the interim Secretariat to the first Preparatory Committee Meeting for COP4, held in Geneva, 11-13 July 2012, on Shifting the Tehran Convention interim Secretariat to the Caspian Region.
2. Following the decisions of that meeting and attached as Annex II, is a letter from the interim Secretariat, dated 20 July 2012, addressed to His Excellency Mr. Bagirov, Minister of Ecology and Natural Resources of the Republic of Azerbaijan, and His Excellency Mr. Mohammadizadeh, Vice-President and Head of the Department for Environment of the I.R. of Iran, requesting them to enter into bilateral consultations on the location of the Tehran Convention Secretariat.
3. Pending the outcomes of these discussions, a report thereof can not yet be presented.
4. Further attached as Annex III is the draft List of Standardized Host Country Support, which was circulated to the National Convention Liaison Officers for consideration by e-mail on 28 September 2012.

Suggested Action:

5. The Conference of the Parties may wish to:
 - Decide to locate the Convention (interim) Secretariat (for a(n) initial period of 4 years) in (name city and country) (in accordance with a system of 4 years rotation);
 - adopt the standardized package of host country secretariat support;

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- and request the interim Secretariat to initiate the necessary consultations with a view to have the (interim) Secretariat at location in place starting 2014;

- Call upon the Contracting Parties to select and second a national expert to the interim Secretariat pending the decision by the Contracting Parties at the Fifth Meeting of the COP on the Secretariat composition and host organization;
- Invite the United Nations Environment Program (UNEP) to continue to host and administer the interim Secretariat through its Regional Office for Europe in Geneva, and finalize the arrangements for hosting and administering the Convention Secretariat at location in the region if thereto invited by the Contracting Parties at their Fifth Meeting of the COP.

ANNEX I

**Shifting the Tehran Convention interim Secretariat to the region:
issues to be considered**

Note by the interim Secretariat

This note has been prepared to facilitate the discussion on the implementation of the decision of COP3 to establish/shift the Secretariat of the Tehran Convention to the region, focusing on the idea launched at the meeting in Moscow in March 2012 to make start by shifting the interim Secretariat to the region on a rotation basis.

Introduction

In the Final Act of the Conference of Plenipotentiaries for the Adoption and Signature of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (the “Tehran Convention”), adopted at 4 November 2003, the Conference “agreed, pending the entry into force of the framework Convention and with a view to prepare for the first meeting of the Conference of the Parties, to request the Regional Office for Europe of the United Nations Environment Program to continue to service the Convention process”.

Article 22.5 of the Tehran Convention concerning the holding of the meetings of the Contracting Parties stipulates that the Convention Secretariat will be located “in the territories of the countries of the Contracting Parties”.

In preparation of the first Meeting of the Conference of the Parties to the Tehran Convention (COP I) and upon the request of the 2nd meeting of the State Signatories to the Tehran Convention (February 2006, Almaty, Kazakhstan), the Tehran Convention interim Secretariat (TCIS) provided the Caspian countries with a questionnaire listing various elements of information that need to be taken into account in deciding on the most favourable location of the secretariat.

As it stands today, both Azerbaijan and the Islamic Republic of Iran have offered to host the Convention Secretariat, whereas the Russian Federation expressed an interest.

At COP I, on 25 May 2007, in Baku, Republic of Azerbaijan, the Ministers failed to reach agreement on arrangements for the secretariat and decided “to continue further discussions on institutional arrangements of the Convention at the second and subsequent meetings of the COP in view to finalize and reach consensus on these issues”.

COP I decided “to invite UNEP to continue the functions of the Convention Secretariat ad interim until a permanent Secretariat has been put in place”. Further in their Statement, the Ministers expressed gratitude to UNEP for its cooperation and support to the Convention process

and requested “UNEP to continue the functions of the Convention Secretariat ad interim until a permanent Secretariat has been put in place”.

Meeting in Tehran, Islamic Republic of Iran, on 16 October 2007, the Presidents of the Caspian littoral States adopted a Declaration, in which they, inter alia, “noted the need to – as soon as possible – finalize the procedural aspects of the Tehran Convention, especially as regards the location of its permanent Secretariat”.

At COP II, on 12 November 2008, in Tehran, Islamic Republic of Iran, Ministers agreed “to review the institutional arrangements for the Tehran Convention at the third Meeting of the Conference of Parties, or earlier following an agreement on the location and arrangements of the permanent Secretariat, and confirm their intention to reach such an agreement as soon as possible”.

At the same meeting the COP invited UNEP “to continue the functions of the Tehran Convention Secretariat ad interim until a permanent Secretariat has been put in place, and to develop a proposal for administering the permanent Secretariat for their consideration at the third Meeting of the Conference of the Parties”.

