

**ANNEXES**  
**TO THE REVIEW OF DECISIONS OF THE CONFERENCE OF THE PARTIES TO**  
**THE FRAMEWORK FOR THE PROTECTION OF THE MARINE ENVIRONMENT**  
**OF THE CASPIAN SEA**

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## **ANNEX 1**

### **Materials of the First Session of the Conference of the Parties to the Tehran Convention**

## PROVISIONAL AGENDA COP-1

Date and time	Plenary session
<p>Wednesday 23 May 2007</p> <p><b>10.00 – 13.30</b></p>	<p><b>Session I</b></p> <p><u>Agenda items:</u></p> <ol style="list-style-type: none"> <li>1. Opening of the first Meeting of the Conference of the Parties</li> <li>2. Organizaional matters               <ol style="list-style-type: none"> <li>a) Election of officers</li> <li>b) Adoption of the agenda</li> <li>c) Organization of work</li> <li>d) Admission of observers</li> </ol> </li> <li>3. Report on the credentials of representatives to the first Meeting of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea</li> <li>4. Adoption of Rules of Procedure</li> </ol>
<p>Wednesday 23 May 2007</p> <p><b>15.00 – 18.00</b></p>	<p><b>Session II</b></p> <p><u>Agenda items:</u></p> <ol style="list-style-type: none"> <li>5. Adoption of Financial Rules</li> <li>6. Institutional arrangements for the Framework Convention for the Protection of the Marine Environment of the Caspian Sea</li> </ol>

Date and time	Plenary session
<p>Thursday 24 May 2007</p> <p><b>09.00 – 13.30</b></p>	<p><b>Session III</b></p> <p><u>Agenda items:</u></p> <p>7. Protocols to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea</p> <p>a) Status report on the development of priority Protocols</p> <p>b) Further development of ancillary agreements</p> <p>8. Convention Work Programme including progress report on GEF, EU and private sector support to the Convention process</p> <p>9. Venue and date of the second Meeting of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea</p>
<p>Thursday 24 May 2007</p> <p><b>15.00 – 18.00</b></p>	<p><b>Session IV</b></p> <p><u>Agenda items:</u></p> <p>10. Preparation of the Decisions of the first Meeting of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea</p> <p>11. Preparation of the Statement for the High-level segment of the first Meeting of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea</p> <p>12. Other matters</p>

<p>Friday 25 May 2007</p> <p><b>10.00 – 13.00</b></p> <p><b>13.00 – 13.30</b></p>	<p style="text-align: center;"><b>HIGH-LEVEL SEGMENT</b></p> <p><u>Agenda items:</u></p> <p>13. Opening of the high-level segment</p> <p style="padding-left: 40px;">a) Welcome address of the host country</p> <p style="padding-left: 40px;">b) Statements of the Parties to the Convention</p> <p style="padding-left: 40px;">c) Other statements</p> <p>14. Report of the Bureau on the working sessions</p> <p>15. Adoption of the Decisions</p> <p>16. Adoption of the Statement</p> <p>17. Closure of the first Meeting of the Conference of the Parties to the</p> <p style="padding-left: 40px;">the</p> <p>18. Framework Convention for the Protection of the Marine Environment of the</p> <p style="padding-left: 40px;">Caspian Sea</p> <p>19. Caspian Sea</p> <p><u>Press Conference</u></p>
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**RULES OF PROCEDURE**  
**FOR THE FRAMEWORK CONVENTION FOR THE PROTECTION OF THE**  
**MARINE ENVIRONMENT OF THE CASPIAN SEA**

***Rule 1***

The present rules of procedure shall apply to the meetings of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea convened in accordance with Article 22 of the Convention.

**DEFINITIONS**

***Rule 2***

For the purposes of the present rules of procedure:

- (a) "Convention" means the Framework Convention for the Protection of the Marine Environment of the Caspian Sea adopted in Tehran on 4 November 2003;
- (b) "Parties" means Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea;
- (c) "Conference of the Parties" means the Conference of the Parties established in accordance with Article 22 of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea;
- (d) "Meeting" means any ordinary or extraordinary meeting of the Conference of the Parties convened in accordance with Article 22 of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea;
- (f) "Chairperson" means the Chairperson of the Conference of the Parties elected in accordance with rule 16, paragraph 1, of the present rules of procedure;
- (g) "Secretariat" means the Secretariat established under article 23 of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea;
- (h) "Executive Secretary" means the head of the Secretariat of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea;
- (i) "Subsidiary body" means a subsidiary body established in accordance with Article 22.10(g) of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea that may include committees and working groups;

**PLACE OF MEETINGS**

***Rule 3***

The meetings of the Conference of the Parties shall be held in the territories of the countries of the Contracting Parties on the basis of rotation in alphabetical order of English language or at the location of the Secretariat.

## **DATES OF MEETINGS**

### ***Rule 4***

1. Ordinary meetings of the Conference of the Parties shall be held on an annual basis. The Conference of the Parties may at any time review the periodicity of its ordinary meetings.
2. At each ordinary meeting, the Conference of the Parties shall decide on the date, duration and venue of the next ordinary meeting, taking into account rule 3.
3. Extraordinary meetings of the Conference of the Parties shall be convened at such times as may be deemed necessary by the Conference of the Parties, or at the written request of any Party, provided that, within ninety days of the request being communicated to them by the Secretariat, it is supported by at least two other Parties.
4. In the case of an extraordinary meeting convened at the written request of a Party, it shall be convened not later than sixty days after the date at which the request is supported by at least two other Parties in accordance with paragraph 3 of this Rule.

### ***Rule 5***

The Secretariat shall notify all Parties of the dates and venue of a meeting at least sixty days before the meeting is due to commence.

## **AGENDA**

### ***Rule 6***

The Secretariat, in agreement with the Chairperson, shall prepare the provisional agenda of each meeting.

### ***Rule 7***

The provisional agenda of each ordinary meeting shall include, as appropriate:

- (a) Items arising from the articles of the Convention, including those specified in Article 22 of the Convention;
- (b) Items the inclusion of which has been decided at a previous meeting;
- (c) Items pertaining to the budget, financial documents and arrangements;
- (d) Any item proposed by a Party and received by the Secretariat before the provisional agenda is

produced and circulated.

(e) Any other item proposed by a Party and received by the Secretariat at least 60 days before the opening of the meeting.

#### ***Rule 8***

The provisional agenda for each ordinary meeting, together with relevant documents, shall be circulated at least forty-five days before the opening of the meeting.

#### ***Rule 9***

The provisional agenda for an extraordinary meeting shall consist only of those items proposed for consideration in the request for the holding of the extraordinary meeting. It shall be circulated to the Parties at the same time as the invitation to the extraordinary meeting.

#### ***Rule 10***

The Secretariat shall report to the Conference of the Parties on the administrative and financial implications of all substantive agenda items submitted to the meeting, before they are considered by it. No such item shall be considered until at least forty-eight hours after the Conference of the Parties has received the Secretariat's report on the administrative and financial implications, unless the Conference of the Parties decides otherwise.

### ***REPRESENTATION AND CREDENTIALS***

#### ***Rule 11***

Each Party participating in a meeting shall be represented by a delegation consisting of a head of delegation and such other representative and advisers, as it thinks appropriate.

#### ***Rule 12***

The credentials of delegations shall be submitted to the Secretariat, if possible, not later than twentyfour hours after the opening of the meeting. The Bureau shall examine the credentials and submit the report thereon to the Conference of the Parties for decision.

#### ***Rule 13***

Any later change in the composition of the delegation shall also be submitted to the Secretariat.

### ***OFFICERS***

#### ***Rule 14***

1. [At the commencement of the first session of each ordinary meeting, a Chairperson, a ViceChairperson and a Rapporteur are to be elected. They will serve as the Bureau of the meeting. In electing its Bureau, the Conference of the Parties shall have due regard to the provisions of Article 22.6 of the Convention and due representation of the Parties.]
2. [The Chairperson, the Vice-Chairperson and the Rapporteur elected at an ordinary meeting shall remain in office until their successors are elected at the next ordinary meeting. Their function in the intervening period shall be to serve in the capacity at any extraordinary meeting and to provide guidance to the Secretariat with regard to preparations for and conduct of meetings of the Conference of the Parties.]
3. [The Chairperson shall participate in the meeting in that capacity and shall not at the same time exercise the rights of a representative of his/her Party. The Party concerned shall designate another member of the delegation who shall be entitled to represent the Party in the meeting and to exercise the right to vote.]

#### ***Rule 15***

1. In addition to exercising the powers conferred upon the Chairperson elsewhere by the present rules, the Chairperson shall declare the opening and closing of the meeting, preside at the sessions of the meeting, ensure the observance of the present rules, accord the right to speak, put questions to the vote and announce decisions. The Chairperson shall rule on points of order and, subject to the present rules, shall have control of the proceedings and over the maintenance of order thereat.
2. The Chairperson may propose to the Conference of the Parties the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a session.
3. The Chairperson, in the exercise of the functions of that office, remains under the authority of the Conference of the Parties.

#### ***Rule 16***

The Chairperson, if temporarily absent from a session or any part thereof, shall designate the Vice Chairperson to act as Chairperson. The Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

#### ***Rule 17***

If an officer of the Bureau resigns or is otherwise unable to complete the assigned term of office

or to perform the functions of the office, a representative of the same Party shall be named by the Party concerned to replace the said officer for the remainder of that officer's mandate.

#### ***Rule 18***

At the first session of each ordinary meeting, the Chairperson of the previous ordinary meeting, or in the absence of the Chairperson, the Vice-Chairperson, shall preside until the Conference of the Parties has elected a Chairperson for the meeting.

### ***SUBSIDIARY BODIES***

#### ***Rule 19***

1. The Conference of the Parties may establish such other institutions of the Convention as may be deemed necessary. It may also establish committees and working groups if it deems it necessary for the implementation of the Convention. Where appropriate, meetings of subsidiary bodies shall be held in conjunction with meetings of the Conference of the Parties.
2. The Conference of the Parties may decide that any such subsidiary bodies may meet in the period between ordinary meetings.
3. The Conference of the Parties shall determine the matters to be considered by each such subsidiary body and may authorize the Chairperson, upon the request of the chairperson of a subsidiary body, to make adjustments to the allocation of work.
4. Each subsidiary body shall elect its own officers.
5. Unless otherwise decided by the Conference of the Parties, the present rules shall apply *mutatis mutandis* to the proceedings of subsidiary bodies, except that the chairperson of a subsidiary body may exercise the right to vote.

### ***SECRETARIAT***

#### ***Rule 20***

1. The head of the Secretariat of the Convention shall be the Executive Secretary of the Conference of the Parties. The Executive Secretary or the representative of the Executive Secretary shall act in that 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.

#### ***Rule 21***

The Secretariat shall, in accordance with the present rules:

- (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.

## **CONDUCT OF BUSINESS**

### **Rule 22**

1. Sessions of the Conference of the Parties shall be held in public, unless the Conference of the Parties decides otherwise.
2. Sessions of subsidiary bodies shall be held in public unless the subsidiary body concerned decides otherwise.

### **Rule 23**

The Chairperson may declare a session of the meeting open and permit the debate to proceed, subject to the presence of all Parties.

### **Rule 24**

1. No one may speak at a session of the Conference of the Parties without having previously obtained the permission of the Chairperson. Subject to rules 28, 29, 30 and 32, the Chairperson shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall maintain a list of speakers. The Chairperson may call a speaker to order if the speaker's remarks are not relevant to the subject under discussion.
2. The Conference of the Parties may, on a proposal from the Chairperson or from any Party, limit the time allowed to each speaker and the number of times each representative may speak on a question. Before a decision is taken, two representatives may speak in favour of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the Chairperson shall call the speaker to the need to respect time limit..

### **Rule 25**

*The chairperson or rapporteur of a subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by that subsidiary body.*

### **Rule 26**

During the discussion of any matter, a representative may at any time raise a point of order which shall be decided immediately by the Chairperson in accordance with the present rules. A representative may appeal against the ruling of the Chairperson. The appeal shall be put to the vote immediately and the ruling shall stand unless overruled by unanimous vote of the Parties. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

#### ***Rule 27***

Any motion calling for a decision on the competence of the Conference of the Parties to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

#### ***Rule 28***

Proposals and amendments to proposals shall normally be introduced in writing by the Parties and handed to the Secretariat, which shall circulate copies to delegations. Nevertheless, the Chairperson may, in exceptional circumstances and in cases of urgency, permit the discussion and consideration of proposals, amendments to proposals or of procedural motions even though these proposals, amendments or motions have not been circulated.

#### ***Rule 29***

1. Subject to rule 34 of the present rules, the following motions shall have precedence, in the order indicated below, over all other proposals or motions:
  - (a) To suspend a session;
  - (b) To adjourn a session;
  - (c) To adjourn the debate on the question under discussion; and
  - (d) For the closure of the debate on the question under discussion.
2. Permission to speak on a motion falling within (a) to (d) above shall be granted only to the proposer and, in addition, to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

#### ***Rule 30***

A proposal or motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the motion has not been amended. A proposal or motion withdrawn may be reintroduced by any other Party.

### ***Rule 31***

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting, unless the Conference of the Parties, by unanimous vote of the Parties, decides in favour of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter, after which it shall be put immediately to the vote.

## ***VOTING***

### ***Rule 32***

Each Party shall have one vote.

### ***Rule 33***

All decisions of the Conference of the Parties on all matters shall be made by unanimous vote of the Contracting Parties.

### ***Rule 34***

Voting shall normally be by show of hands. A roll-call vote shall be taken if one is requested by any Party. It shall be taken in the English alphabetical order of the names of the Parties participating in the meeting, beginning with the Party whose name is drawn by lot by the Chairperson. However, if at any time a Party requests a secret ballot, that shall be the method of voting on the issue in question.

### ***Rule 35***

The vote of each Party participating in a roll-call vote shall be recorded in the relevant documents of the meeting.

### ***Rule 36***

After the Chairperson has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The Chairperson may permit the Parties to explain their votes, either before or after the voting. The Chairperson may limit the time to be allowed for such explanations. The Chairperson shall not permit proposers of proposals or of amendments to proposals to explain their vote on their own proposals or amendments, except if they have been amended.

## ***OBSERVERS***

### ***Rule 37***

1. The United Nations, its specialized agencies, and any State not a Party to the Convention may be represented at the open sessions of the Conference of the Parties or its subsidiary bodies as observers.
2. Such observers may, upon invitation of the Chairperson, participate without the right to vote in the proceedings of any meeting unless at least one of the Parties present at the meeting objects.

### ***Rule 38***

1. The Conference of the Parties may admit, as observer, any body or agency, whether international or national, intergovernmental or non-governmental, which is qualified in matters covered by the Convention and which has informed the Secretariat of its wish to be represented at the open sessions of the Conference of the Parties or its subsidiary bodies, unless at least one of the Parties present at the meeting objects.
2. Such observers may, upon invitation of the Chairperson, participate without the right to vote in the proceedings of any session in matters of direct concern to the body or agency they represent, unless at least one of the Parties present at the meeting objects.

### ***Rule 39***

Observers may, upon invitation of the Chairperson, submit written statements that can be circulated to the Conference of the Parties or to the subsidiary body concerned.

### ***Rule 40***

1. The Secretariat shall compile and regularly update the list of observers referred to in Rule 37 and Rule 38. Such a list shall be communicated by the Secretariat to the Bureau of the Conference of the Parties prior to each meeting of the Conference of the Parties.
2. The Secretariat shall notify those entitled observers and those which have informed the Secretariat of their wish to be represented, pursuant to rules 37 and 38, of the dates and venue of the next meeting.

## ***LANGUAGES***

### ***Rule 41***

1. The working languages of the Conference of the Parties shall be English and the State languages of all Contracting Parties. The Secretariat will provide for the official UN languages.

2. A representative of a Party may speak in a language other than that provided by the Secretariat, if the Party provides for interpretation into one such official language.
3. Official documents of the meetings shall be produced in the languages provided by the Secretariat in accordance with paragraph 1 of this Rule.

### ***RECORDS OF THE MEETINGS***

#### ***Rule 42***

Records of the meetings of the Conference of the Parties and its subsidiary bodies shall be kept by the Secretariat.

### ***AMENDMENTS TO RULES OF PROCEDURE***

#### ***Rule 43***

The present rules of procedure may be amended by unanimous vote by the Conference of the Parties.

### ***OVERRIDING AUTHORITY OF THE CONVENTION***

#### ***Rule 44***

In the event of any conflict between any provision of the present rules and any provision of the Convention, the Convention shall prevail.

**Draft Financial Rules for the Administration of the Trust Fund**  
**For the Framework Convention for the Protection of the Marine Environment of**  
**the Caspian Sea**

**Rule 1**

The Conference of the Parties shall designate an organization, body or entity (hereinafter referred to as the Trustee) which shall establish and manage the Trust Fund for the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (hereinafter referred to as the Caspian Trust Fund) in accordance with these rules.

**Rule 2**

For the purposes of these rules:

- (a) "Convention" means the Framework Convention for the Protection of the Marine Environment of the Caspian Sea adopted in Tehran on 4 November 2003;
- (b) "Parties" means Parties to the Convention;
- (c) "Conference of the Parties" means the Conference of the Parties established in accordance with Article 22 of the Convention;
- (d) "Trustee" means an organization, body or entity, which shall establish and manage the Trust Fund for the Framework Convention for the Protection of the Marine Environment of the Caspian Sea;
- (e) "Trust Fund" means the Trust Fund for the Framework Convention for the Protection of the Marine Environment of the Caspian Sea;
- (f) "Executive Secretary" means the head of the Secretariat of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea;
- (g) "Secretariat" means the Secretariat of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea.
- (h) "Financial period" means a biennium consisting of two consecutive calendar years.

**Rule 3**

The Trust Fund shall be used for funding the administration of the Convention, including the functioning of the Secretariat.

#### **Rule 4**

The Trust Fund shall be financed from:

- (a) Contributions made by Parties based on the scale set forth in the Appendix 1 to the budget and ;
- (b) Additional contributions made by Parties as defined by Parties .
- (c) Contributions from sources available through the Caspian Environment Programme and other similar programmes and undertakings in the area of environmental protection;
- (d) Contributions from States not Parties, as well as governmental, intergovernmental and non-governmental organizations, and other sources.

#### **Rule 5**

The Conference of the Parties shall determine the scale of contributions referred to in paragraph (a) of Rule 4. Such contributions shall be due are expected on 1 January of each calendar year. OR: Such contribution due to be paid in the first quarter of the year.

#### **Rule 6**

All contributions shall be paid in United States dollars or its equivalent in a convertible currency and into a bank account to be specified by the Trustee. In conversion of currencies into United States dollars, the United Nations operational rate of exchange shall be used, current exchange rate according to the date of receipt of the currency.

#### **Rule 7**

Accounting Bank records shall be kept in such currency or currencies as the Trustee deems necessary.

#### **Rule 8**

Budget proposals expressed in United States dollars covering the expenditure and income from contributions referred to in paragraph (a) of Rule 4 shall be prepared by the Executive Secretary for periods of two calendar years. At least 90 days before the date of the opening of each alternative ordinary meeting of the Conference of the Parties, these budget proposals shall be dispatched by the Executive Secretary to all Parties.

## **Rule 9**

The budget shall, in accordance with Rule 16, be approved by the Conference of the Parties and, if necessary, be revised at an ordinary or extraordinary meeting of the Conference of the Parties.

## **Rule 10**

Contributions referred to in paragraphs (b) and (c) of Rule 4 shall be used in accordance with any terms and conditions agreed between the Executive Secretary and the respective contributor. At each ordinary meeting of the Conference of the Parties, the Executive Secretary shall present a report on contributions received and expected as well as their sources, amounts, purposes, and conditions and activities financed by these contributions.

### **Rule 10 bis**

Voluntary contributions whether or not in cash, may be accepted by the Executive Secretary, provided that the purposes for which the contributions are made are consistent with the policies, aims and activities of the Convention.

## **Rule 11**

The Executive Secretary may commit resources against the Trust Fund only if such commitments are covered by contributions already received. In the event that the Trustee anticipates that there might be a shortfall in resources over the financial period as a whole, it shall notify the Executive Secretary, who shall adjust the budget so that expenditures are at all times fully covered by contributions received.

## **Rule 12**

The Trustee, on the advice of the Executive Secretary, may make transfers from one budget line to another within the budget.

### **Rule 12 bis**

The Executive secretary may make transfers between appropriation lines not exceeding three per cent of core budget approved for the financial period.

## **Rule 13**

Contributions referred to in paragraph (a) of the Rule 4 above from States that become Parties after the beginning of a financial period shall be made pro rata temporis for the balance of that financial period. Consequent adjustments shall be made at the end of each financial period for other Parties.

#### **Rule 14**

Contributions not immediately required for the purposes of the Trust Fund shall be invested and any interest so earned shall be credited to the Trust Fund.

#### **Rule 15**

It is for the Conference of the Parties and the Trustee to agree on an administrative support charge to be paid to the Trustee.

#### **Rule 16**

At the end of each calendar year, the Trustee shall transfer any balance to the following calendar year and submit to the Conference of the Parties, through the Executive Secretary, the certified and audited accounts for that year as soon as practicable. The Trust Fund shall be subjected to the internal and external auditing procedure, as decided by the Conference of the Parties.

#### **Rule 17**

In the event that the Conference of the Parties decides to terminate the Trust Fund, a notification to that effect shall be presented to the Trustee at least six months before the date of termination selected by the Conference of the Parties. The Conference of the Parties shall decide, in consultation with the Trustee, on the distribution of any unspent balance after all liquidation expenses have been met.

#### **Rule 18**

The Parties shall reach agreement on all matters by consensus

#### **Rule 19**

Any amendments to these rules shall be adopted by the Conference of the Parties by consensus.

**SCALE OF CONTRIBUTIONS BY STATE PARTIES TO THE TRUST FUND  
FOR THE BIENNIMUM 2009 – 2010 FOR  
THE FRAMEWORK CONVENTION FOR THE PROTECTION OF THE  
MARINE ENVIRONMENT OF THE CASPIAN SEA**

(THOUSANDS OF US DOLLARS)

<b>State Party</b>	<b>Year 2009</b>	<b>Year 2010</b>
<b>Republic of Azerbaijan</b>	(72,000)	
<b>Islamic Republic of Iran</b>	(72,000)	
<b>Republic of Kazakhstan</b>	(72,000)	
<b>Russian Federation</b>	(72,000)	
<b>Turkmenistan</b>	(72,000)	
<b>Total</b>	<b>(360.000)</b>	

## PROGRAMME OF WORK

**June 2007 – May 2008**

(time period between first and second Meetings of the Conference  
of the Parties)

No.	Timeframe	Description of activity	Expected outputs	Leading Organizations/ Governments	Funding indication
1.	Sept. 07 – April 08	Development of Convention ActionPlan	Draft Convention Action Plan developed ready to be endorsed and signed at the second Meeting of the Conference of the Parties	Parties to the Convention serviced by the interim Secretariat and supported by UNDP/GEF and EU	GEF and EU funds
2.	June 07 – April 08	Development of National ConventionImplementation Plans	Draft National Implementation Plans developed	Parties to the Convention serviced by the Interim Secretariat and supported by UNDP/GEF and EU	GEF and EU funds, external funds
3.	July – Dec. 07	Partnership with the oil industry	Framework agreement for environmental partnership between BP and CEP to foster Convention implementation	Interim Secretariat supported by UNDP/GEF	Oil industry and UNDP/GEF

4.	Oct. 07	Regional Protocol Meeting	<p>Finalized and harmonized Protocols on:</p> <ul style="list-style-type: none"> <li>- Biodiversity Conservation</li> <li>- - Protection of the Caspian Sea against Pollution from Land based sources [and Activities]</li> <li>- Environmental Impact Assessment in Transboundary Context</li> </ul>	Parties to the Convention serviced by the Interim Secretariat and supported by UNDP/GEF and EU	GEF and EU funds, external funding
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5.	Sept. 07 – May 08	Assessment of ways and means to address fisheries issue in the Caspian Sea	Scoping paper on the interrelationship between the fisheries and the protection of the marine environment of the Caspian Sea	Interim Secretariat supported by UNDP/GE, EU and FAO	external funding
6.	Feb. 08	Regional Preparatory Meeting for the second Meeting of the Conference of the Parties	Agenda and major documents for the second Meeting of the Conference of the Parties developed and reviewed, including <ul style="list-style-type: none"> <li>• Programme-budget for 2008-2009</li> <li>• Report on arrangements for the Convention permanent Secretariat, and other institutional matters</li> <li>• Progress report on the preparation of Convention Protocols</li> <li>• Protocols ready for adoption and signing</li> </ul>	Interim Secretariat facilitating and reporting on the outcome of consultations between Parties to the Convention supported by UNDP/GEF and EU	GEF and EU funds, external funding
7.	June 08	Second Meeting of the Conference of the Parties	Decision on, <i>inter alia</i> , arrangements for the Tehran Convention Secretariat, Convention Action Plan and Convention Budget, Protocols	Interim Secretariat facilitating and reporting on the outcome of consultations between Parties to the Convention supported by UNDP/GEF and EU	Host Government; GEF and EU funds, external funding

## STATEMENT of MINISTERS

### at the first Meeting of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea

25 May, 2007

Baku, Republic of Azerbaijan

The Ministers of Ecology, Environment and Natural Resources and High-level Officials of the Governments of the Contracting Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea, done at the city of Tehran on the fourth day of November 2003, (hereinafter referred as the Tehran Convention):

Conscious of the major challenges to the marine environment of the Caspian Sea, including depletion of biological resources, erosion of biodiversity, marine pollution and unsustainable use of coastal areas;

Acknowledging the high potential of international environmental cooperation in the Caspian Sea region, for sustainable development and use of natural resources, including biological diversity, hydrocarbon reserves, and for sustainable transportation and eco-tourism;

Further acknowledging the contribution of the Caspian Environment Programme and the support by the international community and the Caspian States to the development of the Tehran Convention;

Determined to further intensify the regional dialogue and partnership towards safeguarding the marine environment of the Caspian Sea and sustainable use of its natural wealth for the benefit of present and future generations;

Recognising the key role of the Tehran Convention in defining, an international legal framework for the protection of the marine environment of the Caspian Sea and in sustainable utilization of its natural wealth;

Noting with satisfaction the entry into force of the Tehran Convention on 12 August 2006;

1. Reaffirm the intention of their Governments 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. Noting the need to establish a regional mechanism for effective cooperation and coordination in case of major oil spills confirm the readiness of their Governments 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. Request the interim Secretariat to prepare a scoping paper on the interrelationship between the fisheries and the protection of the marine environment of the Caspian Sea.
4. Express gratitude to United Nations Environment Programme (UNEP) for its cooperation and support to the Convention process and requests UNEP to continue the functions of the Convention Secretariat ad interim until a permanent Secretariat has been put in place.
5. Acknowledge the need to align the Caspian Environment Programme and its instruments to the objectives of the Tehran Convention and its implementation.
6. Welcome the offer and recommendation of the Steering Committee of the Caspian Environment Programme to use, if it is considered necessary, the advisory and the technical services and assistance of the Caspian Environment Programme for the further development and implementation of the Tehran Convention.
7. Decide to continue further discussions on institutional arrangements of the Convention at the second and subsequent Meetings of the Conference of the Parties in view to finalize and reach consensus on these issues.
8. Decide to collectively provide an amount of US\$ 360,000 to the budget of the Tehran Convention for the year 2009 (US\$ 72,000 contribution of each Party).
9. While recognizing that the Contracting Parties bear the responsibility to ensure predictable funding for the operation of the Tehran Convention, call upon the concerned international agencies, financial institutions and donor community, in particular UNDP, UNEP, the European Union, the World Bank and the Global Environment Facility, to continue to contribute to further development and effective implementation of the Tehran Convention and its programmes.
10. Welcome the invitation of the Islamic Republic of Iran to celebrate the first anniversary of the entry into force of the Framework Convention for the Protection of the Marine Environment of the Caspian sea on the 12<sup>th</sup> day of August 2007.
11. Express gratitude to the Government of Azerbaijan for the organization of the first Meeting of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea.
12. Agree that the second Meeting of the Conference of the Parties will take place in the first half of 2008 in the Islamic Republic of Iran.

## **DECISIONS**

### **of the first Meeting of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea**

25 May 2007  
Baku, Republic of Azerbaijan

Having met in Baku, Republic of Azerbaijan, 23-25 May 2007, at its first Meeting, the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Tehran Convention) has decided as follows:

- I. To adopt the Rules of Procedure for the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea and to request the interim Secretariat to include the issue in the agenda of Second Meeting of the Conference of the Parties.
- II. To adopt the Financial Rules of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea. To request the interim Secretariat to prepare budget proposals for the second Meeting of the Conference of the Parties for the first financial period.
- III. To adopt the Programme of Work for the period of June 2007 – May 2008.
- IV. To invite UNEP to continue the functions of the Convention Secretariat ad interim until a permanent Secretariat has been put in place.
- V. To continue further discussions on institutional arrangements of the Convention at the second and subsequent Meetings of the Conference of the Parties in view to finalize and reach consensus on these issues.
- VI. To collectively provide an amount of \$ 360,000 to the budget of the Tehran Convention for the year 2009 (\$ 72,000 as contribution per each Party).
- VII. To express gratitude to the Government of the Republic of Azerbaijan for the organization of the first Meeting of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea.
- VIII. To hold the second Meeting of the Conference of the Parties in the first half of 2008 in the  
I.R of Iran.

## **ANNEX 2**

### **Materials of the Second Session of the Conference of the Parties to the Tehran Convention**

## **PROVISIONAL AGENDA**

**10 - 11 November 2008**

### **WORKING SESSIONS**

1. Opening of the first Meeting of the Conference of the Parties
2. Organizational matters
  - a) Election of officers
  - b) Adoption of the agenda
  - c) Organization of work
  - d) Admission of observers
3. Report on the credentials of representatives to the second Meeting of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea
4. Adoption of the Strategic Convention Action Programme
5. Status report on the development of priority Protocols to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea
6. The interrelationship between the fisheries and the protection of the marine environment of the Caspian Sea
7. Adoption of the Programme of Work and Budget
8. Convention permanent Secretariat arrangements
9. Progress report on GEF, EU and private sector current and future support to the Convention process
10. Place and date 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
11. Preparation of the Statement for the High-level segment of the second Meeting of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea
12. Other matters

**12 November 2008**

**HIGH-LEVEL SEGMENT**

13. Opening of the high-level segment
  - a) Welcome address of the host country
  - b) Statements of the Parties to the Convention
  - c) Other statements
14. Report of the Bureau on the working sessions
15. Adoption of the Ministerial Statement
16. Closure of the second Meeting of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea

**Press Conference** on the second Meeting of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea

# STRATEGIC CONVENTION ACTION PROGRAMME

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## LIST OF ABBREVIATIONS

BAT	Best available techniques
BEP	Best environmental practice
CEP	Caspian Environment Programme
CIS	Commonwealth of Independent States (formerly the USSR)
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
EIA	Environmental impact assessment
ESPOO Convention	Convention on Environmental Impact Assessment in a Transboundary Context
GIS	Geographical information system
NCAP	National Caspian Action Programme
NGO	Non-governmental organization
POPs	Persistent organic pollutants
PTS	Persistent toxic substance
RAC	Regional Activity Centre
SCAP	Strategic Convention Action Programme
<u>SPACE</u>	<u>Special Protected Areas of the Caspian Ecosystem<sup>1</sup></u>
Stockholm Convention	Stockholm Convention on Persistent Organic Pollutants
Tehran Convention	The Framework Convention for the Protection of the Marine Environment of the Caspian Sea
UN	United Nations
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme

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<sup>1</sup> The abbreviation was revised by the interim Secretariat in line with discussion on the CASPECO project, CASPECO Wrap Up Meeting, 11-12 September 08, Almaty, Kazakhstan

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## LIST OF DEFINITIONS

Action Programme	The Action Programme for the protection and sustainable development of the marine environment of the Caspian Sea <sup>2</sup>
Alien species	Also known as exotic or introduced species - any species occurring in an area outside of its historically known natural range as a result of intentional or accidental dispersal by human activities
Biodiversity	Also known as Biological diversity - the variability among living organisms from all sources including, <i>inter alia</i> , terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems
Coastal area	The terrestrial area bordering the coastline and affected by its proximity to the sea and by the sea level fluctuations
Diffuse sources	Land-based sources of pollution, other than point sources, from which substances enter the environment as a result of land run-off, precipitation, atmospheric deposition, drainage, seepage or hydrologic modification or destruction of habitats
Dumping	Any pollution to the sea from any deliberate disposal into the marine environment of wastes or other matter from vessels, aircraft, platforms, or other man-made structures in the Caspian Sea or any deliberate disposal of vessels, aircraft, platforms, or other man-made structures in the Caspian Sea <sup>3</sup>
Environmental emergency	A situation that causes damage or poses an imminent threat of pollution or other harm to the marine environment of the Caspian Sea and that result from natural or man-made disasters
Environmental impact assessment	The national procedure for evaluating the likely impact of a proposed activity on the environment

Hazardous substance	Any substance that is toxic, carcinogenic, mutagenic, teratogenic or bio-accumulative, especially when they are persistent <sup>4</sup>
Hot-spot	A limited and definable local land area, stretch of surface water or specific aquifer that is subject to excessive pollution and necessitates priority attention in order to prevent or reduce the actual or potential adverse impacts on human health, ecosystems or natural resources and amenities of economic importance
Impact	Any effect which results, or is likely to result, from a proposed activity on the marine environment of the Caspian Sea, including flora, fauna, soil, atmospheric air, water, climate, landscape, historical monuments and or interaction among those factors; also includes effects on human health and safety, cultural heritage, socio-economic or other conditions resulting from alternations to those factors
Industrial accident	An event resulting from an uncontrolled change in the course of any activity involving harmful and hazardous substances in an industrial installation for example during manufacture, use, storage, handling or disposal or during transportation of such substances
Invasive species	An alien species whose establishment and spread may cause economic or environmental damage to the ecosystems or biological resources or harm to human health
National Authority	The authority designated by each Contracting Party to be responsible for the coordination of actions by such Contracting Party for implementing the Tehran Convention and its Protocols <sup>5</sup>
Oil	Petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products
Oil pollution incident	An occurrence or series of occurrences having the same origin, which results or may result in a discharge of oil and which poses or may pose a threat to the marine environment, or to the coastline or related interests of one or more States, and which requires emergency action or other immediate response
Point sources	Land-based sources of pollution where emissions are introduced into the environment from any discernible, confined and discrete conveyance, including but not limited to pipes, outfalls, channels, ditches, tunnels, conduits or wells from which pollutants are or may be discharged
Pollution	The introduction by man, directly or indirectly, of substances or energy into the environment resulting or likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health and hindrance to legitimate uses of the Caspian Sea <sup>6</sup>
Pollution from land-based sources	Pollution of the sea from all kinds of point and non-point sources based on land reaching the marine environment, whether water-borne, air-borne or directly from the coast, or as a result of any

disposal of pollutants	from land to the sea by way of tunnel, pipeline or other means <sup>7</sup>
Regional Centre	Caspian Regional Centre for preparedness, response and cooperation in combating oil pollution in cases of emergency
Vessel	A vessel of any kind that operates in the marine environment, including hovercraft, hydrofoil boats, submarines, towed and self-driving boats, as well as platforms and other manmade offshore structures <sup>8</sup>

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## 1 INTRODUCTION

### 1.1 Background

In 2003, the Caspian littoral states, comprising Republic of Azerbaijan, Islamic Republic of Iran, Republic of Kazakhstan, Russian Federation, and Turkmenistan, signed the Framework Convention for the Protection of the Marine Environment of the Caspian Sea. Following ratification by all five Governments of the Caspian littoral states, the Tehran Convention entered into force on the 12<sup>th</sup> August 2006. The objective of the Tehran Convention is the protection of the Caspian environment from all sources of pollution including the protection, preservation, restoration, and sustainable and rational use of the biological resources of the Caspian Sea.

The Caspian Sea is an environmental entity with the unique natural resources, having undeniable global importance and core value for the people living on its coasts. The Declaration adopted by the Presidents of the Caspian States at their second meeting, 16 October 2007, Tehran, Islamic Republic of Iran, reflects the recognition of the Caspian States of their responsibility « towards the present and future generations for the conservation of the Caspian Sea and its environmental system integrity ».

The Caspian Sea with its unique hydrographical and ecological characteristics is threatened by pollution and sea level fluctuations. Pollution derives from various sources as a result of human activities, including the discharge, emission and disposal of harmful and hazardous substances, wastes and other pollutants, both in the sea and from land-based sources. At present, the intensity of contamination exceeds the ecological capacity of the Caspian Sea. Therefore, the assessment of the ecological condition of the Caspian Sea, survey of direct and indirect negative impacts on the ecosystem, examination of the ecosystem response to these impacts, and the study of the ecosystem's capacity of adaptation to contamination are the necessary activities for the sustainable and rational usage of its resources. Such actions need to be harmonised on a regional scale, reinforcing the importance of cooperation among the littoral states and with relevant international organizations, with the aim to protect and conserve the marine environment of the Caspian Sea.

The following approach was adopted in formulating the SCAP. Firstly, consideration was given to other regional Conventions and Protocols, together with their consequent Action Plans. Of note is the example of the Barcelona Convention and the Mediterranean Action Plan. Secondly, the SCAP incorporates, insofar as possible, text that has already been approved by the Contracting Parties. Thus, the basic framework of the SCAP mirrors the layout of the Tehran Convention. The actions are based largely on the CEP Strategic Action Programme, with some additional materials having been derived from the Convention and Protocols as appropriate.

The Strategic Convention Action Programme is a comprehensive, long-term agenda and framework for the implementation of the Tehran Convention and its Protocols over a period of 10 years to be translated and implemented through National Action Programmes supported by the biennial Programmes of Work of the Convention Secretariat. Intermediate revisions of the Action Programme may be decided upon by the meetings of the Contracting Parties in

order to take into account new Protocols or other emerging developments related to the implementation of the Tehran Convention.

## **1.2 Objectives**

The objective of this Strategic Convention Action Programme is the protection of the Caspian environment from all sources of pollution, as well as the protection, preservation, restoration, and sustainable and rational use of the biological resources of the Caspian Sea<sup>910</sup>.

## **1.3 The Geographic Scope**

This Strategic Convention Action Programme shall be applied to the marine environment of the Caspian Sea, taking into account its water level fluctuations and pollution from land-based sources<sup>11</sup>.

## **1.4 Principles**

Pursuant to the Article 5 of the Convention, the following principles shall guide actions to achieve the objective of this Strategic Convention Action Programme and to implement its provisions:

- (a) the precautionary principle, by virtue of which, where there is a threat of serious or irreversible damage to the Caspian Sea environment, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent such damage;
- (b) “the polluter pays” principle, by virtue of which the polluter bears the costs of pollution, including its prevention, control and reduction;
- (c) the principle of accessibility of information on the pollution of the marine environment of the Caspian Sea according to which the Contracting Parties provide each other with relevant information in the maximum possible amount.

## **1.5 Implementation**

<sup>10</sup> Russian Federation suggests to replace the underlined text as follows: « The objective of this Strategic Convention Action Programme is to define the main directions for the joint activity of the Contracting Parties aimed at the implementation of the provisions of the Tehran Convention and the Protocols to it for the mid-term perspective in the area of the protection of the marine environment of the Caspian Sea against pollution, as well as protection, conservation, restoration, sustainable and rational use of its biological resources. »

The Caspian coastal States bear full responsibility for conducting their policies for an improved environment and sustainable development. In this context, they are responsible for the implementation of the Tehran Convention, its Protocols and the SCAP.

The Secretariat of the Convention arranges, “upon the request of any Contracting Party, for the provision of technical assistance and advice for the effective implementation of the Convention, its protocols”<sup>12</sup> and the SCAP.

The specific tasks entrusted to the Secretariat and the issue-specific branches of the Secretariat in order to implement the activities of SCAP, as well as the corresponding budgets, are decided upon by the meetings of the Contracting Parties to the Tehran Convention.

The Secretariat establishes and strengthens relations with other regional programmes, the secretariats of relevant international conventions, the United Nations Commission on Sustainable Development and the international financial institutions related to environment and sustainable development in the Caspian region.

In the formulation and implementation of the SCAP, the Contracting Parties to the Tehran Convention will regularly involve as appropriate:

- (a) UN specialised agencies;
- (b) Local, provincial and regional authorities;
- (c) Non-governmental organizations involved in the protection of the Caspian environment and the promotion of sustainable development;
- (d) Organisations representing economic activities.

In implementing sustainable development, priority will be given to strengthening institutional capacity and policy coordination at national, as well as regional, provincial and local levels, as appropriate. In this context, particular attention will be given to the implementation of existing legal instruments, such as the Tehran Convention and its future Protocols, to the introduction of economic instruments for integrated natural resource management, and to rigorous planning of coastal zones and management of natural resources.

## **2 PREVENTION, REDUCTION AND CONTROL OF POLLUTION<sup>13</sup>**

### **2.1 Background**

Data on the overall environmental quality of the Caspian Sea region are generally not systematic or comprehensive, although efforts are being made to initiate a more comprehensive and integrated monitoring system in the region. In the former USSR, water and sediment quality measurements were taken on a regular basis and with good coverage; however, its break up has made the monitoring fragmented and irregular. In the immediate

years following the break up, the flux of pollutants through rivers into the Caspian changed with a drastic reduction in industrial and agricultural activity in the four CIS states. The economic recovery of the recent years is changing the environmental quality situation, although this cannot yet be substantiated with reliable data and information. A review of those reliable data that do exist, including data from sediment and ecotoxicological surveys undertaken as part of CEP during its two phases up to 2006, do indicate a highly stressed environment in certain hot-spots, but there are not sufficient data to support the idea that the assessment of a highly stressed environment can also be applied to the entire Caspian ecosystem. The new pollution data set created under the sediment contaminant survey in 2005 Caspian Sea supports rather the trend of a decline in the environmental quality.

Pollution threats include contaminants sequestered in the major impoundments; continued and increased use of banned agrochemicals; increased industrial activities, potential widespread hydrocarbon pollution, with the anticipated expansion of oil and gas development and transportation; and acute damage from oil and hazardous substance spillage, particularly from substandard vessels currently used in the region. Available data do not support the generally held view that nutrient loading is a regional problem, although a large anomalous algal bloom (AAB) was recorded in the Southern Caspian in 2005 near the Iranian coast in the southwest Caspian. There is a lack of information about pollution in groundwater and its interaction with the Caspian Sea.

There are several potential sources of pollution for the Caspian Sea. Land-based activities serve as point and diffuse sources of pollutants, with transport being by surface and ground waters, as well as through the atmosphere. Maritime and marine activities encompass shipping, offshore oil and gas exploration and production, seabed activities and dumping. Various other human activities, including deforestation, desertification and littering, can contribute to the degradation of the marine environment. Invasive species and accidental oil spills can also have deleterious consequences on the Caspian Sea. Appropriate actions, including relevant regional monitoring programmes, for addressing these multiple potential sources are considered here.

## **2.2 Pollution from Land-Based Sources<sup>14</sup>**

The objective of this component is to prevent, control, reduce and to the maximum extent possible eliminate pollution of the marine environment from land-based sources and activities in order to achieve and maintain a sound environmental status of the Caspian Sea.

Several potential land-based sources of pollution are recognised, comprising:

- a) Emissions of polluting substances originating from land-based point and diffuse sources that affect or may affect the marine environment and coastal areas of the Caspian Sea. These emissions shall include those which reach the marine environment through rivers, canals or other watercourses, including groundwater flow, coastal disposals and outfalls, disposal under the seabed with access from land, or through run-off;
- b) Inputs of polluting substances transported through the atmosphere into the marine environment of the Caspian Sea from land-based sources; and
- c) Discharges that affect the marine environment or coastal areas of the Caspian Sea

resulting from activities such as the physical alteration of the natural state of the coastline, and alteration or destruction of the landscape or habitats.

Activities outlined below will have to be undertaken within the context and in support of the implementation of the Protocol on Land-based sources of Pollution. They depend upon the development of regional strategies for pollution reduction, as well as strengthening pollution prevention, monitoring and control measures in the littoral states. Recognising the role of diffuse sources, actions will be taken to promote environmentally sound agricultural practices in the Caspian region.

### **2.2.1 Regional strategies for pollution reduction**

- o Undertake a comprehensive regional inventory of pollution emissions from land-based sources.
- o Undertake a survey of the coastal zone to identify and characterize major contaminated land sites, and develop a strategy of pollution mitigation and remediation for areas of pollution concern.
- o Reduce pollution from existing and decommissioned onshore oil and gas installations causing significant pollution.
- o Utilize or promote BAT and BEP, together with the application of, access to and transfer of environmentally sound technology, including cleaner production.

