

Executive Summary of the National Convention Action Plan (NCAP)

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✓ **Conclusion**

Introduction

Notion of NCAP

NCAP is meant to represent a set of actions as well as guiding activities envisaged to put in effect the relevant provisions of the Framework Convention on the protection of marine environment of the Caspian Sea.

While NCAP is considered to be mainly the action-oriented document it should also leave a reasonable margin of flexibility to enrich the list of actions in the course of implementation process, as needed, without any harm to its directing nature and guiding specificity.

Objective

Its characteristic aspect is to qualitatively achieve the implementation of actions and guiding activities to serve the objective of the Framework Convention with due regard to the SCAP which equally follows the same purpose.

In this regard one should pay attention to the relationship between NCAP and Framework Convention, on the one hand, and, relationship between NCAP and SCAP, on the other. Framework Convention is legally binding document, and thus, it is starting point for the national actions and activities for all Parties. While SCAP is also one single document for the States-Parties, it is rather of guiding nature due to the fact that "the basic framework of the SCAP mirrors the layout of the Framework Convention". Furthermore, States-Parties are not expected to implement SCAP so that the Framework Convention is implemented. The State Parties will instrumentalize NCAP to implement Framework Convention and will take into account SCAP as guiding document to ease the task of State-Parties on how to formulate the NCAP. Henceforth, it has to be apprehended in this meaning that the NCAP is supposed to be a means for the implementation of SCAP.

To understand this unique relationship among NCAP-SCAP-Framework Convention one may draw the attention to another point. Framework Convention is an indefinite legal document, contrary SCAP has its time frame. Thus, the completion of duration of SCAP will not necessarily entail the automatic senselessness of adoption of NCAP for the purposes of the Framework Convention while if the latter expires its time of effectiveness such an NCAP will lose its meaning.

Last but not the least, NCAP is mostly action-oriented document with concrete targets. Against this background, SCAP mainly sets strategy for the implementation of Convention leaving aside the margin of appreciation for the detailed actions and activities for each State-Party's national actors and their counter-partners.

Scope of application/Geographic scope

Geographic scope of NCAP accords with the scope of application of the Framework Convention and SCAP, respectively. Framework Convention in Article 3 defines marine environment of the Caspian Sea, taking into account its water level fluctuations, and pollution from land-based sources as areas for application. Article 26 (implementation of the Convention) mentions Contracting Parties' territories and areas under their jurisdiction for the implementation of the

provisions of the Framework Convention. To this end, proceeding from Articles 3 and 26 read in conjunction NCAP is to be realized within national boundaries on the land and in the Caspian Sea, e.g. within the territory and under the jurisdiction of the respective State-Party, accordingly.

Chapter 1

Prevention, reduction and control of pollution

While Protocol on Land-Based Sources of Pollution has been recently finalized at expert level but has not been yet signed neither entered into force, this does not preclude States Parties from taking actions about prevention, reduction and control of pollution of the Caspian Sea, especially those from land based sources and activities pursuant to the Framework Convention.

Aim: To take actions, as necessary, about adoption/signature and eventual entry into force of the Protocol on Land-Based Sources of Pollution to the Framework Convention
Action: To take part in negotiations and discussions on details of its adoption/signature and subsequently start-up of domestic procedure for entry into force of the Protocol for Azerbaijan
Entities to be involved for this action: MENR, MFA, NGO and other related entities
Expected time-frame: 2011-201(2)

Undertake local land-based source assessments in the areas near the Caspian Sea
Aim: Local land-based source assessments (point and diffuse sources) in the areas near the Caspian Sea aimed at determining the localities of high pollution concern
Entities to be involved for this action: MENR, ME, AZERSU SC, NGO
Expected time-frame: 2012-201(4)

Aim: Undertake a comprehensive land-based source assessment regarding the areas near the Caspian Sea
Action: Comprehensive land-based source assessments (on the basis of point and diffuse sources) regarding the areas near the Caspian Sea drawing the general picture of pollution concerned areas and listing them according to the prioritization
Action: Development of prioritized investment programme(s)

Action: Identification of oil polluted territories in oil and gas production sites, ground waters, waste contaminated sites and development of a large scale environmental map of the Absheron peninsular
Action: Upgrade of existing and establishment of new laboratories for the assessment of LBS pollution
Entities to be involved for this action: MENR, ME, NGO, AZERSU SC
Expected time-frame: 2014-201(7) 2014-201(7) 2014-201(7) 2014-201(5)