At COP III, on 12 August 2011, in Aktau, Kazakhstan, Ministers:

“*Noting* that the Republic of Azerbaijan and the IR of Iran have put forward their candidature for hosting the Secretariat of the Tehran Convention and that the Russian Federation has expressed interest”

“*Noting furthermore* amongst other options the proposal made by the Vice-President of the IR of Iran for collaborative management of the Secretariat including a Centre of Excellence for each Protocol distributed amongst the Contracting Parties”

“*Decided* the establishment/shift of the Secretariat of the Convention to the territory of one of the Caspian littoral states, and to take a final decision on the procedural aspects of the Convention, especially regarding the Secretariat location, if possible, not later than by the fourth Meeting of the COP”

COP III also “expressed gratitude and invited UNEP to organize a meeting on the location of the permanent Secretariat and continue to host and administer the interim Secretariat of the Tehran Convention (TCIS) through its Regional Office for Europe in Geneva, until a permanent Secretariat arrangement has been decided upon and put in place”.

Meeting in Moscow, mid March 2012, the representatives of the Caspian states could not reach a working level understanding on how to implement the decisions of COP III related to the establishment and shift of the Convention Secretariat to the region, and discussed the possibility to, as a start, move the TCIS to the region with a location on rotation basis.

Tasks and responsibilities of the Convention (interim) Secretariat

Article 23 paragraph 4 of the Tehran Convention sets out the tasks for the Secretariat:

- (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.

Rule 21 of the Rules of Procedure of the Tehran Convention states:

The Secretariat shall, in accordance with Art. 23 of the Convention, inter alia,:

- (a) Arrange for interpretation at the meeting;
- (b) Receive, translate, reproduce and distribute the documents of the meeting;
- (c) Publish and circulate the official documents of the meeting;
- (d) Make and arrange for keeping of sound recordings of the meeting;
- (e) Arrange for the custody and preservation of the documents of the meeting; and
- (f) Generally perform all other work that the Conference of the Parties may require.

Article 23 of the Convention states that “the Secretariat shall be comprised of the Executive Secretary of the Convention and such other personnel as required to perform the functions specified hereafter” and paragraph 3 elaborates: “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.”

Rule 19 and 20 of the Rules of Procedure of the Tehran Convention elaborate:

Rule 19

1. The Executive Secretary or the representative of the Executive Secretary shall act in the same capacity in all meetings of the Conference of the Parties and of subsidiary bodies.
2. The Executive Secretary shall provide and direct the staff required by the Conference of the Parties or subsidiary bodies.
3. The Executive Secretary, or member of the Secretariat may at any time, upon invitation of the Chairman, make either oral or provide written statements to the Conference of the Parties concerning any matter under consideration by it.

Rule 20

The Executive Secretary shall provide to the Conference of the Parties and its subsidiary bodies the report on the administrative and financial implications of agenda items of the meeting and proposals submitted by the Parties to the meeting, before these agenda items and proposals are considered by the meeting.

As host and provider of the TCIS, UNEP has to ensure that the Convention receives the administrative support needed to function effectively. In 2003, the UN Office of Internal Oversight Services defined administrative services to include budget and financial management, human resources management, ICT, contracts and procurement, safety and security, building and facilities management, oversight-audit, legal services, monitoring and evaluation.

The UNEP Executive Director through the Director of UNEP ROE is responsible for and accountable to the COP for administering and carrying out the functions of the TCIS. He appoints the staff of the Secretariat who report to him on all matters relating to the functioning of the Secretariat, and as UNEP staff members are entitled to and bound by all conditions of service of UN employees.

In all matters related to administrative services including adoption and implementation of Rules and decisions related to the administration and functioning of the TCIS Secretariat full consistency and compliance with the United Nations rules, regulations and procedures is required.

Moving the TCIS to the region

a) Location

Rotation of the TCIS in the region could be in alphabetical order, starting from the beginning of the alphabet or with the country selected by drawing straws or with the country which offers the best arrangements and support. Parties could, if they so wish agree that the actual location should be at or close to the Sea.

For efficiency reasons, the Contracting Parties may agree to have the actual rotation take place after each 2nd COP.

Since UNEP manages the TCIS as a project, moving the interim Secretariat to the region will imply establishing a project office in the region. Consequently a host country agreement will have to be concluded between UNEP and the country hosting the TCIS.