### **2.2.2 Pollution prevention, monitoring and control measures**

- o Develop a regional plan for strengthening discharge licensing, compliance monitoring and enforcement of pollution control and prevention.
- o Develop recommendations for harmonization of pollution discharge and emission, and water quality standards.
- o Reduce untreated discharges from coastal municipal sources.
- o Develop and introduce economic instruments to encourage reduced pollution loads.
- o Implement pilot projects to demonstrate the most cost effective reclamation technologies for a range of contaminants.

### **2.2.3 Environmentally sound agricultural practices**

- o Establish and promote best practice recommendations for the use of agrochemicals, including application times and rates, handling, storage and disposal.
- o Demonstrate through pilot projects environmentally sound agricultural practices such as soil conservation, creation of surface and groundwater protection zones, use of natural fertilizers and use of pest resistant crop strains.

- o Combat eutrophication in sensitive coastal zones by controlling soil and water contamination from agriculture and other nutrient sources.

## **2.3 Pollution from Seabed Activities**

The objective of this component is to take all appropriate measures to prevent, control and reduce pollution of the Caspian Sea resulting from seabed activities.

The littoral states of the Caspian Sea have a common interest in protecting the marine environment from the danger posed by seabed activities, such as the construction of seabed pipelines and artificial islands. Apart from the requirement for Environmental Impact Assessments, a comprehensive approach to the sustainable use of the seabed needs to be investigated and agreed regionally. Measures need to be defined that relate to preventing pollution from seabed activities.

Activities outlined below depend upon the development of regional strategies to regulate seabed activities:

- o Draft and adopt ancillary instruments to the Tehran Convention on the Regulation of Seabed Activities.

## **2.4 Pollution from Vessels**

The objective of this component is to prevent, control, reduce and to the maximum extent possible eliminate pollution of the marine environment from marine-based sources and activities in order to achieve and maintain a sound environmental status of the Caspian Sea.

Several marine activities can be potential sources of pollution to the marine environment. Shipping is one such source, recognising that oil pollution incidents are specifically considered elsewhere (Section 2.8). The definition of vessels includes offshore oil and gas installations.

Activities outlined below depend upon the development of regional strategies for pollution reduction. Actions to be taken are:

- o Reduce pollution from existing and decommissioned offshore oil and gas installations causing significant pollution.
- o Establish ship waste reception/treatment facilities in all major ports. <sup>17</sup>

## **2.5 Pollution Caused by Dumping**

The objective of this component is to take all appropriate measures to prevent, abate and eliminate to the fullest extent possible pollution of the Caspian Sea caused by dumping from vessel and aircraft.

Given the danger posed to the marine environment by the dumping of wastes or other matter, the coastal States of the Caspian Sea have a common interest in protecting the marine environment from this hazard. Measures need to be defined that relate to dumping from vessels and aircraft registered in or flying the flag of the littoral states. In case of *force*

*majeure* due to stress of weather or any other cause when human life or the safety of a ship or aircraft is threatened, dumping shall be so conducted as to minimize the likelihood of damage to human or marine life or hindrance to legitimate uses of the sea in accordance with the applicable international and regional legal instruments.

Activities outlined below depend upon the development of regional strategies for dumping:

- o Draft and adopt ancillary instruments to the Tehran Convention on dumping at sea by vessels and aircraft.
- o Review and report on the occurrence of dumping from vessels and aircraft in the Caspian Sea.

## **2.6 Pollution from Other Human Activities<sup>19</sup>**

The objective of this component is to prevent, control, reduce and to the maximum extent possible eliminate pollution of the marine environment from other human activities in order to achieve and maintain a sound environmental status of the Caspian Sea.

Apart from land- and sea-based sources of pollution, there are several other human activities that can degrade the environment of the Caspian Sea in various ways. Poor land use practices leading to deforestation or desertification can impact the coastal zone. Some pollutants, including POPs and litter, can have multiple sources that require a wide-ranging strategy to ensure adequate control. Both surface and ground waters can affect the quality of the Caspian environment, but current information remains incomplete and not regionally harmonised.

Activities outlined below depend upon the development of regional strategies for pollution reduction, as well as combating deforestation and desertification. Appropriate actions, including relevant regional monitoring programmes, for addressing multiple potential sources are considered here.

### **2.6.1 Regional strategies for pollution reduction**

- o Develop and implement a Regional POPs/PTS Programme, which is to be coordinated with POPs enabling activities in Stockholm Convention signatory states.
- o Develop and initiate implementation of the regional marine litter control and mitigation strategy.

### **2.6.2 Combating desertification and deforestation**

- o Strengthen legislation to combat desertification and deforestation.
- o Apply remote sensing and GIS techniques to monitor trends in desertification and deforestation in the Caspian region.
- o Develop and implement pilot projects designed to address root causes in critical desertification and deforestation areas.

- o Introduce economic instruments and alternatives to reduce wood consumption, including use of wood fuel.
- o Conduct targeted awareness campaigns on sustainable grazing practices in threatened desert areas.

### **2.6.3 Regional water quality monitoring programme**

- o Develop and implement a regional water quality monitoring programme focused on critical contaminants and hot-spots.
- o Provide report on contaminant levels in the Caspian Sea region every three years, and make proposals for remedial actions.
- o Develop and implement a research programme into the phenomena of Anomalous Algal Blooms in the Caspian Sea.
- o Establish a regional monitoring programme for recreational waters.

### **2.6.4 Strategy for managing groundwater**

- o Assess the current knowledge about the occurrence, flow and quality, including pollution, of groundwater, including its interaction with the Caspian Sea;
- o Devise a programme for coordinated groundwater monitoring.
- o Carry out a review of legal and institutional framework for managing groundwater; and make adjustments to reflect current needs, as necessary.
- o Design a regional programme of groundwater management measures, as necessary.
- o Demonstrate and implement groundwater management programmes .

## **2.7 Alien and Invasive Species<sup>20</sup>**

The objective of this component is to regulate the introduction of alien species and prohibit those that may have harmful impacts on the ecosystems, habitats or species, as well as regulate those already introduced that are causing or may cause damage.

Alien invasive species pose a damaging and acute threat. Invasion of *Mnemiopsis leidyi* may irrevocably change the whole Caspian ecosystem, starting from the composition of the zooplanktonic species. The invasion by this ctenophore has been a major factor impacting both fisheries and biodiversity. The direct and indirect impact of this invasive species have led to changes in Caspian food chain threatening the Caspian kilka (sardines), which is one of the major fishing resources and a food for many other commercially important fish species.

In the context and in support of the implementation of the Protocol on Biodiversity of the Tehran Convention, the following actions will be taken to regulate and control alien and invasive species:

- o Periodically review and report on the status of and the risks posed by all alien species

introduced into the Caspian Sea.

- o Develop a Regional Plan of Action for the introduction and management of alien species, together with the control of invasive species in the Caspian Sea.
- o Investigate and reach regional agreement on the appropriate measures for the possible biological control measures to reduce the impact of *Mnemiopsis leidyi* on the ecosystem of the Caspian Sea.
- o Promote the construction of ballast water reception and treatment facilities to control the passage of invasive species via shipping routes.

## **2.8 Environmental Emergencies<sup>21</sup>**

The objective of this component is to formulate a regional strategy for prompt and effective action in the event of an oil pollution incident at sea that would endanger the coasts or the related interests of Caspian littoral States, with a view to reducing the damage caused by such an incident.

Pollution of the Caspian Sea by oil may threaten the marine environment in general and the interests of Caspian Sea littoral states in particular. Thus, special measures are necessary in the event of accidents and other pollution incidents originating from ships, pipelines, fixed and floating platforms, and abandoned wellheads and land-based sources of pollution. Reciprocal assistance and international cooperation must be instituted amongst states in order to protect their coasts and their related interests from oil pollution.

In the context and in support of the implementation of the Protocol on Regional preparedness, Response and Cooperation in combating oil pollution incidents, the following actions will be taken regarding disaster prevention and response:

- o Establish a Caspian Regional Centre for preparedness, response and cooperation in combating oil pollution in cases of emergency
- o Develop and implement a Caspian Sea Plan concerning Regional Cooperation in Combating Oil Pollution.
- o Finalize and approve national oil spill contingency plans and harmonize the oil spill contingency plans with the national plans.
- o Develop regional contingency plan for spills of hazardous substances other than oil.
- o Update vulnerable resources and sensitive areas mapping of the Caspian Sea for inclusion in the national and regional plans.
- o Identify potential sources of oil pollution and undertake regional risk assessment for spillage of oil and hazardous substances from shipping, pipelines, offshore and onshore production and storage facilities.
- o Promote the development of regional agreements for liability and compensation in the

event of oil spills.

- o Develop regional agreement on minimum standards of maintenance of existing Caspian tanker fleet.
- o Develop a Natural Disaster Preparedness and Mitigation Plan for the Caspian Sea.

### **3 PROTECTION, PRESERVATION AND RESTORATION OF THE MARINE ENVIRONMENT<sup>22</sup>**

#### **3.1 Background**

The Caspian biodiversity is low across all phyla compared to other seas, but, due to its historic isolation, endemism is high. Approximately 40% of the species found in the Caspian are endemic and therefore any threat may lead to a potentially high loss of global biodiversity. Quantifiable data on the status of the biodiversity of the Caspian Sea is scarce. In recent years no systematic monitoring of biodiversity (except in connection with fishery productivity and oil company monitoring) has been undertaken by the Caspian states. Even population number and temporal distribution of main commercial fishing species such as sturgeon, kilka, and Caspian seals are still in dispute. The aerial surveys of 2005 and 2006 supported by the CEP note a continuous decline in the population of seals and a considerable difference with the existing official survey figures, which are much higher. These gaps in knowledge are in itself a major threat. Other threats include habitat erosion, fragmentation, and degradation (observed, but not quantified), unsustainable use of key species, pollution and, as considered above, invasive species. The presence of persistent organic pollutants, in particular DDT, is also a major source of concern, especially on the point of its accumulation in the long-living species – molluscs, seals, and sturgeons.

Catches of sturgeons, herrings, sprats, and some other commercial fish have continued to decline in recent years. Official data from the Caspian countries indicate that the sturgeon catches have dropped from an average 13 thousands tons a year in the period from 1950-1960 (peaking in the 1970s to 28 thousands tons a year) to 3 thousands tons in 1996-1999 and to less one thousand tons in 2004-2005. Sturgeon catch fell resulting in calls for export bans. Factors contributing to the fishery decline include poaching, the impact of dams, loss of habitats, and perhaps pollution. Kilka catches declined from 400 thousands tons in 1970s to 115 thousands tons in 2001 and to 64 thousands tons in 2005. The decline in the sturgeon, kilka, and other species catches directly effect human livelihoods and food for the local people.

The coastal landscapes, habitats, amenities and infrastructure are being damaged by a variety of natural and man-made factors. Natural factors include water level fluctuations, wind induced or storm-induced surges and earthquakes. Man-made causes include desertification/deforestation, regulation of rivers, urbanization and industrial development, inadequate agricultural/aquaculture planning and development, poor groundwater management, inadequate recreational development, and land-based and sea-based pollution. Climate change is influencing and often exasperating the impacts of the natural and man factors resulting in considerable social and economic damages in the coastal areas. Close to 40 percent of the Caspian coastal area is impacted and it is estimated that of this area, about 69 percent has undergone desertification in various ways. Unsustainable coastal area development combined with chronic and acute pollution, and the decline in fisheries has produced undesired human health impacts. Understanding of the concepts of integrated coastal zone and coastal land use planning are critical to addressing these issues.

### 3.2 Marine Living Resources<sup>23</sup>

The objective of this component is to take all appropriate measures for the protection, preservation, restoration and rational use of marine living resources.<sup>24</sup>

Pressure on the marine environment of the Caspian Sea due to different kinds of human activities threatens biological diversity, as well as the health and integrity of the coastal and marine ecosystems of the Caspian Sea. The Caspian Sea is a unique ecosystem, and contains a large number of biotopes and species of great national, regional and global importance that need protection, preservation and restoration. Safeguarding biodiversity and, as appropriate, improving the state of the natural and cultural heritage of the coastal and marine areas of the Caspian Sea, is important both for fulfilling obligations to the Convention on Biological Diversity (Rio de Janeiro, 1992) and to guarantee sustainable and rational use of biological resources.<sup>25</sup>

The actions outlined below will promote increased regional collaboration to achieve strengthened protection for biodiversity, ensure all key threatened species are maintained or restored to viable levels, rehabilitate stocks of migratory (sturgeon, inconnu, herring) commercially valuable fish species, rehabilitate stocks of Caspian seal and promote the sustainable use of commercial fisheries resources<sup>26</sup>.

#### 3.2.1 Protection for biodiversity

- o Draft and adopt a Biodiversity Conservation Protocol to the Tehran Convention.
- o Establish a regional biodiversity monitoring system.
- o Develop an international research programme on Caspian biodiversity related issues.
- o Ensure biodiversity issues and impacts are taken into account in all EIA and planning applications.

#### 3.2.2 Ensure all key threatened species are maintained or restored to viable levels

- o Identify and assess the status of key threatened species.
- o Ensure adequate legal protection for key threatened species.
- o Provide improved *in situ* and *ex situ* protection for key threatened species.
- o Create a gene bank of key threatened species.

#### 3.2.3 Rehabilitate fish stocks<sup>27</sup>

- o Conduct activities to identify, protect, restore and manage natural spawning grounds for sturgeon and other commercially valuable anadromous species, *inter alia*, within the framework of a regional integrated fisheries management strategy.
- o Increase sturgeon hatchery efficiency and capacity through improvement of bio-

techniques and fry growth technology, as well as enhancing scales of their production.

- o Strengthen regional cooperation, including scientific exchanges, on improving hatchery efficiency.
- o Increase aquaculture of sturgeon and other commercially valuable species.
- o Create a gene bank for anadromous fish.

#### **3.2.4 Rehabilitate stocks of Caspian seal**

- o Conduct scientific surveys to evaluate the number and health of Caspian seal stocks.
- o Strengthen regional cooperation in Caspian seal research activities.
- o Draft and adopt a regional management plan for the Caspian seal.

#### **3.2.5 Sustainable use of commercial fisheries resources**

- o Promote the development and implementation of ancillary instruments to the Tehran Convention on sustainable bioresources management.
- o Strengthen regional cooperation for fisheries management, including the development of a regional integrated fisheries management strategy, regional standards of harvesting of commercial species, and the establishment of a quota system based on regular joint stock assessments.
- o Improve compliance, enforcement and monitoring mechanisms, and develop enforcement mechanisms and economic instruments for the protection of the sturgeon fishery, and reduce illegal catch and trade in accordance with provisions of CITES and Resolution Conf.1.2.7 (Rev., CoP14) and related decisions of the Conference of the Parties.
- o Promote more selective fishing methods and small-scale aquaculture.<sup>28</sup>

### **3.3 Coastal Zone Management<sup>29</sup>**

The objective of this component is to take necessary measures to develop and implement national strategies and plans for planning and management of the land affected by its proximity to the sea, in the context and in support of the implementation of the Protocols on Biodiversity and against Pollution from Land-based Sources and Activities.

The Caspian Sea region is subject to unsustainable coastal area development caused by different factors that impact the human population, the environment and the amenities. The coastal landscapes and habitats are damaged by a variety of natural and human-made factors. Natural factors include sea water level fluctuations, earthquakes and climate change. Human-made causes include desertification, deforestation, regulation of rivers, urbanization and industrial development, improperly planned agricultural, aquacultural and recreational development, and land-based and sea-based pollution.

The actions outlined below will ensure that all key coastal and marine habitats are represented in the list of Special Protected Areas of the Caspian ecosystem (SPACE), will identify and restore priority coastal and marine habitats, and will promote the sustainable use and management of coastal areas through integrated coastal area management. a network of special protected areas, wildlife habitats and essential fish habitats for the Caspian Ecosystem (SPACE) be established and stakeholders apply regional, circum-Caspian approach to habitat conservation in the Caspian.<sup>30</sup>

### **3.3.1 Special Protected Areas of the Caspian Ecosystem (SPACE)**

- o Create new and expand existing protected areas (including where necessary possible transboundary areas) to cover all special Caspian coastal and marine habitats.
- o Improve the effectiveness of the management of Caspian protected coastal areas complying with existing national legislation.
- o Designate circum-Caspian protected area virtual network comprised of one established protected area in each Caspian State's coastal zone in order to anchor SPACE.
- o Establish an effective low-cost network structure;
- o Create a regional communication network between SPACE as a part of web-based TCIS Caspian Information Centre;<sup>31</sup>
- o Develop ecosystem management plans for the major rivers in the near Caspian basin<sup>32</sup>.

### **3.3.2 Identify and restore priority coastal habitats**

- o Develop and apply a standardized methodology for the assessment of the environmental health of coastal habitats.
- o Design, implement and monitor coastal habitat restoration projects.

### **3.3.3 Identify and restore priority marine habitats**

- o Develop and apply a standardized methodology for assessing the health of marine habitats.
- o Design, implement and monitor priority marine habitat restoration projects.

### **3.3.4 Sustainable use and management of coastal areas**

- o Strengthen, as needed, national regulation on coastal area planning and management.
- o Strengthen technical capacity at local and municipal government level for coastal planning and introduce economic instruments to promote rational land use.
- o Develop regional databases, including GIS, for coastal planning and management.
- o Develop regional guidelines for integrated coastal area management planning and undertake a pilot project in each Caspian state.
- o Develop ecotourism pilot projects based on existing and successful models from other

regions.

- o Promote alternative income sources and the adoption of sustainable livelihoods in coastal fishing communities.

### **3.4 Caspian Sea Fluctuation<sup>33</sup>**

The objective of this component is to take all appropriate measures to understand and alleviate implications of the sea level fluctuations of the Caspian Sea.

The sea level fluctuates considerably in the Caspian Sea. Natural factors include variations in discharges from the Volga and Ural Rivers, climate changes in the catchments areas and variable evaporation rates. Anthropogenic activities, including the damming of rivers and bays, and the diversion of watercourses, have also had an effect. Water level fluctuations negatively affect coastal infrastructure and related amenities, and cause a number of indirect

effects, such as introducing contaminants from flooded lands, alteration of coastal habitats and infrastructures, and massive die-offs of coastal reed beds.

Activities outlined below depend upon the development and implementation of strategies for the management of sea level rise:

- o Draft and adopt ancillary instruments to the Tehran Convention addressing the implications of the sea level fluctuations of the Caspian Sea.
- o Undertake an assessment of coastal vulnerability to sea level rise and potential economic losses.
- o Develop a set of sea level fluctuation scenarios that take into account climate change over the next fifty years and reassess coastal vulnerability to sea level rise and the consequent potential economic losses.
- o Develop regional guidelines for adaptive management for sea level fluctuation and climate change.

## **4 PROCEDURES<sup>34</sup>**

The Caspian Sea is a unique ecosystem confronted by a series of environmental stresses. For the most part the problems are not unique to the Caspian Sea, but have become intensified due to its landlocked nature. Unilateral solutions will not succeed in the long term and the five littoral states must cooperate to mitigate current and prevent future pollution. Recent openness has allowed a better understanding of the environmental problems and a fostered a wide felt appreciation for what is at stake. Regional cooperation is necessary in formulating, elaborating and harmonising rules, standards, recommended practices and procedures consistent with the Tehran Convention.

Activities outlined below depend upon the development of regional mechanisms to harmonise procedures for environmental impact assessment, to ensure co-operation between

the contracting parties, to establish monitoring programmes, to encourage research and development, and to guarantee the exchange of and access to information.

#### **4.1 Environmental Impact Assessment<sup>35</sup>**

The objective of this component is to implement effective and transparent EIA procedures in a transboundary context to any proposed activity that is likely to cause a significant transboundary impact on the marine environment and land affected by proximity to the sea in order to prevent, reduce and control pollution of the marine environment and land affected by proximity to the sea, promote conservation of its biodiversity, and rational use of its natural resources, and protect human health.

The application of environmental impact assessment at an early stage in the decision making process for proposed activities promotes the implementation of the principles of sustainable development. Public participation is recognized as an important contribution to environmental decision-making.

In the context and in support of the implementation of the Protocol on Environment Impact Assessment in a Transboundary Context, the following actions will be taken:

- o Adopt the necessary legal, administrative or other measures to implement the provisions of this Protocol
- o Ensure all appropriate measures are taken to introduce and apply procedures of environmental impact assessment of any planned activity, that are likely to cause significant adverse effect on the marine environment of the Caspian Sea.
- o Take all appropriate measures to disseminate results of environmental impact assessments.
- o Ensure effective public participation in the EIA procedure of a proposed activity pursuant to this Protocol, commencing at early stage of EIA procedures.

#### **4.2 Co-operation between the Contracting Parties<sup>36</sup>**

The objective of this component is to ensure regional cooperation in formulating, elaborating and harmonising rules, standards, recommended practices and procedures consistent with the Tehran Convention.

The actions outlined below will promote increased regional collaboration to achieve strengthened protection to prevent, reduce and control pollution of and to protect, preserve and restore the marine environment of the Caspian Sea.

- o Develop programmes for monitoring quality of water
- o Develop contingency plans for pollution emergency cases
- o Establish emission and discharge limits for waste and evaluate the effectiveness of control programmes

- o Establish water quality objectives and propose relevant measures for maintaining and, where necessary, improving existing water quality
- o Develop harmonised action programmes for the reduction of pollution loads from municipal and industrial point and diffuse sources, including agriculture, urban and other runoff.

### **4.3 Monitoring<sup>37</sup>**

The objective of this component is to ensure regional cooperation in the elaboration and implementation of harmonised regional monitoring programmes of pollutants, of rules and standards, and recommended practices and procedures consistent with the Tehran Convention.

In the context and in support of the implementation of the Tehran Convention, the following actions will be taken to prevent, reduce and control pollution of and to protect, preserve and restore the marine environment of the Caspian Sea.

- o Establish and implement individual and/or joint programmes for monitoring environmental conditions of the Caspian Sea.
- o Agree upon a list of parameters and pollutants which discharge into the Caspian Sea that will be measured regularly.
- o Conduct individual or joint assessments of the environmental conditions of the Caspian Sea
- o Evaluate the effectiveness of measures taken for the prevention, control and reduction of pollution of the marine environment of the Caspian Sea.
- o Harmonise rules for the setting up and operation of monitoring programmes, measurement systems, analytical techniques, data processing and evaluation procedures for data quality.
- o Develop a centralised database and information management system to function as a repository of all relevant data, serve as the basis for decision-making and as a general source of information and education for specialists, administrators and the general public.

### **4.4 Research and Development<sup>38</sup>**

The objective of this component is to cooperate in the conduct of research into and development of effective techniques for the prevention, control and reduction of pollution of the Caspian Sea.

Activities outlined below depend upon initiating or intensifying specific national research programmes. Also, emphasis will be placed on promoting international research aimed at generating a better understanding of the marine environment of the Caspian Sea.

- o Develop methods for the assessment of the toxicity of harmful substances and their effect on the ecosystem of the Caspian Sea
- o Develop and applying environmentally sound or safe technologies
- o Phase out and/or substitute substances likely to cause pollution
- o Develop environmentally sound or safe methods for the disposal of hazardous substances
- o Develop environmentally sound or safe techniques for water-construction works and water-regulation
- o Assess the physical and financial damage resulting from pollution
- o Improve knowledge about the hydrological regime and ecosystem dynamics of the Caspian Sea, including sea level fluctuations and the effects of such fluctuations on the Sea and coastal ecosystems
- o Study the levels and possible effects on the ecosystem of radiation and radioactivity in the Caspian Sea.

#### **4.5 Exchange of and Access to Information<sup>39</sup>**

The objective of this component is to ensure public access to information regarding the environmental status of the Caspian Sea.

In the context and in support of the implementation of the Tehran Convention, the following actions will be taken to exchange information on a regular basis.

- o Ensure public access to information regarding the environmental conditions of the Caspian Sea.
- o Ensure public access to information regarding measures taken or planned to be taken to prevent, control and reduce pollution of the Caspian Sea in accordance with national legislation and taking into account provisions of existing international agreements concerning public access to environmental information.

### **5 CIVIL SOCIETY PARTICIPATION IN CASPIAN ENVIRONMENTAL STEWARDSHIP<sup>40</sup>**

#### **5.1 Background**

The objective of this component is to strengthen the participation of civil society, together with the institutional and legal frameworks, in the environmental stewardship of the Caspian Sea.

Public Participation in environment management of the Caspian Sea, including being involved in the decision making, planning, implementation and monitoring of the activities, is

especially pertinent for the Caspian Sea where the environmental condition is deteriorating. There are many potential benefits from public participation in decision-making and implementation of environmental programmes and policies. When the appropriate channels of horizontal communication between the government and various levels are opened, a cycle of participation is established which can lead to the following externalities among others:

- o A strong sense of shared ownership of decisions, therefore improved chances of success
- o Public awareness
- o Government accountability and efficiency
- o A culture of cooperation to defuse and prevent conflicts and tension
- o Pooling of ideas and taping into locally-relevant information essential for decision-making
- o The opportunity for citizens to exercise their democratic rights
- o A higher degree of compliance with regional treaties that in the long-term, can reduce the costs of enforcement

The actions outlined below aim to increase the participation of the public in coastal communities, as well as stakeholders of Caspian countries, in the management of Caspian environment; improve understanding on the part of local, regional and governmental authorities regarding the importance of environmental issues and increase their involvement in project implementation; and develop active partnerships between the Caspian NGO Forum, local and multinational enterprises, and other stakeholders in the region. Some key mechanism will be through improved environmental education programmes and better communications and information sharing.

## **5.2 Participation of public and stakeholders**

- o Promote the establishment of NGO partnerships to provide support and guidance for improving civil society involvement and strengthening of environmental NGO Networks.
- o Implement the Caspian Public Participation Strategy through its incorporation in the National Caspian Action Programmes (NCAPs).
- o Set up a fund for micro-grants addressing coastal community development schemes and local environmental issues, in partnership with the private sector and international donor community.
- o Set up “Friends of Caspian” programme, including an annual competition for the local, national and international companies that have achieved the most concrete gains in protection of the Caspian environment in the previous year, in at least two levels (national and international) on the territory of coastal region.

## **5.3 Communications and Information Sharing**

- o Create a press bureau to improve national, regional and international awareness of the Caspian environmental issues, and encourage the media to participate in the dissemination of information.
- o Strengthen awareness of environmental issues in the Caspian Sea through partnerships with national and international media.

- o Provide regular training to journalists in order to strengthen environmental journalism and improve media coverage of environmental issues.
- o Establish media and film festivals, in conjunction with the Caspian NGO Forum, on Caspian ecology to focus on the links between human behaviour and natural ecosystem functions.
- o Establish “Caspian Day” and raise environmental awareness for specific target groups.

#### **5.4 Environmental Education**

- o Create Caspian Environmental Information, Communication, and Education Centres to provide information to the public on Caspian environmental issues.
- o Develop academic curriculum materials focusing on Caspian environmental issues
- o Encourage the development of university level curricula for ecology and environmental science in conjunction with international institutions featuring Caspian issues.
- o Promote national and regional academic partnerships at school and university levels.
- o Provide a basic training course in ecology for local coastal enterprises and targeted populations emphasizing win-win scenarios and sound environmental stewardship.

#### **5.5 Local, regional and governmental authorities**

- o Create targeted awareness building campaigns for ministerial authorities and regional administration involved in *inter alia*: agriculture, fisheries, transportation, and natural resource management.
- o Implement national EIA procedures for all appropriate Caspian project developments, including provisions for public participation.
- o Hold biennial mayoral conferences sponsored by national and international partners to foster networking among coastal local authorities and enhance their participation in implementing Caspian environmental policies.
- o Develop training programmes on awareness of environmental issues for local authorities, and national ministries, through Caspian Environmental Information, Communication, and Education Centres emphasizing the environmental evaluation techniques.
- o Develop of training programmes for land/property agents, construction firms, regional, district and national level planning agencies on importance of coastal sustainable development practices with concrete examples of sustainable development projects.
- o Develop training programmes for regional and municipal authorities on modern techniques for wastewater and municipal waste treatment.

#### **5.6 Partnerships between Caspian NGO Forum, enterprises, and other stakeholders**

- o Promote environmental partnerships between NGOs, government and private sectors to address specific Caspian issues by implementation of Caspian Public Participation Strategy.
- o Develop Stakeholder Dialogue Groups at the national level and exchange experience at the regional level to improve dialogue opportunities for stakeholder groups who may be in conflict natural resource management.
- o Develop a programme to encourage implementation of cleaner technologies by local industries corresponding to ISO 14000.

## **6 INSTITUTIONAL AND FINANCIAL ARRANGEMENTS**

The institutional and financial arrangements are contained in Annex I and will be updated regularly in line with the decisions of the COP.

## INSTITUTIONAL AND FINANCIAL ARRANGEMENTS

### 1. Institutional Arrangements

At the institutional level, the Strategic Convention Action Programme will be implemented in line with the following:

- The Contracting Parties to the Tehran Convention are responsible and accountable for the implementation of the SCAP in accordance with their national procedures and in the context of their National Action Plans.
- Each Contracting Party, within its national administration, appoints one or more focal points to coordinate the implementation of the SCAP and other matters related to the implementation of the Convention at the national level, such as the preparation and implementation of protocols and the contacts and collaboration with donor agencies and other partners.
- Pending the decision on the location and arrangements of the Convention permanent Secretariat, the Contracting Parties have requested UNEP to provide the secretariat services. These include promoting regional cooperation to ensure a proper and effective implementation of the Convention and providing technical and administrative support services to the Conference of the Parties as set forth in Art. 23 of the Convention. The Secretariat maintains relations with relevant international and non-governmental organisations. The Secretariat biennial Programme of Work and budget is subject to approval by the Conference of the Parties and the Secretariat reports on its activities to the Meetings of the Conference of the Parties.
- In order to ensure cost effective implementation of the Tehran Convention and its protocols and with the view to promote regional presence and country ownership of Convention, secretariat staff will be located in each of the Caspian littoral states and made responsible for the implementation of part of the Convention Programme of Work, in particular the work related to the Protocols under preparation or implementation. The terms of reference and budget related to the out-posted staff and their activities are subject to the approval by the Conference of Parties at its second Meeting and appear as Annex to the Convention Programme of Work.
- The arrangement will be co-financed by the contributions of the countries to the Secretariat and donor-funds, will be made for the duration of the Programme of Work for the period from 1 January 2009 to 31 December 2010 only and be reviewed by the Conference of Parties at its third Meeting or following an earlier agreement on the location of the Permanent secretariat.
- Further to Art. 22.10 of the Convention, the Conference of the Parties may establish subsidiary bodies, such as ad hoc advisory working groups, as may be deemed necessary for the implementation of the Convention and the protocols.

- For the period after the conclusion of the CASPECO project the COP will have to consider the creating of the Convention Executive Body that will include representatives from the Parties, international partners, relevant donors and relevant International Funding Institutions to, *inter alia*, better coordinate donor-financed activities.

## **2. Financial Arrangements**

The Contracting Parties undertake to integrate the financial requirements for the implementation of the SCAP in their national budgets, and to financially support the work and activities of the interim Secretariat as presented and the Programme of Work and adopted by the COP. The Programme of Work and budget of by the Secretariat and its activities is financed by contributions from the Contracting Parties, voluntary contributions from governments, different organisations, as well as clearly identified counterpart contributions.

While recognizing that the Contracting Parties bear the responsibility to ensure predictable funding for the operation of the Tehran Convention, they call upon the concerned international agencies, financial institutions and donor community, in particular UNDP, UNEP, the European Union, the World Bank and the Global Environment Facility, to continue to contribute to further development and effective implementation of the Tehran Convention and its Protocols and programmes.

## DRAFT PROGRAMME OF WORK

1 January 2009 – 31 December 2010

No.	Timeframe	Description of activity	Expected results	Implementation	Budget (USD) (indicative)
1.	Jan – April 2009	Establishing and supporting national Convention liaison officers in each of the Contracting Parties	Fully operational system of five national liaison officers	Interim Secretariat and national governments	180 000
2.	Jan – March 2009	Support to the establishment of national cross-sectoral coordination structures	Enhanced national cross-sectoral coordination of TC and Protocols implementation established	Interim Secretariat supported by PCU CASPECO project	
3.	Jan 2009 – Sep 2010	Support to development of National Strategic Convention Implementation Plans	Existing NSCAPs revised and aligned with SCAP	Interim Secretariat in support of intergovernmental cooperation	
4.	Jan 2009 – Dec 2009	Support to finalization of draft Protocols  (3-4 regional meeting(s))	Finalized Protocols on: - The Protection of the Caspian Sea against Pollution from Land based sources and Activities - Environmental Impact Assessment Transboundary Context - Biodiversity Conservation	Interim Secretariat in support of intergovernmental cooperation	224 000

No.	Timeframe	Description of activity	Expected results	Implementation	Budget (USD) (indicative)
			- Regional Preparedness, Response and Cooperation in Combating Oil Pollution Incidents ready for adoption and signature at COPIII		
5.	March 2009 – Sep 2010	Support to the elaboration of one or two additional priority areas, into Protocols or other forms of regional cooperation (3-4 regional meeting(s), preparation of scoping papers, development of draft cooperative arrangements or protocols)	Draft Protocols or other cooperative arrangements ready for consideration by COPIII	Interim Secretariat in support of intergovernmental cooperation	
6.	Jan 2009 – Sep 2010	Support preparations for Protocol implementation (3-4 regional meetings; national experts to develop draft Plans)	Regional and National Protocol Implementation Plans developed	Interim Secretariat supported by national governments and expert organizations	80 000
7.	June 2009 – Oct 2010	Development of regional M&E framework	Developed and aligned indicators for monitoring and evaluating the state of the Caspian environment	Interim Secretariat supported by national governments and expert organizations	20 000

No.	Timeframe	Description of activity	Expected results	Implementation	Budget (USD) (indicative)
8.	Jan 2009 – Oct 2010	Identify and develop means for efficient and harmonized regional data, information and monitoring mechanism (1-2 regional meeting(s), scoping paper, regional experts)	Operational Shared Environment Monitoring and Information system promoting data collection, monitoring, analysis, harmonization and public communication	Interim Secretariat supported by national governments and expert organizations	56000
9.	Jan 2009 – Dec 2010	Discussion on establishment of Convention subsidiary body and donor coordination (2 regional meetings)	<ul style="list-style-type: none"> <li>- Convention subsidiary body negotiated with clear ToR and mandate for approval by the COPIII</li> <li>- Donor coordination group formed involving relevant donors and IPs including IFIs</li> </ul> Thematic partnerships with relevant international organizations and other relevant bodies initiated	Interim Secretariat and national governments and their counterparts in the donor community	
10.	April 2009 – Sep 2009	Promotion and support to the establishment of Partnerships with private sector	Enhanced cooperation between the TC process and the private sector, in particular, the oil industry	Interim Secretariat and national governments	

No.	Timeframe	Description of activity	Expected results	Implementation	Budget (USD) (indicative)
			- Scoping paper on “Resource Mobilization”		
11.	Jan 2009 – Oct 2010	Capacity building activities: (including, inter alia, Protocol training workshops, cost-benefit analysis of Protocols, national legislative assessments, advisory services):	Strengthened regional/national capacities to implement the TC and its protocols	Interim Secretariat and national governments	90 000
12.	Jan 2009 – Dec2010	Outreach and stakeholder involvement: <ul style="list-style-type: none"> <li>- Alignment of CEP public participation strategy with the requirements of the TC</li> <li>- Establishment of Caspian Information website</li> <li>- Facilitate adequate NGO involvement in the TC process</li> <li>- Preparation of “Report on the status of the Caspian Sea environment”</li> </ul>	Enhanced Stakeholders’ involvement in the TC process Enhanced outreach activities Caspian NGO partnerships created Report on the “Status of Caspian Sea environment” ready for distribution at COP III Draft “Caspian Biodiversity Atlas” (to be finalized and printed during year 3 of the CASPECO project)	Interim Secretariat in consultation with national governments	50 000

№.	Timeframe	Description of activity	Expected results	Implementation	Budget (USD) (indicative)
		Preparation of a “Caspian Biodiversity Atlas”			
13.	Sep 2010	Regional Preparatory Meeting for the third Meeting of the Conference of the Parties	<p>Agenda and major documents for the third Meeting of the Conference of the Parties developed and reviewed, including</p> <ul style="list-style-type: none"> <li>• Programme of work and budget for 2011-2012</li> <li>• Report on arrangements for the Convention permanent Secretariat, and other institutional matters</li> <li>• Protocols ready for adoption and signing</li> <li>• Progress report on other priority areas for cooperation</li> </ul>	Interim Secretariat	20 000
14.	2010	Third Meeting of the Conference of the Parties	Decisions on, inter alia, arrangements for the Tehran Convention Secretariat, Convention Programme of work and budget, development of new protocols	Interim Secretariat Host Government	Host Government: 20,000 (in kind)

RULES OF PROCEDURE  
FOR THE CONFERENCE OF THE PARTIES TO THE FRAMEWORK  
CONVENTION FOR THE PROTECTION OF THE MARINE  
ENVIRONMENT OF THE CASPIAN SEA  
(as amended at the COP2, Tehran, Islamic Republic of Iran, 10-12 November  
2009)

*Rule 1*

The present rules of procedure shall apply to the meetings of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea convened in accordance with Article 22 of the Convention.

DEFINITIONS

*Rule 2*

For the purposes of the present rules of procedure:

- (a) "Convention" means the Framework Convention for the Protection of the Marine Environment of the Caspian Sea adopted in Tehran on 4 November 2003;
- (b) "Parties" means Contracting Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea;
- (c) "Conference of the Parties" means the Conference of the Parties established in accordance with Article 22 of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea;
- (d) "Meeting" means any ordinary or extraordinary meeting of the Conference of the Parties convened in accordance with Article 22 of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea;
- (e) "Chairperson" means the Chairperson of the Conference of the Parties elected in accordance with Rule 13, paragraph 1, of the present rules of procedure;
- (f) "Bureau" means an elected Convention body consisting of Chairperson and Vice-Chairperson in accordance with the Rule 13 of the present rules of procedure;
- (g) "Secretariat" means the Secretariat established under article 23 of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea;
- (h) "Executive Secretary of the Conference of the Parties" means the Chief Administrative Officer of the Secretariat of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea;
- (i) "Subsidiary body" means a subsidiary body established in accordance with Article 22.10(g) of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea that may include committees and working groups;

(j) “Observer” means a State not Party to the Convention, the United Nations and its specialized agencies, other bodies or agencies whether intergovernmental or national, governmental or non-governmental organization, that participate as observers to the meetings of the Conference of the Parties in accordance with Rule 35, Rule 36, Rule 37 and Rule 38

## PLACE OF MEETINGS

### *Rule 3*

1. The ordinary meetings of the Conference of the Parties shall be held in the territories of the countries of the Parties on the basis of rotation in alphabetical order of English language or at the location of the Secretariat.
2. The extraordinary meetings of the Conference of the Parties shall be held on the territory of the initiating Parties [or at the location of the Secretariat].

## DATES OF MEETINGS

### *Rule 4*

1. Ordinary meetings of the Conference of the Parties shall be held on an annual basis. The Conference of the Parties may at any time review the periodicity of its ordinary meetings.
2. At each ordinary meeting, the Conference of the Parties shall decide on the date, duration and venue of the next meeting, taking into account Rule 3.
3. Extraordinary meetings of the Conference of the Parties shall be convened at such times as may be deemed necessary by the Conference of the Parties, or at the written request of any Party, provided that, within thirty days of the request being communicated by them to the Secretariat, it is supported by at least two other Parties.
4. In the case of an extraordinary meeting convened at the written request of a Party, it shall be convened not later than thirty days after the date at which the request is supported by at least two other Parties in accordance with paragraph 3 of this Rule.

### *Rule 5*

1. The Secretariat shall notify all Parties of the dates and venue of an ordinary meeting at least sixty days before the meeting is due to commence.
2. The Secretariat shall notify all Parties of the dates and venue of an extraordinary meeting at least thirty days before the meeting is due to commence.

## AGENDA

### *Rule 6*

The Secretariat in agreement with the Bureau of the meeting shall prepare the provisional agenda of each meeting.

#### *Rule 7*

The provisional agenda of each ordinary meeting shall include, as appropriate:

- a) items related the implementation of the Convention, its protocols and the Action Plan;
- b) Any other item arising from the articles of the Convention, including those specified in Article 22 of the Convention;
- (c) Items the inclusion of which has been decided at a previous meeting;
- (d) Items pertaining to the budget, financial documents and arrangements;
- (e) Any item proposed by a Party and received by the Secretariat before the provisional agenda is produced and circulated.
- (f) Any other item proposed by a Party [which is in accordance with the Convention] and received by the Secretariat at least 60 days before the opening of the meeting

#### *Rule 8*

The provisional agenda for the ordinary meeting, shall be circulated by the Secretariat at least 90 days before the opening of the meeting.

#### *Rule 9*

The provisional agenda for an extraordinary meeting shall consist only of those items proposed for consideration in the request for the holding of the extraordinary meeting. It shall be circulated by the Secretariat to the Parties at the same time as the invitation to the extraordinary meeting.

### REPRESENTATION AND CREDENTIALS

#### *Rule 10*

The credentials of delegations issued according to the national legislation shall be submitted to the Secretariat, before the end of the first session The Bureau shall examine the credentials and submit the report thereon to the Conference of the Parties for decision

#### *Rule 11*

Each Party participating in a meeting shall be represented by a delegation consisting of a head of delegation and such other representatives and advisers, as it thinks appropriate.

#### *Rule 12*

Any later change in the composition of the delegation shall be duly submitted to the Secretariat.

## OFFICERS

### *Rule 13*

1. At the commencement of the first session of each ordinary meeting, a Chairperson and a Vice-Chairperson are to be elected. They will serve as the Bureau of the meeting. In electing its Bureau, the Conference of the Parties shall have due regard to the provisions of Article

22.6 of the Convention and due representation of the Parties.. The Executive Secretary or his representative acts as Rapporteur .

2. The Chairperson, the Vice-Chairperson elected at an ordinary meeting shall remain in office until their successors are elected at the next ordinary meeting. Their function in the intervening period shall also be to serve in this capacity at any extraordinary meeting and to provide guidance to the Secretariat with regard to preparations for and conduct of meetings of the Conference of the Parties.

3. The Chairperson shall participate in the meeting in that capacity and shall not at the same time exercise the rights of a representative of his/her Party. The Party concerned shall designate another member of the delegation who shall be entitled to represent the Party in the meeting and to exercise the right to vote.

### *Rule 14*

1. In addition to exercising the powers conferred upon the Chairperson elsewhere by the present rules, the Chairperson shall declare the opening and closing of the meeting, preside at the sessions of the meeting, ensure the observance of the present rules, accord the right to speak, put questions to the vote and announce decisions. The Chairperson shall rule on points of order and, subject to the present rules, shall have control of the proceedings and over the maintenance of order thereat.

2. The Chairperson may propose to the Conference of the Parties the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a session.

3. The Chairperson, in the exercise of the functions of that office, remains under the authority of the Conference of the Parties.

### *Rule 15*

The Chairperson, if temporarily absent from a session or any part thereof, shall designate the Vice- Chairperson to act as Chairperson. The Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

### *Rule 16*

If an officer of the Bureau resigns or is otherwise unable to complete the assigned term of office or to perform the functions of the office, a representative of the same Party shall be named by the Party concerned to replace the said officer for the remainder of that officer's mandate.

### *Rule 17*

At the first session of each ordinary meeting, the Chairperson of the previous ordinary meeting, or in the absence of the Chairperson, the Vice-Chairperson, shall preside until the Conference of the Parties has elected a Chairperson for the meeting.

## SUBSIDIARY BODIES

### *Rule 18*

1. The Conference of the Parties may establish institutions and subsidiary bodies of the Convention as may be deemed necessary .
2. The Conference of the Parties shall determine the mandate of each such subsidiary body and may authorize the Chairperson, upon the request of the chairperson of a subsidiary body, to make adjustments to the allocation of work.
3. Each subsidiary body shall elect its own officers.
4. Unless otherwise decided by the Conference of the Parties, the present rules shall apply *mutatis mutandis* to the proceedings of subsidiary bodies, except that the chairperson of a subsidiary body may exercise the right of his delegation to vote.

## SECRETARIAT

### *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.

### *Rule 21*

The Secretariat shall, in accordance with Art. 23 of the Convention be, 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.

## CONDUCT OF BUSINESS

### *Rule 22*

Sessions of the Conference of the Parties and its subsidiary bodies shall be held in public, unless the Conference of the Parties decides otherwise.

### *Rule 23*

The Chairperson may declare a session of the meeting open and permit the debate to proceed, subject to the presence of all Parties.

### *Rule 24*

1. No one may speak at a session of the Conference of the Parties without having previously obtained the permission of the Chairperson. Subject to rules 25, 26 and 28, the Chairperson shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall maintain a list of speakers. The Chairperson may call a speaker to order if the speaker's remarks are not relevant to the subject under discussion or his speech exceeds the time limit

2. The Conference of the Parties may, on a proposal from the Chairperson or from any Party, limit the time allowed to each speaker and the number of times each representative may speak on a question.