Aim: Reduce pollution from existing and decommissioned coastal and offshore oil and gas facilities, including the re-sealing of well heads.
Action: Decreased hydrocarbon pollution from existing and decommissioned facilities
Action: Prevention of leaks from wells and pipelines and other facilities
Action: Construction of a treatment facility at the exit of the canal(s) in order to reduce discharge of oil polluted waste in the sea
Entities to be involved for this action: MENR, NGO
Expected time-frame: 2012-2014 2012-2014 2012-2014

Aim: Establish ship borne waste reception/treatment facilities in all major ports
Action: Functional waste reception/treatment ship borne facilities with standardized management practices and enforcement
Entities to be involved for this action: MENR, MED, MF, MA, State Caspian Shipping Company, SOCAR, NGO
Expected time-frame: 2013-2017

Aim: Prevention and response to emergency situations
Action: Adoption of operational national oil spill contingency plans, harmonized with the industry mutual aid plans
Entities to be involved for this action: CM, MENR, ME, MEI
Expected time-frame: 2013-2019

Aim: Develop and initiate implementation of a marine pollution control and reduction strategy
Action: Development of the marine pollution control and reduction strategy, adoption of the strategy and initiation of its implementation
Entities to be involved for this action: MENR, NAS, NGO
Expected time-frame: 2012-2017

Chapter 2.

Protection, preservation and restoration of the marine environment

The fact that the EIA Protocol has not been yet part of the international legislation for the State-Parties to regulate the activities in and for the Caspian Sea's marine environment should not affect the relevant actions at national level.

Aim: Carry out national activities to identify, protect, restore and manage natural spawning grounds for sturgeon and other commercially valuable anadromous species, including development of a financial strategy for their protection.
Action: Rehabilitation and protection of spawning grounds
Action: Increase in numbers and diversity of fish using spawning grounds
Entities to be involved for this action: MENR, NAS, MF, NGO

Expected time-frame: 2013-2017 2015-2018
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Aim: Increase sturgeon hatchery efficiency and capacity through improvement of bio-techniques and fry growth technology as well as enhancing scales of their production.

Action: Increase the amount of sturgeon fingerlings released from hatcheries

Action: Increase fingerling survival rate
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Action: Capacity built in hatcheries to maintain brood stocks alive in hatcheries
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Entities to be involved for this action: MENR, NAS

Expected time-frame: 2012-2017 2012-2017 2012-2017
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Aim: Strengthen scientific exchanges on improving hatchery efficiency and the creation of a gene bank for anadromous fish.

Action: establishment of anadromous fish gene pool

Entities to be involved for this action: MENR, NAS

Expected time-frame: 2013-2017

Aim: Scientific studies on number and living state of the Caspian seals
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Action: Preparing reports on the state of population of the Caspian seals
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Action: Expeditions to research seals
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Entities to be involved for this action: MENR, NAS, NGOs

Expected time-frame: 2012-2017

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Aim: Identify and assess key threatened and endangered species status and publish results
Action: Publishing a Red Book of Azerbaijan containing a list of threatened key Caspian species and their status as of interest for national actions
Entities to be involved for this action: MENR, NAS, NGOs
Expected time-frame: 2012-2017
Aim: Ensure adequate legal protection for key threatened and endangered species
Action: Strengthening the existing national-legislative basis for the protection of threatened species
Entities to be involved for this action: MM, MENR, NAS, NGO, MJ
Expected time-frame: 2012-2017

Aim: Develop compliance, enforcement and monitoring mechanisms for sturgeon fisheries and minimize illegal catch and trade
Action: Reduction in the level of illegal catch and trade by means of improved compliance, enforcement and monitoring mechanisms
Entities to be involved for this action: MENR, MED, NBSS, MIA
Expected time-frame: 2012-2017

Aim: Improve life quality of coastal population
Action: Organization of stage by stage water supply for the coastal Caspian communities including those living along the Kur and Araz rivers: establishment of mobile water treatment facilities in the coastal villages
Entities to be involved for this action: MENR, MED

Expected time-frame: 2012-2017

Aim: Programmes in place to promote alternative livelihoods in all coastal fishing communities