In case a new UNDP GEF project with a PCMU is established, Parties may, if they so wish, agree to co-locate the PCMU with the TCIS. Independent from this and unless the host country offers them for free or against a reduced rate, it may be advisable to locate the TCIS in premises already occupied by UNDP or other UN agencies.

b) Staffing

Up to the closure of the UNDP-GEF CaspEco project the Tehran Convention and its Contracting Parties were de facto serviced jointly by the TCIS, hosted by UNEP-ROE in

Geneva, and the CaspEco Project Coordination Management Unit (PCMU) in Astana. The TCIS in Geneva consisted of consultants embedded in and supported by both substantive and administrative staff of UNEP ROE, under the supervision of Director ROE. Working level leadership and coordination was and is provided by the Regional Coordinator for international waters in ROE assisted by the ROE Senior Adviser. The PCMU in Astana had 5 full-time staff members.

In the absence of CaspEco support, the TCIS staffing arrangements as they stand now will not be able to cope with the workload related to servicing the Contracting Parties in their individual and collective efforts to implement the Tehran Convention and an expected number of four ancillary protocols. Moving the TCIS to a location in the region, at distance from ROE Geneva, will reduce the possibilities for day to day support from ROE staff based in Geneva and will therefore require additional staff resources.

A skeleton TCIS in the region would at the minimum have to consist of: an arrangement for providing leadership and coordination at the working level; 2 protocol officers each taking care of up to 2 protocols; an administrative and financial officer; an IT/information officer; and some secretariat support staff. The actual staff situation in Geneva is such that only one or two of these positions can eventually be filled by the persons which are presently employed as TCIS staff in Geneva.

The required arrangement for providing leadership and coordination at the working level may be implemented by recruiting/nominating a new interim Head of the TCIS at location, or by continuing the present arrangement, whereby the leadership and coordination of the TCIS is provided by UNEP ROE in Geneva and at location. Furthermore, if a UNDP-GEF project with its PCMU is put in place, the Contracting Parties may agree to assign certain TCIS tasks and responsibilities to the CTA of the project under an interagency agreement between UNDP-UNOPS and UNEP.

In case a new UNDP-GEF project with a TCIS-co-located PCMU will be agreed upon and put in place, some of the required staff functions might be provided by staff of the PCMU, through an interagency agreement between UNDP-UNOPS and UNEP, similar to the one under CaspEco. Independent of this, locating the TCIS in the premises already occupied by UNDP or other UN agencies might provide the opportunity of combining some services thereby reducing staff requirements.

c) Funding

The costs of staff and administration of the TCIS forms part of the budget of the Tehran Convention and is currently shared among the Caspian littoral states, the CaspEco project, an EU project and UNEP.

Document TC/COP3/11, Annex I indicated that a continuation of the present interim secretariat arrangements in Geneva would cost at the minimum USD 400,000 per year (USD 285,000 staff cost and USD 115,000 operational costs). These costs which include only some of the costs of staff support from UNEP ROE in Geneva, did not take into account the need for additional staff arrangements for servicing the protocols.

It is calculated that, with the exception of the arrangement for working level leadership and coordination, the TCIS in the region, as stipulated above, would carry a staff related price tag of USD 360,000 at the minimum. With no major change in the operational costs it would mean that the TCIS in the region would on average cost USD 475,000 per year.

The required arrangement for leadership and coordination at the working level would raise the costs further with between USD 100,000 to USD 250,000, depending on the arrangement.

The costs of the interim Secretariat in the region could be reduced if and in as far as the host country and the other Contracting Parties are willing to contribute, in cash or in kind (office space; staff secondments) and when cost reducing collaborative arrangements can be concluded with co-located agencies and projects, such as a new UNDP-GEF project. A continuation of EU support might also help to further reduce the costs of a TCIS in the region.



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

联合国环境规划署



Reference: JD/FS/2012.085

Geneva, 20 July 2012

Excellencies,

Allow me to recall that at the Third Meeting of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Tehran Convention), from 10 to 12 August 2011, in Aktau, Kazakhstan, Ministers "decided the establishment/shift of the Secretariat of the Convention to the territory of one of the Caspian littoral states, and to take a final decision on the procedural aspects of the Convention, especially regarding the Secretariat location, if possible, not later than by the fourth Meeting of the COP".

The representatives of the five Contracting Parties, at their recent meeting in Geneva, 11 – 13 July 2012, discussed how to implement the decision of COP3, on the basis of a note by the interim Secretariat, a copy of which is attached hereto.

As a result it was decided that the interim Secretariat would send a letter to the National Focal Points of the Republic of Azerbaijan and the Islamic Republic of Iran, with copies to the National Focal Points of the other Contracting Parties, requesting them to enter into bilateral discussions in order to harmonize their views/positions on the location of the Convention Secretariat in the Caspian Sea region, as well as on a standardized package of host country secretariat support, with a view to facilitate decision-making on these issues by COP4. The joint position of the two countries would have to be communicated to the other Contracting Parties in time for the discussions at the Preparatory Committee Meeting, scheduled to take place early November 2012, which will prepare the related decisions for COP4.