### *Rule 25*

During the discussion of any matter, a representative may at any time raise a point of order which shall be decided immediately by the Chairperson in accordance with the present rules. A representative may appeal against the ruling of the Chairperson. The appeal shall be put to the vote immediately and the ruling shall stand unless overruled by unanimous

vote of the Parties. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

#### *Rule 26*

Any motion calling for a decision on the competence of the Conference of the Parties to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

#### *Rule 27*

Proposals and amendments to proposals shall normally be introduced in writing by the Parties and handed to the Secretariat, which shall circulate copies to delegations. Nevertheless, the Chairperson may, in exceptional circumstances and in cases of urgency, permit the discussion and consideration of proposals, amendments to proposals or of procedural motions even though these proposals, amendments or motions have not been circulated.

#### *Rule 28*

1. Subject to rule 30 of the present rules, the following motions shall have precedence, in the order indicated below, over all other proposals or motions:

- (a) To suspend a session;
- (b) To adjourn a session;
- (c) To adjourn the debate on the question under discussion; and
- (d) For the closure of the debate on the question under discussion.

2. Permission to speak on a motion falling within (a) to (d) above shall be granted only to the proposer and, in addition, to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

#### *Rule 29*

A proposal or motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the motion has not been amended. A proposal or motion withdrawn may be reintroduced by any other Party.

#### *Rule 30*

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting, unless the Conference of the Parties, by unanimous vote of the Parties, decides in favour of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter, after which it shall be put immediately to the vote.

## VOTING

### *Rule 31*

Each Party shall have one vote.

### *Rule 32*

Voting shall normally be by show of hands. A roll-call vote shall be taken if one is requested by any Party. It shall be taken in the English alphabetical order of the names of the Parties participating in the meeting, beginning with the Party whose name is drawn by lot by the Chairperson. However, if at any time a Party requests a secret ballot, that shall be the method of voting on the issue in question.

### *Rule 33*

The vote of each Party participating in a roll-call vote shall be recorded in the relevant documents of the meeting.

### *Rule 34*

After the Chairperson has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The Chairperson may permit the Parties to explain their votes, either before or after the voting. The Chairperson may limit the time to be allowed for such explanations. The Chairperson shall not permit proposers of proposals or of amendments to proposals to explain their vote on their own proposals or amendments, except if they have been amended.

## OBSERVERS

### *Rule 35*

1. The United Nations, its specialized agencies, and any State not a Party to the Convention may be represented at the open sessions of the Conference of the Parties or its subsidiary bodies as observers.
2. Such observers may, upon invitation of the Chairperson, participate without the right to vote in the proceedings of any meeting unless at least one of the Parties present at the meeting objects.

### *Rule 36*

1. The Conference of the Parties may admit, as observer, any body or agency, whether international or national, intergovernmental or non-governmental, which is qualified in matters covered by the Convention and which has informed the Secretariat of its wish to be represented at the open sessions of the Conference of the Parties or its subsidiary bodies, unless at least one of the Parties present at the meeting objects.
2. Such observers may, upon invitation of the Chairperson, participate without the right to vote in the proceedings of any session in matters of direct concern to the body or agency they

represent, unless at least one of the Parties present at the meeting objects.

### *Rule 37*

Observers may, upon invitation of the Chairperson, submit written statements that can be circulated to the Conference of the Parties or to the subsidiary body concerned.

### *Rule 38*

1. The Secretariat shall compile and regularly update the list of observers referred to in Rule 35 and Rule 36. Such a list shall be communicated by the Secretariat to the Parties and the Bureau of the Conference of the Parties 60 days prior to each meeting of the Conference of the Parties. The list is approved unless no Party submits an objection within 30 days after the list has been circulated.

2. The Secretariat shall notify those entitled observers and those which have informed the Secretariat of their wish to be represented, pursuant to rules 35 and 36, of the dates and venue of the next meeting.

## LANGUAGES

### *Rule 39*

1. The working languages of the Conference of the Parties shall be English and the State languages of all Parties. The Secretariat will provide for the English and Russian translation and interpretation being official UN languages.

2. A representative of a Party may speak in a language other than that provided by the Secretariat, if the Party provides for interpretation into one such official language.

3. Official documents of the meetings shall be produced in the languages provided by the Secretariat in accordance with paragraph 1 of this Rule.

## RECORDS OF THE MEETINGS

### *Rule 40*

Records of the meetings of the Conference of the Parties and its subsidiary bodies shall be kept by the Secretariat.

## AMENDMENTS TO RULES OF PROCEDURE

### *Rule 41*

The present rules of procedure may be amended by unanimous vote by the Conference of the Parties.

## OVERRIDING AUTHORITY OF THE CONVENTION

### *Rule 42*

In the event of any conflict between any provision of the present rules and any provision of the Convention, the Convention shall prevail.

## Ministerial Statement

of the second Meeting of the Conference of Parties to Framework Convention on the Protection of the Marine Environment of the Caspian Sea

10-12 November 2008 Tehran, Islamic Republic of Iran,

The Ministers of Ecology and Natural Resources, Environment, Environmental Protection, Natural Resources and Ecology, and Nature Protection and High-level Officials of the Governments of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea, done at the city of Tehran on the fourth day of November 2003, (hereinafter referred to as the Tehran Convention), and entered into force on 12 August 2006:

Recalling their Statement adopted at the first Meeting of the Conference of the Parties to the Tehran Convention, of 25 May 2007, Baku, Republic of Azerbaijan,

Recalling also the Declaration of the Republic of Azerbaijan, Islamic Republic of Iran, Republic of Kazakhstan, Russian Federation and Turkmenistan, adopted at the second meeting of the Presidents of the Caspian littoral States on 16<sup>th</sup> October 2007, Tehran, Islamic Republic of Iran, in which the Heads of the Caspian Sea littoral states, *inter alia*:

- Stressed the importance of expanding cooperation in solving environmental problems;
- Acknowledged that the state of the Caspian Sea environment, its population of sturgeon require urgent joint efforts to prevent undesirable environmental consequences;
- Expressed satisfaction that the Tehran Convention has come into force and stressed the need to – as soon as possible – develop and adopt additional protocols to it;
- 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.

Having considered the “Strategic Convention Action Programme”, and the “Convention Program of Work for the period from 1 January 2009 to 31 December 2010”;

Acknowledging the status report on the development of priority protocols to the Tehran Convention and “the Scoping paper on the interrelationship between the fisheries and the protection of the marine environment of the Caspian Sea”, and the “Elements of Regional Cooperation for Conservation and Sustainable Use of Marine Bio-resources of the Caspian Sea”, prepared by the Islamic Republic of Iran at the request of the interim Secretariat

Adopt the Strategic Action Programme of the Tehran Convention as a comprehensive, long term agenda and framework for the implementation of the Tehran Convention and its future Protocols over a period of 10 years, and affirm their intention to implement the

SCAP through national action programmes and through support to the biennial Programmes of Work of the Tehran Convention;

1. Support the finalization for subsequent adoption and signing at the third Meeting of the Conference of the Parties to the Tehran Convention of the following Protocols to the Tehran Convention:
  - i) Protocol on the Biodiversity Conservation;
  - ii) Protocol Concerning Regional Preparedness, Response and Co-operation in Combating Oil Pollution Incidents;
  - iii) Protocol on Pollution from Land Based Sources and Activities;
  - iv) Protocol on Environmental Impact Assessment in a Transboundary Context .
2. Adopt the Programme of Work of the Tehran Convention and budget for 2009 - 2010;
3. Recalling their decision to collectively provide an amount of \$ 360,000 per year (\$ 72,000 as contribution of each Party) to the budget of the Tehran Convention for 2009, agree to continue to support the implementation of the Program of Work on the same conditions and with the same amount as agreed at the first Meeting of the Conference of the Parties;
4. Note the need to continue joint efforts to prepare an intergovernmental agreement on conservation and rational use of aquatic bioresources of the Caspian Sea;
5. Agree to establish and support national Convention liaison officers in each of the Caspian littoral States;
6. Agree 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 agreement as soon as possible;
7. Invite 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;
8. Welcome the GEF CASPECO project as well as contributions provided by other parts of the international community, in particular UNDP, UNEP, the European Union, the World Bank, as well as FAO and IMO, and call upon the donor community and the private sector to continue and increase their support to the implementation of the Tehran Convention;
9. Express gratitude to the Government of the Islamic Republic of Iran for the organization of the second Meeting of the Conference of the Parties to the Tehran Convention;
10. Agree to hold the ordinary meetings of the Conference of the Parties once in two years.
11. Accept with gratitude the offer of the Government of Kazakhstan to host the third Meeting of the Conference of the Parties to the Tehran Convention in 2010.

### **ANNEX 3**

#### **Materials of the Third Session of the Conference of the Parties to the Tehran Convention**

## Agenda COP-3

Date and time	Working sessions- plenary sessions
<b>Wednesday, 10 August 2011</b>  <b>10.00 – 10.45</b>       <i>10.45- 11.15</i>  <b>11.15- 13.30</b>	<b>Session I</b>  <u>Agenda items:</u> 1. Opening 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 2. Organizational matters  a) Election of officers b) Adoption of the agenda c) Organization of work d) Admission of observers  <i>Coffee break</i>  3. Report on the credentials 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  4. Report of the interim Secretariat of the Tehran Convention  5. Items for consideration and decision by the Conference of the Parties
<b>Wednesday, 10 August 2011</b>  <b>15.00 – 16.30</b>  <i>16.30 – 17.30</i>  <b>17.30- 18.30</b>	<b>Session II</b>  <u>Agenda items:</u> Continuation of item 5: 5. Items for consideration and decision by the Conference of the Parties <i>Coffee break</i> 6. 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 7. State of the Caspian Sea Environment Report
<b>Thursday, 11 August 2011</b>  <b>09.00 – 11.00</b> <i>11.00 – 11.30</i> <b>11.30 – 13.00</b>	<b>Session III</b>  <u>Agenda items:</u> 8. Finalization of Ministerial Statement and Decisions <i>Coffee break</i> 9. Other matters

Date and time	Working sessions- plenary sessions
<p><b>Thursday, 11 August 2011</b></p> <p><b>14.00 – 15.30</b></p> <p><i>15.30 – 16.00</i></p> <p><b>16.00 – 17.00</b></p>	<p><u>Agenda items:</u></p> <p>10. Opening of the High-level Segment</p> <p>a)Welcome address of the host country b)Statements of the Parties to the Tehran Convention c)Statement of the Representative of the interim Secretariat of the Tehran Convention d)Other statements</p> <p>11. Report of the Bureau on the working sessions</p> <p>12. Adoption and signing of the</p> <p>a)Protocol Concerning Regional Preparedness, Response and Cooperation in Combating Oil Pollution Incidents</p> <p>b)Protocol on Environmental Impact Assessment in a Transboundary Context</p>
<p><b>Friday, 12 August 2011</b></p> <p><b>10.00 – 11.30</b></p> <p><i>11.30- 12.00</i></p> <p><b>12.00 - 13.00</b></p> <p><b>Friday, 12 August 2011</b></p>	<p><u>Agenda items:</u></p> <p>13. Adoption of the Ministerial Statement and Decisions</p> <p>14. Closure 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</p> <p><u>Press Conferences on the third Meeting of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea</u></p> <p><u>Celebrations of the Caspian Day</u></p>

**PROTOCOL CONCERNING REGIONAL PREPAREDNESS, RESPONSE AND CO-  
OPERATION IN COMBATING OIL POLLUTION INCIDENTS  
TO THE FRAMEWORK CONVENTION ON THE  
PROTECTION OF THE MARINE ENVIRONMENT OF  
THE CASPIAN SEA**

*Preamble*

Caspian littoral States:

Republic of

Azerbaijan Islamic

Republic of Iran

Republic of

Kazakhstan Russian

Federation

Turkmenistan

hereinafter referred to as the Contracting Parties,

Being the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea, done at Tehran, Islamic Republic of Iran, on 4 November 2003, hereinafter referred to as the Convention,

Committed to implement the relevant provisions of the Convention,

Recognizing that pollution of the Caspian Sea by oil and by oil pollution incidents of the sea threatens the marine environment,

Recognizing that special measures are necessary in the event of oil pollution incidents originating from ships, pipelines, fixed and floating platforms, and abandoned wellheads and land-based sources of pollution,

Determined to act promptly and effectively in the event of an oil pollution incident at sea, with a view to reducing the damage caused by such an incident,

Stressing the importance of genuine preparation at national level to combat oil pollution incidents at sea,

Recognizing further that it is important that reciprocal assistance and international co-operation be instituted amongst the Contracting Parties,

Emphasizing also the importance of measures taken both individually and jointly in order to minimize the risks of oil pollution incidents in the Caspian Sea,

Mindful of regional agreements in other parts of the world, the aim of which is to provide assistance in the event of marine oil pollution incidents,

Taking into account the intention of the Contracting Parties to protect the marine environment and coastal areas from pollution by oil,

Taking into account also the relevant international conventions and, in particular, those dealing with preparedness for and response to oil pollution incidents, and liability and compensation for pollution damage,

Wishing to further develop co-operation and mutual assistance among the Contracting Parties in combating oil pollution in the Caspian Sea,

*HAVE AGREED* as follows:

## **I. GENERAL PROVISIONS**

### **Article 1. Use of Terms**

For the purpose of this Protocol:

(a) “Oil pollution incident”, including “oil pollution accidents”, means an occurrence or series of occurrences having the same origin, which results or may result in a discharge of oil and which poses or may pose a threat to the marine environment, or to the coastline, and which requires emergency action or other immediate response;

(b) “Oil” means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products;

(c) “Ship” means a vessel of any kind that operates in the marine environment, including hovercraft, hydrofoil boats, submarines, towed and self-driving boats;

(d) “Offshore unit” means any platforms and other manmade offshore structures, fixed or floating offshore installations or structure engaged in exploration, exploitation or production activities related to hydrocarbon resources or their loading or unloading;

(e) “Sea ports and oil handling facilities” means those facilities which present a risk of an oil pollution incident and includes, *inter alia*, sea ports, oil terminals, pipelines and other oil handling facilities;

(f) “Competent National Authority” means the national authority designated by each Contracting Party with responsibility for preparedness and response to oil pollution incidents and which will be responsible for implementation and fulfilment of the obligations specified in this Protocol;

## **Article 2. Scope of Application**

The area to which this Protocol shall be applied is the marine environment of the Caspian Sea, taking into account its water level fluctuations, the land affected by proximity to the sea, and marine oil pollution originating from land-based sources.

## **Article 3. Objective**

The objective of this Protocol is to provide regional measures for preparedness, response and co-operation for protection of the Caspian Sea from oil pollution caused by activities referred to under Articles 8 and 9 of the Convention and marine oil pollution originating from land-based sources.

## **Article 4. General Provisions**

1. The Contracting Parties shall take, individually or jointly, all measures, necessary for the implementation of this Protocol, to prepare for and respond to oil pollution incidents.
2. The Contracting Parties shall jointly develop and establish guidelines for the practical, operational and technical aspects of joint action.
3. The Contracting Parties shall establish a regional mechanism. The procedures for such mechanism shall be considered and consequently adopted by the Conference of Parties.
4. For the purpose of the operational implementation of this Protocol, a Caspian Sea Plan concerning Regional Co-operation in Combating Oil Pollution shall be established.

## **Article 5. National Systems and Contingency Plans for Combating Oil Pollution Incidents**

1. Each Contracting Party shall establish a national system of operational response to oil pollution. This system shall include, as a minimum, the designation of:
  - (a) The Competent National Authority with responsibility for preparedness and response to oil pollution incidents;
  - (b) The national operational contact point with responsibility for receiving and transmitting information on oil pollution incidents, as mentioned in Article 7, paragraph 4, of this Protocol;
  - (c) The Competent National Authority entitled to act on behalf of the Contracting Party to request assistance or to decide to render requested assistance.
2. Each Contracting Party shall prepare and implement a national contingency plan for preparedness and response to oil pollution incidents. The national contingency plan shall include, *inter alia*:
  - (a) A description of the administrative organization, and the responsibilities of each of the constituent authorities, in preparing for and combating oil pollution incidents;

- (b) Identification of the likely sources of discharges of oil;
- (c) An itemization of the equipment and human resources which might be available for combating oil pollution incidents;
- (d) Specification of the means for temporary storage and final disposal of recovered oil.

3. Each Contracting Party shall establish, if necessary in co-operation with entities of oil and shipping industries, port authorities and any other relevant entities, and shall maintain in operational condition a minimum level of pre-positioned equipment in order to be able to deal effectively with discharges of oil. The quantity of equipment should be commensurate with the risk of oil pollution involved.

4. Each Contracting Party shall, individually or within the framework of bilateral or multilateral co-operation, establish programs of exercises and staff training to improve the state of readiness of the bodies responsible for dealing with oil pollution incidents.

## **Article 6. Dissemination and Exchange of Information**

1. Each Contracting Party undertakes to disseminate to the other Contracting Parties, either directly or through the regional mechanism:

- (a) The information prescribed in Article 5, paragraphs 1 and 2 (a), of this Protocol;
- (b) Information on new ways in which pollution of the sea by oil may be avoided and about new effective measures for combating pollution, including the results of research programs;
- (c) Information on major oil pollution incidents dealt with.

## **Article 7. Pollution Reporting Procedures**

1. Each Contracting Party shall ensure that persons having charge of ships flying their flag provide without delay the relevant national authorities with information of any emergency event on his ship involving a discharge, release or emission of oil, or any probable discharge, release or emission.

2. Each Contracting Party shall issue instructions to persons in charge of their offshore units, sea ports and oil handling facilities to inform their national authorities, without delay, of any events arising from their own activities involving a discharge, release or emission of oil, or any probable discharge, release or emission.

3. Each Contracting Party shall issue instructions:

- (a) To masters or other persons having charge of ships flying its flag;
- (b) To its maritime inspection ships and aircraft;
- (c) To the pilots of its civil aircraft;

(d) To persons in charge of its offshore units, its sea ports and its oil handling facilities;

to report without delay, to the competent national authorities any observed event at sea, in sea ports or at oil handling facilities involving the discharge of oil and also to report the presence of any observed floating oil slicks.

4. Each Contracting Party when informed of an oil pollution incident, including any information received in accordance with paragraphs 1 to 3 of this article, shall immediately inform, including through the regional mechanism, all Contracting Parties likely to be affected about the incident and taken and planned actions.

## **Article 8. Operational Measures**

1. In line with its national systems for preparedness and response to oil spills each concerned Contracting Party shall in the event of an oil spill undertake to:

(a) Make the necessary assessments of the nature, extent and possible consequences of the oil pollution incident or, as the case may be, the type and approximate quantity of oil and the direction and speed of drift of the spillage;

(b) Take every practicable measure to prevent, reduce and, to the fullest possible extent, eliminate the effects of the oil pollution incident;

(c) Keep the oil pollution under observation and keep the other Contracting Parties informed of developments concerning the oil pollution incident and of the measures taken or planned;

(d) Foster and support the implementation of the Caspian Sea Plan Concerning Regional Co-operation in Combating Oil Pollution in Cases of Emergency.

2. Where action is taken to combat pollution originating from emergencies, all possible measures shall be taken to safeguard:

(a) Human lives;

(b) The ship or offshore unit itself, if a ship or offshore unit is involved in an oil pollution incident, whilst respecting the need to prevent or minimize damage to the environment.

Any Contracting Party, which takes such action, shall inform the International Maritime Organization either directly or through the regional mechanism.

## **Article 9. Oil Pollution Emergency Plans on Board Ships, on Offshore Units, in Sea Ports and at Oil Handling Facilities**

1. Each Contracting Party shall take the necessary measures to ensure that ships flying its flag shall carry on board a shipboard oil pollution emergency plan as required by, and in accordance with, the relevant international regulations, namely the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990, Article 3, paragraph 1 (a), and the International Convention for the Prevention of Pollution From Ships, 1973, as modified by the Protocol of 1978 relating thereto, Annex I, Regulation 37.

2. Each Contracting Party shall require masters of ships flying its flag, in the event of an oil pollution incident, to follow the procedures described in the emergency plan and in particular to provide the Competent National Authorities with such detailed information about the ship and its cargo which is relevant for actions to be taken in pursuance of Article 8 of this Protocol, and to co-operate with these authorities.

3. Each Contracting Party shall require that their:

- (a) Operators in charge of offshore units;
- (b) Authorities or operators in charge of sea ports;
- (c) Operators in charge of oil handling facilities

shall prepare oil pollution emergency plans that are coordinated with the national system established in accordance with Article 5 of this Protocol and are approved in accordance with procedures established by the Competent National Authority.

#### **Article 10. Assistance**

1. A Contracting Party requiring assistance to deal with an oil pollution incident, or the threat of such an incident, may request assistance from the other Contracting Parties. The Contracting Party requesting assistance shall specify the type of assistance which it requires, which may include expert advice, specialized personnel and strike teams, equipment, products, ships and aircraft. Contracting Parties from whom assistance is requested under this Article shall use their best endeavors to render this assistance insofar as their resources permit.

2. Each Contracting Party shall take the necessary legal and administrative measures to facilitate:

(a) The arrival and utilization in and departure from its territory of ships, aircraft and other modes of transport engaged in responding to an oil pollution incident or transporting, cargoes, materials and equipment required to deal with such an incident;

(b) The expeditious movement into, through and out of its territory of the personnel, cargoes, materials and equipment referred to in subparagraph (a).

#### **Article 11. Reimbursement of Costs of Assistance**

1. Unless an agreement concerning the financial arrangements governing actions of Contracting Parties to deal with oil pollution incidents has been concluded on a bilateral or multilateral basis prior to the oil pollution incident, Contracting Parties shall bear the costs of their respective action in dealing with pollution in accordance with paragraphs 2, 3 and 4 of this Article.

2. Actions of one Contracting Party to assist another Contracting Party in combating an oil pollution incident shall be undertaken upon written request of the Contracting Party receiving the assistance.

3. The costs of activities to provide assistance in combating oil spill incidents undertaken

by the Contracting Party at the request of another Contracting Party shall be compensated by the requesting Contracting Party. If the request is cancelled, the requesting Contracting Party shall bear the costs already incurred or committed by the assisting Contracting Party.

4. If the action to provide assistance was taken by a Contracting Party on its own initiative and unless the other Contracting Party objects, the assisting Contracting Party shall bear the cost of its action;

5. The principles laid down above in subparagraphs 2, 3 and 4 of this Article shall apply unless the Contracting Parties concerned otherwise agree in any individual case.

6. Unless otherwise agreed, the costs of the action taken by a Contracting Party at the request of another Contracting Party shall be fairly calculated according to the national legislation of the assisting Contracting Party concerning the reimbursement of such costs.

7. The Contracting Party requesting assistance and the assisting Contracting Party shall, where appropriate, co-operate in concluding any action in response to a compensation claim. To that end, they shall give due consideration to existing legal regimes, in the field of liability and compensation for pollution damage. Where the action thus concluded does not permit full compensation for expenses incurred in the assistance operation, the Contracting Party requesting assistance may ask the assisting Contracting Party to waive reimbursement of the expenses exceeding the sums compensated or to reduce the costs which have been calculated in accordance with paragraph 6 of this Article. It may also request a postponement of the reimbursement of such costs.

8. The provisions of this Article shall not be interpreted as in any way prejudicing the rights of Contracting Parties to recover from third parties the costs of actions taken to deal with oil pollution incidents, or the threat of such incidents, under their national legislation and international treaties, which the Contracting Parties are parties to. The Contracting Parties may co-operate and provide mutual assistance in recovering the costs involved in their actions.

## **II. INSTITUTIONAL ARRANGEMENTS**

### **Article 12. Institutional Provisions**

1. For the purposes of this Protocol and in accordance with Article 22, paragraph 10, of the Convention, the Conference of the Parties shall, *inter alia*:

- (a) Keep under review the implementation of this Protocol;
- (b) Keep under review the content of this Protocol;
- (c) Consider and adopt any amendments to this Protocol or its annexes;
- (d) Consider reports prepared by the Secretariat on matters relating to the implementation of this Protocol;
- (e) Seek, where appropriate, the technical and financial services of relevant international bodies and scientific institutions for the purpose of the objective of this Protocol;
- (f) Establish such subsidiary bodies as may be deemed necessary for the implementation of this Protocol;
- (g) Fulfil the tasks as described in Article 4, paragraph 3, of this Protocol;
- (h) Consider strategies, action plans and programs for the implementation of this Protocol;
- (i) Perform such other functions, as may be required for the implementation of this Protocol.

2. For the purposes of this Protocol and in accordance with Article 23, paragraph 4, of the

Convention, the Secretariat shall *inter alia*:

- (a) Prepare and make available to the Contracting Parties notifications and other information received in accordance with the provisions of this Protocol;
- (b) Prepare and transmit reports on matters relating to the implementation of this Protocol;
- (c) Consider enquiries by and information from the Contracting Parties and to consult with them on matters relating to the implementation of this Protocol;
- (d) Arrange, upon request by any Contracting Party, for the provision of technical assistance and advice for the effective implementation of this Protocol;
- (e) Co-operate, as appropriate, with relevant regional and international organizations and programs;
- (f) Perform such other functions as may be determined by the Conference of the Parties.

### **Article 13. Functions of the Regional Mechanism**

1. The regional mechanism shall assist the Contracting Parties in reacting promptly and effectively to oil pollution incidents.
2. The functions of the regional mechanism shall include:
  - (a) Establishing close working relationships with the Competent National Authority of the Contracting Parties and also, where necessary, with relevant international and regional governmental and non governmental organizations and bodies dealing with oil pollution incidents;
  - (b) Coordinating regional activities with regard to technical co-operation, training, exercises, and providing expertise in cases of emergency, and assisting national activities in these fields;
  - (c) Collecting and disseminating information on oil pollution incidents (inventories, expert opinions, reports on incidents, technical progress for improving contingency plans, etc.);
  - (d) Preparing systematic procedures for data and information exchange concerning oil pollution incidents;
  - (e) Acting as the focal point for exchanges of information on techniques for surveillance of oil pollution incidents in the Caspian Sea;
  - (f) Making proposals on updating of the Caspian Sea Plan concerning Regional Co-operation in Combating Oil Pollution in Cases of Emergency;
  - (g) Performing such other functions as may be required by the Conference of Parties.

## **III. IMPLEMENTATION AND COMPLIANCE**

### **Article 14. Funding of the Protocol**

1. To achieve the objectives of this Protocol, the Contracting Parties, shall ensure that financial resources are available for the formulation and implementation of related programs, projects and

measures. To this end, the Contracting Parties shall:

- (a) Commit available domestic financial resources;
  - (b) Promote the mobilization of financial resources from bilateral and multilateral funding sources and mechanisms, including grants and loans;
  - (c) Explore innovative methods and incentives for mobilizing and channeling resources, including those of foundations, governmental agencies of other countries, international organizations, non-governmental organizations and private sector entities.
2. The Financial Rules of the Convention shall apply *mutatis mutandis* to this Protocol, unless otherwise decided by the Contracting Parties.

### **Article 15. Relationship with the Convention**

The rules of procedure adopted pursuant to Article 22, paragraph 9 (c), of the Convention shall apply with respect to this Protocol, unless the Contracting Parties determine otherwise.

### **Article 16. Settlement of Disputes**

Any dispute between the Contracting Parties concerning the application or interpretation of the provisions of this Protocol shall be settled in accordance with Article 30 of the Convention.

### **Article 17. Adoption and Entry into Force of the Protocol**

1. This Protocol shall be adopted by unanimous decision of the Contracting Parties by a Meeting of the Conference of the Parties.
2. This Protocol shall be open for signature only by Caspian littoral States, in the city of ... from ... to ....
3. This Protocol shall be subject to ratification, acceptance or approval by the Caspian littoral States and shall be open for accession by any Caspian littoral State from the date on which the Protocol is closed for signature.
4. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depository of the Convention.
5. This Protocol shall enter into force on the ninetieth day after the date of deposit to the Depository of the Convention of the instrument of ratification, acceptance, approval or accession by all Caspian littoral States.

### **Article 18. Adoption of Amendments and Annexes to the Protocol, and Amendments to the Annexes**

Any Contracting Party may suggest amendments and annexes to this Protocol, as well amendments to its Annexes. These amendments and annexes shall be adopted by the Contracting Parties and enter into force for them in accordance with Articles 24 and 25 of the Convention.

#### **IV. FINAL CLAUSES**

##### **Article 19. Effect of the Protocol on National Legislation**

The provisions of this Protocol shall not affect the right of the Contracting Parties to adopt relevant stricter national measures for the implementation of this Protocol.

##### **Article 20. Relationship with Other International Treaties**

Nothing in this Protocol shall prejudice the rights and obligations of the Contracting Parties under other international treaties to which they are parties.

##### **Article 21. Reservation**

No reservations may be made to this Protocol.

##### **Article 22. Authentic Texts**

The Azeri, English, Farsi, Kazakh, Russian and Turkmeni texts of this Protocol are equally authentic. In case of dispute arising as to the interpretation or application of this Protocol the English text shall be authoritative.

##### **Article 23. Depository**

The Depository of the Protocol is the Depository of the Convention.

##### **Article 24. Relationship with the Negotiation of the Legal Status of the Caspian Sea**

Nothing in this Protocol shall be interpreted as to prejudge the outcome of the negotiation on the final legal status of the Caspian Sea.

**IN WITNESS WHEREOF** the undersigned, being duly authorized, have signed this Protocol.

**DONE AT THE CITY OF ..... ON THE ..... DAY OF ..... ON .....**

For the Republic of Azerbaijan

For the Islamic Republic of Iran

For the Republic of Kazakhstan

For the Russian Federation

For Turkmenistan

## UNIFIED REPORTING FORMAT FOR THE TEHRAN CONVENTION AND PROTOCOLS

Note by the interim Secretariat

### Introduction.

**1. *The regular reporting by the Contracting Parties is envisaged by the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Tehran Convention), in accordance to which:***

- each National Authority shall submit “reports on measures adopted for the implementation of the provisions of this Convention and its Protocols in format and at intervals to be determined by the Conference of the Parties” (Article 27);
- ***the Contracting Parties shall “co-operate in the development of procedures to ensure compliance with the provisions of this Convention or its Protocols” (Article 28) and “exchange on a regular basis information, in accordance with the provisions of this Convention”;***
- 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” (Article 21).

**2. *The Strategic Action Programme of the Tehran Convention (SCAP) proposes Parties to develop a centralised database which will serve as basis for decision-making and as a general source of information and education for specialists, administrators and the general public (4.3), as well as ensure public access to information regarding the environmental conditions of the Caspian Sea, measures taken or planned to be taken to prevent, control and reduce pollution in accordance with their national legislation taking into account provisions of existing international agreements concerning public access to environmental information (4.5).***

3. The development of a standard format for national reporting of the Contracting Parties of the Tehran Convention was undertaken upon their request, and in line with the provisions of the Convention. The draft document was discussed during two meetings: the Meeting on a Shared Environmental Information and Monitoring System for the Caspian Sea, 9-10 September 2009, Ashgabad, Turkmenistan, and the Meeting of Senior Officials on Procedural and Institutional Issues of the Tehran Convention, 25-29 May 2010, Geneva, Switzerland.

4. *During the latter meeting it was agreed that the standard reporting format will be submitted to the third Meeting Conference of the Parties through its PrepCom for adoption by consensus as proposed frame and guidance for reporting by the Contracting Parties on the implementation of the Tehran Convention and its protocols upon their entry into force. The objective of the standard reporting format is to provide effective informational support and monitoring of the Convention implementation processes and its Protocols at the national level. The information contained in the relevant national reports and their assessment should become the ground for cooperating in the implementation of the Tehran Convention and should provide the basis for decision-making under the Convention.*

5. This proposed format takes into account the features of existing environmental reporting systems in the Caspian littoral states. At the same time, the standard reporting format ensures congruency of the information provided and promotes the comparability of the presented data in these reports.

6. Based on the fact that the Tehran Convention as a framework legal document addresses a broad range of environmental concerns and at the same time envisages a number of concrete obligations for environmental protection, the presented format for national reporting of the Parties corresponds to the structure of the Convention itself while taking into account the provisions of SCAP and four ancillary protocols.

### **Suggested Action**

7. *The Conference of the Parties may wish to:*

- a) consider and adopt the Unified Reporting Format as the guiding framework for reporting by the Caspian States on the implementation of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea and its protocols, upon their entry into force;
- b) request the (interim) Secretariat to coordinate and prepare the first report on the implementation of the Convention and its Protocols for consideration of the Conference of the Parties at its fourth Meeting.

# FRAMEWORK CONVENTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT OF THE CASPIAN SEA

## REPORTING FORMAT

### General Information<sup>1</sup>

#### 1. *Reporting Party*

Contracting Party	
Reporting period	
National Focal Point	
Full name of the institution	
Name of the National Focal Point	
Mailing address	
Tel	
Fax	
Email	
Contact point for the national report	
Full name of the institution	
Mailing address	
Tel	
Fax	
Email	
Signature of the NFP	
Date of submission	

#### 2. National organisations providing data for the compilation of the report

Please provide information on the preparation of the present report, including stakeholders involved and material used as a basis for the preparation.

Full name of the institution	
Name of the contact point (optional)	
Mailing address	
Tel	
Fax	
Email	

Full name of the institution	
Name of the contact point (optional)	
Mailing address	
Tel	
Fax	

Email	
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Full name of the institution	
Name of the contact point (optional)	
Mailing address	
Tel	
Fax	
Email	

Full name of the institution	
Name of the contact point (optional)	
Mailing address	
Tel	
Fax	
Email	

### **3.     *References***

Please list the documents used for the preparation of the national report.

In cases of partial matching of information provided in and among the sections the Parties are invited to present the cross-references to avoid duplication.

### **4.     *Volume***

It is assumed that the volume of the national report should not exceed 100 pages, including possible addenda/annexes.

## **Introduction**

### **5.     *Information about the status of the Tehran Convention and its Protocols in your country.***

Please briefly update on the status of the Tehran Convention and its Protocols, their implications for the international cooperation and national legal and policy frameworks for the environment protection of the Caspian.

## **Part 1. General Provisions**

### **6. *Implementation of the Tehran Convention in your country***

Please list general legal, institutional, economic and other measures for the Tehran Convention implementation and its Protocols adopted in your country during the reporting period.

Please, describe the activities carried out for the implementation of the obligations under the Tehran Convention on the protection of the Caspian marine environment in various sectoral and intersectoral plans/programmes of your country (apart from the field of ecology and environmental protection).

### **7. *Cooperation of the Parties to the Convention with each other to protect, preserve and restore the marine environment of the Caspian Sea; to prevent, reduce and control pollution; as well as to use the resources of the Caspian Sea in such a way as not to cause harm to the marine environment. (Article 4 para. a-c and Article 18 of the Convention).***

Please briefly characterize areas of cooperation undertaken by your country in line with the above mentioned obligations, including with regard to the SCAP and other joint plans/programmes of action etc.

### **8. *Cooperation of the Contracting Parties with each other, third parties, including competent international institutions for the achievement of the objective of this Convention (Article 4 para.d and Article 18 para. 1).***

Please indicate bilateral agreements with Caspian states, which your country is a party to, as well as with what international institutions and multilateral environmental agreements your country is carrying out the cooperation.

### **9. *Cooperation of the Parties to the Convention with each other to develop the procedures to ensure compliance with the provisions of this Convention and its Protocols, as well as development of rules and procedures concerning liability and compensation for damage to the environment of the Caspian Sea resulting from violations of the provisions of this Convention and its Protocols (Articles 28 and 29).***

Does your country apply rules and procedures of relevant bilateral and multilateral international treaties in force?

## **Part 2. Review of activities for the implementation of the provisions of the Tehran Convention and its Protocols**

### **Prevention, Reduction and Control of Pollution**

**Pollution from Land-Based Sources (Article 7, Tehran Convention and draft Protocol for the Protection of the Caspian Sea Against Pollution from Land-based Sources and Activities (hereinafter LBSA Protocol)).**

***10. Implementation of national action plans for achieving substantial reductions of inputs of pollutants from point sources on the basis of the list of hot-spots (Article 7 para. 2 LBSA Protocol).***

Has your country developed and/or implemented any national action plans or programmes to eliminate or reduce pollution from land-based sources/activities? If so, please provide information in detail concerning the concrete targets to be attained and the types of measures and policies adopted within the framework of the national action plan/programme, the status of their implementation, the implementing entities, a quantitative estimation of the impact of their implementation and an estimation of the implementation costs, including economic cost.

	<i>a) national action plan</i>	<i>b) programme</i>
<i>No</i>		
<i>No, it is in the early stage of development</i>		
<i>No, but it is in an advanced stage of development</i>		
<i>Yes, it has been developed and is already being implemented (provide details below including the information mentioned above)</i>		

***11. Conservation and full liquidation should be taken for some coastal sources of pollution that continue to have negative impact on the Caspian Sea.***

Please provide the existence of warehouses, sites, etc. of solid consumer wastes and oil development wastes that do not meet the environmental requirements. Please indicate the technologies for their disposal applied.

***12. Establishment of requirements stricter than those provided for in the LBSA Protocol in accordance with other protocols to the Convention when the water quality and the state the Caspian ecosystem so requires.***

Please provide the availability of such stricter requirements.

***13. Licensing/permitting by the national authorities of waste-water discharges for prevention, reduction and control of pollution from land-based sources is.***

Please provide the availability of relevant national systems/procedures for obtaining licenses/permits.

***14. Application of various types of waste water treatment, including where necessary a gradual approach of municipal waste water treatment.***

Please describe trends in the change of polluted waste water emission amounts compared to the previous reporting period and to the first report since the Convention entered into force.

Provide the amount of sewage discharged by industrial and agricultural enterprises, communal services etc.

Please provide the availability of treatment facilities and plans/programmes for their re-construction.

Provide the amounts of untreated sewage discharged.

Briefly describe the systems of waste waters discharge control.

***15. Application of low- and non-waste technology for the prevention, reduction and control of emissions of pollutants.***

Please indicate the number of objects where the relevant technologies have been improved, and specify the related changes in the amount of emissions.

***16. Application of the best available techniques (BAT) to reduce the hazardous substances load (including organic substances) from diffuse sources, in particular those from agricultural production (Article 8 para. 2, LBSA Protocol).***

Please provide the application of BAT techniques in your country.

***17. Pollution load from watercourses, which flow through the territories of two or more Contracting Parties or form a boundary between them (Article 11 para. 2, LBSA Protocol).***

Please indicate, what kind of measures does your country apply to address the relevant issues? Please provide the availability of joint bodies to address the relevant issues.

***18. Establishment of a system of regular inspection and survey that regulates***

*emissions into the environment (Protocol, Article 7 para. 4, LBSA Protocol).*

Please indicate its availability and functions.

**19. *Point source emissions shall be subject to authorisation or regulation by the competent national authorities (Article 7 para. 3, LBSA Protocol).***

Please provide data on the progress compared to the previous reporting period and to the first report – since the Convention entered into force.

**20. *Methods of control of emissions from diffuse sources of pollution (Article 8 para. 1, LBSA Protocol).***

Please briefly provide the characteristics of such methods you apply in your country.

#### **Pollution from Seabed Activities (Article 8, Tehran Convention)**

**21. *Prevention, control and reduction of pollution of the Caspian Sea resulting from seabed activities.***

Has your country developed any legislation requiring prior written authorization for seabed activities? Has your country taken the necessary administrative measures to implement this legislation?

Has your country taken any steps, including the establishment of legislation and of institutional structures and the establishment and application of administrative measures, to ensure that safety measures with regard to the design, construction, placement, equipment, marking, operation and maintenance of installations were taken?

Please indicate the existence of suspended wells at the Caspian seabed and measures taken to ensure their environmental safety in your country.

#### **Pollution from Vessels (Article 9, Tehran Convention)**

**22. *Prevention, reduction and control of pollution from vessels.***

Please indicate the available national instruments in your country to prevent, reduce and control pollution of the Caspian Sea marine environment from vessels, adopted according to corresponding international treaties?

Does your country take any measures to prevent pollution of the Caspian Sea from vessels in line with the requirements indicated above? Briefly provide the relevant instances and experience gained in your country that could be useful for other Contracting Parties.

Please list activities in your country to ensure the environmental safety of off-shore exploration, extraction, processing, and transportation of hydrocarbons at the Caspian.

Indicate environmental safety technologies for off-shore exploration, extraction, processing, and transportation of hydrocarbons in the Caspian Sea used in your country (for instance, “zero discharge” etc.).

Please indicate the availability of waste management plans for ports in your country, as well as facilities for the reception and treatment of waste from vessels on the Caspian Sea.

### **Pollution Caused by Dumping (Article 10, Tehran Convention)**

#### ***23. Prevention, hindrance, reduction and control pollution of the Caspian Sea caused by dumping from vessels and aircrafts registered in their territory or flying their flag.***

Dumping in case it appears to be the only way of averting threats to human or marine life in order to minimise the likelihood of damage to human or marine life.

Please provide information on such incidents in your country.

Has your country developed any legislation for prohibiting the dumping of wastes and other matters from vessels in the Caspian Sea?

Has your country taken the necessary administrative measures for prohibiting the dumping of wastes and other matters from vessels in the Caspian Sea?

Has your country developed criteria, guidelines and procedures within the established permitting scheme at the national level in order to ensure that the dumping of such wastes does not result in pollution?

Has your country developed any legislation to establish maritime inspection of ships and aircrafts or other services to report any incidents on or conditions of the Caspian Sea if dumping had occurred or was about to occur?

Has your country already set up such an inspection structure for the Caspian Sea?

Does your country sufficiently maintain and improve the infrastructure established to prevent these problems?

### **Pollution from Other Human Activities (Article 11, Tehran Convention and draft Protocol for the Protection of the Caspian Sea against Pollution from Land-based Sources and Activities)**

#### ***24. Protection of petroleum and chemical facilities and oil contaminated lands at the Caspian Sea coast under potential threat of inundation and decommissioning of obsolete on-shore installations and storage facilities (Article 9, LBSA Protocol).***

Please indicate activities related to exploration, extraction, processing and transportation of hydrocarbons in the Caspian coastal and marine areas of your country.

Please provide information on the existence of suspended wells and facilities in coastal and marine Caspian areas of your country.

Indicate the environmental safety technologies used for off-shore exploration, extraction, processing, and transportation of hydrocarbons in coastal and marine Caspian areas of your country (for instance, “zero discharge” etc.).

**25. *Prevention, reduction and control of pollution caused by land reclamation and associated coastal dredging and construction of dams.***

Please, characterise the national legislative basis of and experience gained from measures to prevent, reduce and control pollution caused by land reclamation and associated coastal dredging and construction of dams in coastal and marine Caspian areas of your country.

**Prevention of Introduction, Control and Combating of Invasive Alien Species (Article 12, Tehran Convention and Article 6 of the draft Protocol on Biological Diversity Conservation) (hereinafter Biodiversity Protocol)**

**26. *Prevention of the introduction of invasive alien species to the Caspian Sea, and controlling and combating introduced invasive alien species. Regulating the introduction of alien species and prohibiting those that may have harmful impacts on the ecosystems, habitats or species as well as regulate those species already introduced which are causing or may cause damage (Article 6, Biodiversity Protocol).***

Please characterize the national legislative basis for the regulation of alien species introduction into the Caspian Sea, for prohibiting the introduction of those that may have adverse impact on Caspian ecosystems, habitats or species and for the regulation of those species already introduced which are causing or may cause damage.

Please, provide relevant examples of such regulations.

Please, briefly characterise the national legislation for and experience with the prevention and control of the introduction of alien species into the Caspian Sea through ballast waters and/or via other ways.

**27. *Review the status of all introduced alien species into the Caspian Sea, the risks posed by them and the implementation of relevant regional Plans of Action for invasive species (Article 6 of the Biodiversity Protocol).***

Please indicate the availability of specialised studies on the biology of alien species, on their impact on biodiversity in general, on socio-economic consequences of the introduction of such species as well as on their ways of intrusion to the Caspian Sea.

Does your country carry out monitoring of alien species introduction into the Caspian Sea and if

yes, is it designed as an important, standalone and strategic activity? In what form and which institutions are carrying out such monitoring, who disseminates and who applies the information obtained?

Does your country support the implementation of a Regional Caspian Action Plan for species identified as invasive and if yes, in which way?

**Environmental Emergencies (Article 13, Tehran Convention and Protocol Concerning Regional Preparedness, Response and Co-operation in Combating Oil Pollution Incidents) (hereinafter Oil Spills Protocol)**

***28. Protection of human beings and the marine environment against consequences of natural or man-made emergencies. To this end, apply preventive, preparedness and response measures, including restoration measures.***

National systems and contingency plans for combating oil pollution incidents (Article 13 of the Tehran Convention and Article 5, Oil Spills Protocol).

Please indicate the existence of relevant executive authorities and necessary infrastructure dealing with issues concerning the protection of human beings and the marine environment of the Caspian Sea against consequences of natural and anthropogenic incidents in your country.

Please list the legislative instruments used for this purpose.

