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

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Third Meeting of the Conference of the Parties
10-12 August 2011
Aktau, Kazakhstan

**Report of the Third Meeting of the Conference of the Parties to the Framework
Convention for the Protection of the Marine Environment of the Caspian Sea**

Opening of the Meeting (Item 1)

1. The third Meeting of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (COP3) was held in Aktau, Republic of Kazakhstan, from 10 to 12 August 2011. The Working-level session as well as the High-level segment and the signing ceremony were held at the Grand Nur Plaza Convention Center.

2. Following the welcome addresses on behalf of the host country by Mr. Bultrikov, Vice-minister of Environment Protection of the Republic of Kazakhstan and by Mr. Paritov, Deputy of the Akim of Mangistau region, the third Meeting of the Conference of the Parties was opened by Vice-President and Head of the Department of Environment of the Islamic Republic of Iran, His Excellency Mr. Mohammed Javad Mohammadizadeh. In his opening statement, His Excellency Mr. Mohammadizadeh welcomed the participants to the meeting and expressed his gratitude to the host Government for organizing and hosting the third Meeting of the Conference of the Parties. He confirmed that the Iranian Government is paying special attention to the implementation of the Tehran Convention and stressed the importance of preserving and protecting the unique Caspian Sea environment, before he wished the delegations a successful meeting.

3. The Meeting was attended by representatives of the five Contracting Parties to the Tehran Convention, as well as observers from intergovernmental and non-governmental organizations such as UNEP, UNDP, the Asian Development Bank, IMO, OSCE and GRID Arendal, and by the UNDP-GEF "CaspEco" Project. The list of participants is contained in document TC/COP3/INF.7

Organizational Matters (Item 2)

4. In accordance with the provisional agenda, the Meeting proceeded with the election of officers, including the Chairperson of the Meeting. Respecting the traditions, the chair was offered to the host Government which nominated H.E. Mr. Nurgali Ashim, Minister of Environmental Protection of Kazakhstan, to act as the chairperson of the Meeting. In his absence, the meeting was chaired by Mr. Bragin, Director of Department for International Ecologic Conventions and Agreements of the Ministry of Environmental Protection of Kazakhstan. In his welcoming speech Mr. Bragin outlined the challenges facing the delegations to the third Conference of the Parties, stressing that the time has come to build upon the earlier achievements for the implementation of the Convention and wished the meeting great success.

5. The Russian Federation was requested to provide the Vice-chairperson, and Mr. Frits Schlingemann from the interim Secretariat was nominated as the Rapporteur of the Meeting.

6. The provisional agenda of the meeting (TC/COP3/1/Rev.1) was adopted without change. The Meeting agreed to organize its work as proposed in the provisional organization of work (TC/COP3/1/Add.2/Rev.1), with working sessions on Wednesday and Thursday morning, 10-11 August 2011, and a High-level segment along with a signing ceremony on Thursday afternoon and Friday 11-12 August 2011.

7. In accordance with the Rules of Procedure, the Conference considered the draft list of observers, contained in document TC/COP3/1/Add.3 and agreed on the admission of the observers to the Conference without objection.

Report on the credentials and full powers of representatives to the third meeting of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Item 3)

8. Before turning to the substantive items of the Agenda, the interim Secretariat addressed the issue of credentials and full powers requesting all delegations to submit their credentials and full powers before the end of the working sessions of the Conference in line with the Rules of Procedure. In accordance with Rule 10 of the Rules of Procedure, the Bureau subsequently reviewed and reported thereon to the Meeting. The credentials and full powers were found in order in the understanding that the issue of full powers of Turkmenistan will be dealt with at a later stage.

Report of the interim Secretariat to the Tehran Convention (Item 4)

9. Following the adoption of the Agenda and the Organization of Work, the interim Secretariat presented the report "Implementation of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea" (TC/COP3/2) and its Addendum (TC/COP3/2/Add.1) to the Meeting, highlighting the achievements in the implementation process of the Convention and outlining arising challenges. The Conference took note of the report as a comprehensive overview of the progress in the implementation of the Tehran Convention since the second Meeting of the Conference of the Parties.