His Excellency
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Minister of Ecology and Natural Resources
B. Aghayev 100-A
370073 Baku
Azerbaijan

His Excellency
Mr. Mohammad Javad Mohammadzadeh
Vice President and Head of the Department for
Environment
Paradisian Nature Park
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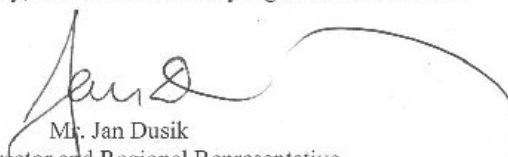
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The representatives of the Contracting Parties at the Geneva meeting furthermore concluded that Parties will make every effort to have a fully equipped secretariat arrangement in the Caspian Sea region in place by 1 January 2014. In case no agreement is reached by all Contracting Parties on the basis of the feedback received from the Republic of Azerbaijan and the Islamic Republic of Iran, a system of full rotation of the Secretariat in alphabetical order may be decided and installed.

The meeting confirmed that Parties remain inclined to request UNEP to administer the Secretariat.

In light of the above, you may wish to establish contacts and hold consultations with your colleague and counterparts from the Republic of Azerbaijan or the Islamic Republic of Iran, respectively, and inform the interim Secretariat of the outcome by 30 September 2012 at the latest. In the meantime, the interim Secretariat stands ready to assist and provide you with any further background information you may require.

Please accept Excellency, the assurances of my highest consideration.



Mr. Jan Dusik
Acting Director and Regional Representative
UNEP Regional Office for Europe

CC:

His Excellency Mr. Nurlan Kapparov
Minister of Environmental Protection of the Republic of Kazakhstan

His Excellency Mr. Sergey Donskoy
Minister of Natural Resources and Environment of the Russian Federation

His Excellency Mr. Rashid Meredov
Minister of Foreign Affairs of Turkmenistan

His Excellency Mr. Babageldy Annabairamov
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ANNEX III**STANDARDIZED LIST OF HOST COUNTRY SECRETARIAT SUPPORT****I. Legal framework**

The Secretariat, its staff members, family members/dependents of the staff, representatives of the Contracting Parties of the Convention, delegates and experts invited to meetings and conferences in the host country will enjoy the privileges and immunities as are accorded to the existing United Nations organizations in that country, including:

- Immunity from jurisdiction
- Inviolability of the premises, archives, samples, equipment, and other material
- Freedom of financial assets from restrictions
- Facilities and immunities in respect of communications and publications
- Exemption from taxes and customs duties
- Other privileges and immunities

Spouses and children of the staff members of the Secretariat will enjoy access to the labor market without a complicated process. On the termination of the duties of the staff members, their spouses and children can continue working for a certain reasonable period.

The Secretariat and its staff members will be exempt from all compulsory contributions to the social security system of the host country. They are allowed to choose an insurance system of the UN or host country on voluntary basis.

A. stand-alone headquarters agreement will be concluded between the Government of the host country and the Secretariat which will include the above mentioned privileges and immunities.

II. Features of the office site and related financial issues

An office building/accommodations will be provided free of charge. The accommodations will at least include: an executive room; sufficient rooms/space for staff and consultants; (access to) a conference room, kitchen-, sanitary- and storage facilities, and parking space.

The Office building/accommodations should preferably be located in the neighbourhood of public transport and hotel and restaurant facilities.

The host country will be responsible for:

- Major maintenance and repairs to the office facilities;
- Normal maintenance and repair;
- Utilities, including communication facilities.

The host country will provide free-of charge:

- Office equipment, supplies; and furniture;
- Public utilities (e.g. gas/water/sewage/electricity/waste disposal);
- Lines of communication (telephone/ISDN/fax/computer);
- Security equipment/security zone equipment;

- Conference equipment including interpretation system;
- Internet access;

III. Facilities and conditions

The host country will to the maximum extend possible ensure:

- Local availability of trained personnel for possible employment in the Secretariat, taking account of language and other skills;
- Local transport facilities and their proximity to the office facilities at the disposal of the Secretariat;
- Health facilities and access to them by staff members of the Secretariat;
- Availability of suitable housing and the proximity of this housing to the office facilities at the disposal of the Secretariat;
- Facilities for the transfer of funds to and from foreign countries for the Permanent Secretariat and its staff members;
- That, participants to meetings organized by the Secretariat in the territory of the host country are granted visa entry permits, where necessary, in expeditious manner.

IV. Other contributions to meet the operating costs of the Secretariat

The host country will provide the Secretariat free of charge with up to two Secretariat staff and a car and driver to be at their disposal. It also agrees to negotiate on a financial contribution of the host country.