***29. Preventive and preparedness measures as well as response to incidents caused by hazardous activities. Identification of hazardous activities within the Parties' jurisdiction capable of causing environmental emergencies and notification to other Parties of such activities. Dissemination and exchange of information (Article 13 para. 2, Tehran Convention and Article 6, Oil Spills Protocol)***

Please indicate the existence of a relevant regulatory basis for preventing incidents connected with hazardous activities and list measures taken at the state level and at the level of operators for preventing such activities.

***30. Setting up of early warning systems for industrial accidents and environmental emergencies. Pollution reporting procedures (Article 13 para. 3, Tehran Convention and Article 7, Oil Spills Protocol).***

Please describe the system of the relevant legislation available in your country.

Does your country have an early warning system for industrial accidents and environmental emergencies operational?

Indicate the availability of any systems for integral assessments of emergency risks connected with oil spills and other technogenic incidents?

Please, provide information on the relevant incidents which took place in the reporting period

and which were reported on in the first report since the Convention entered into force for which response measures have been taken. List examples where oil pollution incidents in the Caspian Sea have been efficiently addressed.

**31. *Establishment and maintenance of adequate emergency preparedness measures, including measures to ensure that adequate equipment and qualified personnel are readily available, to respond to environmental emergencies.***

Oil pollution emergency plans on board ships, on offshore units, in sea ports and at oil handling

*facilities (Article 13 para. 4 Tehran Convention and Article 9, Oil Spills Protocol).*

Please, indicate the availability of relevant oil pollution emergency plans for the Caspian Sea region in your country.

Indicate the availability of necessary infrastructure and technologies for the minimization of damage resulting from accidents at oil production facilities, at oil pipelines and when transporting oil products in general.

State the availability and qualification level of personnel related to the implementation of the relevant plans in your country.

Is there consent within your country with regards to the establishment of a Caspian Regional Mechanism for preparedness, response and cooperation in combating oil pollution incidents?

**32. *Protection, Preservation, Restoration and Rational Use of Marine Living Resources (Article 14, Tehran Convention and draft Biological Diversity Conservation Protocol).***

33. Rational use of biological resources of the Caspian Sea on the basis of the best scientific data available in order to:

**34. *Develop and increase the potential of living resources for conservation, restoration and rational use of environmental equilibrium in the course of satisfying human needs in nutrition and meeting social and economic objectives;***

Please list and briefly characterize the scientific institutions in your country, which on a permanent basis are occupied with study and assessment of state of the Caspian biological resources.

Describe the methods for assessment of possible amounts of the Caspian Sea biological resources use and for identification of quotas for catchment/bagging used in your country.

Describe how does your country assess the general state of the Caspian biological resources and trends for its modification since the Convention entered into force.

How your country assess the impact of oil deposits development and marine transportation, including floating, pipelining and their operation, and other economic activities on the state of the Caspian marine bioresources?

**35. *Maintain or restore populations of marine species at levels that can produce***

***the maximum sustainable yield as qualified by relevant environmental and economic factors and taking into consideration relationships among species;***

Please, indicate the availability of legal instruments and mechanisms, for instance, such as specialized ecological/environmental fishery requirements related to hydrocarbons development and extraction.

How does your country in general assess the state of major commercial species, as well as key species – indicators of ecosystem health, for instance the Caspian seal population?

Indicate, what measures in the reporting period, and for the first report – since the Convention entered into force, did your country take to support and restore the commercially valuable species, in particular, sturgeons?

Please indicate, does your country perform scientific studies related to the methodology and risks of artificial reproduction of sturgeons and other Caspian species, in particular, on their genetic ‘pollution’?

Characterize the amounts and assess the efficiency of fry release into the Caspian Sea by the fishery enterprises of your country in the reporting period, and for the first report – since the Convention entered into force.

**36. *Ensure that marine species are not endangered by over-exploitation;***

What legal and administrative measures are implemented in your country to establish the admissible catches amounts, catchments control, as well as to prevent and counteract the illegal catchment of the Caspian Sea biological resources?

How does your country assess the state of natural spawning grounds used by the Caspian sturgeons? What measures are taken for their amelioration, and what is the efficacy of efforts undertaken?

**37. *Promote the development and use of selective fishing gear and practices that minimise waste in the catch of target species and that minimise by-catch of non-target species;***

Please, indicate the legislative grounds used in your country, relevant methods and results from their application.

**38. *Protect, preserve and restore endemic, rare and endangered marine species; Measures for the protection and conservation of species (Article 14, para. 5 Biodiversity Protocol)*<sup>2</sup>**

Please indicate the Caspian species, which are considered in your country as endemics, rare and endangered, as well as methods for their protection, conservation, and restoration used in your country.

Describe how does your country ensure the due legal protection for key Caspian endangered species, as well as key endangered species ex-situ and in-situ?

Please, describe the major moments of practical activity of your country carried out to protect and restore rare and endangered biological species of the Caspian.  
Does your country perform monitoring of endangered species?

**39. *Conserve biodiversity, habitats of rare and endangered species, as well as vulnerable ecosystems.***

Please, provide the list of measures taken by your country to ensure conservation of rare species and vulnerable ecosystems of the Caspian.

Characterize the state of existing in your country specially protected areas at the Caspian Sea, indicating the modification of their status in the reporting period, and for the first report – since the Convention entered into force.

Indicate, does your country have the bank of genetic data for key endangered Caspian species?

Please provide information on implementation in your country of national strategies and action plans/programmes on conservation of the Caspian Sea biological diversity, as well as evaluate the efficiency of their implementation.

Present information on adoption and application in your country of ecosystem approach to the Caspian Sea and its inclusion into the relevant national plans/programmes and strategies.

**40. *Coastal zone management (Article 15, Tehran Convention and draft Biological Diversity Conservation Protocol and draft Protocol for the Protection of the Caspian Sea against Pollution from Land-based Sources and Activities (Article 10)).***

**41. *Development and implementation of national strategies and plans for planning and management of the land affected by proximity to the sea plans to provide a mechanism for biodiversity conservation, protected area management and sustainable and rational use of biological resources.***

Integrated coastal zone management based on planning of coastal areas.

***Reduction of negative impacts on coastal population and infrastructure from natural hazards. Reduce and reverse deforestation and land degradation in the coastal areas.***

Please, indicate the availability in your country of the relevant national plans/programmes on planning and management of the land affected by proximity to the sea.

What, at the view of your country, natural and anthropogenic factors are causing the most negative impact on the near Caspian area of your country?

Does your country consider the coastal areas as independent object of management in the system of the state management?

What measures are taken in your country aimed at the environmentally sustainable development of coastal areas, including combating desertification/land degradation, deforestation?

Are there principles of integrated management implemented in your country that ensure realization of multipurpose utilization of marine and coastal natural resources, including management of wetlands connected with the Caspian Sea?

**42. Caspian Sea level fluctuation (Article 16, Tehran Convention).**

**43. *Undertaking of the necessary scientific research to alleviate implications of the sea level fluctuations of the Caspian Sea.***

Prevention, control, reduction and to the maximum extent possible elimination of pollution of the

*marine environment and coastal areas as a result of the sea level fluctuations, including the protection of oil and chemical industry facilities, as well as oil polluted lands, which are likely to be impounded, phasing-out of obsolete coastal facilities and storages (draft Protocol for the Protection of the Caspian Sea Against Pollution from Land-based Sources and Activities, Art. 10).*

Development and implementation of the coastal area strategies and plans for management of land affected by proximity to the sea to provide a mechanism for biodiversity conservation, specially protected areas management and sustainable and rational use of biological resources (draft Biodiversity Conservation Protocol, Art. 12).

*Initiation or intensification of specific research programmes, where necessary, related to the sea level fluctuations and the effects of such fluctuations on the Sea and coastal ecosystems (Article 20).*

Please, identify what scientific studies are taken place in your country to form the forecast of the Caspian Sea level regime in a mid-term and long-term perspective?

Is the coastal areas vulnerability to the instability of the sea level taking into account in territorial planning and coastal area management in your country?

Identify, are issues related to consideration of the Caspian level regime included into the environmental legislation of your country?

What possible scenarios of the Caspian level fluctuations are considered in the coastal area management in your country?

**44. Environmental Impact Assessment (Article 17, Tehran Convention, Protocol on Environment Impact Assessment in a Transboundary Context, as well as draft Biological Diversity Conservation Protocol and draft Protocol for the Protection of the Caspian Sea against Pollution from Land-based Sources and Activities (Art. 12)).**

**45. *Application procedures of environmental impact assessment of any planned activity, that are likely to cause significant adverse effect on the marine environment of the Caspian Sea. Dissemination of results of environmental impact assessment to other Contracting Parties.***

Ensure effective public participation in the EIA procedure of a proposed activity, commencing at

*early stage of EIA procedures (EIA Protocol, Art. 4.4).*

Please indicate the availability of legislation to carry out the environmental impact assessment of proposed activity in your country, including EIA in a transboundary context.

How many projects that are likely to cause the significant adverse impact on the marine and coastal environment of the Caspian passed through the EIA procedure? Briefly summarize the results of EIA procedures in a transboundary context for the projects of activity in the near Caspian region of your country took place in the reporting period, and for the first report – since the Convention entered into force.

46. *Please, describe the progress of the following procedures, envisaged by the EIA Protocol:*

- *notification by the Party to the Convention (hereinafter – Party of origin) that plans to implement the proposed activity, which may cause adverse impact on the territory of other Party or Parties to the Convention (hereinafter –affected Party), as well as invitation to participate in EIA of the proposed activity. This notification shall contain time-frame for carrying out the EIA;*
- *response of the affected Party where it informs the Party of origin if its intend to participate in EIA procedure of proposed activity;*
- *on request of the Party of origin providing by the affected Party of any reasonably available information on the environmental state at the potentially affected area of the affected Party, if such information is necessary to prepare the EIA documentation;*
- *in case the affected Party informs on its intend to participate in EIA of a proposed activity, then the Party of origin provides the EIA materials of a proposed activity to it. At the same time the affected Party arranges for public participation of its country in EIA procedure of proposed activity and provide support and consultations on EIA related issues to it;*

*as for the affected Party:*

- *describe the mechanism of arranging the public hearings to consider the EIA materials of a proposed activity, provide by the Party of origin (what are the procedures for public involvement at all stages of EIA, including public participation in post-project analysis of object set into operation).*

Were there consultations taken place by the Competent authorities of concerned Parties with respect to:

- *format and language, in which the EIA documentation should be provided by the Party of origin, and materials of outcomes of review by the affected Party of EIA documentation;*
- *final EIA documentation review;*

In line with the Article 10 of the EIA Protocol:

- *the Party of origin should present to the affected Party and the Secretariat the final decision on the proposed activity along with the reasons and considerations on which it was based.*

Which characteristic obstacles in arranging and implementation of EIA in a transboundary context of concrete objects of proposed activity have taken place that should be taken into consideration in future?

**47. Monitoring (Article 19, Tehran Convention, draft Biological Diversity Conservation Protocol (Art. 9, 2.b) and draft Protocol for the Protection of the Caspian Sea against Pollution from Land-based Sources and Activities (Art. 13, 1.c and 2)).**

**48. *Establishment and implementation of the relevant individual and/or joint programmes for monitoring environmental conditions of the Caspian Sea.***

Agreement upon a list and parameters of pollutants, which discharge into and concentration in the

***Caspian Sea shall be regularly monitored.***

Carrying out individual or joint assessments of the environmental conditions of the Caspian Sea and the effectiveness of measures taken for the prevention, control and reduction of pollution of the marine environment of the Caspian Sea.

***Harmonisation of rules for the setting up and operation of monitoring programmes, measurement systems, analytical techniques, data processing and evaluation procedures for data quality.***

Monitoring of ecological systems, habitats, population dynamics, as well as the impact of human

***activities.***

Regional assessment on a regular basis (at least once in five years) of the state of the marine environment and coastal areas of the Caspian Sea.

***Collaboration in establishing elements of the regional monitoring programme as well as compatible national monitoring programmes, with analytical quality control, and to promote data storage, retrieval and exchange.***

Has your country developed any legislation and institutional base to establish individual/joint programmes for monitoring of the marine environment state? If yes, please provide its brief characteristic, including list and parameters of pollutants.

Does the legislation of your country envisage monitoring of the marine environment pollution as one of the functions of the state authority? Does your country have the national programme for monitoring of the marine environment? If yes, provide its brief characteristic, including areas of monitoring, periodicity of sampling and list of pollutants controlled.

Is there an intercalibration of chemical laboratories, which participate in international and national monitoring programmes, in your country?

Does your country participate in the regional co-operation to develop the regional monitoring programme?

Does your country have developed and/or implemented monitoring programmes to assess habitats (a), population dynamics (b), landscapes (c), as well as human activity impact (d) in specially protected land/water areas?

	<i>a) habitats</i>	<i>b) population dynamics</i>	<i>c) landscapes</i>	<i>d) human activity impact</i>
<i>No</i>				
<i>No, monitoring programmes are at the early stage of development</i>				
<i>No, but monitoring programmes are at the advanced stage of development</i>				
<i>Yes, monitoring programmes are already developed/implemented (provide the details below)</i>				

What are the ways to conduct in your country the assessment(s) of the Caspian marine environment state, what components of the marine environment are included into the assessment(s) and what is its(their) periodicity?

#### **49. Research and Development (Article 20, Tehran Convention).**

**50. Development or intensification, if necessary, of special research programmes (including development of methods for the assessment of the toxicity of harmful substances and investigations of its affecting process on the environment of the Caspian Sea; development and application of environmentally sound or safe technologies; the phasing out and/or substitution of substances likely to cause pollution; development of environmentally sound or safe methods for the disposal of hazardous substances; development of environmentally sound or safe techniques for water-construction works and water-regulation; assessment of the physical and financial damage resulting from pollution; improvement of knowledge about the hydrological regime and ecosystem dynamics of the Caspian Sea including sea level fluctuations and the effects of such fluctuations on the Sea and coastal ecosystems; studying the levels of radiation and radioactivity in the Caspian Sea).**

Does your country have R&D on the aforementioned problems (R&D could be not obligatory within the specific programmes related to the Convention, it could be part of studies, for instance in universities)?

To what degree could the technologies applied in your country be considered as advanced and safe (in compare to the international analogues)?

**51. Promotion to technical and scientific cooperation in the field of conservation of biodiversity and sustainable and rational use of biological resources, through the appropriate national and international institutions.**

Implementation of joint projects, and research programmes and joint ventures for the development of technologies relevant to the objectives of this Protocol (draft Biological Diversity Conservation Protocol, Art. 16).

Please indicate scientific and scientific-technical projects/programmes in the field of biodiversity conservation, implemented in your country in the reporting period, and for the first report – since the Convention entered into force.

With what international organizations is the cooperation on this direction taken place in your country? What national institutions of your country are coordinating this activity?

**52. *Scientific and technological cooperation related to pollution from land-based sources and activities, particularly in research on quality and quantity of inputs, pathways, fates and effects of pollutants on the environment and on the development of new methods and techniques of pollution prevention, reduction and elimination, including the development and application of cleaner production approaches to this effect (draft Protocol for the Protection of the Caspian Sea against Pollution from Land-based Sources and Activities, Art. 16.2).***

Does your country have R&D in the field of marine environment pollution and its impact on biological objects and human?

What national institutions are coordinating this activity, implement the cooperation and participate in the “cleaner production” programmes?

Does your country have the state programme or adopted at the state level complex of measures aimed at the replacement of “dirty” production process with “cleaner” one?

**53. *Exchange of and Access to Information (Article 21, Tehran Convention, draft Protocol for the Protection of the Caspian Sea against Pollution from Land-based Sources and Activities (Art. 14 and 15), draft Biological Diversity Conservation Protocol (Art. 17 and 18), Protocol on Environment Impact Assessment in a Transboundary Context and Protocol Concerning Regional Preparedness, Response and Co-operation in Combating Oil Pollution Incidents (Art. 6)). Exchange on a regular basis information, in accordance with the provisions of this Convention. 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.***

Development of a centralised database and information management system to function as a repository of all relevant data, serve as the basis for decision-making and as a general source of information and education for specialists, administrators and the general public (Article 19.5).

**54. *Does the legislation of your country envisage the principle of public***

*accessibility to information on the environment?*

Has your country any policy (principles) of public accessibility to the information on the environment?

<i>No</i>	
<i>No, legislation is still in the early stage of development</i>	
<i>No, but legislation is in an advanced stage of development</i>	
<i>Yes, legislation is already in place (provide details below)</i>	

Has your country developed the appropriate institutional structures (a) or mechanisms (b) to ensure public access to information?

	<i>(a) institutional structures</i>	<i>b) mechanisms</i>
<i>No</i>		
<i>No, they are still in the early stage of development</i>		
<i>No, but they are in an advanced stage of development</i>		
<i>Yes, they are already in place (please provide details below)</i>		

55. Please indicate does your country publish a regular report on the state of the environment in your country? If yes, please indicate its periodicity.

Indicate, does your country have the Internet site/web-page, information of which includes data on the environment, including on addressing the issues related to the marine and coastal environment?

Does your country consider the Tehran Convention and its existing draft Protocols as sufficient international legal basis for arranging the exchange of information on the state of Caspian Sea marine environment, including data on pollution? Is there a need in the development and adoption of international documents that concretize the amount of, order of and channels for data exchange, order for their storage and arrangement of their accessibility?

### **Part 3. Implementation of COP Resolutions, Decisions**

Please provide information about measures undertaken by your country relating to recent COP Resolutions and Decisions since the last Report, if applicable.

### **Part 4. General Conclusions and recommendations**

56. In this part the Parties are invited to provide the general assessment of would

*the Convention implementation in the country promote to increase the efficiency of activity on the protection of the Caspian marine environment against pollution, including the protection, conservation, restoration, sustainable and rational use of its biological diversity.*

57. *Based on the information provided above by your country, please assess the degree of implementation by your country of the provisions of the Tehran Convention and its Protocols for the current reporting period, and for the first report – since the Convention entered into force, as well as state the priority from the point of your country's view of activity directions for the sequent reporting period.*

58 . Please, provide the proposals listing the measures/activities that are necessary to take at the national level aimed at the further activation of the Convention implementation.

# **STRATEGY FOR CIVIL SOCIETY ENGAGEMENT IN THE PROTECTION OF THE MARINE ENVIRONMENT OF THE CASPIAN SEA (PUBLIC PARTICIPATION STRATEGY)**

**Note by the interim Secretariat**

## **Introduction**

1. The Strategy for Civil Society Engagement in the Caspian Sea Marine Environment or Public Participation Strategy (PPS) is the product of a lengthy regional consultative process which began under the auspices of the Caspian Environment Programme with the formulation of the Caspian Stakeholders Analysis (2002, revised 2004), and continued with the formulation and approval of the Caspian Public Participation Strategy (2006/07).
2. A draft strategy was presented to a regional meeting of the representatives of the civil society in May 2009 in St Petersburg. The strategy was placed on the website of the Caspian Environment Programme (CEP) and of the interim Secretariat of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Tehran Convention) for comments by interested stakeholders. The final version incorporates all comments from interested stakeholders.
3. The PPS was finalized with the assistance of the CaspEco project and discussed and agreed upon at the meeting of the Senior Officials on Procedural and Institutional Issues, Geneva, 25-29 May 2010.
4. The Strategy for Civil Society Engagement in the Protection of the Marine Environment of the Caspian Sea will be translated into National Strategies as part of the National Convention Action Plans.

## **Suggested Action:**

5. The Conference of the Parties may wish to:
  - a) welcome the Strategy for Civil Society Engagement in the Protection of the Marine Environment of the Caspian Sea, as well as its translation into National Strategies;
  - b) confirm the intention of the Caspian Governments to ensure that the conditions for stakeholders engagement are met, through an early endorsement, launching and implementation of the Strategy, as part of the National Convention Action Plans.

**STRATEGY FOR CIVIL SOCIETY ENGAGEMENT IN THE CASPIAN  
SEAMARINE ENVIRONMENT  
(PUBLIC PARTICIPATION STRATEGY)**

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2. SCAP public participation activities
3. “CASPECO” PP activities

## **Introduction**

1. The Caspian Sea is the largest inland closed water body in the world. Between Europe and Asia, the Caspian's transboundary waters are shared by five littoral States: Azerbaijan, Kazakhstan, IR-Iran, Russian Federation and Turkmenistan.
2. The Caspian Sea is unique in its hydrographical and ecological characteristics. Nevertheless, for a long time the natural resources of the Caspian Sea have been extensively used and exploited without properly considering the environmental and social impacts of economic decisions. During the last decades pollution exceeded the environmental capacity of the Caspian Sea. Apart from that, many of the environmental problems of the Caspian Sea are related to the sea level fluctuation and to the extensive use of water from inflowing rivers.
3. The pollution of the Caspian Sea derives from various sources as a result of human activities, including the discharge, emission and disposal of harmful and hazardous substances, wastes and other pollutants, flowing into the Sea from land-based sources and transported through the atmosphere. A significant threat to the conservation of ecosystems and biodiversity of the Caspian Sea is the continuing increase of activities of oil and gas companies in the development of hydrocarbons.
4. In this situation effective steps to address the above-mentioned environmental concerns must be taken, including the implementation of effective environmental management in general and of water resources in particular.
5. One of these activities should be to raise awareness of the public and decision-makers about the ecological values of the Caspian Sea and the need to preserve its biodiversity and unique ecosystems.
6. Public involvement in the formulation and adoption of decisions relating to the use and management of water resources are of great importance: the state of natural resources, especially water resources, is important for people, since their economic well-being and health depends on it. In addition, every citizen has the right to a healthy environment, which means that every citizen must also worry about its preservation. The rights of the public and particularly of affected stakeholders, to participate in decision-making processes have now been widely acknowledged by national and international law.
7. In recognition of both the requirements and the potential benefits of enhanced public participation in solving the challenges facing the environment of the Caspian Sea, this strategy for public participation in the Caspian Sea marine environment has been developed. Organizing this work in all littoral countries is of principal importance.

## **Objectives of the Public Participation Strategy**

8. The main objectives of the Public Participation Strategy (PPS) are the following:
  - (a) to promote the establishment of effective mechanisms for public participation and engagement in the environmental issues of the Caspian Sea in general, and in issues relating to the Tehran Convention, its Protocols and the Strategic Convention Action Program in particular; and
  - (b) to assist the public to be informed and to participate in decision-making processes, in the planning/development and determination of directions for activities as well as in the implementation and monitoring of activities undertaken under the Tehran Convention.
9. The objectives of the PPS can be achieved through capacity building and strengthening of existing institutions as well as by building new formal and informal institutions for public participation in environmental management of the Caspian Sea. The strategy should be a tool to be used for sound participation of the stakeholders of the Caspian Sea countries within the Tehran Convention process.
10. With regard to public access to information Article 21, paragraph 2 of the Tehran Convention states: “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.”
11. The Strategic Convention Action Programme (SCAP) is a comprehensive, long-term agenda and framework for the implementation of the Tehran Convention and its Protocols over a period of 10 years that shall be translated and implemented through National Action Programmes supported by the biennial Programmes of Work of the Convention Secretariat.
12. The objective of the SCAP is to implement the provisions of the Tehran Convention and its Protocols upon their entry into force for the medium-term perspective in the area of the protection of the Caspian Sea from all sources of pollution as well as the protection, preservation, restoration and sustainable and rational use of the biological resources of the Caspian Sea by means of defining the main directions for the activities of the Contracting Parties under the Tehran Convention and future protocols upon their entry into force.
13. Pursuant to Article 5 of the Convention, the following principles shall guide the actions to achieve the objective of the SCAP and to implement its provisions:
  - (a) the precautionary principle, by virtue of which, where there is a threat of serious or irreversible damage to the Caspian Sea environment, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent such damage;
  - (b) “the polluter pays” principle, by virtue of which the polluter bears the costs of the

pollution, including its prevention, control and reduction;

(c) the principle of accessibility of information on the pollution of the marine environment of the Caspian Sea according to which the Contracting Parties provide each other with relevant information to the maximum possible extent.

14. The SCAP stipulates that “the principle of public participation and transparency shall be applied, such that all stakeholders, including communities, individuals and concerned organizations shall be given the opportunity to participate, at the appropriate level, in decision-making and management processes that affect the Caspian Sea. This includes providing access to information concerning the environment that is held by public authorities and effective access to judicial and administrative proceedings to engage all stakeholders to exercise their rights effectively. Public authorities shall widely disseminate information on the work proposed and undertaken to protect and rehabilitate the Caspian Sea.”

15. This Public Participation Strategy builds on the previous developed strategy but has now been further aligned with the Tehran Convention and its requirements. The first Caspian Public Participation Strategy prepared by the UNDP/GEF Caspian Environmental Program was designed and formulated in consultation with different stakeholders at the local, national and regional level. After initial consultations, broad guidelines of the draft of the previous Caspian PPS were prepared based on a background analysis and a Stakeholder Analysis Reports of 2002 (SHA) and its revisited document of 2004 (SAR). The first regional stakeholder meeting was held in Baku in 2006 and participants from the five littoral states brainstormed on the needs and modalities of public participation for the Caspian Sea at the various levels. The draft PPS, drawn on the basis of these consultations, was once again shared at the local, national and regional levels for comments before adoption.

16. The PPS should serve as a broad and flexible framework with the aim to build systems for public participation in the process of rehabilitation and protection of the Caspian Sea environment. It could be adopted by different stakeholders such as Governments, Non-Governmental Organizations (NGOs), Community Based Organizations (CBOs), special interest groups, non-organized individuals, and the private sector. The PPS should also serve as guidelines consisting of guiding principles which can be followed for every concerned activity as part of the ecosystem approach regardless of the type of activities implemented.

17. On the basis of the PPS operational plans for activities at the various levels (local, national and regional) can be developed together with monitoring and evaluation indicators. The Strategy will also ensure the sharing of practices and information on legal and operational barriers for participation in each country.

## **Key terms**

18. The Caspian PPS refers to “*civil society*” as the association of free, sovereign individuals vested with extensive civil, political, socio-economic and cultural rights and concerned by the state of the environment of the Caspian Sea.

19. “*The public*” means one or more natural or legal persons.

20. “*Public participation*” is an ongoing process which can improve public participation and monitoring activities, awareness, communication, interaction and joint decision making among different stakeholders and the public. Public participation includes both outreach (awareness-raising) and inputs (participation, consultation, monitoring and collaboration). Through public participation, all parties become better informed about the range of views on proposals and issues. A good public participation process will not only result in better decisions that are more sensitive and responsive to public concerns and values, but ensure satisfactory final results and sustainability. A good public participation mechanism is also one that ensures participation in any process affecting the public’s interests. The public has a strong sense of investment in the process and an interest in influencing its outcome through inputs for the identification of environmental problems and concerns, through providing education on these problems and concerns, through giving support to understand and apply mechanisms of problem solving. To this end, the public has an active interest in those mechanisms reaching its full potential.

21. The Caspian PPS refers to a “*stakeholder*” as any legal or natural person, group or institution, regardless of the place of residence, which has an interest in the Caspian Sea, has influence in its programmes and decision-making processes, and is affected directly or indirectly by decision-making processes. The Stakeholder Analysis conducted by the CEP studied the opinions and attitudes of stakeholders towards priority areas. However, the Public Participation Strategy is more of a methodology that encourages the public to identify environmental issues and concerns as well as ways to contribute in solving them.

22. The three main levels of public participation envisaged in the Public Participation Strategy are:

(a) Information: This is the foundation of public participation and engagement, in which decision-makers actively disseminate information or stakeholders (including the general public) access information based upon their demand. This is also the main component of participation and thus forms the focus of this Public Participation Strategy which calls for developing a proper system of access to information for various stakeholder groups in relation to the Tehran Convention and its Protocols.

(b) Consultation: This is the middle level of public participation if we consider the supply of information as the foundation. Decision-makers make documents available for written comments, organize a public hearing or actively seek comments, proposals and opinions of the public through for instance surveys and interviews. They ask for and receive stakeholders’ feedback on planned or proposed decisions and take due account of those permissible comments prior to taking decisions.

(c) Active participation in decision-making, planning and implementation: This is a higher level of participation where stakeholders actively engage in decision-making and policy-making as well as in the implementation of the outcomes. Active involvement implies that the stakeholders are invited to contribute actively to the planning process by discussing issues and contributing to their solutions. However, beyond inputs into the planning, it is also crucial to ensure public participation in the actual implementation of projects as a key for sound results.

23. There are many potential benefits from public participation in decision-making and implementation of environmental programs and policies. When the appropriate channels of horizontal communication between government bodies and civil society representatives at various levels are opened, a public participation process is established which can lead, among others, to the following externalities and benefits:

- (a) A strong sense of shared ownership of decisions, therefore improved chances of taking decisions of which relevant stakeholders are aware and in agreement with.
- (b) Public awareness and opportunity to exchange views and opinions with a wide variety of involved persons;
- (c) Government accountability and efficiency;
- (d) A culture of cooperation to defuse and prevent conflicts and tensions;
- (e) Pooling of ideas and tapping into locally-relevant information which are essential for decision-making;
- (f) The opportunity for citizens to exercise their democratic rights in the decision-making process in accordance with the national legislation;
- (g) A higher degree of compliance with regional treaties which in the long-term, can reduce the costs of enforcement.

24. Yet, public participation is a complicated process. Among the many challenges, public participation may be hampered by low prioritization, unreliable environmental information, lack of capacity and funding to organize participation, lack of adequate representation of the larger public by NGOs, other public organizations and citizen groups, resistance to the concept of participation by some interest groups, political and administrative barriers to greater participation and attention to other short-term priorities dictated by economic conditions. In addition, there may be a lack of incentives, especially of economic ones, to change people's behaviour at all levels.

25. The lack of public participation, however, can lead to public critique and protests, delays in decision-making and implementation (e.g. via legal or administrative interventions), and complications in foreign aid and in supporting activities which require the execution of such processes.

26. The strategy will complement national and local actions by offering a strategic approach to reach objectives at various levels and give the following results:

- (a) Strengthening of the institutional and legal basis for public participation in taking steps for the effective management and sustainable use of resources of the Caspian Sea, contributing to its unique ecosystems and biodiversity;
- (b) Enhancing the role of key Caspian stakeholders in order to contribute to decision-making process related to the use, protection and reproduction of the Caspian Sea biological

resources;

- (c) Robust administrative systems to ensure the provision of and open access to environmental information;
- (d) Ensuring awareness of coastal communities on issues related to environmental problems in the Caspian Sea and jointly searching the best ways to solve them;
- (e) Seeking of ways for partnerships and networking among stakeholders and government bodies;
- (f) Ensuring real opportunities for public participation in the process of protecting and rehabilitating the Caspian environment;
- (g) Incentives for inter-sectoral cooperation, including participation of the largest possible number of stakeholders, in the implementation of specific projects of the SCAP;
- (h) Interest by all Caspian littoral states to, as appropriate, adopt and implement the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (1998);
- (i) Introduction and strengthening of adaptive management practices for using natural resources based on the principles of mutual trust and goodwill between environmental organizations and local Caspian communities.

27. Ultimately, the PPS will facilitate greater public involvement in the protection of the Caspian Sea environment. In order to increase the interest of the public for environmental issues, awareness-raising activities demonstrating why it is important to care for the Caspian Sea and showing opportunities how the public can directly contribute to its conservation and sustainable use must be undertaken. Realistic and feasible alternatives to the current situation should be determined and the best mechanisms for fostering cooperation of all stakeholders will be worked out. As a key stakeholder in the Caspian Sea management, the public should have better access to transparent environmental information, and thereby will be able to offer suggestions and participate in decisions on the development of mechanisms for the implementation and funding of projects aimed at protecting and conserving the Caspian Sea and using its natural resources in a sustainable manner.

### **Access to information, capacity building and institutional development**

28. The mechanism for achieving the objectives of the public participation strategy is organized through two main types of action. Together these types will develop and define incentives for the public to take meaningful action with visible benefits:

- A. Awareness-raising, capacity building and facilitating a system-wide, transparent flow of information

B. Establishing and strengthening the legal and institutional basis for public participation

A. Awareness-raising, capacity building and facilitating of transparent flow of information

29. Lack of adequate interaction between NGOs, authorities, academia and the business sector at all levels hampers the system-wide flow of information. The problems are exacerbated by the geographic distances between them, especially at the local level. Furthermore, undeveloped systems for the flow of information hamper proper decision-making for the rational use of natural resources. The SCAP identifies gaps in data and information available to decision-makers and to the public. Data is varying considerably across the region; in some areas it is insufficient and inaccurate and sometimes not freely exchanged among different institutions. Even though national legislation requires open access to information, the Caspian countries are facing a number of problems in the dissemination of information, as for example a lack of technologies for information exchange, non-user friendly formats and insufficient media attention to environmental issues, which hamper the efforts made. Information here refers to the planning and implementation of activities, the funding modalities, the monitoring of outcomes, legal and institutional mechanisms and any other information the public requires in order to “own” the objective of environmental management.

30. Awareness-raising on environmental issues around the Caspian Sea is essential for ensuring participation in solving acute problems. Currently, not all stakeholders, including the public, especially at the local level, are aware of and concerned about environmental issues of the Caspian Sea and the implications of the relevant regional and international conventions. Awareness-raising is imperative to link decision-making to the concerns of the public, and vice versa. Yet, information is often lacking not only because of the absence of mechanisms described above, but also due to a lack of funds, environmental illiteracy, frequent administrative reforms of national authorities, insufficient information about the activities at the local level, and lack of strategic partnerships.

31. It is important to develop accessible and appropriate sources of information about the Caspian environment for different stakeholders through creating a robust information system. This will ensure that the public has access to information, is aware and therefore capable to participate in a meaningful way. It is essential to develop plans for capacity building in order to raise awareness and the possibility for different stakeholders to be engaged in solving the environmental issues related to the Caspian Sea. It means capacity building for civil society organizations, the public and decision-makers to facilitate and support public participation. Mechanisms should include public awareness about opportunity costs, building the capacity of the media to report on environmental issues, integrating environmental education into the formal and non-formal curricula at all levels and creating opportunities for networking and communities to be involved.

32. Caspian coastal communities should become aware of and understand key environmental issues and their solutions, and have the confidence to really participate in decision-making. Otherwise opportunities for improving the environment and thereby fostering economic development and raising livelihoods are missed. Until incentives for change are not internalized and negotiated by the public and by those in a position to alter policies and practices, the situation will not change.

#### B. Establishing and strengthening the legal and institutional basis for public participation

33. All the littoral states have comprehensive laws on environment protection and on the use of natural resources, supported by provisions in their constitutions and all littoral states have now signed and ratified the Tehran Convention.

34. However, the challenge for the Caspian countries will be to strengthen institutional arrangements in order to better reinforce the implementation of environmental protection measures. There is a need to streamline policies, to build capacity in institutions and to reform the relevant sectors. The integration of development planning processes and environmental management is still in its initial stages. Not all Caspian countries are Party to the Aarhus Convention and for those who are, capacity building is required to implement the Convention. Yet, institutional mechanisms are important to regulate behaviours and activities that affect the coastal communities. Governments and local authorities will need to more rigidly apply the existing legal requirements for ensuring public participation in order to benefit from a well informed and involved public in environmental decision-making.

35. It is necessary to ensure that the institutional and legal basis for public participation is in place and effectively implemented. This would, for example, require ensuring that environmental impact assessments include effective public participation and mechanisms for public access to results of the assessment. The PPS is meant to ensure that public participation takes place in the implementation of all related programs and plans.

36. Participation should be institutionalized at various stages of planning and decision-making: at the diagnostic level, during the study to collect information, at the design level, at the implementation level of the action plan or policy, and at the evaluation and monitoring level.

37. Key principles associated with public participation include: transparency, openness, joint search for so-called “win-win” solutions and the development of mutual trust.

38. At the moment, a number of factors could delay the design and implementation of an operational plan to implement the PPS in the Caspian region. These need to be recognized, prevented and negotiated with different stakeholders at all levels in order to ensure success. Consequently, the Caspian PPS is divided into three levels: regional (international), national, and local (sub-national) level.

#### Regional Level:

39. Given the complexity of the Caspian basin, national differences, the multitude of languages etc., a regional strategy is useful in stimulating engagement at other levels. The regional level is important to provide the framework and possibilities for cooperation and interaction throughout. Often, this level is the most effective and most appropriate level for dialogue. The establishment of dialogue platforms arranged at this level – including municipalities, regional environmental inspectorates, water suppliers, local businesses, NGOs and other stakeholders – would be an ideal first step towards building new forms of partnership and cooperation. It is also necessary to develop and endorse a common methodology and practice for public involvement in the process of decision-making.

40. The PPS at the regional level fulfils the following functions:

- (a) Framework for cooperation and interaction;
- (b) Stimulating action at other levels;
- (c) Platform for dialogue;
- (d) Dissemination of new methodologies and guidance;
- (e) Information and expertise;
- (f) Contribution to monitoring and

evaluation;National level:

41. It is the most convenient level for governments, NGOs and other interest groups (farmers associations, industry etc.) at various levels to come together to discuss their different motivations for engaging in the implementation process of decisions and to define who can contribute what to the process. At the national level many of the political and economic decisions are made, and so clearly there is a need for a PPS in those national processes and decision-making forums. Since there are no language barriers, the national level may also be the most appropriate for much of the necessary public awareness and information activity. The national level is also key because here key stakeholders (governmental, academic, NGO) are able to play the role of facilitator in order to influence the most relevant actors at the most relevant level. At the national level it is also important to encourage active participation of the public in the legislative process.

42. The PPS for the national level will help:

- (a) Defining roles and responsibilities;
- (b) Sharing of best practices;
- (c) Influencing where policy and economic decisions are made;
- (d) Building partnerships between national authorities and NGOs;
- (e) Acting as the facilitator of up-stream and down-stream information on decision-making;
- (f) Preparing for the implementation of the Aarhus Convention;
- (g) Organizing public awareness campaigns;
- (h)(h)
- (i)(i)
- (j)(j)
- (k)(k)

(l)(l)

(m)(m)

(n) Guiding and monitoring the public participation processes and implications.

Local level (sub-national), which refers to local communities and local administrations

43. The local level is where actions really take place, where policies adopted at the higher levels are actually implemented in the regions by local authorities, stakeholders, and practitioners. It is at the local level where those groups which are most directly affected by environmental decisions reside. There is an enormous need for capacity building, training, education and awareness raising work at this level. Most local agencies and actors are largely unaware of the implications of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea with regard to civil society engagement in environmental protection. Furthermore, economic incentives need to be designed in order to motivate the public to participate. At the same time, the public should be informed and consulted to contribute to planning, as well as to partner in the implementation of activities and to conduct monitoring in order to “own” the PPS. For enhancing public participation Local Environmental Action Plans should be developed and adopted at the local level and implemented by local institutions.

44. The strategy at the local level has the following functions:

- (a) Awareness raising among communities;
- (b) Changing the behaviour of the public through motivation and incentives;
- (c) Fostering partnerships between the local administration and local communities, public organizations and CBOs;
- (d) Mobilization of the media;
- (e) Training and education programs;
- (f) Introduction of consultative systems which allow the public to identify their issues, and take an active part in the design, implementation and monitoring of new and existing initiatives;
- (g) Inducing self-determination and self-direction of the public in finding solutions for environmental problems and to contribute to the outcomes;
- (h) Capacity building of information centres and networks, including knowledge management.

45. All three levels are equally important and need to interact in harmony in order to render measures on any single level successfully. There are differences between these levels regarding who the stakeholders are, what their capacity is, what types of activities are required, in which timeline, and how to manage and coordinate these activities. The tensions between national and local authorities and their budgets and administration should also be taken into account. Often national budgets do not trickle down to local levels (districts). A system of transparent and system-wide cooperation needs to create links between the various levels.

46. Developing these objectives for each level should be incorporated into projects and programs outlining specific activities, timelines and resources. Monitoring and evaluation should be done in cooperation with key stakeholders at all levels.

## **Annexes**

### Annex 1 - List of Abbreviations

“CASPECO”:	UNDP-GEF project “The Caspian Sea: Restoring depleted fisheries and consolidation of a permanent regional environmental governance framework”
CBD:	Convention on Biological Diversity
CBO:	Community Based Organization
CCG:	Caspian Concern Group
CEP:	Caspian Environment Programme
GEF:	Global Environment Facility
EIA:	Environmental Impact Assessment
ESIA:	Environmental and Social Impact Assessment
EU/TACIS:	European Union/Technical Assistance
for CISEQO:	Environmental Quality Objective
IPPA:	International Public Participation Advisor
IT:	Information Technology
MDG:	United Nations Millennium Development Goals
M & E:	Monitoring and Evaluation
MFA:	Ministry of Foreign Affairs
MPPA:	Matched Small Grants and Public Participation Advisor
MSGP:	Matched Small Grants Programme
NCAP:	National Caspian Action Plan
NGO:	Non-Governmental Organization
NFP:	National Focal Point
PPS:	Public Participation Strategy
RAG:	Regional Advisory Group
SCAP:	Strategy Action Programme
SAR:	Stakeholder Analysis Revisited (Report)
SEA:	Strategic Environmental Assessment
SHA:	Stakeholder Analysis (Report)
TDA:	Transboundary Diagnostic Analysis
UNDP:	United Nations Development Programme
UNEP:	United Nations Environment Programme

## Annex 2 - The Teheran Convention and SCAP activities

The SCAP stipulates that “the principle of public participation and transparency shall be applied, such that all stakeholders, including communities, individuals and concerned organizations shall be given the opportunity to participate, at the appropriate level, in decision-making and management processes that affect the Caspian Sea. This includes providing access to information concerning the environment that is held by public authorities and effective access to judicial and administrative proceedings to engage all stakeholders to exercise their rights effectively. Public authorities shall widely disseminate information on the work proposed and undertaken to protect and rehabilitate the Caspian Sea.”

There are two specific components of the SCAP identifying public participation activities:

### 1. Exchange of and Access to Information (item 4.5, Article 21, paragraph 2)

The objective of this component is to ensure public access to information regarding the environmental status of the Caspian Sea.

In the context and in support of the implementation of the Tehran Convention, the following actions will be taken to exchange information on a regular basis:

- Ensure public access to information regarding the environmental conditions of the Caspian Sea;
- Ensure public access to information regarding measures taken or planned to be taken to prevent, control and reduce pollution of the Caspian Sea in accordance with national legislation and taking into account provisions of existing international agreements concerning public access to environmental information.

### 2. Civil society participation in Caspian environmental stewardship (item 5, Articles 5 (c), 18 and 21)

The objective of this component is to strengthen the participation of the civil society, together with the institutional and legal frameworks, in the environmental stewardship of the Caspian Sea.

The actions outlined below aim to increase the participation of the public in coastal communities, as well as of other stakeholders of Caspian countries, in the management of the Caspian environment; improve understanding on the part of local, regional and governmental authorities regarding the importance of environmental issues and increase their involvement in project implementation; and develop active partnerships between the Caspian NGO Forum, local and multinational enterprises, and other stakeholders in the region.

Some key mechanism will be achieved through improved environmental education programmes and better communications and information sharing.

#### 2.2 Participation of public and stakeholders

- Promote the establishment of NGO partnerships to provide support and guidance for improving civil society involvement and strengthening of environmental NGO Networks.
- Implement the Caspian Public Participation Strategy through its incorporation in the National Caspian Action Programmes (NCAPs).
- Set up a fund for micro-grants addressing coastal community development schemes and local environmental issues, in partnership with the private sector and international donor community.
- Set up “Friends of Caspian Sea” programme, including an annual competition for the local, national and international companies that have achieved the most concrete gains in protection of the Caspian environment in the previous year, in at least two levels (national and international) on the territory of coastal region.

### 2.3 Communication and Information sharing

- Create a press bureau to improve national, regional and international awareness of the Caspian environmental issues, and encourage the media to participate in the dissemination of information.
- Strengthen awareness of environmental issues in the Caspian Sea through partnerships with national and international media.
- Provide regular training to civil society representatives in order to strengthen environmental journalism and improve media coverage of environmental issues.
- Establish media and film festivals, in conjunction with the Caspian NGO Forum, on Caspian ecology and culture to focus on the links between human behaviour and natural ecosystem functions.
- Establish “Caspian Sea Day” and raise environmental awareness for specific target groups.

### 2.4 Environmental Education

- Create Caspian Environmental Information, Communication, and Education Centers to provide information to the public on Caspian environmental issues.
- Develop academic curriculum materials focusing on Caspian environmental issues
- Encourage the development of university level curricula for ecology and environmental science in conjunction with international institutions featuring Caspian issues.
- Promote national and regional academic partnerships at school, college, institute and university levels.
- Provide a basic training course in ecology for local coastal enterprises and targeted populations emphasizing win-win scenarios and sound environmental stewardship.

## 2.5 Local, regional and governmental authorities

- Create targeted awareness building campaigns for ministerial authorities, regional administration and private sector involved in *inter alia*: agriculture, fisheries, transportation, and natural resource management.
- Implement national EIA procedures for all appropriate Caspian project developments, including provisions for public participation.
- Hold annual conferences for heads of cities sponsored by national and international partners to foster networking among coastal local authorities and enhance their participation in implementing Caspian environmental policies.
- Develop training programmes on awareness of environmental issues for local authorities, and national ministries, through Caspian Environmental Information, Communication, and Education Centres emphasizing the environmental evaluation techniques.
- Develop of training programmes for land/property agents, construction firms, regional, district and national level planning agencies on importance of coastal sustainable development practices with concrete examples of sustainable development projects.
- Develop training programmes for regional and municipal authorities on modern techniques for wastewater and municipal waste treatment.