Action: Programmes in place to promote alternative livelihoods in all coastal fishing communities
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Entities to be involved for this action: MED, MENR, H
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Expected time-frame: 2012-2017

Aim: Development of a set of sea level fluctuation scenarios accounting for climate change over the next fifty years

Action: Development of a set of sea level fluctuation scenarios accounting for climate change over the next fifty years
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Entities to be involved for this action: MENR, NAS, MED, NGO

Expected time-frame: 2012-2017

Aim: Development of guidelines for adaptive management for sea level fluctuation and climate change
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Action: Participation in the development and adoption of guidelines for adaptive management for sea level fluctuation and climate change

Entities to be involved for this action: MENR, NAS, MFA, NGO

Expected time-frame: 2012-2017

✓ Chapter 3. Procedural actions

Articles of the Framework Convention from 17 to 21 are of procedural nature. However, it has been a stand-point that while drafting the NCAP certain actions and activities might relate to procedures which is very advisable. It is true that many of such actions have to be realized mutually. Cooperation in developing protocols (Article 17(3)), cooperation in formulating, elaborating and harmonizing rules, standards, recommendations, practices and procedures (Article 18(1)), cooperation in the conduct of research (Article 20), as well as exchange of information (Article 21) encourages States-Partiesø national actors for common or mutual joint actions. Thus, it is correct that those actions that are

envisaged in previous Chapters do not necessarily need to cover procedural issues. However, it might be also advisable to touch upon the procedural aspects of foreseen actions and activities in relevant part(s) to put them under the comprehensive focus. Therefore, at the next stage of writing a full-fledged NCAP paper this very pertinent point will be taken into due account.

✓ **Chapter 4. NPPS**

- Notion of NPPS
 - NCAP vs. NPPS or action vs. strategy

National Public Participation Strategy is *a priori* strategy setting paper. It can be qualified as a part of NCAP since its legal as well as formal standing derives from the Framework Convention. Here, the most important question that might logically arise is whether or not strategy setting paper can be part of paper of action-oriented nature? The answer is that while NPPS is about the strategy how the public will participate in relevant process and to which extend it equally presumes the forthcoming actions according to the strategy defined in advance.

Furthermore, Article 21 of the Framework Convention is also general enough making the State-Parties national actors to set firstly strategy. Thus, it also leaves the actions for each and every State-Parties national actors to put them in effect in pursuance of the general strategy.

At the same time, the degree of generalization or concretization of various parts of such a paper will *a posteriori* much depend on the national preferences and priorities of civil society actors.

To this end, aim of the NPPS is to ensure the participation in the environmental processes countrywide/regionwide by the public through the broad awareness-raising consistent with the relevant provisions of the Framework Convention on the protection of marine environment of the Caspian Sea and the Strategic Convention Action Program.

- Legal-formal basis for NPPS

Article 21 of the Framework Convention reads:

“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”

SCAP is a guiding paper for the purposes of NCAP drafting. Henceforth, it also serves formal basis for NPPS.

Moreover, to the extend of relevance other applicable international agreements in force concerning public access to environmental information to which country in question is a party and national legislation are amongst the legal basis for NPPS.

- Main areas/directions to achieve public participation
- Organizational mechanisms ensuring public participation
- Main directions/spheres for local public participation
- Conclusion

NPPS as a part of NCAP should benefit from concretization observed in NCAP's content. It has to identify the non-exhaustive directions for actions to follow, thus enabling to supplement the suggested directions with new one. NPPS has to be complementary to NCAP and they have to be mutually reinforcing.

Conclusions

NCAP is an action-oriented plan. It includes the targets and envisages the concrete results within the anticipated time-frame. Nevertheless, it is not supposed to provide an exhaustive listing of all possible actions. Convention Action Plan is of progressive nature and represents the current momentum of evolving process. Therefore, it does by no means exclude other additional actions deemed necessary for the purposes of implementation of the Framework Convention. It leaves all further deliberations and decisions thereafter for the national players to take in order for better advancing the large Conventional process within national boundaries both on land and in the Caspian Sea.

One should always bear in mind that the most important thing what counts is an action and result. Marine environment of the Caspian Sea necessitates such an action or a set of actions and activities in the sea and on soil. Thus, it is logical to conclude that NCAP is a minimum of what the national actors might do. It is presumably bottom line of large and constant process at national level directed towards meeting Conventional streams.