Items for consideration and decision by the Conference of the Parties (Item 5)

10. Under item 5 of the Agenda the Conference reviewed the outstanding issues and related suggestions contained in paragraphs 18 – 27 of the provisional annotated agenda (TC/COP3/1/Add.1/Rev.1)

11. Based on the consultations which took place since COP I in Baku in 2007, including the repeated call by the Presidents of the Caspian states to reach an agreement on the location and arrangements of the permanent Secretariat to the Convention, delegations addressed and exchanged views on this issue.

Islamic Republic of Iran, Republic of Azerbaijan and Russian Federation repeated their interest in hosting the Convention Secretariat, with Islamic Republic of Iran and Republic of Azerbaijan, having formally submitted their proposal to the interim Secretariat. Kazakhstan expressed support for the proposal of Azerbaijan to locate the Secretariat in Baku. All delegations reiterated their common view that the Secretariat shall be located in the territory of one of the Caspian littoral countries. Different views were expressed however as to the time it will take to reach an agreement on the location of the Secretariat and put the related arrangements in place. After discussion the Conference “decided to take a final decision on the procedural aspects of the Convention, especially regarding the Secretariat location, if possible, not later than by COP4”, 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 Convention through its Regional Office for Europe in Geneva, until a permanent Secretariat arrangement has been decided upon and put in place”.

12. Upon consultations between the Ministers and Heads of delegation during the High-level segment the Conference furthermore, at the proposal of the Vice-President of the Islamic Republic of Iran, agreed to include a reference in the preamble of the Ministerial Statement to the possibility of collaborative management of the Secretariat by the countries through the establishment of Centers of Excellence for each Protocol distributed among the Caspian littoral states.

13. After discussion it was agreed that proposals for editorial changes in the text of the Protocol Concerning Regional Preparedness, Response and Cooperation in Combating Oil Pollution Incidents to the Tehran Convention will be checked and taken care of by the interim Secretariat after the adoption and signing of the Protocol, before publishing the text. The Conference furthermore considered the proposal, initially introduced by the Islamic Republic of Iran, to include an article on reporting in the Protocol. All delegations agreed on the importance and content of such article, but given that the lengthy internal approval processes in the countries had already been completed, some showed reluctance to accept any substantive change in the Protocol text. Discussions among the Ministers and Heads of Delegations as well as consultations with the capitals assisted in advancing the negotiations. The wording for an amended Article 6, now including a reference to the submission of a report to the Secretariat on the implementation of the Protocol, was finally agreed upon by all delegations.

14. The Conference did not have the time to consider and conclude the debate on articles 1 (b) and 8.2 of the Protocol on Environmental Impact Assessment in a Trans-boundary Context, nor could it deal with proposals of an editorial nature submitted by Turkmenistan. While noting the agreement in principle reached on the text of the Protocol, the Conference therefore decided that “the arrangements for adoption and signature of the Protocol will be finalized as soon as possible before the fourth Meeting of the Conference of the Parties”.

15. The Conference reviewed and decided to “welcome the progress and underline the importance of completing the process of endorsement of the Protocols on the Conservation of Biological Diversity on the Protection of the Caspian Sea against Pollution from Land-Based Sources and Activities”.

16. The Conference reviewed and adopted the Unified Reporting Format as agreed upon during the Preparatory Meeting for COP3 in Almaty in September 2010.

17. The Conference reviewed the proposal for a dialogue and collaborative arrangement between the Commission on Aquatic Bio-resources and the Tehran Convention, and decided to “welcome further cooperation in support of the development of the Agreement on the Conservation and Management of the Aquatic Bio-resources of the Caspian Sea”.

18. The Conference also discussed the proposal to develop the main elements of an ancillary Protocol on Monitoring to the Tehran Convention. The increasing need of harmonized monitoring of the state of the Caspian Sea environment was acknowledged by all delegations, but finalizing the work on the four principal Protocols was considered a priority. Given the importance of making progress in the

area, the Conference requested the (interim) Secretariat “to assist and coordinate the activity aimed at the development of proposals on monitoring of the state of the environment of the Caspian Sea”.