## 2.6 Partnerships between Caspian NGO Forum, enterprises, and other stakeholders

- Promote environmental partnerships between NGOs, government and private sectors to address specific Caspian Sea issues by implementing the Caspian Public Participation Strategy.
- Develop Stakeholder Dialogue Groups at the national level and exchange experience at the regional level to improve dialogue opportunities for stakeholder groups who may be in conflict natural resource management.
- Develop a program to encourage implementation of cleaner technologies by local industries corresponding to ISO 14000.

## Annex 3 – UNDP-GEF “CASPECO” project and public participation activities

This project builds upon a solid foundation of regional cooperation for Caspian environmental conservation put into place by the five Caspian states and the Caspian Environment Program over a period of more than 10 years with substantial catalytic support from the Global Environment Facility (GEF).

Building on these achievements this project’s objective is to strengthen regional environmental governance and apply new thinking to the sustainable management and conservation of the Caspian’s bio-resources.

The GEF funded “CASPECO” project is designed to enable stakeholders to reduce stresses on ecosystem resilience, address their underlying causes and overcome the key barriers preventing progress on these issues. The following selection of key points is taken from the project document and is highly relevant to Caspian Sea stakeholders.

#### **OUTCOME 4. ENHANCED STAKEHOLDERS’ ENGAGEMENT IN THE TC PROCESS AND IMPROVED PUBLIC ACCESS TO INFORMATION ON THE STATUS OF THE CASPIAN SEA ENVIRONMENT.**

**Output 6.** Creation of solid regional NGO partnerships engaged in the implementation of the Tehran Convention and its protocols.

Activity 1. Align and streamline the existing CEP public participation strategy (PPS) to better support the requirements of the Convention and its protocols.

This activity will focus on adapting and aligning the existing PPS to the requirements of the Convention and its protocols with the overall objective to strengthen the involvement of the civil society in the Caspian Sea region in the implementation of the Tehran Convention. The existing PPS will be reviewed in light of the requirements of the Tehran Convention and the protocols with the view to prepare simplified and practical guidelines for civil society stakeholders’ engagement in the Tehran Convention process. The guidelines will be subject to intergovernmental review by the Contracting Parties and will provide basis for further regional efforts to strengthen stakeholders’ presence and involvement in the Convention process.

Activity 2. Creation of Caspian “Virtual Partnerships”

The need for solid and efficient regional NGO networks, encompassing national ones, has been voiced at several occasions in the context of the Caspian Environment Programme. The same needs are being brought forward in the context of the Convention process and ample attention will have to be given to those concerns. The first step for enhanced involvement of the civil society in the Convention process are structured, well-defined and efficient NGO partnerships that would allow for adequate and coordinated representation of the civil society in the context of the Convention and Protocol implementation.

Concrete support to the creation and maintenance of such partnerships will be provided on the basis of a website-based “virtual partnerships” that would be part of the overall Caspian Information Centre as described below under output 7. The Virtual Partnerships will include a website and an email list-serve. It will encourage the membership of community-based organizations (CBOs) and NGOs (registered and non-registered). The virtual partnership will be working in all regional languages as well as English, with country-specific content managed in each country respectively. The primary focus of the partnership will be to raise the visibility of local/national/regional NGOs in the Convention process through the implementation of small, well-defined pilot projects that concentrate on attainable joint regional actions, including regional NGO activities in support of the Caspian Day celebrated every year on the 12<sup>th</sup> August.

Activity 3. Regional NGO meetings

Further support to the strengthening of the civil society engagement in the Convention process will be provided through regular regional NGO meetings that will allow the regional NGO community to exchange experiences, strategize and coordinate their input to the Convention process. Those meeting will be primarily held in conjunction with the Meetings of the Conference of the Parties, but also at other occasions as deemed necessary.

**Output 7.** Data/information sharing web-based Caspian Information Centre (CIC) incorporating Caspian environment status data.

Activity 1. Enhance data and information sharing through the establishment of a web-based CIC, incorporating available environment status data

This activity will promote data collection, monitoring, analysis, harmonization and public communication. It will build upon work done to create the Unified Environmental Monitoring Program under Component I, Output 2, Activity #1 and work done to harmonize environmental reporting under Component 2, Output 4. This activity will make harmonized data and related environmental reports from the Convention available on the Internet - accessible and transparent for the public – as a critical element to facilitating good regional environmental governance and to meet the requirements of the Tehran Convention, in particular of Art. 21. Upon request of the COP, the CIC will also be the host to a Tehran Convention website and to the above mentioned “Virtual NGO Partnership”.

Activity 2. Prepare the biennial report on the state of the environment of the Caspian Sea and a Biodiversity Atlas for the Caspian.

Public education is key element for enhanced public awareness of the conditions, challenges and threats to the environment of the Caspian Sea. Adequate education is relevant to all concerned stakeholders at all levels in the civil society. This activity will aim at ensuring and improving the availability of regular comprehensive reports providing accurate, up-to-date and accessible information about environmental conditions of the Caspian Sea and thereby enhancing the consciousness of the civil society.

The report will be prepared in close collaboration with main stakeholders and on the basis of scientific assessment. The activity will also contribute to the preparation of other relevant information/education materials including the Biodiversity Atlas of the Caspian Sea

All materials will be accessible through the CIC and will be widely distributed to the public.

There are also additional parts of the project documents which include public participation and stakeholders’ involvement. Please see the entire project document for more background information and an overview of project objectives and activities.

## **DRAFT PROGRAMME OF WORK AND BUDGET**

### Introduction

Attached is the draft Programme of Work and related budget for 2011-2012. The POW has been prepared by the TCIS in close consultation with the PCMU of the CaspEco project and integrates the activities of Component 2 and some of Component 1 of this project. Its content has been reviewed by the government experts including the NCLOs and NCPOs in various meetings throughout 2010, lastly during the Preparatory Meeting 16-17 September 2010, in Almaty, Kazakhstan.

The POW is presented with an indication of the costs of implementation and sources of funding (total amount of \$ 768,000): CaspEco project (\$ 272,000); EU (\$ 196,000); UNEP (\$ 60,000); country contributions (\$ 240,000). According to the footnote to the POW the costs of implementation do not include costs related to the management and coordination of the Secretariat (staff; accommodation; travel; communications; etc) and administrative overhead claims. Annex I provides for an overview of these costs as made in 2009-2010 (\$ 602,400) and estimated to be made in 2011-2012 (\$ 744,500), while specifying their source of funding.

Annex II to the POW contains an overview of the income and expenditures from country contributions recorded in 2009-2010 and expected in 2011-2012. On the income side it shows that: Azerbaijan and Kazakhstan were able to start making the agreed annual contribution of \$ 72,000 to the budget of the convention already in 2009; the Islamic Republic of Iran and Turkmenistan managed to start contributing in 2010; and that in the Russian Federation the related procedures could only be completed in 2011. This means that by the end of 2012 a total amount of \$ 1.152,000 in contributions will have been received. Annex 2 specifies that out of these contributions \$ 149,500 was spent in 2009-2010 while \$ 574,000 will be spent in 2011-2012.

Based on the above, the income and expenditures made in 2009-2010 and projected for 2011-2012 together will by end of 2012 result in savings up to an amount of \$ 428,500.

These savings will be integrated in the POW and budget planning for 2013-2014, for consideration and decision by COP4.

Including and topping up the budget for 2013-2014 with the expected savings will assist considerably in meeting the future financial challenges related to the implementation of the Tehran Convention and its protocols. In preparing the budget proposals for COP4 due account will have to be taken of the required increase in the cost of secretariat services due to the closure of the PCMU and an increase in the workload related to protocol implementation. The projections for 2013 and beyond will furthermore be influenced by the results of the discussions on the location and administration of the permanent secretariat. External donor support may help to offset the inescapable raise in costs.

Originally the POW and related budget should have been considered and approved by COP before the beginning of the biennium 2011-2012. However, it was decided to postpone COP3 to take place in August 2011; therefore the approval by the COP of the POW has to be done in the understanding that with the consent of the designated government representatives, its implementation has already started.

### Suggested Action

The Conference of the Parties may wish to:

Adopt the Programme of Work and Budget of the Tehran Convention for 2011-2012 including the projected expenditures from country contributions, in the understanding that its implementation has already started.

## DRAFT PROGRAMME OF WORK <sup>1</sup>

1 January 2011 – 31 December 2012

	Timeframe	Description of activity	Expected outputs	Implementation	Budget(USD) (indicative)
	Jan. 2011- Dec. 2012	Support to the established network of NCLOs	Adequate network of NCLOs allowing for effective implementation and ownership of the Convention PoW	TCIS and national governments	120.000
	Jan. 2011- Dec. 2012	Finalization of administrative and financial arrangements for the TC	Financial arrangements fully operational, institutional arrangements for the operation of the permanent Secretariat in place, contributions by Contracting Parties and external sources secured	TCIS, UNEP and national governments	30.000
	Jan. 2011- Dec. 2012	Support to finalization of National Convention Action Plans	NCAPs developed and endorsed, including specific chapters on: mainstreaming Caspian concerns in overall national development policy and planning; short, medium and long-term budget requirements; a) stakeholders involvement, public information and outreach.	National government with support of TCIS and CaspEco PC	27.000 65.000
	Jan. 2011- Mar.	Support to ratification and implementation of two Protocols	Protocol on Environmental Impact Assessment Transboundary Context ratified and entered into force; regional	National government supported by TCIS	15.000 25.000

	Timeframe	Description of activity	Expected outputs	Implementation	Budget(USD) (indicative)
	2012		<p>implementation strategy developed; implementation related national needs assessment finalized; joint training programme for EIA Protocol with UNECE adopted.</p> <p>Protocol on Regional Preparedness, Response and Cooperation in Combating Oil Pollution Incidents ratified and entered into force; Regional and National Protocol Implementation Plans for Oil Spills developed; joint training programme for Oil Spills Protocol with IMO adopted.</p>		
	Jan. 2011- Dec. 2012	Support to two Protocols	<p>Protocols on:</p> <ul style="list-style-type: none"> <li>- The Protection of the Caspian Sea against Pollution from Land based sources and Activities</li> <li>- Biodiversity Conservation ready for adoption and signature at COPIV; ratification underway and regional implementation plans developed</li> </ul>	National government supported by TCIS	50.000
	June 2011 – Dec 2012	Support to the elaboration of other priority areas (bio-resources protection,	Support to CAB for intergovernmental agreement on fisheries	ICSI and Caspeco\, PCMU	76.000 29.000

	Timeframe	Description of activity	Expected outputs	Implementation	Budget(USD) (indicative)
		climate change and sea level fluctuation) into protocols or other forms of regional cooperation	Support to development of GEF project on climate change  Main elements of a possible new Protocol on environmental monitoring	TCIS and PCMU to support governments  National government with support of TCIS and PCMU	10.000
	March 2011 – Dec 2012	Development of programme on monitoring of the state of environment and measures in selected priority areas for the TC	<ul style="list-style-type: none"> <li>- Standard reporting format operational</li> <li>- Priority areas and indicators for monitoring defined and monitoring format developed</li> <li>- Available capacity; needs and requirements for monitoring identified</li> <li>- Database for receiving; sharing and handling SOE related information established, as part of CIC.</li> </ul>	TCIS supported by national government and expert organizations	47.000 Caspeco  6.000 EU  36.000 national gov.
	Jan 2011 – Dec 2012	Targeted campaign towards sponsorship by oil and gas and shipping industry of the TC process	Enhanced cooperation between the TC process and the private sector, in particular, the oil industry	TCIS and national governments	9.000

	Timeframe	Description of activity	Expected outputs	Implementation	Budget(USD) (indicative)
	Jan. 2011 –Dec. 2012	<p>Outreach and stakeholder involvement:</p> <ul style="list-style-type: none"> <li>- Implementation of the National Public Participation Strategies as a part of NCAP</li> <li>- Establishment of Caspian Web-based Information Centre</li> <li>- Facilitate adequate NGO involvement in the TC process</li> <li>- Initiate preparation of second “Report on the Caspian Sea environment”</li> </ul> <p>Preparation of a “Caspian Biodiversity Atlas</p>	<ul style="list-style-type: none"> <li>- National PPS (including list of stakeholders) endorsed and launched (at Caspian Day)</li> <li>- CIC established and operational</li> <li>- Regional stakeholders network established and 2 meetings linked to Caspian Day</li> <li>- Caspian Day in five Caspian countries</li> <li>- Update SOE1 + outline SOE2</li> <li>- Biodiversity Atlas</li> </ul>	<p>Национальные national governm with TCIS suppo</p> <p>PCMU with TCIS support TCIS and PCMU</p> <p>National governments with TCIS support</p> <p>TCIS and national governments</p>	<p>19.000 EU</p> <p>37.000 Caspeco 2)</p> <p>25.000 Caspeco</p> <p>25.000 national gov.</p> <p>23.00 EU</p>
	2012	Regional Preparatory Meeting for the fourth Meeting of the Conference of the Parties	<p>Agenda and major documents for the fourth Meeting of the Conference of the Parties developed and reviewed, including</p> <ul style="list-style-type: none"> <li>● Programme of work and budget for 2013-2014</li> <li>● Report on arrangements for the Convention permanent Secretariat, and other institutional matters</li> <li>● Protocols ready for adoption and</li> </ul>	TCIS	23.000 EU

	Timeframe	Description of activity	Expected outputs	Implementation	Budget(USD) (indicative)
			signing <ul style="list-style-type: none"> <li>● Progress report on other priority areas for cooperation</li> <li>● Reports of the Contracting Parties prepared in accordance with the Reporting Formats adopted by COPIII-</li> </ul> Отчет о ходе работы по приоритетным вопросам сотрудничества - Доклады Договаривающихся Сторон, подготовленные в соответствии с Форматом отчетности, одобренным КСЗ		
	2012	Fourth Meeting of the Conference of the Parties	Adoption of Protocols on Biodiversity and LBSA  Decisions on, inter alia, standard setting, institutional arrangements, Convention Programme of work and budget, development of new protocols	TCIS and host government	31 000 EU
				<b>Total</b>	<b>768.000</b>

## Management and Coordination of the TCIS

	Source of Funding	PoW Biennium 2009-2010		PoW Biennium 2011-2012	
		2009	2010	2011	2012
Staff	Country Contributions	23'800	2'800	35'700	186'300
	CaspEco	145'000	135'000	140'000	0
	EU	0	0	0	53'700
	UNEP	60'000	60'000	60'000	45'000
<b>Subtotal</b>		<b>228'800</b>	<b>197'800</b>	<b>235'700</b>	<b>285'000</b>
Travel	Country Contributions	0	0	45'000	25'000
	CaspEco	5'000	57'000	11'500	0
	EU	10'000	0	0	38'600
	UNEP	25'000	0	0	0
<b>Subtotal</b>		<b>40'000</b>	<b>57'000</b>	<b>56'500</b>	<b>63'600</b>
Accommodation and communication	Country Contributions	0	6'200	7'000	7'000
	UNEP	30'000	24'000	24'000	24'000
<b>Subtotal</b>		<b>30'000</b>	<b>30'200</b>	<b>31'000</b>	<b>31'000</b>
Administrative Support Costs	Country Contributions	5'500	11'000	14'000	14'000
	EU (7%)	700	1'400	13'700	0
<b>Subtotal</b>		<b>6'200</b>	<b>12'400</b>	<b>27'700</b>	<b>14'000</b>
<b>TOTAL</b>		<b>305'000</b>	<b>297'400</b>	<b>350'900</b>	<b>393'600</b>

Detailed Income	Biennium		Biennium		Total
	2009	2010	2011	2012	
Azerbaijan	72'000	72'000	72'000	72'000	<b>288'000</b>
I.R. Iran	0	72'000	72'000	72'000	<b>216'000</b>
Kazakhstan	72'000	72'000	72'000	72'000	<b>288'000</b>
Russian Federation	0	0	72'000	72'000	<b>144'000</b>
Turkmenistan	0	72'000	72'000	72'000	<b>216'000</b>
<b>TOTAL</b>	<b>144'000</b>	<b>288'000</b>	<b>360'000</b>	<b>360'000</b>	<b>1'152'000</b>

Detailed Expenditures	Biennium		Biennium		Total
	2009	2010	2011	2012	
<b>Personnel</b>					
NCLOs	12'000	48'000	60'000	60'000	180'000
TCIS	23'800	2'800	35'700	186'300	248'600
Travel	0	0	45'000	25'000	70'000
<b>Subtotal</b>	<b>35'800</b>	<b>50'800</b>	<b>140'700</b>	<b>271'300</b>	<b>498'600</b>
<b>Activities</b>					
Consultants	0	0	3'000	6'000	9'000
Meetings/Conferences	13'700	11'500	36'000	50'000	111'200
Caspian Day	0	15'000	0	25'000	40'000
<b>Subtotal</b>	<b>13'700</b>	<b>26'500</b>	<b>39'000</b>	<b>81'000</b>	<b>160'200</b>
<b>Miscellaneous</b>					
Office Support	0	6'200	7'000	7'000	20'200
<b>Subtotal</b>	<b>0</b>	<b>6'200</b>	<b>7'000</b>	<b>7'000</b>	<b>20'200</b>
<b>Direct Cost, Total</b>	<b>49'500</b>	<b>83'500</b>	<b>186'700</b>	<b>359'300</b>	<b>679'000</b>
<i>Support Cost</i>	<i>5'500</i>	<i>11'000</i>	<i>14'000</i>	<i>14'000</i>	44'500
<b>TOTAL</b>	<b>55'000</b>	<b>94'500</b>	<b>200'700</b>	<b>373'300</b>	<b>723'500</b>

**Total Income**                      **144'000**   **288'000**                      **360'000**   **360'000**                      **1'152'000**

**Total Expenditures**           **55'000**   **94'500**                      **200'700**   **373'300**                      **723'500**

**Total left available**           **89'000**   **282'500**                      **441'800**   **428'500**                      **428'500**

**Ministerial Statement and Decisions**  
**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**

**10-12 August 2011**  
**Aktau, Republic of Kazakhstan**

The Ministers of Natural Resources and Environment and High-Level Officials of the Governments of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea done at the city of Tehran on the fourth day of November 2003, (hereinafter referred to as the Tehran Convention), and entered into force on 12 August 2006:

*Recalling* their Statements adopted at the first Conference of the Parties of 25 May 2007, Baku, Republic of Azerbaijan, and at the second Conference of the Parties to the Tehran Convention of 12 November 2008, Tehran, Islamic Republic of Iran;

*Noting* the report by the interim Secretariat on the implementation of the Tehran Convention (document TC/COP3/2);

*Noting* the recommendations of the Steering Committee of the GEF/UNDP (CaspEco) Project: The Caspian Sea: Restoring Depleted Fisheries and Consolidation of a Permanent Regional Environmental Governance Framework (document TC/COP3/INF.3);

*Noting* that the Republic of Azerbaijan and the Islamic Republic 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 Islamic Republic of Iran for collaborative management of the Secretariat including a Centre of Excellence for each Protocol distributed amongst the Contracting Parties;

1. Decide 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 Conference of the Parties.
2. Express their gratitude and invite the United Nations Environment Programme (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 through its Regional Office for Europe in Geneva, until a permanent Secretariat arrangement has been decided upon and put in place;
3. Welcome the adoption and signing of the Protocol Concerning Regional Preparedness, Response

and

Co-operation in Combating Oil Pollution Incidents to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Annex to document TC/COP3/3) by the Contracting Parties and confirm the intention of their respective Governments to ensure early ratification of the Protocol, and request the (interim) Secretariat to undertake the necessary steps to promote its implementation;

4. Noting the agreement in principle reached on the text 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 (Annex to document TC/COP3/4) by the Contracting Parties, decide to finalize the arrangements for adoption and signature of the Protocol as soon as possible before the fourth Meeting of the Conference of the Parties;

5. Welcome the progress and underline the importance of completing the process of endorsement of the Protocol on the Conservation of Biological Diversity to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea and the Protocol on the Protection of the Caspian Sea against Pollution from Land-Based Sources and Activities to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea;

6. Request 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;

7. Welcome further cooperation of the Parties in support of the development of the Agreement on the Conservation and Management of the Aquatic Bioresources of the Caspian Sea;

8. Stress the importance of developing National Convention Action Plans, with special emphasis on ways and means to ensure inter Ministerial coordination and mainstreaming concerns for the marine environment of the Caspian Sea in overall Government policy, as well as on short, medium and long term budget requirements, and confirm the intention of their respective Governments to adopt, endorse and initiate implementation of the National Convention Action Plans before the fourth Meeting of the Conference of the Parties;

9. Adopt the unified reporting format contained in document TC/COP3/8 as the guiding framework for reporting by the Caspian States on the implementation of the Tehran Convention and, upon their entry into force, its Protocols, and request the (interim) Secretariat to co-ordinate and prepare the first report on the implementation of the Tehran Convention and its Protocols for consideration of the Conference of the Parties at its fourth Meeting;

10. Welcome the presentation of the first State of the Environment report as a comprehensive document to implement the activities of the Caspian Environment Program and the Tehran Convention; decide that the next State of the Environment report should be issued in four years time, and request the (interim) Secretariat to develop for submission and decision by the Conference of the Parties at its fourth Meeting, 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;

11. Note the importance of public participation and confirm their intention to facilitate stakeholder engagement in the protection of the marine environment of the Caspian Sea through National Strategies for Civil Society Engagement in the Protection of the Marine Environment of the Caspian Sea being part of National Convention Action Plans;
12. Welcome the progress in the establishment of a virtual Caspian Information Centre to be operational prior to the fourth Meeting of the Conference of the Parties of the Tehran Convention;
13. Adopt the Programme of Work and Budget of the Tehran Convention for 2011-2012 as contained in document TC/COP3/11/Rev.3;
14. Confirm their decision to continue to collectively provide an amount of \$ 360,000 per year (\$ 72,000 as contribution of each Party) to the budget of the Tehran Convention;
15. Note with gratitude the support of the GEF-UNDP to the Caspian region through the Caspian Environment Program and the CaspEco project towards the consolidation of a permanent regional environmental governance framework and seek further support by the GEF and other international partners for the protection of the marine environment of the Caspian Sea, especially in areas of the implementation of the Tehran Convention, ecosystem-based management and climate change adaptation;
16. Welcome the contributions provided by other international organizations, in particular UNDP, UNEP, the European Union and IMO, and call upon bilateral and multilateral donors to consider, continue or increase their support to the implementation of the Tehran Convention and its Protocol;
17. Welcome the participation in this Meeting of representatives of the oil, gas and shipping industry and call upon them to support the implementation of the Tehran Convention and its Protocol;
18. Express gratitude to the Government of the Republic of Kazakhstan for the organization of the third Meeting of the Conference of the Parties to the Tehran Convention;
19. 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.

## **ANNEX 4**

### **Materials of the Fourth Session of the Conference of the Parties to the Tehran Convention**

## Agenda COP-4

Date and time	Working sessions – Plenary sessions
<p><b>Monday, 10 december 2012</b></p> <p><b>9.30 – 11.00</b></p> <p>11.00 – 11.30</p> <p><b>11.30 – 13.00</b></p>	<p><b>Session I</b></p> <p><i>Agenda items:</i></p> <ol style="list-style-type: none"> <li>1. Opening of the Fourth Meeting of the Conference of the Parties</li> <li>2. Organizational matters               <ol style="list-style-type: none"> <li>a) Election of officers</li> <li>b) Adoption of the agenda</li> <li>c) Organization of work</li> <li>d) Admission of observers</li> </ol> </li> </ol> <p><i>Coffee break</i></p> <ol style="list-style-type: none"> <li>3. Report on the credentials and full powers of representatives to the fourth Meeting of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea</li> <li>4. Report of the interim Secretariat of the Tehran Convention</li> <li>5. Items for consideration and decision by the Conference of the Parties</li> </ol>
<p><b>December, 10 December 2012</b></p> <p><b>14.30 – 16.00</b></p> <p>16.00 – 16.30</p> <p><b>16.30 – 18.00</b></p>	<p><b>Session II</b></p> <p><i>Agenda items:</i></p> <p>Continuation: Items for consideration and decision by the Conference of the Parties</p> <p><i>Coffee break</i></p> <p>Continuation: Items for consideration and decision by the Conference of the Parties</p>

Date and time	Working sessions – Plenary sessions
<p><b>Tuesday,</b> <b>11 December</b> <b>2012</b></p> <p><b>9.30 – 11.00</b></p> <p>11.00 – 11.30</p> <p><b>12.00 – 13.00</b></p>	<p><b>Сессия III</b></p> <p><u>Agenda items:</u></p> <p>6. Place and date of the fifth Meeting of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea</p> <p>7. Finalization Draft Ministerial Statement and Decisions</p> <p><i>Coffee break</i></p> <p>Continuation: Finalization Draft Ministerial Statement and Decisions</p>
<p><b>Tuesday,</b> <b>11 December</b> <b>2012</b></p> <p><b>14.30 – 16.00</b></p> <p>16.00 – 16.30</p> <p><b>16.30 – 17.00</b></p>	<p><b>Сессия IV</b></p> <p><u>Agenda items:</u></p> <p>8. Other matters</p> <p><i>Coffee break</i></p> <p>Continuation: other matters</p>

Date and time	High-level segment
<p><b>Wednesday, 12 December 2012</b></p> <p><b>09.30 – 11.00</b></p> <p>11.00 – 11.30</p> <p><b>11.30 – 13.00</b></p> <p><b>13.00 – 13.30</b></p>	<p><u>Agenda items:</u></p> <p>9. <u>Opening of the high-level segment</u></p> <ul style="list-style-type: none"> <li>• Welcome address of the host country</li> <li>• Statements of the Heads of Delegation of the Parties to the Tehran Convention</li> <li>• Statement of the Representative of the interim Secretariat of the Tehran Convention</li> <li>• Other statements</li> </ul> <p><i>Coffee break</i></p> <p>10. Report of the Bureau on the working sessions</p> <p>11. Adoption and signing of the</p> <ul style="list-style-type: none"> <li>- Protocol on Environmental Impact Assessment in a Transboundary Context</li> <li>- Protocol on the Conservation of Biological Diversity</li> <li>- Protocol for the Protection of the Caspian Sea against Pollution from Land-based Sources and Activities</li> </ul> <p>12. Adoption of the Ministerial Statement and Decisions</p> <p>13. Adoption and signing of the Final Act</p> <p>14. Closure 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</p> <p><u>Press Conferences</u></p>

**PROTOCOL FOR THE PROTECTION OF THE CASPIAN SEA AGAINST POLLUTION  
FROM LAND-BASED SOURCES AND ACTIVITIES**

**TO THE FRAMEWORK CONVENTION FOR THE PROTECTION OF THE MARINE  
ENVIRONMENT OF THE CASPIAN SEA**

**Preamble**

Caspian littoral States:

Republic of Azerbaijan,

Islamic Republic of

Iran, Republic of

Kazakhstan, Russian

Federation,

Turkmenistan,

hereinafter referred to as the Contracting Parties

And being the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea, done at Tehran, Islamic Republic of Iran, on 4 November 2003, hereinafter referred to as the Convention;

Determined to implement the Convention, and in particular its Articles 7 and 11, paragraph 1;

Taking into consideration the Strategic Convention Action Programme for the Caspian Sea, adopted at Tehran, Islamic Republic of Iran, 12 November 2008;

Recognising the unique ecological and hydrological nature of the Caspian Sea as the largest inland body of water on earth;

Desiring to pursue the protection and conservation of the marine environment and coastal areas and sustainable use of natural resources of the Caspian Sea as an integral part of the development process, meeting the needs of present and future generations in an equitable manner;

Conscious of the serious danger posed to the marine environment and coastal areas, living resources and human health by pollution from land-based sources and activities;

Taking note in particular of the environmental problems caused by the sea-level fluctuations;

Noting the importance for the Caspian littoral States of the Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities, adopted in Washington, D.C., on 3 November 1995;

*HAVE AGREED* as follows:

### **Article 1. Purpose of the Protocol**

The purpose of this Protocol is to prevent, control, reduce and to the maximum extent possible eliminate pollution of the marine environment from land-based sources and activities in order to achieve and maintain an environmentally sound marine environment of the Caspian Sea.

### **Article 2. Use of Terms**

For the purposes of this Protocol:

- (a) “Conference of the Parties” means the body referred to in Article 22 of the Convention;
- (b) “Secretariat” means the body referred to in Article 23 of the Convention;
- (c) “Best available techniques (BAT)” means the latest stage of development (state of the art) of processes, facilities or methods of operation, which indicate the practical suitability of a particular measure for limiting emissions and waste. “Techniques” include both the technology used and the way in which the installation is designed, built, maintained, operated and dismantled.
- (d) “Best environmental practice (BEP)” means the application of the most appropriate combination of environmental control measures and strategies.
- (e) “Coastal area” means terrestrial area bordering the coastline and affected by the proximity to the sea and by the sea level fluctuations;
- (f) “Hot-spot” means a limited and definable land area, stretch of surface water or specific aquifer that is subject to excessive pollution and necessitates priority attention in order to prevent or reduce the actual or potential adverse impacts on human health, ecosystems or natural resources and amenities of economic importance;
- (g) “Pollution from land-based sources” means pollution of the sea from all kinds of point and diffuse sources based on land reaching the marine environment, whether water-borne, air-borne or directly from the coast;
- (h) “Point sources” means land-based sources of pollution where emissions are introduced into the environment from any discernible, confined and discrete conveyance, including but not

limited to pipes, outfalls, channels, ditches, tunnels, conduits or wells from which pollutants are or may be discharged;

(i) “Diffuse sources” means land-based sources of pollution, other than point sources, from which substances enter the environment as a result of land run-off, precipitation, atmospheric deposition, drainage, seepage or hydrologic modification or destruction of habitats;

(j) “Emission” means any kind of discharges, effluents or releases of polluting substances into the water, air or soil;

(k) “Emission controls” means controls requiring a specific emission limitation, such as an emission limit value, or otherwise specifying limits or conditions on the effects, nature or other characteristics of an emission or operating conditions which affect emissions;

(l) “Emission limit values” means the mass, expressed in terms of certain specific parameters, concentration or level of an emission, which may not be exceeded during any one or more periods of time. The emission limit values for substances shall normally apply at the point where the emissions leave the installation, dilution being disregarded when determining them;

(m) “Environmental quality standard (EQS)” means the concentration of a particular substance or group of substances in water, sediment or biota which should not be exceeded in order to protect human health and the environment;

(n) “Environmental quality objective (EQO)” means a goal, which specifies a desirable target for environmental quality that should be met in some particular environment, such as a river, beach or industrial site.

### **Article 3. Scope of Application**

In accordance with Article 3 of the Convention and pursuant to Article 1 of the present Protocol this Protocol shall apply to:

(a) Emissions of polluting substances originating from land-based point and diffuse sources that have or may have an adverse effect on the marine environment and/or coastal areas of the Caspian Sea. These emissions shall include, those which reach the marine environment including brackish waters, marshes and coastal lagoons, *inter alia* through mouths of rivers, canals or other watercourses, groundwater flows, coastal disposals and outfalls, disposal under the seabed with access from land, or through run-off;

(b) Inputs of polluting substances transported through the atmosphere into the marine environment of the Caspian Sea from land-based sources under the conditions defined in Annex III;

(c) Pollution resulting from activities that affect the marine environment and/or coastal areas of the Caspian Sea, including physical alteration of the natural state of the coastline and alteration or destruction of the landscape or habitats.

#### **Article 4. General Obligations**

1. The Contracting Parties shall individually or jointly take all appropriate measures in accordance with the provisions of the Convention to prevent, control, reduce and to the maximum extent possible eliminate pollution of and other adverse effects on the marine environment and coastal areas of the Caspian Sea from land-based sources and activities.

2. The Contracting Parties shall, in particular:

(a) Apply the precautionary principle, by virtue of which where there are threats of serious or irreversible damage to the marine environment or to public health, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent such damage;

(b) Apply the polluter pays principle, by virtue of which the costs of pollution prevention, control and reduction measures are to be borne by the polluter;

(c) Promote cooperation between and among Contracting Parties in environmental impact assessment related to activities which are likely to have significant adverse effect on the marine environment of the Caspian Sea;

(d) Ensure that environmental factors, including health aspects, are thoroughly taken into account in the development of relevant plans and programmes;

(e) Take preventive measures to minimize the risk of pollution caused by industrial accidents and natural disasters through disaster preparedness and response;

(f) Take special measures of protection against land-based pollution and activities potentially harmful for natural spawning grounds of sturgeon, Caspian salmon and other valuable species;

(g) Promote sustainable development of the coastal areas through the integrated approach to development of coastal areas;

(h) Endeavour to cooperate on the basis of mutual consent in achieving the objectives of the Protocol with non-littoral States that have in their territories parts of the hydrologic basin of the Caspian Sea.

#### **Article 5. Measures of Implementation**

1. Each Contracting Party shall designate a national authority competent to coordinate the implementation of this Protocol and inform accordingly other Contracting Parties through the Secretariat.

2. In implementing this Protocol, the Contracting Parties shall:

(a) Adopt regional and/or national programmes or plans of actions based on pollution source

control and containing measures and, where appropriate, timetables for their completion. In developing such programmes or plans they may take into consideration recommendations of the Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities and the relevant provisions of the Strategic Action Programme for the Caspian Sea.

(b) Address activities and substances listed in Annex I through the progressive development, adoption and implementation of:

(i) emission controls, including emission limit values for relevant substances, environmental quality standards and environmental quality objectives, as well as management practices based on the factors defined in Annex I; and

(ii) timetables for achieving the limits, management practices and measures agreed by the Contracting Parties;

(c) Utilize or promote BAT and BEP and the application of, access to and transfer of environmentally sound technology, including cleaner production, taking into account the social, economic and technological conditions and criteria set forth in Annex V.

## **Article 6. Common Guidelines and Standards**

1. In conformity with Article 18 of the Convention, the Contracting Parties shall progressively formulate and adopt, if necessary in cooperation with competent international organisations, common guidelines and, as appropriate, standards or criteria dealing in particular with:

(a) The length, depth and position of pipelines for coastal outfalls, taking into account, in particular, the methods used for treatment of emissions;

(b) Special requirements for emissions necessitating separate treatment;

(c) The quality of sea-water that is necessary for the protection of human health, living resources and ecosystems when used for specific purposes;

(d) The control and, where necessary, progressive replacement of products, installations and industrial and other processes causing significant pollution of the marine environment and coastal areas;

(e) Specific requirements concerning the quantities of the substances discharged, listed in Annex I to this Protocol, their concentration in emissions and methods of discharging them.

2. The regional programmes and plans of action referred to in Article 5, paragraph 2 (a) of this Protocol shall be elaborated and implemented taking into consideration the following:

(a) The common emission limit values, environmental quality standards or environmental quality objectives, as well as timetables for the implementation of the measures aimed at preventing, reducing or eliminating, as appropriate, pollution from land-based sources and

activities shall be established by the Contracting Parties and periodically reviewed for substances listed in Annex I to this Protocol; and

(b) The Conference of the Parties shall define pollution prevention criteria as well as recommend appropriate measures to reduce, control and eliminate pollution of the marine environment of the Caspian Sea from land-based sources and activities and periodically update them to reflect the increasing information through the monitoring programmes referred to in Article 13 of this Protocol, the changes in the industrial and other human activities and possible advances in science and the pollution control technologies.

### **Article 7. Pollution from Point Sources**

1. The Contracting Parties shall ensure that the emission controls of point sources of pollution by substances listed in Annex I that have or may have an adverse affect on the marine environment or coastal areas of the Caspian Sea are based on BAT, BEP or the relevant emission limit values.

2. The Contracting Parties shall adopt and implement national action plans with timetables for achieving substantial reductions of inputs of pollutants from point sources on the basis of the list of hot-spots to be adopted and subsequently reviewed and revised every two years by the Conference of the Parties.

3. Point source emissions shall be subject to authorisation or regulation by the competent national authorities of the Contracting Parties, taking due account of the provisions of this Protocol, Annex IV thereto and the relevant decisions and recommendations of the Conference of the Parties.

4. To this end, the Contracting Parties shall provide for a system of regular inspection by their competent national authorities to assess compliance with authorisations and regulations of emissions into the environment. The Contracting Parties shall have in place appropriate sanctions in case of non-compliance with authorisations and regulations and ensure their application.

### **Article 8. Pollution from Diffuse Sources**

1. The Contracting Parties shall ensure that the methods of control of diffuse sources of pollution by substances listed in Annex I affecting or having the potential to affect the marine environment or coastal areas of the Caspian Sea are based on BEP and BAT.

2. The Contracting Parties shall take all necessary measures to substantially reduce the pollution load from agricultural activities affecting the marine environment and coastal areas of the Caspian Sea in order to comply with the agreed EQS and EQO for substances listed in Annex I to this Protocol in accordance with criteria defined in Annex II.

### **Article 9. Pollution from Other Activities**

1. The Contracting Parties shall ensure that activities, which have or may have an adverse

effect on the marine environment or coastal areas of the Caspian Sea and which are not covered by the provisions of Articles 7 and 8 of this Protocol, are conducted on the basis of BAT and BEP.

2. The Contracting Parties shall take all appropriate measures to prevent, control, reduce and to the maximum extent possible eliminate pollution of the marine environment and coastal areas as a result of the sea-level fluctuations. To this end, they shall protect petroleum and chemical facilities and oil contaminated land under potential threat of inundation and shall decommission obsolete on-shore installations and storage facilities.

### **Article 10. Integrated Approach to Coastal Area Development**

1. The Contracting Parties shall individually and, where appropriate, jointly apply integrated approach to the development of coastal areas, on the basis of, *inter alia*, coastal area planning. They shall adopt and implement mitigation measures to reduce negative impacts of natural hazards such as long-term sea-level fluctuation, storm-surges, storms, earthquakes and coastal erosion on the population and infrastructure of the coastal areas.

2. The Contracting Parties shall take all appropriate measures to reduce and reverse deforestation and land degradation in the coastal areas and shall develop and implement national plans of actions and programmes aimed at reforestation and combating desertification.

### **Article 11. Transboundary Impacts**

1. Where pollution from land-based sources and activities originating from any Contracting Party is likely to adversely affect the coastal areas of one or more of the other Contracting Parties or the marine environment of the Caspian Sea, the Contracting Party concerned shall inform and consult the potentially affected Contracting Parties, with a view to resolving the issue.

2. If the discharge from a watercourse, which flows through the territories of two or more Contracting Parties or forms a boundary between them, causes or is likely to cause pollution of the marine environment of the Caspian Sea, the Contracting Parties concerned shall cooperate with a view to ensuring the full application of this Protocol, including, where appropriate, through the establishment of joint bodies responsible for identifying and resolving pollution problems.

3. A Contracting Party shall not be responsible for any pollution originating in the territory of a non-Contracting State or States.

### **Article 12. Environmental Impact Assessment**

1. Pursuant to Article 17 of the Convention, the Contracting Parties shall develop and adopt regional and corresponding national guidelines concerning the assessment of the potential environmental impacts of land-based projects and activities, including possible transboundary impacts, and review and update those guidelines as appropriate.

2. Each Contracting Party shall introduce and apply procedures of environmental impact assessment of any planned land-based activity or project within its territory that is likely to cause

significant adverse effect on the marine environment and coastal areas of the Caspian Sea.

3. The implementation of activities and projects referred to in paragraph 2 of this Article shall be made subject to a prior written authorisation from the competent authorities of the Contracting Party, which takes fully into account the findings and recommendations of the environmental impact assessment.

### **Article 13. Information and Data Collection, Monitoring and Assessment**

1. Within the framework of the provisions of, and the monitoring programmes provided for in Article 19 of the Convention, and if necessary in cooperation with competent international organisations, the Contracting Parties, to the extent possible, shall:

(a) Collect data and information and prepare and maintain a national database on the conditions of the marine environment and coastal areas of the Caspian Sea as regards its physical, biological and chemical characteristics;

(b) Collect data and information and prepare and maintain a national database of inputs of substances listed in Annex I of this Protocol from land-based sources, including information on the distribution of sources and the quantities of such substances introduced to the marine environment and coastal areas of the Caspian Sea;

(c) Undertake regional assessment on a regular basis (at least once in five years) of the state of the marine environment and coastal areas of the Caspian Sea;

(d) Systematically assess the levels of pollution along their coasts, in particular with regard to activities and substances listed in Annex I and periodically provide information in this respect to the Secretariat;

2. The Contracting Parties shall collaborate in establishing elements of the regional monitoring programme as well as compatible national monitoring programmes, with analytical quality control, and to promote data storage, retrieval and exchange.

3. Information referred to in paragraph 1 of the present Article shall be made available to other Contracting Parties through the Secretariat.

### **Article 14. Exchange of Information**

Pursuant to Article 21 of the Convention, the Contracting Parties shall directly or through the Secretariat exchange on a regular basis available data and information on the state of the marine environment and coastal areas and on the implementation of this Protocol. The Contracting Parties shall develop systems and networks for the exchange of information.

### **Article 15. Public Participation**

1. Each Contracting Parties shall, in accordance with Article 21 of the Convention and its national legislation, promote the participation of local authorities and the public in measures that are necessary for the protection of the marine environment and coastal areas of the Caspian Sea against pollution from land-based sources and activities, including environmental impact assessments, and in decision-making processes relevant to the implementation of this Protocol.

2. Each Contracting Party shall, in accordance with Article 21 of Convention and its national legislation, facilitate public access to the information concerning conditions of the marine environment and coastal areas of the Caspian Sea, measures taken or planned to be taken to prevent, control and reduce pollution taking into account provisions of existing international agreements concerning public access to environmental information which they are Party to.

### **Article 16. Cooperation and Assistance**

1. The Contracting Parties shall cooperate on a regional basis through the Secretariat, or, where appropriate, bilaterally in the prevention, control, reduction and, to the maximum extent possible, elimination of pollution of the marine environment and coastal areas of the Caspian Sea from land-based sources and activities.

2. In conformity with Article 20 of the Convention, the Contracting Parties shall encourage scientific and technological cooperation related to pollution from land-based sources and activities, particularly in research on quality and quantity of inputs, pathways, fates and effects of pollutants on the environment and on the development of new methods and techniques of pollution prevention, reduction and elimination, including the development and application of cleaner production approaches to this effect.

3. The Contracting Parties shall endeavour to cooperate, directly or through the Secretariat, with those Contracting Parties which request it in obtaining assistance for the implementation of this Protocol particularly to:

(a) Develop scientific, technical, educational and public awareness programmes and train scientific, technical and administrative personnel;

(b) Provide technical advice, information and other assistance.

4. The Contracting Parties shall cooperate with international organisations, programmes and international agreements relevant to the prevention, reduction and control of pollution of the marine environment and coastal areas from land-based sources and activities.

### **Article 17. Reporting**

1. Each Contracting Party shall submit to the Secretariat reports on measures undertaken for the implementation of this Protocol in a format to be adopted by the Conference of the Parties. The Secretariat shall circulate the received reports to all Contracting Parties.

2. Such reports shall include, *inter alia*:

- (a) Information on legal and regulatory measures, action plans, programmes and other steps taken for the implementation of this Protocol, its Annexes and recommendations adopted thereunder;
- (b) Data on the quantities of substances of concern as per Annex I discharged into the Caspian Sea;
- (c) Statistical data on the authorisations granted in accordance with Article 7 of this Protocol;
- (d) Data and information resulting from monitoring as provided for in Article 13 of this Protocol;
- (e) Information on pollution as a result of activities that alter or may alter the coastline or that adversely affect habitats within coastal areas;
- (f) Information on the results achieved in the elimination and control of pollution from hot-spots;
- (g) Information on the implementation of action plans, programmes and measures adopted under this Protocol to prevent, control, reduce and to the maximum extent possible eliminate pollution of the marine environment and coastal areas from land-based sources and activities, including information on the results achieved and, if the case arises, difficulties encountered in the implementation of this Protocol.

3. Regional reports shall be prepared through the Secretariat on the implementation of this Protocol and on the state of the marine environment and coastal areas of the Caspian Sea, using the data and information contained in national reports.

4. Nothing in this Protocol shall require a Contracting Party to supply information, the disclosure of which is contrary to the interests of its national security.

## **Article 18. Compliance**

1. To facilitate the implementation of this Protocol the Contracting Parties shall develop procedures ensuring compliance to be adopted by the Conference of the Parties.

2. The Conference of the Parties shall:

- (a) On the basis of the reports referred to in Article 17 and any other information submitted by the Contracting Parties, review and evaluate their compliance with the Protocol and the decisions and recommendations adopted thereunder;
- (b) Where appropriate, decide upon and call for steps to bring about compliance with the Protocol and decisions adopted thereunder and promote the implementation of recommendations, including measures to assist a Contracting Party to carry out its obligations.

