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

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**CONFERENCE OF THE PARTIES
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§Item 5 of the provisional agenda

**STATUS REPORT ON THE DEVELOPMENT OF PRIORITY PROTOCOLS
TO THE FRAMEWORK CONVENTION FOR THE PROTECTION OF THE
MARINE ENVIRONMENT OF THE CASPIAN SEA**

(Note by the interim Secretariat)

Introduction

1. The Statement of Ministers at the first Conference of the Parties (COP1) to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Tehran Convention), 23-25 May 2007, Baku, Republic of Azerbaijan, reaffirmed the intention of the Governments of the Caspian States to continue the regional negotiations on the three priority area Protocols to the Tehran Convention, *i.e.*, Protocol on Conservation of Biodiversity, Protocol for the Protection of the Caspian Sea against Pollution from Land Based Sources and Activities and Protocol on Environmental Impact Assessment in Transboundary Context, allowing for the Protocols to be adopted and signed at the second Meeting of the Conference of the Parties.
2. The Statement also noted the need to establish a regional mechanism for effective cooperation and coordination in case of major oil spills and confirmed the readiness of the Governments of the Caspian States to expedite finalization of the national approval processes of the Protocol Concerning Regional Preparedness, Response and Cooperation in Combating Oil Pollution Incidents with a view to its adoption and signature before or at the second Meeting of the Conference of the Parties.
3. The Presidents of the Caspian States in the Final Declaration adopted at their second Summit meeting, 16 November 2007, Tehran, Islamic Republic of Iran, highlighted the need to expedite the development and approval of the ancillary protocols to the Tehran Convention.
4. To facilitate the negotiations on the above ancillary protocols with a view to reach full agreement on the text and expedite their approval, as requested by the Ministers in their Statement, the interim Secretariat organized a Protocol Harmonization Meeting (PHM) on the four draft protocols, 21-26 January, Celigny, Switzerland.
5. In a remarkable spirit of cooperation, senior government-nominated experts of Azerbaijan, the Islamic Republic of Iran, Kazakhstan, the Russian Federation and

Turkmenistan concluded the most of the preparatory work on four Protocols to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea. The interim Secretariat checked for accuracy the texts emerging from the meeting of all four protocols and forwarded them in April-May 2008 to all Caspian States with the understanding that Parties would initiate the internal approval process of the Protocols and deal with emerging and remaining issues while preparing for adoption and signature of the Protocols at COP II.

6. The text of the **Protocol on Biodiversity Conservation** and its two annexes was agreed upon during the PHM.
7. The text of **Protocol Concerning Regional Preparedness, Response and Cooperation in Combating Oil Pollution Incidents** was agreed upon during the PHM, with the exception of the term “response zone” in Article 1 “Definitions”, and Article 7 “Operation Measures”. Azerbaijan promised and submitted to the interim Secretariat by e-mail of 12 February 2008 a proposal to complement the above term with a word “sector” – “Response sector/zone”. By letter of 27 May 2008, Turkmenistan informed that it could not agree to the use of the term “sector”. Both messages were circulated to the Parties.
8. The text of the **Protocol on Environment Impact Assessment in a Transboundary Context** to the Tehran Convention was agreed upon during the PHM, with the exception of some issues in need for further clarification, and the three Annexes which needed additional screening at the national level.
9. The issues in need of further clarification related to notification in Article 5 para 2 (a), to Post-project analysis in Article 11, and to the need for consistency in the use of the terms “trans boundary impact” and “significant trans boundary impact”. Following informal consultations the interim Secretariat proposed slight changes in the text of the above articles and terms, and as requested by the meeting, prepared a draft Annex IV on Post-Project Analysis.
10. The text of the **Protocol on Pollution from Land-Based Sources and Activities** was agreed upon during the PHM with the exception of the five Annexes, which needed additional screening at national level.
11. The internal review and approval processes in the countries resulted in a number of comments and amendments to the Protocols, mostly of an editorial nature. Before the Preparatory meeting of the Second meeting of the Conference of the Parties (COP2), 8-10 September 2008, Almaty, Kazakhstan, comments in writing were received from Azerbaijan, the Islamic Republic of Iran and Kazakhstan.
12. Since no submissions were received or comments were made relating to the Annexes to the Protocol for the Protection of the Caspian Sea against Pollution from Land Based Sources and Activities and the Protocol on Environmental Impact Assessment in Trans boundary Context, the Preparatory meeting for the COPII decided to not deal with these Protocols and recommend that an additional round of negotiation be organized for each of them with a view to reach agreement on the Annexes.

13. The Preparatory meeting for the COP II reviewed the texts of the Protocol on Biodiversity Conservation and the Protocol Concerning Regional Preparedness, Response and Cooperation in Combating Oil Pollution Incidents, in line with the comments made and amendments proposed. After intensive negotiations the following major issues remained outstanding:
14. Protocol on Biodiversity Conservation: proposal of the Republic of Azerbaijan to delete:
- Marine protected areas (Article 1 paragraph 20, Article 10 paragraph 2)
 - Specially Protected Areas (Part IV of the Protocol “Protection and Conservation of the Specially Protected Areas)
15. Protocol Concerning Regional Preparedness, Response and Cooperation in Combating Oil Pollution Incidents
- In light of the disagreement regarding the term “Sectors/Zones of response” (see para 7 above), the interim Secretariat submitted to the meeting an alternative text of Article 7 “Operational measures” avoiding the use of the term “zone of response”. Russian Federation reserved its position pending consultations within the country.
 - No agreement could be reached on whether the Regional Centre (Article 4, para 3) should be part of the Secretariat or independent; pending agreement on this issue also Article 16 of the draft Protocol “ Functions of the Regional Centre” was put into square brackets.
16. The preparatory meeting for the COP II was appraised of the wish of some Parties to consider and start negotiation processes on new Protocols, such as a Protocol on Fisheries and a Protocol on Monitoring and Information Sharing.

Suggested action

1. The Conference of the Parties may wish to:
 - a) consider the progress made to date in the development of ancillary Protocols to the Tehran Convention;
 - b) reaffirm the intention of their Governments to continue and finalize the regional negotiations on the four priority area Protocols to the Tehran Convention, *i.e.*, Protocol on Conservation of Biodiversity, Protocol Concerning Regional Preparedness, Response and Cooperation in Combating Oil Pollution Incidents, Protocol for the Protection of the Caspian Sea against Pollution from Land Based Sources and Activities and Protocol on Environmental Impact Assessment in Trans boundary Context, with the view ensure their adoption and signature at the third Meeting of the Conference of the Parties or earlier.
 - c) review and decide on the development of new Protocols to the Tehran Convention