19. Upon reviewing the proposals concerning public participation the Contracting Parties confirmed their intention to facilitate stakeholder engagement in the protection of the marine environment of the Caspian Sea through National Strategies for Public Participation as part of the National Convention Action Plans.

20. The Conference adopted the Program of Work and Budget of the Tehran Convention for 2011-2012 as contained in document TC/COP3/11/Rev.3. The Contracting Parties furthermore confirmed their decision to continue to collectively provide an amount of US \$ 360,000 per year (\$ 72,000 as contribution of each Party) to the budget of the Tehran Convention. A proposal by the Republic of Azerbaijan to include in the Ministerial Statement a call upon parties to pay outstanding contributions from previous years did not meet with consensus and was withdrawn.

Place and date of the fourth Meeting of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Item 6)

21. Under item 6 of the Agenda, the delegations considered a note by the interim Secretariat on the date and venue of the fourth Meeting of the Conference of the Parties. The Russian Federation reconfirmed its readiness to host the fourth Meeting of the Conference of the Parties, upon which the Conference decided to “accept with gratitude the offer of the Government of the Russian Federation to host the fourth Meeting of the Conference of the Parties to the Tehran Convention in 2012”.

State of the Caspian Sea Environment report (Item 7)

22. In accordance with the Convention and based on the Program of Work 2009-2010 the interim Secretariat was requested to develop a first State of the Caspian Sea Environment Report, which was prepared by UNEP-GRID Arendal. In line with the decision taken during the Work Programme Reviewing meeting of the Tehran Convention, Geneva, 14-15 July 2011, Mr. Peter Prokosch, Director of UNEP/GRID-Arendal, presented a pre-print version of the State of the Environment Report of the Caspian Sea followed by a brief question and answer session. Copies of the Report were distributed among the delegations and participants. The meeting decided that final comments to the report would be provided to the interim Secretariat before the SoE-Report will be finalized and published in fall 2011. It was further decided that the next Report should be issued in four years time and that the (interim) Secretariat shall develop for decision and submission by COP4 a format for future state of the environment reports with major indicators and networks of institutions capable of measuring the quality of the waters of the Caspian Sea. A decision in the Ministerial Statement is included to that effect (Para10 of Annex I).

Finalization Ministerial Statement and Decisions (Item 8)

23. Taking into account its decisions under previous agenda items, the Conference reviewed and finalized the text of the Ministerial Statement and Decisions of the third Meeting of the Conference of the Parties to the Tehran Convention.

Other matters (Item 9)

24. No other matters were discussed.

Opening of the High-level segment (Item 10)

25. The opening of the High-level segment in the afternoon of Thursday, 11 August, at 15.00 was preceded by an inaugural ceremony with National Anthems of the five Caspian littoral states.

26. H.E. Mr. Nurgali Ashim, Minister of Environmental Protection of the Republic of Kazakhstan and H.E. Mr. Krymbek Kusherbayev, Akim of Mangistau region, inaugurated the high-level segment of COP3 with a welcoming address on behalf of the host Government.

27. Statements were made by the Ministers and Heads of Delegations of the other Caspian littoral countries, H.E. Mr. Rauf Hajiev, Deputy Minister of Ecology and Natural Resources of the Republic of Azerbaijan, H.E. Mohammad Javad Mohammadzadeh, Vice-President and Head of Department of Environment of Islamic Republic of Iran, H.E. Mr. Nuritdin Inamov, Director Department of International Cooperation of the Ministry of Natural Resources and Ecology of the Russian Federation, H.E. Mr. Babageldy Annabairamov, Minister of Nature Protection of Turkmenistan.

28. On behalf of UNEP, Mr. Christophe Bouvier, UNEP Director and Regional Representative for Europe, made a statement, expressing, *inter alia*, UNEP's willingness to continue the functions of the Convention Secretariat *ad interim*, until a permanent Secretariat has been put in place, and that UNEP stands ready to assist the Contracting Parties with the implementation of the Protocols after their adoption.