## **Article 19. Institutional Provisions**

**1.** For the purposes of this Protocol and in accordance with Article 22, paragraph 10 of the Convention, the Conference of the Parties shall, *inter alia*:

- (a) Keep under review the implementation of this Protocol;
- (b) Oversee the work of the Secretariat and provide guidance for its activities;
- (c) Keep under review the content of this Protocol;
- (d) Consider and adopt any amendments to this Protocol or its annexes, as well as any additional annexes;
- (e) Consider reports submitted by the Secretariat on matters relating to this Protocol;
- (f) Consider the efficacy of the measures adopted and the advisability of adopting other measures, including those in annexes;
- (g) Adopt and review, where appropriate, relevant regional programmes, plans of actions and measures in accordance with Article 5 of this Protocol;
- (h) Adopt and review, where appropriate regional guidelines, standards or criteria in accordance with Article 6 of this Protocol;
- (i) Adopt and review, where appropriate, procedures for exchange of information and assist in developing information systems and networks for the exchange of information in accordance with Article 14 of this Protocol;
- (j) Review and evaluate information submitted by the Contracting Parties in accordance with Articles 13, 14 and 17 of this Protocol;
- (k) Review and evaluate the Contracting Parties' compliance with the provisions of this Protocol, the decisions and recommendations adopted thereunder as provided for in Article 18 of this Protocol;
- (l) Adopt, review and where necessary amend, a list of hot-spots as provided for in Article 7 of this Protocol;
- (m) Seek, where appropriate, the technical and financial services of relevant international bodies and scientific institutions for the purposes of this Protocol;
- (n) Establish any such subsidiary body as may be deemed necessary for the implementation of this Protocol in accordance with Article 22, paragraphs 9 (a) and (c) of the Convention.

**2.** For the purposes of this Protocol and in accordance with Article 23, paragraph 4 of the Convention, the Secretariat shall *inter alia*:

(a) Prepare and make available to the Contracting Parties reports and results of studies which may be required for the implementation of this Protocol or as requested by them;

(b) Forward to the Contracting Parties information submitted to the Secretariat in accordance with Article 13 of this Protocol;

(c) Prepare draft regional programmes, plans of actions or measures to be adopted by the Conference of the Parties in accordance with Article 5 of this Protocol;

(d) Prepare draft regional guidelines, standards or criteria to be adopted by the Conference of the Parties in accordance with Article 6 of this Protocol.

## **Article 20. Funding**

1. To achieve the objectives of this Protocol, the Contracting Parties, shall as far as possible:

(a) Consider and ensure the availability of financial resources for the formulation and implementation of related domestic, bilateral and multilateral programmes, projects and measures;

(b) Promote the mobilization of financial resources from bilateral and multilateral funding sources and mechanisms, including grants and loans;

(c) Explore innovative methods and incentives for mobilizing and channeling resources, including those of foundations, governmental agencies of other countries, international organizations, non-governmental organizations and private sector entities.

2. The Financial Rules of the Convention shall apply *mutatis mutandis* to this Protocol, unless otherwise decided by the Conference of the Parties.

## **Article 21. Settlement of Disputes**

Any dispute between the Contracting Parties concerning the application or interpretation of the provisions of this Protocol shall be settled in accordance with Article 30 of the Convention.

## **Article 22. Adoption and Entry into Force of the Protocol**

1. This Protocol shall be adopted by a unanimous decision of the Contracting Parties at a meeting of the Conference of the Parties.

2. This Protocol shall be open for signature only by Caspian littoral States, in the city of ... from ... to ...

3. This Protocol shall be subject to ratification, acceptance or approval by the Caspian littoral States and shall be open for accession by any Caspian littoral State from the date on which the

Protocol is closed for signature.

4. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depository of the Convention.

5. This Protocol shall enter into force on the ninetieth day after the date of deposit of the instrument of ratification, acceptance, approval or accession by all Caspian littoral States.

### **Article 23. Adoption of Amendments and Annexes to the Protocol, and Amendments to the Annexes**

Any Contracting Party may propose amendments and annexes to the Protocol, as well as amendments to its annexes. These amendments and annexes shall be adopted by the Contracting Parties and enter into force in accordance with Articles 24 and 25 of the Convention.

### **Article 24. Effect of the Protocol in National Legislation**

The provision of this Protocol shall not affect the right of Parties to adopt relevant stricter national measures for the implementation of this Protocol.

### **Article 25. Relationship with Other International Treaties**

Nothing in this Protocol shall prejudice the rights and obligations of the Contracting Parties under other international treaties to which they are parties.

### **Article 26. Reservations**

No reservations may be made to this Protocol.

### **Article 27. Depository**

The Depository of the Protocol is the Depository of the Convention.

### **Article 28. Authentic Texts**

The Azerbaijani, English, Farsi, Kazakh, Russian and Turkmen texts of this Protocol are equally authentic. In case of dispute arising as to the interpretation or application of this Protocol the English text shall be authoritative.

### **Article 29. Relationship with the Negotiations of the Legal Status of the Caspian Sea**

Nothing in this Protocol shall be interpreted as to prejudice the outcome of the negotiation on the final legal status of the Caspian Sea.

**IN WITNESS WHEREOF** the undersigned, being duly authorized, have signed this Protocol.

**DONE     AT THE CITY OF ..... ON THE ..... DAY OF  
..... OF ....**

**PROTOCOL FOR THE PROTECTION OF THE CASPIAN SEA AGAINST POLLUTION  
FROM LAND-BASED SOURCES AND ACTIVITIES  
TO THE FRAMEWORK CONVENTION  
FOR THE PROTECTION OF THE MARINE ENVIRONMENT OF THE CASPIAN SEA**

**ANNEX I**

**Activities and Categories of Substances of Concern**

This Annex contains elements, which shall be taken into account by the Contracting Parties in the preparation of action plans, programmes and measures for the prevention, control, reduction and to the maximum extent possible elimination of pollution from land-based sources and activities referred to in Articles 5 and 6 of this Protocol.

Such action plans, programmes and measures shall aim to cover the activities listed in Section A and also cover the categories of substances enumerated in Section B, selected on the basis of the characteristics listed in Section C of the present Annex. In preparing action plans, programmes and measures, the Contracting Parties may take into account the provisions of the relevant international instruments.

Priorities for action should be established by assessing the relative importance of impacts upon marine and coastal ecosystems and resources, public health, socio-economic benefits, including cultural values

**A. Activities**

The following, identified on the basis of their potential to pollute the marine environment, are activities of concern, not listed in order of importance, when setting priorities by the Contracting Parties, individually or jointly, while preparing action plans, programmes and measures for the prevention, control, reduction and elimination to the maximum extent possible of land-based pollution:

1. Agriculture and animal husbandry.
2. Industry:
  - Aquaculture;
  - Electronic;
  - Energy production;
  - Fertilizer production;
  - Food processing;
  - Forestry;
  - Nuclear;
  - Metal industry;
  - Mining;
  - Oil and gas related activities;

- Paper and pulp;
  - Pharmaceutical;
  - Production of construction materials;
  - Production and formulation of biocides;
  - Recycling;
  - Shipbuilding and repairing;
  - Tanning;
  - Textile.
3. Waste management:
    - Hazardous and toxic waste;
    - Industrial wastewaters;
    - Municipal solid waste and wastewaters;
    - Radioactive waste;
    - Sewage sludge disposal;
    - Waste incineration and management of its residues;
    - Rocket fuel.
  4. Tourism.
  5. Transport.
  6. Construction and management of artificial islands.
  7. Construction of motorways and highways.
  8. Liquidation of chemical weapons and ammunition.
  9. Dredging.
  10. Construction of harbours and harbour operations.
  11. Alteration of the natural physical state of the coastline.
  12. Installations out of exploitation which are affected by sea-level fluctuations.

## **B. Categories of Substances**

The following, identified on the basis of their hazardous or otherwise harmful characteristics, are categories of substances of concern, not listed in order of importance, when preparing action plans and programmes, and taking measures by the Contracting Parties for the prevention, control, reduction and to the maximum extent possible elimination of land-based pollution.

1. Acid and alkaline compounds which may impair the quality of water.
2. Biocides and their derivatives not covered with other points.
3. Crude oils and hydrocarbons of petroleum origin and used lubricating oils.
4. Cyanides and fluorides.
5. Heavy metals and their compounds.
6. Marine litter (Any persistent, manufactured or processed, solid material which is discarded, disposed of, or abandoned).
7. Substances which may cause eutrophication.
8. Non-biodegradable detergents and other non-biodegradable surface-active substances.
9. Non-toxic substances that have an adverse effect on the oxygen content of the marine environment or that may have adverse effect on physical or chemical characteristics of

seawater or that may interfere with any legitimate use of the sea.

10. Organohalogen compounds and substances, which may form such compounds in the marine environment.
11. Organophosphorus compounds and substances which may form such compounds in the marine environment.
12. Organotin compounds and substances which may form such compounds in the marine environment.
13. Pathogenic microorganisms.
14. Polycyclic aromatic hydrocarbons.
15. Radioactive, including/and nuclear substances.

### **C. Characteristics of Substances**

In the preparation of action plans, programmes and measures for the prevention, control, reduction and to the maximum extent possible elimination of land-based pollution the Contracting Parties will take into account, as appropriate, the following characteristics of substances and factors, not in order of importance:

1. Bioaccumulation and biomagnification.
2. Cumulative effects of substances.
3. Distribution pattern of substances (i.e. quantities involved, use patterns and probability of reaching the marine environment).
4. Effects on the organoleptic characteristics of marine products intended for human consumption.
5. Effects on the smell, colour, transparency, temperature or other characteristics of seawater.
6. Health effects and risks.
7. Negative impacts on marine life and the sustainable use of living resources or another legitimate uses of the sea.
8. Persistence of substances.
9. Potential for causing eutrophication.
10. Radioactivity.
11. Ratio between observed concentrations and no observed effect concentrations (NOEC).
12. Risk of undesirable changes in the marine ecosystem and irreversibility or durability of effects.
13. Toxicity or other noxious properties (e.g. carcinogenicity, mutagenicity, teratogenicity).
14. Capability of long-distance transport.

## **ANNEX II**

### **Diffuse Sources of Pollution from Agriculture**

#### **A.**

#### **Definitions**

For the purposes of this Annex:

1. “Diffuse sources of pollution from agriculture” means non-point sources of pollution originating from the cultivation of crops and rearing of domesticated animals, excluding intensive animal rearing operations that would otherwise be defined as point sources;

2. “Best practices” means economical and achievable structural or non-structural measures designed to prevent, reduce or control the run-off of pollutants to the marine environment and coastal areas of the Caspian Sea.

## **B. Plans for the Prevention, Control and Reduction of Diffuse Sources of Pollution from Agriculture**

Each Contracting Party shall as soon as possible after this Protocol enters into force, develop plans and measures for the prevention, control and reduction of diffuse sources of pollution from agriculture that may adversely affect the marine or coastal environment of the Caspian Sea. Such plans and measures shall address, in particular, diffuse sources of pollution containing substances causing eutrophication, pesticides, sediments and pathogens.

The following are elements of concern when developing such plans:

1. An assessment and evaluation of diffuse sources of pollution from agriculture that may adversely affect the marine environment and coastal areas of the Caspian Sea, including:

- (a) An estimation of loadings that may adversely affect the marine environment and coastal areas of the Caspian Sea;
- (b) An identification of potential risks to human health;
- (c) An evaluation of existing best practices and their effectiveness;
- (d) The establishment of monitoring programmes.

2. Policy, legislative and economic measures including:

- (a) An assessment and evaluation of adequacy of plans, policies and legal mechanisms directed toward the management of diffuse sources of pollution from agriculture and the development of a plan to implement such modifications as may be necessary to achieve best practices;
- (b) An evaluation of the existing administrative framework to manage diffuse sources of pollution from agriculture;
- (c) The development and promotion of economic and non-economic incentive programmes to increase the use of best practices to prevent, control and reduce pollution of the marine environment and coastal areas of the Caspian Sea from diffuse sources of pollution from agriculture.

3. Education, training and awareness programmes including:

- (a) The establishment and implementation of programmes for the agricultural sectors and the general public to raise awareness of diffuse sources of pollution from agriculture and their impacts on the marine environment and coastal areas, public health and the economy;
- (b) The establishment and implementation of programmes at all levels of education on the importance of the marine environment and coastal areas and the impact of pollution from

- agricultural activities;
- (c) The establishment and implementation of training programmes for government agencies and the agricultural sectors on the implementation of best practices, including the development of guidance materials for agricultural workers on structural and non-structural best practices, to prevent, reduce and control diffuse sources of pollution from agriculture;
  - (d) The establishment of programmes to facilitate effective technology transfer and information exchange.

### **C. Reporting**

Each Contracting Party shall report on its plans for prevention, control and reduction of pollution of the marine environment and coastal areas of the Caspian Sea from diffuse sources of pollution from agriculture in accordance with Article 17 of this Protocol.

## **ANNEX III**

### **Pollution Transported Through the Atmosphere**

This Annex defines the conditions of application of this Protocol to pollution from land-based sources and activities transported through the atmosphere in terms of Article 3, paragraph 2 (b).

1. This Protocol shall apply to polluting emissions into the atmosphere under the following conditions:

- (a) The discharged substance is or could be transported to the marine environment and coastal areas of the Caspian Sea under prevailing meteorological conditions;
- (b) The input of the substance into the marine environment and coastal areas of the Caspian Sea is hazardous, based on criteria developed under Article 6 of the Protocol, in relation to the quantities of the same substance reaching the marine environment and coastal areas by other means.

2. In the case of pollution of the marine environment and coastal areas of the Caspian Sea from land-based sources and activities through the atmosphere, the provisions of Articles 4 and 7 of this Protocol shall apply progressively to appropriate activities and substances listed in Annex I to this Protocol as will be agreed by the Contracting Parties.

3. Subject to the conditions specified in paragraph 1 above, the provisions of Article 6, paragraph 1 of this Protocol shall also apply to:

- (a) Emissions - quantity and rate - of substances discharged into the atmosphere, on the basis of the information available to the Contracting Parties concerning the location and distribution of air pollution sources;
- (b) The content of substances of concern in fuel and raw materials;
- (c) The efficiency of air pollution control technologies and more efficient manufacturing and fuel burning processes;

(d) The application of substances of concern in agriculture and forestry.

4. The provisions of Annex IV to this Protocol shall apply to pollution through the atmosphere whenever appropriate. Air pollution monitoring and modelling using acceptable common emission factors and methodologies shall be carried out in the assessment of atmospheric deposition of substances, as well as in the compilation of inventories of quantities and rates of pollutant emissions into the atmosphere from land-based sources.

5. All Articles of this Protocol shall apply equally to pollution from land-based sources and activities transported through the atmosphere wherever applicable and subject to the conditions specified in paragraph 1 above.

## **ANNEX IV**

### **Authorisation for Emissions**

Pursuant to Article 7, paragraph 3 of this Protocol, the Contracting Parties when considering the issue of an authorisation for the emissions containing substances of concern listed in Annex I to this Protocol, shall evaluate and consider, as appropriate, the following factors:

#### **A. Characteristics and Composition of the Emissions**

1. Type and size of point or diffuse source (e.g. industrial process);
2. Type of emissions (e.g. origin, average composition);
3. State of waste (e.g. solid, liquid, sludge, slurry);
4. Total amount (volume discharged, e.g. per year);
5. Discharge pattern (continuous, intermittent, seasonally variable, etc.);
6. Concentrations with respect to relevant constituents of substances listed in Annex I and of other substances as appropriate;
7. Physical, chemical and biochemical properties of the waste effluents.

#### **B. Characteristics of Emission Constituents with Respect to their Harmfulness**

1. Persistence (physical, chemical, biological) in the marine environment;
2. Toxicity and other harmful effects;
3. Accumulation in biological materials or sediments;
4. Biochemical transformation producing harmful compounds;
5. Adverse effects on the oxygen content and balance;
6. Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other seawater constituents which may produce harmful biological or other effects on any of the uses listed in Section F below;
7. All other characteristics as listed in Annex I, Section C.

#### **C. Characteristics of Emission Site and Receiving Environment**

1. Hydrographic, meteorological, geological and topographical characteristics of the coastal area;
2. Location and type of the source (outfall, canal outlet, etc.) and its relation to other areas (such as amenity areas, spawning, nursery, and fishing areas, shellfish grounds) and other emissions;
3. Initial dilution achieved at the point of emission into the receiving environment;
4. Dispersion characteristics such as effects of currents, tides and wind on horizontal transport and vertical mixing;
5. Receiving water characteristics with respect to physical, chemical, biological and ecological conditions in the discharge area;
6. Capacity of the receiving marine environment to receive waste effluents without undesirable effects.

#### **D. Characteristics of the Activity or Source Category**

1. Performance of existing technologies and management practices, including indigenous technologies and management practices;
2. Age of facilities, as appropriate;
3. Existing economic, social and cultural characteristics.

#### **E. Alternative Production, Waste Treatment Technologies or Management Practices**

1. Recycling, recovery and reuse opportunities;
2. Less hazardous or non-hazardous raw material substitution;
3. Substitution of cleaner alternative activities or products;
4. Low-waste or clean technologies or processes;
5. Alternative disposal activities (for example on land disposal).

#### **F. Potential Impairment of Marine Ecosystems and Seawater Uses**

1. Effects on human health through pollution impact on:
  - (a) Edible marine organisms;
  - (b) Bathing waters; and
  - (c) Aesthetics.
2. Effects on marine and coastal ecosystems, in particular living resources, endangered species and critical habitats.
3. Effects on other legitimate uses of the sea.

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## ANNEX V

### **Guidelines on “Best Available Techniques and Best Environmental Practice”**

In accordance with relevant provisions of this Protocol the Contracting Parties will utilise or promote the application of Best Available Techniques (BAT) and Best Environmental Practice (BEP).

#### **A. Best Available Techniques**

1. The term “best available techniques” means the latest stage of development (state of the art) of processes, facilities or methods of operation, which indicate the practical suitability of a particular measure for limiting emissions and waste. “Techniques” include both the technology used and the way in which the installation is designed, built, maintained, operated and dismantled.

2. The use of the best available techniques shall emphasize the use of non-waste technology, if available.

3. In determining whether a set of processes, facilities and methods of operation constitute the best available techniques in general or individual cases, special consideration shall be given to:

- (a) Comparable processes, facilities or methods of operation which have recently been successfully tried out;
- (b) Technological advances and changes in scientific knowledge and understanding;
- (c) The economic feasibility of such techniques;
- (d) Time limits for installation in both new and existing plants;
- (e) The nature and volume of the emissions concerned;
- (f) The precautionary principle

4. What is “best available techniques” for a particular process will change with time in the light of technological advances, economic and social factors, as well as changes in scientific knowledge and understanding.

5. If the reduction of emissions resulting from the use of best available techniques does not lead to environmentally acceptable results, additional measures have to be applied.

#### **B. Best Environmental Practice**

1. The term “best environmental practice” means the application of the most appropriate combination of environmental control measures and strategies.

2. In making a selection for individual cases, at least the following graduated range of measures should be considered:

- 
- (a) The provision of information and education to the public and to users about the environmental consequences of choice of particular activities and choice of products, their use and ultimate disposal;
  - (b) The development and application of Codes of Good Environmental Practice which cover all aspects of the activity in the product's life;
  - (c) The mandatory application of labels informing users of environmental risks related to a product, its use and ultimate disposal;
  - (d) Saving of resources, including energy;
  - (e) Making collection and disposal systems available to the public;
  - (f) Avoiding the use of hazardous substances or products and the generation of hazardous waste;
  - (g) Recycling, recovery and re-use;
  - (h) The application of economic instruments to activities, products or groups of products;
  - (i) Establishing a system of licensing, involving a range of restrictions or a ban.

3. In determining what combination of measures constitute “best environmental practice” in general or individual cases particular consideration should be given to:

- (a) The environmental hazard of the product and its production, use and ultimate disposal;
- (b) The substitution by less polluting activities or substances;
- (c) The scale of use;
- (d) The potential environmental benefit or penalty of substitute materials or activities;
- (e) Advances and changes in scientific knowledge and understanding;
- (f) Time limits for implementation;
- (g) Social and economic implications;
- (h) Precautionary principle.

4. It therefore follows that “best environmental practice” for a particular source will change with time in the light of technological advances, economic and social factors, as well as changes in scientific knowledge and understanding.

5. If the reduction of inputs resulting from the use of best environmental practice does not lead to environmentally acceptable results, additional measures have to be applied and best environmental practice redefined.

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**UNIFIED, INTEGRATED AND AFFORDABLE CASPIAN ENVIRONMENT  
MONITORING PROGRAMME AMONG THE CONTRACTING PARTIES TO  
THE FRAMEWORK CONVENTION FOR THE PROTECTION OF THE  
MARINE ENVIRONMENT OF THE CASPIAN SEA**

Note by the interim Secretariat

1. Article 19 of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (“Tehran Convention”) stipulates that the Contracting Parties shall:
  - endeavour to establish and implement individual and/or joint programmes for monitoring environmental conditions of the Caspian Sea;
  - agree upon a list and parameter of pollutants which discharge into and concentration in the Caspian Sea shall be regularly monitored;
  - at regular intervals, carry out individual or joint assessments of the environmental conditions of the Caspian Sea and the effectiveness of measures taken for the prevention, control and reduction of pollution of the marine environment of the Caspian Sea;
  - harmonize rules for the setting up and operation of monitoring programmes, measurement systems, analytical techniques, data processing and evaluation procedures for data quality; and
  - develop a centralized database and information management system to function as a repository of all relevant data, serve as the basis for decision-making and as a general source of information(...).
2. The Strategic Convention Action Programme, adopted as a comprehensive ten year agenda and framework for the implementation of the Convention and its future Protocols at COP2, reaffirms the Caspian littoral States’ commitment “to ensure regional cooperation in the elaboration and implementation of harmonized regional monitoring programmes of pollutants, of rules and standards, and recommended practices and procedures consistent with the Tehran Convention”.
3. To that end, both the Programme of Work adopted at COP2 and the GEF/UNDP CaspEco project, launched in April 2009, provided for the development of a (Unified, Integrated and Affordable Caspian) Environment Monitoring Programme (EMP).
4. At a meeting on 9-10 September 2009, in Ashgabat, Turkmenistan, delegations of the Contracting Parties were briefed and exchanged views on the elements of a shared environmental information program for the Caspian Sea region, including a monitoring program, reporting modalities and a web-based information centre. Presentations were made by representatives of the Black Sea Commission, the Helsinki Commission, the European Environment Agency and the EU TACIS project on Caspian Water Quality Monitoring. Following the meeting, the Governments were, by letter of 29 September 2009, requested to nominate an expert for the preparation of the first State of the Caspian Sea Environment Report.
5. In 2010, a Working Group on Environmental Monitoring composed of national experts from the five Caspian littoral countries was established under the GEF/UNDP Caspeco Project and the first technical Working Group Meeting was held in Ashgabat, Turkmenistan, on 10-11 November 2010.

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Nominated members of the Working Group on EMP included: Mr. Niyazi Ismailov (Azerbaijan), Mr. Mohammad Reza Sheikholeslami (I.R. Iran), Ms. Zauresh Abdiyeva (Kazakhstan), Ms. Olga Melnik (Kazakhstan), Mr. Alexander Korshenko (Russian Federation), Mr. Sergey Monakhov (Russian Federation) and Ms. Tatiana Tzura (Turkmenistan).

6. At their second Meeting in Ashgabat, 15-17 March 2011, the Working Group on EMP decided to establish a core team under the lead of a regional consultant, which would:
  - identify and draft the parameters for monitoring the quality of the waters of the Caspian Sea, required for the implementation of the Tehran Convention and its Protocols and taking into account the need for a broad ecosystem approach;
  - identify and propose the network of institutional capacity available and required (gap analysis) for monitoring, taking into account the necessary sampling frequency and monitoring methodology harmonization needs; and
  - and map out and make recommendations as to the road towards creating a system of harmonized data collection and analysis.

The Working Group on EMP further reviewed the First State of the Environment (SOE) report prepared by UNEP/Grid-Arendal on the basis of the replies received on a questionnaire and already available publications, and acknowledged that a full and comprehensive SOE report can only be prepared once the proposed EMP is operational and the legal framework, in particular the protocols, with specific commitments related to monitoring, is in force. Further guidance would be needed as to the extent in which SOE reports should only contain facts or include analysis, trends and projections. Following the meeting, the draft of the SOE report underwent several rounds of comments and was finalized and presented to COP3.

Following the meeting in Ashgabat, the members of the Working Group on Environmental Monitoring (Lead Regional Consultant, Core Group Members and National Experts) were tasked to finalize the preparation of a system of harmonized data collection and analysis, including the proposed designation of lead institutions, capacity building needs and budget requirements based on the existing national environmental monitoring programs, results of the TACIS Caspian Monitoring Action Plan, and results of the work done in CEP-I and CEP-II on pollution monitoring.

7. The Core Working Group was established in May/June 2011 and the first draft of the EMP was prepared and distributed in English to the countries for comments and recommendations on 9 July 2011.
8. At COP3, in Aktau, 12 August 2011, the Ministers and High-level Officials of the Contracting Parties 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”.

They furthermore “welcomed the presentation of the first State of the Environment report as a comprehensive document to implement the activities of the Caspian Environment Program and the Tehran Convention”, decided that “the next SOE report should be issued in four years time” and requested the (interim) Secretariat “to develop for submission and decision by COP4 a format for future SOE reports with major indicators and networks of institutions capable of measuring the quality of the waters of the Caspian Sea”.

9. To that end, the Program of Work of the Tehran Convention for 2011-2012, adopted at COP3, provided for further support to the development of a programme on monitoring of the state of the environment and measures in selected priority areas for the Tehran Convention, including the identification of available capacity, needs and requirements for monitoring as well as the definition of priority areas and development of indicators for environmental monitoring in the Caspian Sea.
10. At the final EMP Working Group Meeting, held on 25 November 2011 in Ashgabat, the lead consultant of the core group presented and the meeting reviewed the second draft of the Unified, Integrated and Affordable Caspian Environmental Monitoring Program (distributed to the WG members and National Focal Points on 24 October 2011). Delegations welcomed and agreed with the proposed program and it was decided that, based on the exchanges and the report of the consultant, in particular its section 4 (sampling media, parameters and priorities; practicalities), a concrete EMP proposal would be prepared for submission to and adoption by COP4.

The meeting further agreed that the proposed EMP should as a minimum, and for the time being maximum, enable measuring the quality and trends of the marine environment of the Caspian Sea for the purpose of collective policy and decision-making related to the implementation of the Convention and its Protocols, taking into account and building upon the available national monitoring structures and institutions and introducing, where relevant (complementary) remote sensing options. The proposal, which should also in general identify training and capacity building needs, should be short and understandable for the decision-makers at COP4.

Comments on the EMP proposal would also be solicited from the Coordinating Committee on Hydrometeorology and Pollution Monitoring of the Caspian Sea (CASPCOM) Secretariat as well as from the Ocean Experimental Physics Laboratory of the Russian Academy of Sciences for remote sensing.

11. The EMP proposal (distributed on 6 February 2012) was presented at the Final Steering Committee Meeting of the GEF/UNDP Caspeco Project in Moscow, 16 March 2012. Final comments were received by mid April 2012 and incorporated in the final version of the EMP proposal, as contained in Annex I to this Note.

### **Suggested action**

12. The Conference of the Parties may wish to:

- a) Adopt the EMP contained in document TC/COP4/7 as a framework for capacity building and regional cooperation for monitoring the parameters which determine the quality of the marine environment of the Caspian Sea, as well as for capacity-building;
- b) Request the interim Secretariat to coordinate and promote its implementation with the involvement and/or support of CaspCom, the GEF, the EU, and other stakeholders, including the oil and gas industry.

**Unified, Integrated, and Affordable Caspian Environment Monitoring Program (EMP)  
among Contracting Parties to the Tehran Convention**

**EMP (Summary)**

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## Introduction

The Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Tehran Convention\*) recognized the importance of monitoring environmental condition of the Caspian Sea, as stated in Article 19;

1. The Contracting Parties shall endeavour to establish and implement individual and/or joint programmes for monitoring environmental conditions of the Caspian Sea.
2. The Contracting Parties shall agree upon a list and parameters of pollutants which discharge into and concentration in the Caspian Sea shall be regularly monitored.
3. The Contracting Parties shall, at regular intervals, carry out individual or joint assessments of the environmental conditions of the Caspian Sea and the effectiveness of measures taken for the prevention, control and reduction of pollution of the marine environment of the Caspian Sea.
4. For these purposes, the Contracting Parties shall endeavour to harmonise rules for the setting up and operation of monitoring programmes, measurement systems, analytical techniques, and data processing and evaluation procedures for data quality.
5. The Contracting Parties shall develop a centralised database and information management system to function as a repository of all relevant data, serve as the basis for decision-making and as a general source of information and education for specialists, administrators and the general public.

In order to fulfil the commitment of the Contracting Parties to the Tehran Convention\*, the present draft *Caspian Sea Monitoring Program (EMP)* is prepared. The EMP outputs will serve as vital inputs to Caspian Information System. This system is not intended to be simply a repository of historical information. It is primarily intended as an environmental management tool, which will enable users to:

- a) Add to the existing data set on a regular basis;
- b) Access the cumulative data set, and evaluate changes and trends in environmental quality;
- c) Draw conclusions about the environmental health of the Caspian ecosystems, and make informed environmental management decisions;
- d) Prioritize environmental resources for protective and remedial actions;
- e) Present objective justification for environmental funding decisions and requests.

\* (as signed on November 4, 2003 by the Azerbaijan Republic, the Islamic Republic of Iran, the Republic of Kazakhstan, the Russian Federation; and Turkmenistan and entered in to force on 12 August 2006

## 1- Objectives

The objectives of the Environment Monitoring Program (EMP) among the Contracting Parties to the Tehran Convention is to develop a framework providing the necessary data and information on the Caspian environment in order to; initially provide data on the state of the Caspian

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environment, highlight pollution problems, provide biological related data which will support the broad objective of tracking changes of the health and diversity of ecosystems in,

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and adjacent to, the Caspian Sea. The EMP information can be used to evaluate the effectiveness of policies, and eventually determine long-term trends and action to be made at national and regional level for remediation and mitigation including:

- Full contribution of five Caspian Littoral States for development and implementation of the EMP, which is in line with monitoring environmental conditions of the Caspian Sea, Article 19 of Tehran Convention;
- Providing needed data and information for the preparation of State of the Environment (SOE) of the Caspian Sea”. With the aim to ensure “regular, accurate, up to date and accessible information about environmental conditions of the Caspian Sea;
- As management tool for Prevention, Reduction and Control of Pollution in Caspian Sea, as the objective of the Tehran Convention;
- Providing monitoring data and information to the existing web-based Caspian Information Centre (CIC) and in line with Exchange of and Access to Information, Article 21 of the Tehran Convention.

## **2- Rationale**

- Realizing that the most important steps in establishing or upgrading an EMP are to agree on the objectives and design of the system to address those objectives mentioned in above;
- Recognizing that the establishment of EMP, collecting data, maintaining a database, and carrying out appropriate analysis are time consuming and costly in terms of both human and financial resources ;
- It is therefore important to focus resources and priorities on those areas where the information is most needed and most useful;
- Knowing that the experiences and recommendations in "Regional Seas Programme" at global level , as well as the results of workshops and pilot monitoring program conducted both by GEF/UNDP and EUTACIS in the Caspian region, have indicated that the “regional” programme should start small and aim to grow;
- Understanding that any proposed EMP system would have to be that it is feasible from technical, practical and financial standpoint, and the scale of such systems needs to be kept to a realistic minimum, and the greatest possible use must be made of the data collected;
- Knowing that the linkages between contaminant, biological and other ambient environmental monitoring are inevitable and needs to be integrated together in development of an EMP in the Caspian Sea;
- Referring to the experience in other Regional Seas Programmes, also reveals that an EMP started with limited number of key pollutants, complementary physical, chemical and biological parameters and improved gradually by the time. Key features include setting clear objectives and quality assurance / quality control procedures, and finally, the programme must be sustainable;
- Understanding that the countries have a proprietary interest and should develop their own monitoring programme, thus, the regional programme has to be seen as a part of the national programme;
- In order to fulfill the national interest, regional immediate needs as well as the future demand of Caspian region for comprehensive assessment of environment in Caspian Sea, a

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sustainable regional programme must be flexible and evolving.

On the basis of above mentioned principles, the approach for development of EMP should have sufficient capacity for future expansion. Then programme would have to be modular in construction, which would facilitate future growth to consider new and emerging pollution or environmental issues. Therefore the successful and sustainable EMP should be based on flexible and evolving principles as outlined below:

- Flexible (Modular approach)
- Based to much possible extend on existing national monitoring programmes and regional environmental related activities such as The Coordination Committee on Hydrometeorology and Pollution Monitoring of the Caspian Sea (CASPCOM),
- Continue to some extend the long-term measurements of traditional water quality monitoring investigations, including eutrophication,
  - Add to the list of controlled parameters analyses of sediments and biota for a restricted list of contaminants (key contaminants),
  - Fostering research project and pilot studies for future expansion of sampling media and parameters.
- Evolving
  - Phase 1: More focusing on existing national monitoring and capacity building, quality management schemes, developing regional database and having some research projects for future expansion.
  - Phase 2: The Survey, especially to identify pollution hot spots; expansion to consider other pollutants, biological parameters and new area of environmental monitoring and techniques
  - Phase 3: evaluate effectiveness of possible remediation and mitigation policies; and trend monitoring.

### **3- Proposed Regional Environmental Monitoring Programme (EMP)**

The proposed EMP for the Caspian Sea are based particularly on the following documents including:

- On going national environmental monitoring activities
- Experience and lesson learned in development and implementation of regional marine Environment monitoring programme in other regions of the world (Regional Seas Programme) ;
- Published scientific reports/papers concerning the various aspects of caspian sea environment ;
- Particularly the efforts being done regionally in Caspian Sea to figure out the environmental and, emerging issues , priorities, and existing capacity of the member states for implementation of EMP such as:
  - ✓ Assessment of existing monitoring states conducted by CEP and EU/Tacis during past 10 years (2000-2010) to figure out the national capacity in each of membbber statesof Tehran Convention ;

- ✓ Caspian Sea Basin Wide Coastal Sediment Contaminant Screening Programme results and findings, conducted by CEP-1 during 2000 -2001 in order to create an up to date high quality contaminants data, figure out the Priority pollutants and to fill the gaps and serve as reliable and supplementary inputs to TDA, SAP, and NAPs reports preparation ;
- ✓ ECO-TOX project results and findings concerning Investigation into Toxic Contaminant Accumulation and Related Pathology in the Caspian Sturgeon, Seal and Bony Fish in the Caspian sea conducted by World Bank during 1999-2002;
- ✓ Results, findings and Lesson learned in implementation of Regional Pilot Pollution Monitoring Programme (RPMP) among Caspian Sea littoral states conducted by CEP-II during 2005 concerning sediment quality and assesses marine pollution in the coastal zone and assessment of national analytical laboratories capacity and performance ;
- ✓ Results of monitoring study of *Beroe ovata* and *Mnemiopsis leidyi* in the Southern Caspian during 2004- 2005;
- ✓ Rapid assessment of point and non-point sources of caspian coastal areas conducted by CEP-I and CEP-II during 2000 to 2008;
- ✓ Assessment of point sources pollution of the caspian coastal areas conducted by EU/Tacis during 1999 to 2004 ;
- ✓ Recommendation of 4th Meeting of the CEP-II Pollution Regional Advisory Group (P-RAG). Baku 11-13 October 2005, concerning recommended sampling media, contaminant parameters, complementary parameters, number of stations and sampling frequency for development of a regional monitoring programme in Caspian Sea;
- ✓ Results and findings of CEP-II Caspian major rivers contaminant study concerning the priority pollutants inflowing to the Caspian Sea during 2005 -2007 ;
- ✓ Results and Findings of CEP-II Monitoring study on *Beroe ovata* (BO) and *Mnemiopsis leidyi* (MI) during 2005 concerning the fluctuation of population and dynamics of MI in the Southern part of the Caspian Sea;
- ✓ Findings and recommendations resulted from CEP-II Anomalous Algal Bloom – AAB studies using remote sensing technique during 2005 -2006 ;
- ✓ Findings and recommendations of CEP-II Biodiversity Monitoring Programme "BMP" for identification of areas of special importance and/or sensitivity within an ecosystem approach and framework during 2006-2007 ;
- ✓ Findings and recommendations of TACIS Caspian MAP project "The Caspian Water Quality Monitoring and Action Plan for Areas of Pollution Concern" and proposed for Regional Water Quality Monitoring Plan in Caspian Sea during 2005-2009;

- ✓ The results and minutes of Ashgabat Meeting for development of EMP (CaspEco 16-17 March 2011) to define objective and function of EMP in Tehran Convention ;
- ✓ The draft EMP presented in Ashgabat Meeting for development of EMP (CaspEco 23-25 November 2011) ;
- ✓ Inputs from nominated national expert from each member states of Tehran Convention as EMP working group for development of EMP;
- ✓ Results and findings of Radiological survey of the Araks and Kura rivers conducted by IAEA in 2005;
- ✓ CEP Data and information Management System (used to assess existing data availability and exchange among littoral states) ;
- ✓ The survey conducted by CaspEco Project on activities of Coordinating Committee on Hydrometeorology and Pollution Monitoring of the Caspian Sea "CASPCOM" ( used as a possible source of national environmental monitoring data in EMP ).

### 3-1- Time Table of Caspian Sea EMP Development Plan

On the basis of the principle presented in section 2, and the results of major documents presented in above, a 3 Phase programme is proposed for the Caspian Sea EMP long-term operation. Table 3-1 presents the major monitoring characteristics in each phases. On the basis of the improvement achieved by the region by the time in future, the proposed duration for each phases can be reduced/optimized accordingly.

*Table 3-1: Major monitoring characteristics in each proposed EMP phases*

Major monitoring characteristics	Approximate Duration	Caspian EMP Phases
The primary focus in this period is proper linkages with on going national environmental related monitoring activities, measurements of key regional parameters and ensure that national laboratories/research institute can produce good data. This will entail capacity building, training programmes, and establishing quality management schemes (QA/QC). Results will contribute to a regional database. A secondary objective would be to foster pilot and research projects.	3-5 years	Phase 1
The ongoing contaminant and biological survey will continue. Key results will allow the identification of pollution hot spots and other environmental issues, which in turn should prompt national and regional actions for remediation and mitigation. Phase 2 can be expanded to include additional physical, chemical and biological parameters or matrices. Additional pilot projects, habitat monitoring study and research projects	10 years	Phase 2

would be undertaken.		
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Contaminant / environmental monitoring during this period will change in emphasis from a survey mode to trend monitoring. This permits the evaluation of the effectiveness of remediation and mitigation policies. Research would also continue.	Continued fo r long ter moperation	Phase 3
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### **3-2- Sampling Media, Parameters and Frequencies in Phase-I of Proposed Caspian EMP**

#### **3-2-1- The Bases for Selection of Media and Parameters**

The selection and definition of media, parameters and priorities in phase 1 can be classified on the basis of different environmental resources use and management objectives such as protection of biodiversity, fisheries, protected areas of national interest, port and harbors, recreational waters, general ecosystem protection, dumping of dredged spoils, climate change & sea level fluctuation and ets... In case of caspian Sea, it is focused mainly on the:

- 1) Acute transboundary problems of the Caspian Sea,
- 2) On going national Caspian environmental monitoring and
- 3) The capacity of the region for implementation of the EMP.

#### **3-2-2- Monitoring Media, Parameters and Frequency for Phase 1 of EMP**

The parameters to be measured in Phase 1 are divided in 3 categories;

- 1) The most key transboundary parameters (green boxes) which are “Obligatory or OB types of parameters ”, are comprising of two components; the Pollution and the Biological monitoring: In this category, The proposed pollution monitoring media for OB types parameters will be limited only to the “Bottom Sediment” of the Caspian Sea. These parameters must be measured by each member states within the framework of agreed EMP in Phase1. The propsed biological monitoring in this category will be the study of Population and dynamics of Mnemiopsis leidyi(MI) in water column. In addition, there are other complementary environmental parameters (in air, sediment , water and biota) which may not be categorized as transboundary but since they well contribut to the environmental assessment , some of them also considered as OB parameters. Table 3-2 presents the media, parameters, frequency and general type of measurements in this category.

2) Key transboundary parameters that should be measured by Remote Sensing (RS) under specific programme ( case study) named “Specific Obligatory Survey-SOS” (Blue Boxes) . This part of monitoring will be a basin wide Remote Sensing observation and should be implemented by one of the competent institute/organization within the Caspian Region. The competent agency can be selected/agreed collectively by the member states at a later stage. Table 3-2 also presents the media, parameters , frequency and general type of measurements in this Category.

3) The possible national parameters or “Optional or OP types of Parameters”. These parameters considered in phase 1 on the basis of on going National Monitoring Programme (NMP) framework and may be differ and ununified among the countries.

### **3-2-3- Integration of EMP into National Monitoring Programme**

At present each Contracting Parties to the Tehran Convention is enjoying its own on going National Monitoring Programmes (NMPs) . The Contracting Parties should consider to include the proposed obligatory elements of EMP phase 1 in their NMPs as described in section 3-2-2. The NMPs may cover a wide range of parameters and techniques beyond the proposed obligatory parameters in the EMP such as;

- More contaminant parameters in sediment, water column and biota of the Caspian Sea (for example DDE, DDD, Lindane Isomers, PAHs, PCBs, radionuclides and etc), as well as contaminant influx from the rivers,
- Hydro-meteorological /Climatic Parameters in air and water column
- Climate related parameters (rivers inflow , Sea Level measurements/observations)
- Hydrochemistry/physico chemical, biological parameters and etc),
- Health related parameters (microbial parameters),
- Fisheries related research , monitoring and fish catch data,
- Habitat Monitoring with different dimensions

Therefore the on going or planned national monitoring parameters beyond the proposed EMP will remain unchanged, and can be considered as “Optional Parameters or OP” to the EMP. These data and information may be shared with region if the Contracting Parties agreed to exchange OP types of data and information.

Tables 3-2 summarize the potential types of monitoring, media and parameters may exist in proposed EMP indicating “OB “(green box), “SOS” (blue box) and “OP” (yellow box). There is no limitation for Contracting Parties to expand or limit their NMPs , but each country should fulfil at least the OB parameters in their national monitoring programme. In this connection, tables 3-3 to 3-6 provide more detail of EMP parameters integrated with potential NMP including; pollution monitoring in sediment, Pollution/Hydrochemistry and Nutrient Monitoring in Water Column, Pollution Monitoring in Biota , Biological Monitoring, and Hydrometeorological Parameters /Climate and Hydrology related Monitoring.

**Table 3-2: Summary of proposed Caspian Sea EMP Phase1 (Potential Monitoring)**

General Types of Measurements/observations	Type of parameters	Frequency	Sampling media	Parameters
				<b>Pollution</b>
Sampling and laboratory analysis	OB	1-2 year	Sediment	Total Petroleum Hydrocarbons- TPH (standard oil equivalent )
Sampling and laboratory analysis	OP	Under the NMP	Water	
Sampling and laboratory analysis	OP	Under the NMP	Water/Sediment/Biota	PAHs and PAH metabolites
Sampling and laboratory analysis	OB	1-2 year	Sediment	DDT
Sampling and laboratory analysis	OP	Under the NMP	Water/Biota	
Sampling and laboratory analysis	OP	Under the NMP	Water/Sediment/Biota	DDT metabolite {DDE & DDD}
Sampling and laboratory analysis	OB	1-2 year	Sediment	Lindane - gamma-hexachlorocyclohexane, ( $\gamma$ -HCH)
Sampling and laboratory analysis	OP	Under the NMP	Water/Biota	
Sampling and laboratory analysis	OP	Under the NMP	Water/Sediment/Biota	Lindane Isomers – (alpha-HCH and beta-HCH
Sampling and laboratory analysis	OP	Under the NMP	Water/Sediment/Biota	PCBs
Sampling and laboratory analysis	OP	Under the NMP	Water/Sediment/Biota	Lindane Isomers – (alpha-HCH and beta-HCH
Sampling and laboratory analysis	OP	Under the NMP	Water/Sediment/Biota	Marine Antifoulants
Sampling and laboratory analysis	OP	Under the NMP	Water/Sediment/Biota	Personal Care Products (PCPs)
Sampling and laboratory analysis	OP	Under the NMP	Water/Sediment/Biota	Pharmaceuticals
Targeted research	OP	Under the NMP	Biota	Biomarker and mussel watch
Sampling and laboratory	OB	1-2 year	Sediment	Extracted Organic Matter (EOM)-

analysis				Complementary
Sampling and laboratory analysis	OB	1-2 year	Sediment	Lipid content - Complementary
Sampling and laboratory analysis	OB	1-2 year	Sediment	Cu, Hg, Zn, Al, Fe
Sampling and laboratory analysis	OP	Under the NMP	Water /Biota	
Sampling and laboratory analysis	OP	Under the NMP	Water/Sediment/Biota	Radio nuclides
Sampling and laboratory analysis	OP	Under the NMP	Water/Sediment/Biota	Other metals
Sampling and laboratory analysis	OB	1-2 year	Sediment	Total Organic Carbon (TOC) - Complementary
Sampling and laboratory analysis	OB	1-2 year	Sediment	Grain Size - Complementary
Sampling and laboratory analysis	OB	1-2 year	Sediment	Carbonate - CO <sub>3</sub> - Complementary
				• <b>Biological monitoring</b>
Targeted research / Sampling and counting the ML population	OB	Seasonal or less	Water	Population and dynam <i>Mnemiopsis leidyi</i> (ML)
Targeted research / Under the NMP	OP	Under the NMP	Biota	Fish Survey/Catch
		Under the NMP	Water	<b>Anomalous Algal Bloom (AAB) /SST monitoring</b>
Targeted research / Basin wide – remote sensing	SOS	Monthly or less	Water	Chlorophyll
Targeted research / Basin wide – remote sensing	SOS	Monthly or less	Water	SST
Sampling and laboratory analysis / in-situ measurements	Частично OB/OP	Monthly or less	Water	Hydro-Chemistry and Nutrient - Complementary
Targeted research	OP	Under the NMP	Air/Water/Sediment/Biota	• <b>Habitat monitoring</b>
Under the NMP / COSPCOM protocol/provisions	OP	Under the NMP	Air/ Water	• <b>Hydrology and related Climate monitoring</b>

				• <b>Water level measurements</b>
Stationary recording system	OP	Under the NMP	Water	Stationery measurements
Extensive surveillance and remote sensing / Targeted research	OP	Under the NMP	Water	Radar Altimetry technique

Table 3-3: Proposed Caspian EMP phase1 along with potential elements of national monitoring programme (Pollution Monitoring in Sediment)

Frequency	No of Stations	Type of Parameters		Parameters in Sediment Sample
		OB	OP	
1-2 year	Minimum 5-8 or more	*		Total Petroleum Hydrocarbons (Standard Oil Equivalent)
NMP	NMP (4)		*	Polyaromatic Hydrocarbons (PAHs)
1-2 year	Minimum 5-8 or more	*		DDT
NMP	NMP		*	DDT metabolites (DDE & DDD)
1-2 year	Minimum 5-8 or more	*		Lindane - gamma-hexachlorocyclohexane, ( $\gamma$ -HCH)
NMP	NMP		*	Lindane Isomers – (alpha-HCH and beta-HCH)
NMP	NMP		*	Other Chlorinated Pesticides
NMP	NMP		*	PCBs
NMP	NMP		*	Marine Antifoulants
1-2 year	Minimum 5-8 or more	*		Extracted Organic Matter (EOM)- Complementary
1-2 year	Minimum 5-8 or more	*		Lipid content- Complementary
1-2 year	Minimum 5-8 or more	*		Cu, Hg, Zn, Al , Fe
NMP	NMP		*	As , Cd ,Cr ,Mn, Co, Pb / others
NMP	NMP		*	Radio nuclides
1-2 year	Minimum 5-8 or more	*		Total Organic Carbon (TOC)- Complementary
1-2 year	Minimum 5-8 or more	*		Grain Size- Complementary
1-2 year	Minimum 5-8 or more	*		Carbonate - CO <sub>3</sub> - Complementary
NMP	NMP		*	Other parameters /National Interest

**Table 3-4: Proposed Caspian EMP phase1 along with potential elements of national monitoring programme (Pollution/Hydrochemistry and Nutrient Monitoring in Water Column)**

Frequency	No of stations	Type of parameters			Parameters/Study for water
		OS	B	P	
Monthly or less	Minimum 5-8 or more/NMP				pH - complementary
Monthly or less	Minimum 5-8 or more/NMP				Salinity – complementary
Monthly or less	Minimum 5-8 or more/NMP		*		Temperature – complementary
Monthly or less	Minimum 5-8 or more/NMP	*			Basin wide SST distribution (Remote Sensing)
Monthly or less	Minimum 5-8 or more/NMP	*			Chlorophyll (Remote Sensing) / Abnormal algae bloom
Monthly or less	Minimum 5-8 or more/NMP			*	Chlorophyll - complementary
Monthly or less	Minimum 5-8 or more/NMP		*		Nutrients (P total, PO4, NO3, NO2 и NH4) - complementary
Monthly or less	Minimum 5-8 or more/NMP		*		DO – complementary
NMP	NMP			*	H2S, BOD/COD/ Turbidity , color, Transparency ,TSS
NMP	NMP			*	TOC
NMP	NMP			*	Phenol (volatile)
NMP	NMP			*	Phenol (Chlorinated)
NMP	NMP			*	detergents
NMP	NMP			*	Microbial quality

NMP	NMP			*	Agrochemicals (chlorinated pesticides) DDT, DDE, DDD, Lindane,
NMP	NMP			*	beta-HCH
NMP	NMP			*	and the others
NMP	NMP			*	Industrial chemicals, including (PCBs)
NMP	NMP			*	Total Petroleum Hydrocarbons (Standard Oil Equivalent)
NMP	NMP			*	Polyaromatic Hydrocarbons (PAHs)
NMP	NMP			*	Marine Antifoulants
NMP	NMP			*	Metals

**Table 3-5. Proposed Caspian EMP phase1 along with potential elements of national monitoring programme (Pollution Monitoring in Biota & Biological Monitoring)**

Frequency	No of stations	Type of marameter		Parameters
		O B	O P	
				<b>Pollution monitoring</b>
NMP	NMP		*	DDT
NMP	NMP		*	DDT metabolites (DDE & DDD)
NMP	NMP		*	Lindane - gamma-hexachlorocyclohexane, ( $\gamma$ -HCH)
NMP	NMP		*	Lindane Isomers – (alpha-HCH and beta-HCH)
NMP	NMP		*	Other Chlorinated Pesticides

NMP	NMP		*	PCBs
NMP	NMP		*	PAH metabolites
NMP	NMP		*	Organometallic compounds
NMP	NMP		*	Metals
NMP	NMP		*	Radio nuclides
NMP	NMP		*	Biomarkers
NMP	NMP		*	Mussel watch
NMP	NMP		*	Other parameters (within National Interest)
				Biological Monitoring
Seasonal or less	Where appropriate	*		Population and dynamics of Mnemiopsis leidyi(MI)
NMP	NMP		*	Plankton studies/monitoring
NMP	NMP		*	Benthic studies/monitoring
NMP	NMP		*	Fish studies/monitoring
NMP	NMP		*	Specific Aquatic/Terrestrial Habitat Monitoring (Case Studies)
NMP	NMP		*	Other biological related studies and monitoring

**Table 3-6 Proposed Caspian EMP phase1 along with potential elements of national monitoring programme (Hydrometeorological Parameters /Climate and Hydrology Monitoring)**

Frequency	No of stations	Type of parameters		Parameters
		OB	OP	
According to the COSPCOM	Under NMP/ COSPCOM		*	Hydrometeorological Parameters /Climate Monitoring

protocol / conditions	protocol			
NMP	NMP		*	Water Level Measurements
Monthly or less	Basin wide survey/case study/NMP		*	Water Level Measurements (Remote Sensing / Radar altimetry)

OP): The possible national parameters or “Optional Parameters (OP)”. These parameters may be implemented on the basis of national monitoring programme framework.

OB: The most key transboundary parameters which are “Obligatory (OB) ” and must be implemented by each member states within the framework of agreed EMP,

SOS: Key transboundary parameters /study should be measured by Remote Sensing (RS) under spesific programme “Specific Obligatory Survey-SOS”

NMP: Based on National Monitoring Programme/System

### 3-2-4 Geographical Coverage, Locations and Frequency

According to proposed type of monitoring in table 3-2 to 3-6, the following areas/stations are proposed to be covered in EMP:

- 1) Sediment: The EMP for pollution monitoring in sediment (OB parameters in sediment), will cover the entire Caspian Sea coastal area, mostly in shallow waters, but the coverage area could be expanded up on experience would gain by the states in the future. At the beginning or phase 1, at least 5 to 8 stations are proposed for each Caspian States sector, but the number of stations can be increased based on each member states interest. In addition a deeper reference station (down to 100 meters deep, where possible) will be sampled by the member states too. The proposed location for sediment sampling are presented in table 3-7. These stations being selected on the basis of experience achieved during implementation of UNDP/GEF Regional Pilot Pollution Monitoring Programme (RPMP) in 2006. The annexed tables provide the complementary stations proposed by the countries (except I.R.Iran) which are based on monitoring programme of TACIS CaspianMap projects (RWQMP).
- 2) Water: The water monitoring stations for OB parameters will be the same as the sediment stations locations indicated in table 3-7. The water stations for OP parameters will be the stations designated in National Monitoring Programme (NMP) or the proposed water sampling stations presented in annexed tables.
- 3) *Mnemiopsis leidyi* (MI): The proposed locations/Stations for study of population and dynamics of *Mnemiopsis leidyi*(MI) at the beginning of phase 1 will be similar to CEP-II Monitoring study on *Beroe ovata* (BO) and *Mnemiopsis leidyi* (MI) conducted during 2005 in the Southern part of the Caspian Sea. This could be verified/optimized in future according to the experience /results gained by the time.
- 4) Anomalous Bloom (AAB): The proposed geographic area for Eutrophication / Anomalous Algal Bloom (AAB) Monitoring will be similar to CEP-II Anomalous Algal Bloom –AAB studies using remote sensing technique during 2005-2006 for mapping of both Sea Surface Temperature (SST) and Chlorophyll. Any changes or verification in future will be made up on the results gained by the time
- 5) Hydrometeorology/Climate and Hydrology: No specific design will be needed. The existing national hydrometeorological stations /network or The network under the CASPCOM protocol /provisions are proposed.

- 6) Sea level: No specific design will be needed. The existing national Sea level observation stations /network are proposed.
- 7) Biology/Fish : No specific design will be needed . The related ongoing National Monitoring /investigation on biology, fish and fish catch are proposed.

**Table 3-7. Proposed sediment sampling station for the Caspian phase 1 of EMP\***

<b>Longitude</b>	<b>Latitude</b>	<b>Country</b>	<b>Station</b>	<b>No</b>
48°53'42"	41°42'37"	AZ	Mugtadir 1	1
48°52.86"	41°40.85"	AZ	Mugtadir 2	2
48°43'45"	41°46'41"	AZ	Mugtadir 3	3
49°29'24"	39°25'15"	AZ	Kura river delta 1	4
49°30'14"	39°17'10"	AZ	Kura river delta 2	5
49°26'16"	39°10'30"	AZ	Kura river delta 3	6
49°23'25"	38°55'12"	AZ	Kurdili	7
48°55.566'	38°23.010'	IR	IS5-1	1
50°10.729'	37°24.212'	IR	C6	2
51°55.987'	36°37.310'	IR	IS7-2	3
53°13.749'	36°55.697'	IR	D8	4
53°42.000'	37°17.000'	IR	D3	5
47°46'55.57 "	43°55'36.2 1"	RU	Lopatin	1
47°45'12.91 "	43°53'41.4 1"	RU		
47°48'07.06 "	43°53'41.4 1"	RU		
47°46'55.57 "	43°55'36.2 1"	RU		
47°32'47.07 "	43°36'17.3 0"	RU	Terek	2
47°32'27.86 "	43°35'04.4 3"	RU		
47°34'16.54 "	43°35'04.4 3"	RU		
47°35'13.32 "	43°36'17.3 0"	RU		
47°33'51.31 "	43°15'51.0 0"	RU	Sulak	3
47°33'12.30	43°14'07.0	RU		

"	9"			
47°35'49.64"	43°13'43.56"	RU		
47°36'28.28"	43°15'33.00"	RU		
47°30'00.00"	43°02'00.00"	RU	Makhachkala	4
47°32'00.00"	42°59'00.00"	RU		
47°34'00.00"	42°59'00.00"	RU		
47°32'00.00"	43°02'00.00"	RU		
47°46.8'	45°23.7'	RU	Iskustvenny Is.	5
48°01'	45°37.7'	RU	Gandurinsky Ch.	6
48°16'	45°41.4'	RU	Kirovsky Ch.	7
49°08'	46°15'	RU	Obzhorovsky Ch.	8
		RU	p. Olya	9
52°54.7'	39°58.7'	TK	Station 3	1
52°53.0'	39°55.0'	TK	Station 4	2
52°56.8'	39°51.1'	TK	Station 35	3
53°03.0'	40°02.0'	TK	Station 30	4
53°03.0'	40°03.7'	TK	Station 25	5

\* Alternative to the stations proposed in this table , may be replaced by selecting of 5-8 stations proposed by the EU/TACIS "RWQMP" for each CIS countries (see the annexed tables).

### **3-3 - Common Guideline for Survey/Observations, Sampling, Sample Handling and Analyses for Caspian EMP**

At present, there is no regionally agreed common guideline for implementation of EMP in the Caspian Sea. As far as the Phase-1 of EMP is concerned, fortunately the region has successfully experienced using common guideline / methodology during CEP-II for implementation of the following monitoring programme which will cover the needs of proposed monitoring programme in the Phase 1 of EMP including;

- ✓ Methods for Sediment Sampling and Contaminant Analysis. This guideline exclusively developed by IAEA Marine Environment Laboratory (MEL), supported by CEP-II, training was held and applied by the Caspian littoral states for implementation of Regional Pilot Contaminant Monitoring Programme in Caspian Sea in 2005;
- ✓ Report on monitoring study of *Beroe ovata* and *Mnemiopsis leidyi* in the Southern Caspian conducted with the support of CEP-II in 2005;
- ✓ The report on Anomalous Algal Bloom – AAB /SST studies using remote sensing technique, conducted with the support of CEP-II in 2005.
- ✓ In addition to above mentioned methodology / guidelines, Table 3- 8 provides the supplementary methodology and guidelines that potentially could be used for proposed EMP Phase 1.

However, the Contracting Parties should develop their own common regional guideline in future (phase 1) according to the EMP needs which will gradually cover a wide ranges of monitoring activities and disciplines. There are certain guidelines developed by the national, regional or international organizations that could be used as a basis for the development of a specific common guidelines for the Caspian Sea. At any case, the methodology of the guideline must have the highest compatibility with the latest findings, be internationally acceptable, and periodically reviewed with a view to being updated and improved.

### **3-4- QA/QC Procedures and Reference Laboratory for Caspian EMP**

A good quality assurance / quality control system must be established based on a regional agreed mechanism. As indicated in table 3-1, the quality management schemes (QA/QC) must be established during phase1. This requires commitments from all levels of the organization,

sufficient resources and effective quality management and quality control procedures. Moreover, quality management should not be limited only to the laboratory analyses, but the principle must be applied throughout sampling, sample handling, preparation, analyses and reporting.

At the level of an individual analyst or organization, common in-house quality control protocols need to be established. Quality management at this scale requires good laboratory housekeeping practices, adherence to standard methods for sample collection and analyses, maintenance of well-calibrated equipment and instruments in a verifiable manner and the careful use of Certified Reference Materials during sample preparation and analysis.

As far as the phase1 of EMP is concerned, as a interim solution this procedure can be followed by the common methodologies and guidelines presented in Table 3-8, but in future a specific regionally agreed guideline/guidelines must be developed, and periodically reviewed with a view to being updated and improved. In this connection the list of recommended “Responsible National Institutions/Laboratories” for “Maintenance and Quality Management of Analytical Laboratories” in each member states are given in Table 3-9 . That would be a part of institutional arrangements for EMP implementation at national level.

It should be noted that the EMP will be implemented by the Contracting Parties using several institutions and laboratories. In addition to common in-house quality control protocols, a more demanding quality management scheme is necessary in order to ensure that all data are in comparable quality and will be unconditionally acceptable by other users / countries.

External assistance is often desirable to ensure objectivity and transparency in the interlaboratory comparisons. It is highly recommended that the caspian sea countries collectively recognize a well known international laboratory “Reference Laboratory” (preferably IAEA/MEL/Monaco - <http://www.iaea.org/monaco/page.php?page=2120>) to ensure that compatibility of laboratories in the region in producing of acceptable quality contaminant data are met. In addition, participation of national laboratories or the region in QUASIMEME programme "Quality Assurance of Information for Marine Environmental Monitoring in Europe ( <http://www.quasimeme.org/> ) for improving of national laboratories performance also is recommended.

In future the member states may establish a competence of testing and calibration laboratory/laboratories in the region (for example comply with ISO 17025). On the basis of assessment made by CEP and Tacis on national laboratories performance, in general the results from the exercises in the region have indicted that the laboratories may produce relatively good data for total petroleum hydrocarbons but have problems with the analysis of chlorinated pesticides, PCBs and other chlorinated hydrocarbons measurements. Therefore as mentioned in above, external assistance to improve nationally laboratories performance is highly recommended.

**Table 3-8. Proposed common methodology /guideline for observation, sampling, sample handling and analyses in EMP phase 1**

Supplementary/sample proposed methodology/guidelines	Main proposed common methodology/ guideline	Type of Monitoring according to table 3-2 to 3-6
<ul style="list-style-type: none"> <li>Reference Methods for Marine Pollution Studies (RSRM) at <a href="http://www.unep.ch/regionalseas/pubs/rsrm.htm">http://www.unep.ch/regionalseas/pubs/rsrm.htm</a></li> <li>Technical Bulletins for Marine Pollution Studies (RSTB) at <a href="http://www.unep.ch/regionalseas/pubs/rstb.htm">http://www.unep.ch/regionalseas/pubs/rstb.htm</a></li> <li>Methodic Guidelines, 1996, Detection of pollutants in bottom sediments samples and on suspended solids, RD 52.10.556–95, Roshydromet, Moscow, 50 p. (in Russian)</li> <li>GEF GUINEA CURRENT LARGE MARINE ECOSYSTEM PROJECT. MARINE POLLUTION MONITORING MANUAL, 2009.</li> <li>ROPME. (1999). Manual of Oceanographic Observations and Pollutant analysis Methods (MOOPAM), published by</li> </ul>	<ul style="list-style-type: none"> <li>Methods for Sediment Sampling and analysis developed by IAEA Marine Environment Laboratory for CEP-II Caspian Sea Regional Pilot monitoring , available at:</li> <li><a href="http://www.caspianenvironment.org">www.caspianenvironment.org</a></li> <li>de Mora, S. and M.R. Sheikholeslami, 2002. ASTP: Contaminant Screening Programme, Final Report, available at:</li> <li><a href="http://www.caspianenvironment.org">www.caspianenvironment.org</a></li> <li>World Bank. Ecotoxicological Study: Investigation into Toxic Contaminant Accumulation and Related Pathology in</li> </ul>	<ul style="list-style-type: none"> <li><b>Pollution , hydrochemistry and Nutrient Monitoring</b></li> </ul>

Regional Organization for Protection of the Marine Environment ( ROPME ), Kuwait	the Caspian Sturgeon , Seal and Bony Fish, available at: <a href="http://www.caspianenvironment.org">www.caspianenvironment.org</a>	
<ul style="list-style-type: none"> <li>• CEP 2001:Methodology for the Mnemiopsis Monitoring in the Caspian Sea. <a href="http://caspian.iwlearn.org/caspian-1/mnemiopsis-leidy-1/methodology-for-the-mnemiopsis-monitoring-in-the-caspian-sea">http://caspian.iwlearn.org/caspian-1/mnemiopsis-leidy-1/methodology-for-the-mnemiopsis-monitoring-in-the-caspian-sea</a></li> </ul>	<ul style="list-style-type: none"> <li>• CEP (2005) Monitoring study of Beroe ovata and Mnemiopsis leidyi in the Southern Caspian Final Report, available at: <a href="http://www.caspianenvironment.org">www.caspianenvironment.org</a></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Population and dynamics of Mnemiopsis leidyi (MI)</b></li> </ul>
<ul style="list-style-type: none"> <li>• SeaDAS Training Manual. Ocean Biology Processing Group October 29, 2007. <a href="http://oceancolor.gsfc.nasa.gov/..../SeaDAS_Training_Manual.pdf">http://oceancolor.gsfc.nasa.gov/..../SeaDAS_Training_Manual.pdf</a></li> </ul>	<ul style="list-style-type: none"> <li>• CEP(2005-2006): Anomalous Algal Bloom –AAB studies using remote sensing technique , available at: <a href="http://www.caspianenvironment.org">www.caspianenvironment.org</a></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Anomalous Algal Bloom (AAB)/ chlorophyll &amp; SST Monitoring</b></li> </ul>
<ul style="list-style-type: none"> <li>• ROPME. (1999).Manual of Oceanographic Observations and Pollutant analysis Methods (MOOPAM), published by Regional Organization for Protection of the Marine Environment ( ROPME ), Kuwait,</li> <li>• Regional Seas related manual/guideline</li> <li>• WMO manual /Guidelines</li> <li>• CASPCOM protocols</li> </ul>	<ul style="list-style-type: none"> <li>• National Guidelines</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Hydrometeorological /related to Climate and Hydrology Monitoring</b></li> </ul>
<ul style="list-style-type: none"> <li>• <i>P.P. Shirshov Institute of Oceanology and etal: SATELLITE ALTIMETRY OF THE CASPIAN SEA Caspian sea level from Topex-Poseidon altimetry:</i> <a href="http://sealevel.colorado.edu/content/caspian-sea-level-topex-poseidon-altimetry-level-now-falling">http://sealevel.colorado.edu/content/caspian-sea-level-topex-poseidon-altimetry-level-now-falling</a></li> </ul>	<ul style="list-style-type: none"> <li>• National Guidelines</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Sea level</b></li> </ul>

### **3-5- Proposed Institutional Framework for Caspian EMP**

#### **1-1-1- Regional Networking and Responsible Bodies**

At the beginning (phase 1 of EMP), the Secretariat to the Tehran Convention shall establish a new defined project/programme for the implementation of the EMP. This may be funded by the international agencies/Contracting Parties. During this stage the Contracting Parties shall select one or several institutions in the region as “Center of Excellence(s) to lead the EMP in various disciplines in the region for the long term. The final agreed mechanism for regional networking of EMP will be decided at this phase. The proposed regional EMP network in phase1 will be comprised of the national bodies including:

- ✓ Main National Responsible Authority for EMP management, financing and coordination;
- ✓ Organization responsible for field investigation (sampling facilities requirements. maintenance of the observational network and vessels) ;
- ✓ Laboratory needs (specialized institutions both for analytical and biological analysis of the samples including QA/QC procedures and reference laboratory, and
- ✓ Data management and reporting.

#### **1-1-2- Main National Responsible Authorities for the EMP Management, Financing and Coordination**

Each Caspian littoral states benefits certain institutional arrangements, which in case of Iran may differs considerably from the other Caspian littoral states. During past few years substantial restructuring and changes of the environmental institutional framework have taken place in each of the Caspian littoral states. Non of the Caspian littoral states have single ministry, department and laboratory responsible for monitoring of the Caspian Sea. Therefore a well-coordinated mechanism is necessary among responsible authorities in each Caspian littoral state to integrate their activities in a compatible way with EMP.

On the basis of past experiences, a possible and practical mechanism is using the National Focal Institute of the CEP as the main national responsible and coordinating body in each country. Therefore, each national focal Institute will play a node for harmonization of national and regional EMP related activities. In this context, any possible changes and

restructuring of involved institutions in future at national level, will be the responsibility of the National Focal Institution.

According to the several surveys conducted by the UNDP/GEF/CEP and EU/TACIS in the region, the main responsible organizations in each of the Caspian littoral states for management, financing and coordination are proposed in Table 3-9.

### **1-1-3- National Organizations Responsible for Field Investigation (Sampling facilities requirements. maintenance of the observational network and vessels)**

The surveys conducted by CEP and EU/Tacis have indicated that all each Caspian littoral state enjoys various level of facilities and equipment, which are sufficient to conduct the first phase of EMP where the covered area is coastal shallow water with limited number of sampling station. As far as the needed research vessel is concern, the sampling stations are located in shallow coastal waters to a maximum depth of 30 meters, it means at first stage, there is no need to allocate a large vessel for implementation of EMP. Normally 2 to 4 scientists will be able to cover the sampling job in a suitable small and safe scientific vessel. In future the countries should scale up their facilities and equipment compatible with the expanded monitoring programme. Table 3-9 shows the proposed main responsible organizations in each of the Caspian littoral state for field investigations.

### **1-1-4- Laboratory Needs and National Responsible Laboratory/Laboratories for the Caspian EMP**

The sustainability of a monitoring programme largely depends on the well-equipped laboratories for those are directly responsible for the Caspian region (coastal area) rather than those national qualified laboratories that their involvement and function can not be assured in EMP implementation. Several surveys were carried out by the CEP and EU/Tacis to evaluate the laboratories dealing with marine or environmental monitoring. The survey considered laboratory infrastructure, sampling equipment, instruments, parameters measured, manpower, and QA/QC procedures. While it was recognized that there is a number of qualified laboratories in the region, but their effective involvement in Caspian monitoring programmes are unclear and often undefined at national level. Table 3-9 presents proposed national laboratories/institutions that can be utilized by the respective country for implementation of the Caspian EMP.

### **1-1-5- National Responsible Body/Bodies for Data Management and Reporting for the Caspian EMP**

Responsible data management and reporting might be distributed among various national authorities depending on the type and diversity of data and information monitored in EMP. Therefore, coordination among national authorities to ensure proper data management and reporting will be more important in which the responsible national body should be

accountable to a Regional Body in accordance with agreed and regionally approved standard protocol for reporting. In this connection role of the main responsible organization for coordination ( National Focal Institute) is crucial. Table 3-9 shows the main responsible organizations in each of the Caspian littoral state for data management and reporting of Caspian EMP.

### **1-1-6- Regional Data Base, Data Exchange of and Access to Information**

A comprehensive database and information management system will serve as a repository for relevant, available data, act as the technically sound basis for rational decision-making, and serve as a source of information for specialists, administrators, educators, and the general public.

Currently data and information of former CEP Projects and international expeditions at the Caspian region over last 10 years are available in the Data and Information Management Center (DIM) of the CASPECO Project. The produced EMP data or any other data and information for exchange or access among the member states will take place through the improved existing regional data base (Caspian Information Centre “CIC” according to Article 21 of the Convention). The final location of regional data base will be finalized in phase 1 of EMP (as a center of excellence or any other mechanism ).

### **1-2- Research Needs**

The research may include pilot studies: investigations of hot spots, examining pollutants not covered in the regional plan, sensitive habitat survey , including more biological indicators, evaluating new techniques such as biomarkers, investigating emerging pollution and other environmental issues which finally will prepare the ground for improvement of EMP for the next phases.

### **1-3- Evaluate and Refocus Monitoring Programme**

The primary focus in EMP phase1 is the measurements of key regional parameters. Periodical evaluation of implemented EMP is necessary for adaptive management, corrective action and improvement of EMP for the next phases. The evaluation should consider the results and new findings of research activities.

**Table 3.9. Proposed national responsible organizations /institutions for implementations of Caspian Sea EMP** (Obtained from EU/ Tacis RWQMP project and amended by including the Iranian responsible Institutions / organization)

<b>Data Management, State of the Environment, Pollution Assessment, Reporting</b>	<b>Maintainance and quality management of analytical laboratories</b>	<b>Maintenance of the observational network and vessels</b>	<b>Main responsible organization (program management, financing and coordination )</b>	<b>Country</b>
National Monitoring Department + Caspian Administration for Integrated Environmental Monitoring + Fisheries Research Institute	Laboratories of the National Monitoring Department + Caspian Administration for Integrated Environmental Monitoring + Research Institute of Fisheries	Caspian Administration for Integrated Environmental Monitoring + Fisheries Research Institute	Ministry of ecology, geology and natural resources	AZ
DOE (provincial centers) + Iranian Fisheries Research Organization (provincial centers)	DOE + Iranian Fisheries Research Organization (Provincial Centers) + INCO *** + Food and Drug Administration Laboratory, Ministry of Health	DOE (Provincial Centers) + Iranian Fisheries Management Organization (Provincial Centers)	Department of the environment (DOE)	IR-IRAN
Caspian Sea Monitoring Center of Kazhydromet **	Regional laboratory of Kazhydromet in Atyrau + partners in Atyrau and Aktau	Kazhydromet + partners in Atyrau and Aktau	Ministry of environmental protection	KZ
GOIN (Moscow), KaspMNITs (Astrakhan)	Regional Laboratories and the Center for Environmental Chemistry "Typhoon"	Dagestan and Astrakhan Centers for Hydrometeorology and Monitoring	Ministry of natural resouces and RosHydromet	RF
Caspecocontrol of the Academy of Sciences of Turkmenistan	Caspecocontrol	Caspecocontrol	Ministry of environmental protection	TK

(1) \*\* KazHydromet: This center is under creation, a decision about its creation is already done by KazHydromet Authority and Ministry of Environment Protection of Kazakhstan Republic.

(2) \*\*\*INCO: Iranian National Center for Oceanography

## Annexes: Complementary Sampling Stations For EMP Proposed by the EU / TACIS RWQMP

As it was described in section 3-2-4, at least 5-8 stations proposed for sediment sampling. The following sediment sampling stations recommended by the EU / Taxis in "RWQMP" also could be selected and replaced with stations proposed in table 3-7 as obligatory sediment contaminant monitoring stations in each CIS countries for the Caspian EMP. The other stations proposed by the EU / TACIS (for water or sediment) may remain unchanged if the countries accept to include them in their NMPs as optional (OP). The proposed stations for IR- Iran presented in Table 3-7.

### Caspian Water Quality Monitoring and Action Plan for Areas of Pollution Concern: TACIS/2005/109244

**Table 5.1: Recommended water and sediment sampling program for the Caspian Sea Regional Water Quality Monitoring Program (RWQMP)**

No station	No station during Cruises	Depth m	Area of monitoring studies, where sampling stations are recommended	Approximate coordinates	Related potential sources of impact	Comment
1*	2**	3	4	5	6	7***
<b>Azerbaijan sector</b>						
A-1C	0	10-15	Baku bay, coastal zone		Municipal waste water and Oil refinery facilities	
A-2C	1S	5-10	Baku Bay, Seaport and Oil terminal area	40°18'403 " 49°55'499"	Seaport, Oil shipment and accumulated oil fractions at the bottom of the Bay	D
A-3C	2N	11	Dubendinsky Oil Terminal	40°13'539" 50°26'292 "	Oil Exploration area at the Absheron site and Dubendinsky Oil Terminal	D
A-4M	9N	33	Pirallaly island	40°27'347" 50°36'456"	Oil exploration area of impact	D
A-5M	3N	75	Sumgait spot check	41°05'047" 49°29'291"	Open sea area under potential impact from Sumgait Industrial zone	D
A-6C	4N	23	Sumgait coastal near shore zone	40°44'023" 49°42'527"	Close area of potential impact area from Sumgait Industrial and municipal zone	
A-7B	8N	615	Jalama deep station	41°42'070" 49°04'574 "	Deep station transboundary	D
A-8T	7N	90	Jalama costal station	41°42'065" 48°55'574"	Transboundary tasks . Samur river impact area	D
A-9M	2S	9,5	Nargin island	40°17'403" 49°55'501"	Potential impact of the Oil exploration area "Oil stones"	D
A-10M	4S	550	Deep water	39°46'397" 50°11'502"	Background observation stations	D
A-10C	6S	53	Open sea	39°40'397" 49°46'497"	Open sea are of impact from the Shirvand waste water discharges point in to the sea	D
A-12C	12S		Marine part of Kura River avandelta	39°15'392" 49°31'495"	Close area of the Kura River inlet area of impact	D
A-13B	8S	630	Deep water	39°04'391" 49°51'498"	Far area of the Kura river solids sedimentation in the deep sea	D
A-14T	10S	28	Lenkoran- coastal	38°51'388" 49°13'492"	Transboundary monitoring station (Azerbaijan-Iran sector of the Sea)	

Kazakhstan sector						
1*	2**	3	4	5	6	7***
KZ-1T	0		Transboundary station		Transboundary area (Kazakhstan-Russia Federation)	D
KZ-2C	12	4,6	Ural River (avandelta) Peshnoy	46° 45,994' 51° 27,998'	River water Влияние стока р. Урал	D
KZ-3M	11	6,2	Zhastar	46° 18,986' 51° 05,014'	Exploration Zhastar area of impact	
KZ-4M	10	9	Satpaev	45° 43,969' 50° 36,001'	Satpaev exploration area of impact	D
KZ-5M	9	4.5	Zhemchuzhniy island	45° 22,010' 50° 17,998'	Area of integrated impact to the Semi-natural state of the marine environment	
KZ-6C	8	2.5	Island Kulaly	45° 02,874' 50° 01,286'	Oil Exploration Area of impact	
KZ-7C	6	23	Cross-Sect Mangyshlak - Chechen	44° 30,812' 49° 48,007'	Monitoring station according bi-lateral agreement between RosHydromet and KazHydromet	D
KZ-8C	5	28	Cross-Sect Mangyshlak - Chechen	44° 23,492' 49° 24,786'	Monitoring station according bi-lateral agreement between RosHydromet and KazHydromet	D
KZ-9C	14	4	Kalamkas- Karajambas	45° 18,156' 51° 18,293'	Area of potential impacts of obsolete oil wells being inundated at the near shore zone	
KZ-10C	15	11	Bautino Port	44° 35,793' 50° 16,194'	Sea Port influence area	D
KZ-11C	3	11	Aktau Port	43° 35,991' 51° 11,016'	Sea Port influence area and area of city municipal activity impact	D
KZ-12C	4	71	Aktau, open sea	43° 34,454' 50° 52,459'	Station of the deep see. Background natural conditions of the water pollution	D
KZ-13C	1	17	Cape Peschany -1	43° 08,517' 51° 13,993'	Coastal area	
KZ-14B	2	70	Cross-sect Peschany-2	43° 01,830' 50° 54,656'	mn +ckground natural conditions of the water pollution.	D
KZ-15T		20	Kara-Bogaz , coastal.		Transboundary area between TM and KZ sectors of the Sea	D

Russian sector						
1*	2**	3	4	5	6	7***
RF-1M	1	2-3	Border with Kazakhstan sector of the sea	45° 54,564' 49° 16,052'	Transboundary tasks for observation	D
RF-2	2	1,5-2	Volga River Delta	46° 03,192' 49° 04,232'	Obzhorsky canal	
RF-3C	3	3	Volga River Delta	45° 47,068' 48° 51,260'	Belinsky canal	D
RF-4	4	1,5-2	Дельта р. Волга	45° 23,119' 48° 01,484'	Kirovsky canal	
RF-5C	5	1.5-3	Волго-Каспийский канал	45° 20,485' 47° 43,355'	Major shipping canal "Volga-Caspian Sea"	
RF-6		4	Kizlyar bay	43° 57,019' 47° 33,012'	Sedimentation area of solids inlet by the Terek River	D
RF-7C			Volga River Astrakhan city	46° 18,063' 47° 58,212'	Area of impact from Astrakhan Industrial and recreation zone	
RF-8C	8	2	Terek River Estuary.	43° 35,519' 47° 33,215'	Terek river inlet area of impact	D
RF-9	10	8	Sulak River Estuary	43° 50,100' 47° 35,046'	Sulak river inlet area of impact	D
RF-10C	11	8	Makhachkala, coastal zone	42° 59,278' 47° 32,075'	Makhachkala city and Oil SeaPort Terminal area of Impact	D
RF-11		11	Caspiysk town, coastal zone	42° 51,800' 47° 46,202'	Caspiysk town municipal waste water impact area	
RF-12		22	Izerebash town, coastal zone	42° 34,736' 47° 55,188'	Izerebash town municipal waste water impact area	D
RF-13	15	11	Derbent town, coastal zone	42° 03,364' 48° 20,183'	Derbent town municipal waste water discharges and industrial impact area	
RF-14T		10	Samur River	48° 30,222' 41° 55,237'	Samur River area of Impact . Transboundary station AZ-RF	D
RF-15C	16	12	Cross sect Chechen-Mangyshlak	43° 58,500' 48° 03,000'	Open sea monitoring. Sea water exchange between north and central part of the Sea	
RF-16	17	21	Cross sect Chechen-Mangyshlak	44° 09,000' 48° 38,000'	Open sea monitoring. Sea water exchange between north and central part of the Sea	
RF-17M	18	26	Cross sect Chechen-Mangyshlak	44° 23,500' 49° 24,500'	Open sea monitoring. Sea water exchange between north and central part of the Sea	D
RF-18	19	26	Cross sect Mahachkala- Sagyndyk	43° 07,000' 47° 54,000'	Background monitoring at the Central Caspian gyre area	
RF-19M	20	47	Cross sect Mahachkala- Sagyndyk	43° 22,000' 48° 44,000'	Background monitoring at the Central Caspian gyre area	D
RF-20	21	30	Cross sect Mahachkala- Sagyndyk	44° 00,000' 49° 00,000'	Background monitoring at the Central Caspian gyre area	
RF-21B	14	122	Reference station	42° 30,000' 48° 40,000'	Natural condition and Regional Impact area	D

Turkmenistan Sector						
1*	2**	3	4	5	6	7***
TM-1C	5	3-5	Turkmenbashi SeaPort	costal	SeaPort and OilPort areas of impact	D
TM-2C	6	5-6	Turkmenbashi Bay	39°59'605" 52°54'680"	Area of municipal waste water Potential impact from Saymonov Bay	
TM-3C	--	3	Turkmenbashi, Avaza	Coastal	Coastal area near Resort Avaza	
TM-4C	8	7,5	Cheleken 1	39°16'104" 53°02'959"	Area of the Cheleken Industrial area potential impacts	D
TM-5T	7	11	Cheleken 2 - Osushnoy	39°39'572" 53°10'021"	Area of integrated impact from Cheleken and Turkmenbashi OilTerminal	D
TM-6T	1	72	Bekdash – Karabogaz	41°20'109" 53°15'045"	Transboundary area between TM and KZ sectors of the Caspian Sea	D
TM-7T	4	62	Livanov (banka) Shallow	38°46'067" 52°18'770"	Oil and Gas exploration site area of impact (Dragen-Oil)	D
TM-8 M	9	40	Zhdanov (banka) Shallow	39°27'455" 52°41'155"	Oil and Gas exploration site area of impact (Dragen-Oil)	D
TM-9 B	10	80	Cross sect Ogurchinskiy 1	39°10'827" 52°14'066"	Deep Sea area station for assessment of background level of pollution	D
TM-10 M	11	30	Cross sect Ogurchinskiy 2	39°00'095" 52°49'994"	Open see station	D
TM-11M	12	10	Cross sect Ogurchinskiy 3	39°59'896" 53°01'307"	Coastal Sea station	
TM-12B	15	11	Okarem 2	38°00'013" 53°00'071"	Coastal Sea area station for assessment of background level of pollution	D
TM-14T	16	-	Etrek river		Transboundary monitoring station (Turkmenistan-Iran)	D

### Comments:

The rows marked by color in the Table relate to the sampling stations, which are agreed as national priority for RWQMP, while the non-colored rows marked stations recommended to include into the national extended national monitoring

\*) Labeling of stations related to the Turkmen sector of the Sea (TM), serial number, and also an index that reflects the nature of the potential source of pollution such as “C” (coastal and land based); sea borne (M-marine); stations where observation on trends of a natural background of pollution of the sea waters (B-background) and also stations related to the tasks on transboundary monitoring (T-transboundary).

\*\*) Numbering indicated sampling stations at Kazakhstan sector of the Caspian Sea during Cruise in 2008

\*\*\*) At the stations marked as “D” sediment samples are to be taken in addition to water samples.

## **DRAFT PROGRAMME OF WORK AND BUDGET**

### **Introduction**

Attached is the draft Program of Work (POW) and related budget for 2013-2014.

The activities listed in the POW are building on the implementation of the decisions taken at COP3 and anticipate the implementation of the decisions which COP4 may wish to take.

The budget of the POW is based on the sum of the expected income from the cash carry over from 2012, the contributions of the Contracting Parties due and proposed for 2013 and 2014, and a UNEP contribution in 2013, after deduction of the cost of the secretariat services and the overhead due. It provides an assessment of the minimum amounts needed for the implementation of the activities listed in the POW. Possible new earmarked contributions of the GEF and the EU are not taken into account.

A breakdown of the proposed staff and cost related to the secretariat services is provided in Annex I. The staff arrangement reflects the absolute minimum structure needed to service the Convention and up to four protocols in the coming years. In the presentation a difference is made between a secretariat arrangement in Geneva and one which, starting in 2014, is located and operates from the region. Pending the decision on a host organization the figures related to salaries of the secretariat staff are based on UN rates.

The budget of the POW and cost of the Secretariat services are based on the assumption that the Contracting Parties pay their contribution to the budget of the Convention and agree to raise their contribution starting 2014 to US\$ 200,000 per country per year. As it stands now, the Islamic Republic of Iran has not yet paid its contributions for 2011 and 2012, while Azerbaijan and Turkmenistan have not yet paid their contribution for 2012.

An overview of the projected income from and use of the country contributions is contained in Annex II.

Furthermore, the POW can only be implemented and serviced if the Contracting Parties pay their contributions early in the year. In the absence of a built-up reserve, the Convention may otherwise run into cash flow problems. What is more, contracts of staff can only be issued when the Convention budget actually contains the resources needed.

**Suggested actions:**

*The Conference of the Parties may wish to:*

- Adopt the Program of Work and Budget of the Tehran Convention for 2013-2014 as contained in document TC/COP4/9;
- Decide in 2013 to continue to collectively provide an amount of US\$ 360,000 per year (US\$ 72,000 as contribution of each Party) to the budget of the Tehran Convention, and to increase the amount, starting 2014 to US\$ 1.000.000 per year (US\$ 200,000 as contribution of each Party);
- Urge the Contracting Parties which have not yet done so, to pay their contributions before end 2012 and pledge to pay their future contributions to the budget of the Convention early in the year in which they are due.
- Welcome the successful conclusion of the GEF-UNDP CaspEco project; encourage full implementation of the recommendations of the Final Steering Committee as contained in document TC/COP4/INF.2; and call for continued cooperation and support from the GEF for the implementation of the Convention and its Protocols;
- Welcome the participation in this Meeting of representatives of the oil, gas and shipping industry and call upon them to support the implementation of the Tehran Convention and its Protocols;
- Welcome the contributions provided by other international organizations, in particular UNDP, UNEP, the European Union and IMO, and call upon bilateral and multilateral donors to consider, continue or increase their support to the implementation of the Tehran Convention and its protocols.

## PROGRAMME OF WORK<sup>1</sup>

**1 January 2013 – 31 December 2014**

<b>№</b>	<b>Timeframe</b>	<b>Description of activity</b>	<b>Expected outputs</b>	<b>Implementation</b>	<b>Budget (USD) (approximately)</b>
1.	Jan. 2013- Dec. 2014	Support to the established network of NCLOs	Operational network of NCLOs facilitating implementation Convention and Protocols	Governments with support TCIS	120.000 (country contributions)
2.	Jan. 2013- Dec. 2014	Finalization of administrative and financial arrangements for the Convention and Protocols	Arrangements for locating the Convention Secretariat in place, Proposal for the hosting and composition of the Secretariat developed Contributions by Contracting Parties to Convention budget secured	Governments with support UNEP/TCIS  Idem  Governments	25.000 (UNEP)
3.	Jan. 2013- Dec. 2014	Implementation of National Convention Action Plans	NCAPs under implementation.  Capacities for NCAP implementation improved through technical assistance based on gap analysis	Governments with support TCIS  idem	45.000 (TC) 15.000 (EU)
4.	Jan. 2013 – Mar. 2014	Ratification and implementation of Aktau	Protocol on Regional Preparedness, Response and Cooperation in	Governments with support TCIS, IMO and international partners	30.000 (TC)

<sup>1</sup> The budget of the POW reflects the resources required for the implementation of the activities contained therein. It does not include costs related to the management and coordination work of the Secretariat and administrative overhead claims.