29. The Conference was further addressed by Mr. Stephen Tull, UN Resident Coordinator in Kazakhstan, Ms. Parvin Farshchi, project manager of the UNDP/GEF CaspEco project, Ms. Patricia Charlebois from IMO, Mr. Kjell Landin from OSPRI, Mr. Walter Rizzi from Agip KCO and by Mr. Kirill Osin, the regional representative of NGOs.

Report of the Bureau on the working session (Item 11)

30. Mr. Frits Schlingemann reported on the results and outstanding issues from the working level session to the High-level segment. The Conference agreed that experts would resume their discussions on outstanding issues, including the location and arrangements for the permanent Secretariat, the proposal for an article on reporting and the procedures for signing of the Protocol Concerning Preparedness, Response and Cooperation in Combating Oil Pollution Incidents, and report to the High-level Segment accordingly.

Side event

31. A side event on the North Caspian coastal zone Bio- & Geodiversity Management Masterplan was held by Agip KCO, presenting the monitoring exercise the company has carried out in the North Caspian Sea region and illustrating the methodology that was applied for this exercise.

Adoption and signature of the Protocol Concerning Regional Preparedness, Response and Cooperation in Combating Oil Pollution Incidents to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Item 12 a.)

32. Upon reaching agreement regarding the inclusion of an article or reference to reporting (see para 13) the Conference adopted the Protocol Concerning Regional Preparedness, Response and Cooperation in Combating Oil Pollution Incidents to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea. Yet, the signing of the text of the Protocol was delayed due to a difference of opinion on how the six different language versions of the Protocol text should be treated. Article 22 of the Protocol text stipulates that the language versions are equally authentic and that the English version shall prevail in case of a dispute. In preparatory meetings for COP3, experts had agreed that each country should be responsible for the translation of the Protocol text into their own national language and that consensus shall be reached on the English version of the Protocol text only. During the meeting, however, delegations that had used the Russian language version as basis for their translation of the Protocol text into their national language insisted that the Russian version of the text should be agreed upon as well. The proposal of the Republic of Azerbaijan, requesting that Heads of Delegations should sign all language versions separately, did not meet the approval of all the other delegations. After an extensive discussion the suggestion of the Russian Federation to follow the

signing procedures that were applied for the Convention text in Tehran in 2003, was accepted. The parties agreed to use one signing sheet per delegation so as to cover all translations of the Protocol.

33. The Protocol Concerning Regional Preparedness, Response and Cooperation in Combating Oil Pollution Incidents to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea was opened for signature by the Caspian littoral states on 12 August 2011 and signed by Ministers and Heads of Delegations of four Caspian littoral States. H.E. Mr. Babageldy Annabairamov, Minister of Nature Protection of Turkmenistan, announced that his Government will sign as soon as the internal technical procedures are finalized. The Protocol will remain open for signature at the office of the Depositary in Tehran for a period of six months.

34. H.E. Mr. Nurgali Ashim proposed and the Conference accepted to name the Protocol Concerning Regional Preparedness, Response and Cooperation in Combating Oil Pollution Incidents “Aktau Protocol”, after the city where it was adopted.

35. The signing ceremony was followed by a press conference.

Adoption and signature of the Protocol on Environmental Impact Assessment in a Transboundary Context to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Item 12 b.)

36. See paragraph 14 above.

Adoption of the Ministerial Statement and Decisions (Item 13)

37. The Conference reviewed and adopted the Ministerial Statement and Decisions (Annex 1), as well as the Final Act, as contained in Annex 2.

Closure of the third Meeting of the Conference of the Parties to the Tehran Convention (Item 14)

38. Following the customary exchange of courtesies, the Meeting was closed on Friday 12 August 2011 at 17.30.

39. After the closure of the meeting a concert was held at the central square of the city of Aktau for the celebrations of Caspian Day, where H.E. Mr. Nurgali Ashim, Minister of Environment Protection of the Republic of Kazakhstan, H.E. Mr. Krymbek Kuserbayev, Akim of Mangistau region, and Mr. Christophe Bouvier, UNEP Director and Regional Representative for Europe, made a speech. The celebrations were attended by the Ministers and Heads of Delegations of the five Caspian countries and by representatives from international governmental and non-governmental organizations. After a reception dinner, the festivities culminated in a show of fireworks.