№	Timeframe	Description of activity	Expected outputs	Implementation	Budget (USD) (approximately)
			Water Management Convention underway		
7.	Jan. 2013- Dec. 2014	Monitoring, reporting and information exchange	<p>Draft Protocol on Monitoring developed</p> <p>National reports and updated synthesis report on NCAP (Convention and Protocol implementation prepared</p> <p>Environmental Monitoring Program under implementation</p> <p>State of the Caspian Environment Report prepared</p> <p>Web-based Caspian Environment Information Centre in operation</p>	<p>Governments with support TCIS</p> <p>Governments and TCIS</p> <p>Governments with support TCIS, CaspCom and other monitoring networks</p> <p>TCIS with inputs from Governments</p> <p>TCIS</p>	<p>50.000 (TC)</p> <p>40.000 (EU)</p>
8.	Jan. 2013- Dec. 2014	Promoting cooperation with and support from GEF, EU and the oil, gas and shipping industry	GEF, EU and private sector support for the implementation of the POW secured	Governments with support of TCIS and international partners	-

№	Timeframe	Description of activity	Expected outputs	Implementation	Budget (USD) (approximately)
9.	Jan 2013 – Dec. 2014	Outreach and stakeholder involvement.	<ul style="list-style-type: none"> <li>- NPPS under implementation as part of NCAP</li> <li>Stakeholder networks (Caspian Sea Alliance) and -representation in Convention meetings operational/secured</li> <li>- Caspian Day celebrations in five Caspian countries</li> </ul>	Governments with TCIS support  idem  idem	30.000 (TC)  50.000 (TC)
10.	2014	Regional Preparatory Meeting for the fourth Meeting of the Conference of the Parties	Agenda and major documents for the fifth Meeting of the Conference of the Parties developed and reviewed	BCTK	
11.	2014	Пятая сессия Конференции Сторон	Decision on host organization and composition Convention Secretariat Consideration/adoption of Protocol on Monitoring Decisions on Protocol implementation Decisions on POW and budget 2015-2016 Other decisions	Governments with TCIS support	120.000 (TC)
			<b>TOTAL</b>		<b>595.000</b>

## Annex 1

### Secretariat Cost in USD\*

2013 - 2014

Staffing	2013	2014	
	Geneva	Geneva	Region
Coordinator/Executive Secretary	45'000	45'000	180'000
Assistant (Ex. Secretary, G-6)	--	--	25'000
Programme Officer (P3)	--	140'000	120'000
Programme Officer (P2)	130'000	130'000	115'000
Administrative Assistant (G-5)	80'000	80'000	50'000
Senior Consultant	70'000	70'000	70'000
Travel	60'000	60'000	60'000
			35
Accommodation / Communication	35'000	35'000	'000
<b>TOTAL</b>	<b>420'000</b>	<b>560'000</b>	<b>655'000</b>

\*To be covered by the contributions of the Contracting Parties to the budget of the Convention, with the exception of the cost for the Coordinator in Geneva (UNEP in-kind contribution) and the cost related to Accommodation/communication (UNEP/host country contribution)

## Annex II

### Country Contributions: Income and Cost

Income	Biennium		Biennium		Biennium		Total
	2009	2010	2011	2012	2013	2014	
Azerbaijan	72'000	72'000	72'000	72'000	72'000	200'000	<b>560'000</b>
I.R. Iran	0	72'000	72'000	72'000	72'000	200'000	488'000
Kazakhstan	72'000	72'000	72'000	72'000	72'000	200'000	560'000

Russian Federation	0	0	72'000	72'000	72'000	200'000	416'000
Turkmenistan	72'000	72'000	72'000	72'000	72'000	200'000	560'000
<b>TOTAL</b>	<b>216'000</b>	288'000	360'000	360'000	360'000	1'000'000	2'584'000

Cost	Biennium		Biennium		Biennium		
	2009	2010	2011	2012	2013	2014	
<b>Personnel</b>							
NCLOs	36'000	48'000	60'000	60'000	60'000	60'000	60'000
TCIS	23'800	2'800	35'700	250'000	250'000	420'000	560'000
Travel	0	0	44'000	30'000	60'000	60'000	60'000
<b>Subtotal</b>	<b>59'800</b>	<b>50'800</b>	<b>139'700</b>	<b>340'000</b>	<b>370'000</b>	<b>540'000</b>	<b>680'000</b>
<b>Activities</b>							
Consultants	0	0	3'000	40'000	25'000	0	0
Meetings	13'700	11'500	36'000	160'000	40'000	255'000	255'000
Caspian Day	0	15'000	0	13'300	25'000	25'000	25'000
<b>Subtotal</b>	<b>13'700</b>	<b>26'500</b>	<b>39'000</b>	<b>213'300</b>	<b>90'000</b>	<b>280'000</b>	<b>280'000</b>
<b>Miscellaneous</b>							
Office Support	0	6'200	4'500	4'000	0	0	35'000
<b>Subtotal</b>	<b>0</b>	<b>6'200</b>	<b>4'500</b>	<b>4'000</b>	<b>0</b>	<b>0</b>	<b>35'000</b>
<b>Direct Cost, Total</b>	<b>73'500</b>	<b>83'500</b>	<b>183'200</b>	<b>557'300</b>	<b>460'000</b>	<b>820'000</b>	<b>995'000</b>
<i>Support Cost</i>	5'500	3'340	7'300	20'800	18'400	32'800	39'800
<b>TOTAL</b>	<b>79'000</b>	<b>86'840</b>	<b>190'500</b>	<b>578'100</b>	<b>478'400</b>	<b>852'800</b>	<b>1'034'800</b>

<b>Total Income</b>	216'000	288'000	360'000	360'000	360'000	1'000'000	1'000'000
<b>Total Expenditures</b>	79'000	86'840	190'500	578'100	478'400	852'800	1'034'800
<b>Balance</b>	137'000	338'160	507'660	289'560	171'160	318'360	136'360

**MINISTERIAL STATEMENT AND DECISIONS  
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**

**10-12 December 2012  
Moscow, Russian Federation**

Министры The Ministers of Natural Resources and Environment and High-level Officials of the Governments of the Contracting Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea done at the City of Tehran on the fourth day of November 2003 (herein after referred to as the Tehran Convention), and entered into force on 12 August 2006:

Recalling their Statement and Decisions adopted at the third Meeting of the Conference of the Parties to the Tehran Convention on 12 August 2011, Aktau, Republic of Kazakhstan (TC/COP3/13/Rev.3);

Noting the synthesis reports on the National Convention Action Plans (NCAP) and the National Public Participation Strategies (NPPS), as contained in documents TC/COP4/INF.4 and 5;

Noting the recommendations of the Final Steering Committee Meeting of the GEF/UNDP (CaspEco) Project: The Caspian Sea: Restoring Depleted Fisheries and Consolidation of a Permanent Regional Environmental Governance Framework, Moscow, Russian Federation, 16 March 2012 (TC/COP4/INF.2);

Having considered the report by the (interim) Secretariat on the implementation of the Tehran Convention (TC/COP4/2);

Noting that the Republic of Azerbaijan and the Islamic Republic of Iran have put forward their candidature for hosting the Secretariat of the Tehran Convention and that the Russian Federation has expressed interest;

Recalling the request to the Republic of Azerbaijan and the Islamic Republic of Iran to enter into bilateral discussions in order to harmonize their views/positions on the location of the Convention Secretariat in the Caspian Sea region and on a standardized package of host country secretariat support, with a view to conclude the implementation of decision one of the Ministerial Statement and Decisions of the Third Meeting of the Conference of the Parties;

1. Request the Contracting Parties, in particular the Republic of Azerbaijan and the Islamic Republic of Iran, to continue the consultations on the location of the Secretariat to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea on a permanent basis in the territory of one of the Caspian littoral States, or on a rotational basis in alphabetical order of the English language;

2. Invite the United Nations Environment Programme (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 Conference of the Parties;

3. Welcome the ratification by the Islamic Republic of Iran of the (Aktau) Protocol Concerning Regional Preparedness, Response and Co-operation in Combating Oil Pollution Incidents to the Tehran Convention, and urge the other Contracting Parties to finalize the ratification process as soon as possible;

4. Welcome and express their gratitude to IMO and the State Maritime Administration of the Republic of Azerbaijan for co-organizing and sponsoring the workshop on Regional Contingency Planning for the Caspian Littoral States (Baku, Azerbaijan, 18 – 20 June 2012); welcome the conclusions and recommendations of the workshop, contained in Section 7 of the report (TC/COP4/INF.3); and request the (interim) Secretariat to report on their implementation to COP5;

5. Express their appreciation to the Department of Environment and Ports and Maritime Organization of I.R. of Iran for holding the Regional Search & Rescue and Oil Spill Response Exercise and Seminar (Nowshahr Port, I.R. of Iran, 2-3 October 2012), attended by representatives

of the Contracting Parties and the Tehran Convention (interim) Secretariat and hope that these kind of collaborative activities may lead to a better protection of the Caspian Sea marine environment;

6. Welcome the holding of the Caspian Ecological Forum, 5-6 November 2012, Turkmenbashi, Turkmenistan; express gratitude to Turkmenistan for its holding, and note the proposal of Turkmenistan to hold such forum on a regular basis in the Caspian littoral States;

7. Welcome the adoption and signing of the Protocol for the Protection of the Caspian Sea Against Pollution from Land-based Sources and Activities to the Tehran Convention (TC/COP4/5) by the Contracting Parties and confirm the intention of their respective Governments to ensure early ratification of the Protocol and request the (interim) Secretariat to undertake the necessary steps to promote its implementation;

8. Noting the agreement in principle reached on the text of the Protocol on the Conservation of Biological Diversity to the Tehran Convention (TC/COP4/4) by the Contracting Parties, decide to finalize the arrangements for adoption and signature of the Protocol as soon as possible before the fifth Meeting of the Conference of the Parties;

9. Noting the agreement in principle reached on the text of the Protocol on Environmental Impact Assessment in a Trans-boundary Context to the Tehran Convention (TC/COP4/3) by the Contracting Parties, decide to finalize the arrangements for adoption and signature of the Protocol as soon as possible before the fifth Meeting of the Conference of the Parties;

10. Express their gratitude to IMO and the State Maritime Administration of the Republic of Azerbaijan for organizing the Workshop on a Regional Strategy and Action Plan to implement the Ballast Water Management Convention, Baku, Azerbaijan, 9-11 July 2012; welcome the Strategy and Action Plan; and request the Contracting Parties, assisted by IMO and the (interim) Secretariat, to ensure that the implementation of the Strategy and Action Plan is integrated in the implementation of the SCAP and NCAPs, as well as in the reporting thereon;

11. Welcome the Action Plans containing measures on the implementation of the Tehran Convention at the national level or NCAPs, note the measures envisaged, inter alia, in the Caspian Seal Conservation Action Plan (CSCAP) which was developed with the assistance of the CEP, and the Synthesis Paper annexed to TC/COP4/INF.4. Request the (interim) Secretariat to promote and coordinate the required capacity-building for implementation of Action Plans containing measures on implementation of the Tehran Convention at the national level or NCAPs;

12. Welcome the finalization of the Public Participation Strategies of the Contracting Parties as a part of the Action Plans containing measures on the implementation of the Tehran Convention at the national level or NCAPs, inter alia, in connection with the Caspian Day celebrations; commit to promote stakeholder involvement in the implementation of the Convention and its Protocols; and request the (interim) Secretariat to regularly update the synthesis report (TC/COP4/INF.5) based on the national reports of the Contracting Parties;

13. Welcome the Environmental Monitoring Programme (EMP) of the Caspian Sea contained in document TC/COP4/7 as the basis for continuation of this activity and capacity-building and regional cooperation for monitoring the parameters which determine the quality of the marine environment of the Caspian Sea; and request the (interim) Secretariat to coordinate and promote its implementation with the involvement and/or support of CaspCom, the GEF, the EU, and other stakeholders;

14. Decide to consider the expediency of developing a legal framework for the EMP in the form of a Protocol on Monitoring to the Tehran Convention and request the (interim) Secretariat to promote and service the related process;

15. Welcome the information for the virtual web-based Caspian Environmental Information Centre (CEIC) contained in the document TC/COP4/8 as the thesaurus of data and information submitted and collected in the context of the implementation of the Tehran Convention and its protocols, and request the (interim) Secretariat to coordinate and ensure its full operation with the involvement and/or support of UNEP, the GEF, the EU, and other stakeholders, including the oil and gas industry;

16. Adopt the Program of Work and Budget of the Tehran Convention for 2013-2014 as contained in document TC/COP4/9;

17. Decide to continue to collectively provide an amount of USD 360,000 per year (USD 72,000 as contribution of each Party) to the budget of the Tehran Convention;

18. Agree to consider the expediency and possibility of increasing their national contribution to the budget of the Tehran Convention, and request the (interim) Secretariat to prepare additional substantiation on the increase taking into account the shift of the Secretariat to the territory of one of the Caspian littoral States starting in 2014;

19. Welcome the successful conclusion of the GEF-UNDP CaspEco project, and request the (interim) Secretariat to promote appropriate use and integration of its outcomes in the implementation of the Tehran Convention and its Protocols; and request GEF to assist the countries with the implementation of the Tehran Convention and its Protocols;

20. Welcome the participation in this Meeting of representatives of the oil, gas and shipping industry and call upon them to support the implementation of the Tehran Convention and its Protocols;

21. Welcome the contributions provided by other international organizations, in particular GEF, UNDP, UNEP, the European Union and IMO, and call upon all donors to consider, continue or increase bilaterally or multilaterally their support to the implementation of the provisions of the Tehran Convention and its Protocols;

22. Express gratitude to the Government of the Russian Federation for the organization of the fourth Meeting of the Conference of the Parties to the Tehran Convention;

23. Accept with gratitude the offer of Turkmenistan to host in 2014 the fifth Meeting of the Conference of the Parties to the Tehran Convention.

## **ANNEX 5**

### **Materials of the Fifth Session of the Conference of the Parties to the Tehran Convention**

**CONFERENCE OF THE PARTIES**  
**Fifth Meeting**  
**28-30 May 2014, Ashgabat, Turkmenistan**

**PROVISIONAL AGENDA**

**28 - 29 May 2014**

**WORKING SESSIONS**

1. Opening of the fifth Meeting of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea
2. Organizational matters
  - a. Election of officers
  - b. Adoption of the agenda
  - c. Organization of work
  - d. Admission of observers
3. Report on the credentials and full powers of representatives to the fifth Meeting of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea
4. Report of the interim Secretariat of the Tehran Convention
5. Items for consideration and decision by the Conference of the Parties
6. Place and date of the sixth Meeting of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea

7. Finalization Draft Ministerial Statement and Decisions
8. Other matters

**30 May 2014**

**HIGH-LEVEL SEGMENT**

9. Opening of the High-level Segment
  - a. Welcome address of the host country
  - b. Statements of the Heads of Delegation of the Parties to the Tehran Convention
  - c. Statement of the Representative of the interim Secretariat of the Tehran Convention
  - d. Other statements
10. Report of the Bureau on the working sessions
11. Adoption and signing of the
  - a. Protocol on Environmental Impact Assessment in a Transboundary Context
  - b. Protocol on the Conservation of Biological Diversity
  - c. Location and arrangements for the Secretariat of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Tehran Convention)
12. Adoption of the Ministerial Statement and Decisions
13. Adoption and signing of the Final Act
14. Closure of the fifth Meeting of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea

**Press Conference** on the fifth Meeting of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea

**Side events** TBC

**MINISTERIAL STATEMENT AND DECISIONS  
OF THE FIFTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE  
FRAMEWORK CONVENTION FOR THE PROTECTION OF THE MARINE  
ENVIRONMENT OF THE CASPIAN SEA**

**30 May 2014**

**Ashgabat, Turkmenistan**

The Ministers of Natural Resources and Environment and High-level Officials of the Contracting Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea, done at the city of Tehran, on the fourth day of November 2003 (herein after referred to as the Tehran Convention), and entered into force on 12 August 2006:

Recalling their Statement and Decisions adopted at the previous Meetings of the Conference of the Parties to the Tehran Convention, especially the fourth Meeting of the Conference of the Parties on 12 December 2012, Moscow, Russian Federation;

Having considered the report by the interim Secretariat on the implementation of the Tehran Convention (TC/COP5/2);

1. Welcome the adoption and signing of the “Decision on the Location and Arrangements for the Secretariat of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Tehran Convention)”, as contained in document TC/COP5/10;

2. Welcome the ratification by the Republic of Azerbaijan, Islamic Republic of Iran, Russian Federation and Turkmenistan of the (Aktau) Protocol Concerning Regional Preparedness, Response and Co-operation in Combating Oil Pollution Incidents to the Tehran Convention, and invite the Republic of Kazakhstan to finalize its ratification process;

3. Welcome the proposal by the Republic of Kazakhstan to hold a meeting in Aktau and invite the International Maritime Organisation (IMO), other relevant international organizations and the private sector, including the oil and gas industry and the maritime transport companies, to support the implementation of the Aktau Protocol and its follow-up activities;

4. Welcoming the accession by the Republic of Azerbaijan, the ratification by the Islamic Republic of Iran and the signing by the other Contracting Parties of the (Moscow) Protocol for the Protection of the Caspian Sea Against Pollution from Land-based Sources and Activities to the Tehran Convention, urge these Parties to ensure early ratification of the Protocol and request the (interim) Secretariat to undertake the necessary steps to promote its implementation;

5. Welcome the adoption and signing of the Protocol for the Conservation of Biological Diversity to the Tehran Convention by the Contracting Parties, confirm the intention of their respective Governments to ensure early ratification of the Protocol and request the (interim) Secretariat to undertake the necessary steps to promote its implementation;

6. Noting the agreement in principle reached on the text of the Protocol on Environmental Impact Assessment in a Trans-boundary Context to the Tehran Convention by the Contracting Parties, decide to finalize the arrangements for adoption and signature of the Protocol as soon as possible before the sixth Meeting of the Conference of the Parties;

7. Welcome the participation of relevant international organizations and the private sector, including the oil and gas industry and the maritime transport companies, and encourage them to support the implementation of the Tehran Convention and its Protocols;

8. Welcome the adoption in all Caspian littoral states of Plans, or NCAPs for the implementation of the Tehran Convention and its Protocols and urge the Contracting Parties to advance their implementation and use the unified reporting format to provide their national reports on a three year basis starting from 2014;

9. Express further support for public participation in the implementation of the Tehran Convention and its Protocols;

10. Welcome the MoU between the Coordinating Committee on Hydrometeorology and Pollution Monitoring of the Caspian Sea (CASPCOM) and the (interim) Secretariat of the Tehran Convention, contained in document TC/COP5/5;

11. Welcome the proposed Regional Framework and Network for the Tehran Convention and Protocol Compliance Monitoring and Assessment, contained in document TC/COP5/5, and decide to establish a working group on monitoring and information exchange;

12. Convinced of the usefulness of a legal framework for information sharing in support of the implementation of the Tehran Convention and its Protocols, invite the (interim) Secretariat to initiate and service intergovernmental consultations related to the development of such a framework, in consultation with the Working Group on Monitoring and Information Exchange;

13. Welcome the progress and initiation of the second phase in ensuring full operation and implementation of the virtual web-based Caspian Environmental Information Centre (CEIC) and express their gratitude to British Petroleum and its Co-venturers for its renewed support to the operation of the CEIC;

14. Underlining the importance of regular Reports on the State of the Marine Environment of the Caspian Sea (SOE), request the (interim) Secretariat, resources permitting, to coordinate and oversee the preparation of a second SOE Report, based on the principles and guidelines contained in document TC/COP5/6;

15. Request the Secretariat to coordinate the continuation of the implementation of the current Program of Work of the Tehran Convention until end 2015;

16. Decide to continue to collectively provide a contribution of US \$ 360,000 (US \$ 72,000 per country) per year to the budget of the Convention and urge the Contracting Parties to make their contributions as early in the year as possible and request the (interim) Secretariat to continue to consult the Contracting Parties on the possibility of increasing their contribution taking into account the decision to locate the Secretariat in the territories of the countries of the Contracting Parties;

17. Welcome the contributions provided by international organizations, in particular GEF, UNDP, UNEP, FAO and IMO, and call upon all donors to consider, continue, renew or increase bilaterally or multilaterally their support to the implementation of the provisions of the Tehran Convention and its Protocols;

18. Noting the outcome of the Black Sea – Caspian Sea Inter-regional Ballast Water Management Activities, co-organized by IMO, UNEP/TCIS and the Permanent Secretariat of the Commission on the protection of the Black Sea Against Pollution (BSC) in Novorossiysk, 9-13 December 2013, request the Secretariat to promote GEF support for a project on ballast water management in the Black Sea and Caspian Sea;

19. Express their appreciation of the initiative of the I.R. of Iran to celebrate the 10th anniversary of the signing of the Tehran Convention, in Tehran on 4 November 2013, in the presence of High-level officials and representatives of the Contracting Parties;

20. Express gratitude to the Government of Turkmenistan for the organization of the fifth Meeting of the Conference of the Parties to the Tehran Convention;

21. Decide to hold the sixth Meeting of the Conference of the Parties (COP6) to the Tehran Convention in 2015 in conjunction with the inauguration of the Convention Secretariat and accept with gratitude the offer of the Republic of Azerbaijan to host COP6.

**PROTOCOL FOR THE CONSERVATION OF BIOLOGICAL DIVERSITY TO THE  
FRAMEWORK CONVENTION FOR THE PROTECTION  
OF THE MARINE ENVIRONMENT OF THE CASPIAN SEA**

**Preamble**

Caspian littoral States:

Republic of Azerbaijan

Islamic Republic of Iran

Republic of Kazakhstan

Russian Federation

Turkmenistan

hereinafter referred to as the Contracting Parties

Being Contracting Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea, done at Tehran on 4 November 2003 (hereinafter referred to as the Convention);

Determined to implement the Convention and in accordance with its Article 14, paragraph 2, which stipulates cooperation in the development of the Protocols in order to undertake the necessary measures for the protection, preservation and restoration of marine biological resources;

Being Contracting Parties to the United Nations Convention on Biological Diversity, June 5, 1992;

Being aware that the Caspian Sea is a unique ecosystem, and contains a large number of biotopes and species of great national, regional and global importance that need protection, preservation and restoration, and of the need to guarantee sustainable and rational use of biological resources;

Taking into consideration the pressure on the marine environment of the Caspian Sea due to different kinds of human activities, which threaten biological diversity;

Stressing the importance of safeguarding biological diversity and, as appropriate, improving the state of the natural and cultural heritage of the coastal and marine areas of the Caspian Sea, in particular through the development of protected areas and by the protection and conservation of threatened species, at the national and regional levels;

Noting with concern the issue of alien species and the need to develop control measures to prevent the accidental transfer due to human activities of such species into and out of the Caspian Sea;

Acknowledging the need to take the necessary measures to protect, preserve and restore the health and integrity of the coastal and marine ecosystems of the Caspian Sea;

HAVE AGREED as follows:

## **GENERAL PROVISIONS AND OBLIGATIONS**

### **Article 1. Use of Terms**

For the purpose of this Protocol:

- a) "Biological diversity" means the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;
- b) "Biological resources" includes genetic resources, organisms or parts thereof, populations, or any other biotic component of ecosystems with actual or potential use or value for humanity;
- c) "Biotechnology" means any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use;
- d) "Competent Authority" means either the "National Authority" defined in Article 1 of the Convention or the authority(ies) within the government of a Contracting Party designated by the National Authority responsible for the fulfilment of the obligations specified in this Protocol;
- e) "Country of origin of genetic resources" means the country which possesses those genetic resources in in-situ conditions, with the exception of agreed transboundary types of biological resources, which are owned by all Caspian littoral states;
- f) "Country providing genetic resources" means the country supplying genetic resources collected from in-situ sources, including populations of both wild and domesticated species, or taken from ex-situ sources, which may or may not have originated in that country;
- g) "Domesticated or cultivated species" means species in which the evolutionary process has been influenced by humans to meet their needs";
- h) "Ecosystem" means a dynamic complex of living organisms and their environment interacting as a functional unit;
- i) "Endemic species" means any species believed to occur only in a specified geographical region;
- j) "Ex-situ conservation" means the conservation of components of biological diversity outside their natural habitats;

- k) "Genetic material" means any material of plant, animal, microbial or other origin containing functional units of heredity;
- l) "Genetically modified species" means any species whose genetic material has been altered using gene technology;
- m) "Genetic resources" means genetic material of actual or potential value;
- n) "Habitat" means a specified living space where an organism or population naturally occurs;
- o) "In-situ conservation" means the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties;
- p) "Alien species" (also known as exotic or introduced species) means any species occurring outside of its historically known natural range as a result of intentional or accidental dispersal by human activities;
- q) "Invasive species" means an alien species whose establishment and spread may cause economic or environmental damage to the ecosystems or biological resources or harm to human health;
- r) "Conference of the Parties" means the body referred to in Article 22 of the Convention;
- s) "List of Protected Areas of the Caspian Sea (PACS)" means the list of protected areas of importance to the marine environment of the Caspian Sea;
- t) "Protected area" means a geographically defined area which is designated, regulated and managed to achieve specific conservation objectives;
- u) "Secretariat" means the body referred to in Article 23 of the Convention;
- v) "Sustainable use" means the use of components of biological diversity in a way and at a rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations;
- w) "Technology" means the practice, description and terminology of any or all of the applied sciences which have practical and/or industrial use, including inter alia biotechnology;
- x) "Threatened species" means any taxon whose survival is significantly jeopardized by human activities or other factors;

- y) “Introduction” means intentional or accidental transfer of any species from outside into the Caspian ecosystem;
- z) “Applicable international treaties” means relevant international legal instruments in force to which all the Contracting Parties are a party.

### ***Article 2. Objectives***

The objectives of this Protocol are to protect, preserve, and restore the health and integrity of the biological diversity and the ecosystem of the Caspian Sea as well as to ensure the sustainable use of biological resources and in that context:

- a) To safeguard threatened species, and vulnerable ecosystems, to ensure their long-term viability and diversity;
- b) To prevent decline, degradation and damage to species, habitats and ecological systems, directed by the precautionary principle;
- c) To protect and conserve those areas that best represent the high range of species, special habitats, ecological systems and natural and related cultural heritage.

### ***Article 3. Scope of Application***

In accordance with Articles 3 and 15 of the Convention this Protocol shall be applied to the marine environment of the Caspian Sea taking into account its water level fluctuations and pollution from land-based sources as well as the land affected by proximity to the sea including wetlands of international significance as identified by national legislation or otherwise by the Contracting Parties.

### ***Article 4. Implementation of the Protocol***

Each Contracting Party shall designate a Competent Authority to coordinate the implementation of the provisions of this Protocol in its territory and under its jurisdiction.

### ***Article 5. General Provisions***

The implementation of this Protocol by the Contracting Parties shall be guided by their national legislation, taking into account Article 9, paragraph 1, Article 11, paragraph 2, and Article 30 of this Protocol. Within that context the Contracting Parties shall:

- a) Individually or jointly take all appropriate measures to protect, preserve and restore the marine environment of the Caspian Sea;
- b) Use the natural resources of the Caspian Sea in such a way as not to cause harm to the marine environment and biological resources of the Caspian Sea;

- c) Protect, preserve and restore biological diversity with particular emphasis on threatened species;
- d) Protect, preserve and restore areas that are unique, highly sensitive or regionally representative in an environmentally sound and sustainable manner, notably by the establishment of protected areas;
- e) Adopt national and, as appropriate, regional strategies, action plans and programmes and develop and implement appropriate legislation for the conservation of biological diversity and the sustainable use and management of biological resources including their habitats;
- f) Undertake monitoring measures related to the biological diversity of the Caspian Sea;
- g) Identify and compile inventories of biological diversity and habitats for the purpose of conservation of biological diversity and sustainable and rational use of biological resources;
- h) Ensure that sectoral strategies and action plans are consistent with the principles of conservation of biological diversity and sustainable and rational use of biological resources;
- i) Apply national integrated management of coastal areas, taking into account the need for sustainable and rational use of biological resources and conservation of biological diversity;
- j) Control sources of pollution and any activity that cause or may cause a significant negative impact on habitats and species;
- k) Cooperate with each other and with competent international organizations in the field of biological diversity conservation and management of threatened species and ecosystems.

## **PROTECTION AND CONSERVATION OF SPECIES**

### ***Article 6. Measures for the Protection and Conservation of Species***

For the purpose of protection and conservation of species, the Contracting Parties shall:

- a) Provide comprehensive inventories of threatened species of flora and fauna and accord protected status to such species based on the categories of Annex I of this Protocol from which a Caspian Red Book will be developed in cooperation with relevant international organizations, to be adopted by the Conference of the Parties, subject to previous discussion and analysis by the Contracting Parties.
- b) Regulate activities having adverse effects on protected species and their habitats, and other measures to ensure a favourable state of conservation of such species;

- c) Control and where appropriate prohibit the intentional and, to the extent possible, the accidental taking, possession or killing, the transport and use for commercial purposes of protected species of flora and fauna, their parts and derivatives thereof;
- d) Control and, where appropriate, prohibit the disturbance of fauna, particularly during the period of breeding, incubation, hibernation or migration, as well as other periods of biological stress;
- e) Regulate all forms of destruction and disturbance of protected species of flora and their parts and products, including the picking, collecting, cutting, uprooting, possession of, commercial trade in, or transport and exhibition for commercial purposes;
- f) Cooperate for the protection and recovery of migratory species;
- g) Undertake long-term monitoring of the status of threatened species included under Annex I of this Protocol, as well as the nature and magnitude of impacts threatening their survival according to agreed common population dynamics criteria;
- h) Exchange information on measures being taken to conserve populations of threatened species included under Annex I of this Protocol and conduct an assessment of the effectiveness of such measures based on agreed common criteria;
- i) Elaborate and implement national and, as appropriate, regional action plans for the species listed under Annex I of this Protocol for their in-situ and ex-situ conservation and recovery;
- j) Cooperate to ensure the protection, conservation and, if necessary, restoration of threatened species listed under Annex I of this Protocol.
- k) Grant exemptions, where appropriate and in accordance with national legislation to the prohibitions prescribed for the protection of the species listed under Annex I of this Protocol for scientific and reproductive purposes, and, in case of threats to human health, providing that those exemptions do not harm the survival of the population of the target species or of any other species.

#### ***Article 7. Alien Species***

The Contracting Parties shall:

- a) Regulate the introduction of alien species and prohibit those that may have harmful impacts on the ecosystems, habitats or species and regulate those already introduced which are causing or may cause damage;
- b) Review the status of all alien species introduced into the Caspian Sea, the risks posed by them and prepare and implement a regional Plan of Action for those identified as invasive species.

### ***Article 8. Genetically Modified Species***

The Contracting Parties shall regulate the introduction of genetically modified species and prohibit those that may have harmful impacts on human health, the ecosystems, habitats and species, and regulate those already introduced which are causing or may cause damage. Such introduction shall be decided upon by the Conference of the Parties, subject to previous discussion and analysis by the Contracting Parties.

## **PROTECTION AND CONSERVATION OF PROTECTED AREAS**

### ***Article 9. Designation of Protected Areas***

1. For the purpose of in-situ conservation and after ensuring that none of the other Contracting Parties objects, each Contracting Party may for the purpose of this Protocol designate protected areas in the marine environment and land affected by proximity to the sea in accordance with the criteria contained in Annex II of this Protocol. Such protected areas may be designated with the objective of safeguarding:
  - a) Representative types of coastal and marine ecosystems of adequate size to ensure their long-term viability and to maintain their biological diversity;
  - b) Habitats which are in danger of disappearing in their natural area of distribution and in the Scope of Application of this Protocol, including those which have a reduced natural area of distribution as a consequence of their regression or on account of their intrinsically restricted area;
  - c) Habitats critical to the survival, reproduction and recovery of threatened or endemic species of flora and fauna;
  - d) Sites of particular importance because of their scientific, aesthetic, cultural or educational interest.
2. If two or more Contracting Parties intend to designate a shared protected area, the competent authorities of these Parties shall endeavour to cooperate, with a view to reaching agreement on the measures to be taken.
3. When protected areas covering both coastal and marine areas are designated, the Contracting Party shall endeavour to ensure the coordination of the administration and management of the protected area as a whole. The Contracting Party shall develop and implement management plans in accordance with guidelines and common criteria set by Annex II of this Protocol.

### ***Article 10. Management of Protected Areas***

1. In conformity with applicable international treaties and national legislation, the Contracting Party shall take the protection measures required for, in particular:

- a) The prohibition of the dumping or discharge of wastes and other substances likely to damage the ecosystem integrity of the protected area directly or indirectly;
  - b) The regulation of the passage of vessels and any stopping or anchoring;
  - c) The regulation of the introduction of any species into the area including those not indigenous to the protected area in question, as well as reintroduction of species which are or have been present in the protected areas;
  - d) The regulation of any activity involving the physical construction on or exploration within the protected area;
  - e) The regulation of any scientific research activity;
  - f) The regulation of fishing, hunting, taking of animals, harvesting of plants or their destruction, as well as trade in animals and parts of animals, plants and parts of plants;
  - g) The regulation of any other activity or act likely to harm or disturb the species, or that might endanger the state of conservation of the ecosystems, or might impair the natural or cultural characteristics of the protected area;
  - h) Any other measure aimed at safeguarding important ecological and biological systems.
2. In conformity with the applicable international treaties and national legislation, the Contracting Party shall adopt planning, management, supervision and monitoring measures for the protected areas, which should include:
- a) The development and adoption of a management plan that specifies the legal and institutional framework, and the management and protection measures applicable;
  - b) The monitoring of ecological systems, habitats, population dynamics, as well as the impact of human activities;
  - c) The active involvement of local communities and wider populations, as appropriate, in development of a management plan and subsequent management of protected area, and assist local inhabitants who might be affected by the establishment of the protected area;
  - d) The training and education of local communities, and wider population and organizations;
  - e) The training of managers and qualified technical personnel.

3. The Contracting Parties shall ensure that national emergency response contingency plans incorporate measures for responding to incidents that could cause damage or constitute a threat to the protected areas.

#### ***Article 11. Procedures for the Establishment and Listing of Protected Areas***

1. The Contracting Parties shall draw up a List of Protected Areas of the Caspian Sea (PACS List).
2. PACS may be designated, in the marine and/or coastal areas by one or more Contracting Parties. The geographical coordinates of the PACS in the marine areas will be determined in accordance with the provisions of the Convention on the legal status of the Caspian Sea after its entry into force for all Contracting Parties.
3. Contracting Parties making proposals for including areas in the PACS List shall provide the Secretariat to the Convention with an introductory report containing information on the area's geographical location, its physical and ecological characteristics, its administrative status, its management plan and the means for implementation, as well as a statement justifying its importance. Where a proposal concerns areas in the marine and/or coastal areas of the sea of two or more Contracting Parties, the Parties concerned shall consult each other with a view to ensuring the consistency of the proposed protection and conservation measures, and their implementation.
4. The Secretariat shall examine the conformity of the proposal with the common guidelines and criteria referred to in Annex II of this Protocol and if, after assessment, it is compliant shall, after ensuring the consent of all Contracting Parties, inform the Conference of the Parties, which shall decide whether to include the area in the PACS List.
5. Once included in the PACS List the Contracting Party or Parties shall implement the protection and conservation measures specified in their management plans developed in accordance with Article 10, paragraph 2 (a) of this Protocol. They shall inform the Secretariat of any changes in the delineation or administrative status of the protected area.
6. The Secretariat shall inform the competent national and international organizations of the List and of the measures taken in the PACS.

## **INSTRUMENTS AND REQUIREMENTS FOR THE PROTECTION AND CONSERVATION OF SPECIES AND PROTECTED AREAS**

### ***Article 12. Conservation of Biological Diversity in the Framework of Coastal Zone Management***

Pursuant to Article 15 of the Convention, the Contracting Parties shall take measures to develop and adopt national coastal area management strategies and plans to provide a mechanism for biological diversity conservation. Requirements for the application of these national strategies and plans include the following:

- a) Integration of biological diversity conservation and environmental protection provisions in national and/or regional development planning;
- b) Implementation of integrated management approach that allows multiple uses of biological resources in accordance with Article 3 of this Protocol.

- c) Analysis of natural dynamics of coastal ecosystems connected with sea-level fluctuations.

### **Article 13. Environmental Impact Assessment in the Framework of Conservation of Biological Diversity**

Pursuant to Article 17 of the Convention, the Contracting Parties shall apply the procedures of Environmental Impact Assessment as a tool for preventing and minimizing adverse impacts on biological diversity in the marine environment of the Caspian Sea.

### **Article 14. Access to Genetic Resources**

1. Recognising the sovereign rights of the Contracting Parties over their natural resources, the authority to determine access to genetic resources rests with the national governments and is subject to national legislation.
2. Taking into account national legislation, each Contracting Party shall endeavour to create conditions to facilitate access to genetic resources for the environmentally sound use by other Contracting Parties and not to impose restrictions that run counter to the objectives of this Protocol.
3. For the purpose of this Protocol, the genetic resources being provided by a Contracting Party are only those that are provided by Contracting Parties that are countries of origin of such resources or Contracting Parties that have acquired the genetic resources in accordance with this Protocol.
4. Access to genetic resources, where granted, shall be on mutually agreed terms and subject to the provisions of this Article. Such terms may include:
  - a) A dispute settlement;
  - b) Terms on benefit-sharing;
  - c) Terms on subsequent third party use, if any, and
  - d) Terms on changes of intent, where applicable.
5. Access to genetic resources shall be subject to prior informed consent of the Contracting Party providing such resources, unless otherwise determined by that Contracting Party.
6. Each Contracting Party shall endeavour to develop and carry out scientific research based on genetic resources provided by other Contracting Parties with the full participation of, and where possible in, such Contracting Parties.

### ***Article 15. Access to and Transfer of Technology***

1. Each Contracting Party undertakes subject to the provisions of this article to provide and/or facilitate access for and transfer to other Contracting Parties of technologies that are relevant to the conservation and sustainable use of biological diversity or make use of genetic resources and do not cause significant damage to the environment.

2. Access to and transfer of technology, referred to in paragraph 1 of this Article, to other Contracting Parties shall be provided and/or facilitated under fair and favourable terms, including concessional and preferential terms where mutually agreed.

3. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, with the aim that Contracting Parties, which provide genetic resources are provided access to and transfer of technology which makes use of those resources, on mutually agreed terms, including technology protected by patents and other intellectual property rights in accordance with applicable international treaties and consistent with paragraphs 4 and 5 of this Article.

4. Each Contracting Party shall take appropriate legislative, administrative or policy measures with the aim that the private sector facilitates access to joint development and transfer of technology referred to in paragraph 1 of this Article for the benefit of both governmental institutions and the private sector of the Contracting Parties.

5. The Contracting Parties, recognizing that patents and other intellectual property rights may have an influence on the implementation of this Protocol, shall cooperate in this regard subject to national legislation and applicable international treaties in order to ensure that such rights are supportive of and do not run counter to its objectives.

## **Article 16. Scientific and Technical Cooperation and Assistance**

1. The Contracting Parties shall promote technical and scientific cooperation in the field of conservation of biological diversity and sustainable and rational use of biological resources, through the appropriate national and international institutions.

2. Each Contracting Party shall promote technical and scientific cooperation with other Contracting Parties in implementing this Protocol. Special attention should be given to the human resource development and institutional capacity building, research and monitoring programmes, and standardizing procedures and guidelines in promoting such cooperation.

3. The Contracting Parties shall cooperate in the development and use of technologies, including traditional technologies, in pursuance of the objectives of this Protocol. For this purpose, the Contracting Parties shall also promote cooperation through the training of personnel and exchange of experts.

4. The Contracting Parties, subject to mutual agreement, shall promote the establishment of joint projects, and research programmes and joint ventures for the development of technologies relevant to the objectives of this Protocol.

## **Article 17. Exchange of Information**

The Contracting Parties shall:

(a) Adopt appropriate measures to facilitate the exchange of information from all publicly available sources relevant to the conservation on biological diversity and sustainable and rational use of biological resources. Such exchange of information shall include the results of technical, scientific and socio- economic research, as well as information on training and traditional knowledge;

(b) Exchange information concerning the characteristics of protected areas and threatened species, including the experience acquired and the problems encountered;

(c) At the earliest opportunity, communicate any situation that might endanger the ecosystems of protected areas or the survival of threatened species to the other Contracting Parties that might be affected and to the Secretariat.

## **Article 18. Environmental Education and Public Awareness**

The Contracting Parties shall:

(a) Give appropriate publicity to the status of threatened species and the designation of protected areas, their characteristics, importance and applicable regulations;

(b) Endeavour to inform the public of the value and vulnerability of protected areas and threatened species, and of the scientific knowledge gained through nature conservation programmes. Such information should be included in education and public awareness programmes;

(c) Endeavour to promote the participation of public and conservation organizations in measures necessary for the protection of protected areas and threatened species;

(d) Cooperate, as appropriate, with other Contracting Parties and competent national and international organizations in developing educational and public awareness programmes, with respect to conservation of biological diversity and sustainable and rational use of biological resources.

## **Article 19. Reports of Contracting Parties**

1. Each Contracting Party shall submit a report to the Secretariat on the implementation of provisions of this Protocol, in particular on the status of the:

(a) Biological diversity including threatened and alien species;

(b) Habitats;

(c) Protected areas included in the PACS List, and changes in their status;

- (d) Implementation of environmental education and public awareness programmes.
- 2. The format of the report and the procedure for submission of information shall be agreed by the Conference of the Parties.

## **I. INSTITUTIONAL AND FINANCIAL PROVISIONS**

### **Article 20. Institutional Provisions**

- 1. For the purposes of this Protocol and in accordance with Article 22, paragraph 10 of the Convention, the Conference of the Parties shall, *inter alia*:
  - (a) Keep under review the implementation of this Protocol;
  - (b) Oversee the work of the Secretariat and provide guidance for its activities;
  - (c) Keep under review the content of this Protocol;
  - (d) In accordance with Article 24 of this Protocol, consider and adopt any amendments to this Protocol or its annexes, as well as its additional annexes;
  - (e) Consider reports submitted by the Secretariat on matters related to this Protocol;
  - (f) Evaluate the efficacy of the measures adopted for the protection of protected areas, and threatened species, and examine the need for other measures, particularly in the form of amendments to this Protocol or its Annexes;
  - (g) Adopt and review, where appropriate, relevant regional programmes, plans of actions and measures in accordance with Article 6 of this Protocol;
  - (h) Formulate procedures for reports transmitted by the Parties under Article 19 of this Protocol and the exchange of information in accordance with the Article 17 of this Protocol;
  - (i) Decide on the inclusion of an area in the PACS List, in conformity with Article 9 of this Protocol;
  - (j) Consider and decide on the financial and budgetary matters related to the implementation of this Protocol;
  - (k) Establish any subsidiary bodies or institutional mechanisms as may be deemed necessary for the implementation of this Protocol;
  - (l) Consider and undertake any additional actions that may be required for the achievement of the objectives of this Protocol;

(m) Seek, where appropriate, the technical and financial services of relevant international bodies and scientific institutions for the purposes of the objectives of this Protocol.

2. For the purposes of this Protocol, in accordance with Article 23, paragraph 4 of the Convention, the Secretariat shall *inter alia*:

(a) Provide upon request by any Contracting Party legal, scientific and technical assistance and advice for the effective implementation of this Protocol;

(b) Communicate with Competent Authorities in the Contracting Parties on the application of this Protocol;

(c) Promote and facilitate legal, scientific and technical cooperation;

(d) Establish and maintain liaison and co-ordination with relevant international organizations, particularly with the Secretariats of the biological diversity-related treaties;

(e) Assist the Contracting Parties, in cooperation with the relevant international, intergovernmental and non-governmental organizations, in the implementation of this Protocol.

(f) Develop unified monitoring systems for the PACS and threatened species;

(g) Propose the establishment of a network of the PACS, in coordination with the Contracting Parties, aimed at the effective conservation of biological diversity of the Caspian Sea.

(h) Create and update databases of PACS and threatened species;

(i) Prepare and present reports and technical studies that may be required for the implementation of this Protocol to the Conference of Parties;

(j) Elaborate and implement the relevant training programmes;

(k) Carry out the functions assigned to it in the action plans adopted by the Conference of the Parties in the framework of this Protocol;

(l) Perform such other functions as may be determined by the Conference of the Parties.

## **Article 21. Funding of the Protocol**

1. To achieve the objectives of this Protocol, the Contracting Parties, shall as far as possible:

(a) Consider and ensure the availability of financial resources for the formulation and implementation of related domestic, bilateral and multilateral programmes, projects and measures;

(b) Promote the mobilization of financial resources from bilateral and multilateral funding sources and mechanisms, including grants and loans;

(c) Explore innovative methods and incentives for mobilizing and channelling resources, including those of foundations, governmental agencies of other countries, international organizations, non- governmental organizations and private sector entities.

2. The Financial Rules of the Convention shall apply *mutatis mutandis* to this Protocol, unless otherwise decided by the Conference of the Parties.

## **II. FINAL CLAUSES**

### **Article 22. Settlement of Disputes**

Any dispute between the Contracting Parties concerning the application or interpretation of the provisions of this Protocol shall be settled in accordance with Article 30 of the Convention.

### **Article 23. Adoption and Entry into Force of the Protocol**

1. This Protocol shall be adopted by unanimous decision of the Contracting Parties by a Meeting of the Conference of the Parties.

2. This Protocol shall be open for signature only by Caspian littoral States, in the city of Tehran from 30<sup>th</sup> May 2014 to 30<sup>th</sup> May 2015.

3. This Protocol shall be subject to ratification, acceptance or approval by the Caspian littoral States and shall be open for accession by any Caspian littoral State from the date on which the Protocol is closed for signature.

4. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depository of the Convention.

5. This Protocol shall enter into force on the ninetieth day after the date of deposit of the instrument of ratification, acceptance, approval or accession by all Caspian littoral States.

### **Article 24. Adoption of Amendments to the Protocol, Annexes to it and Amendments to the Annexes**

Any Contracting Party may propose amendments and annexes to this Protocol, as well as amendments to its annexes. These amendments and annexes shall be adopted by the Contracting Parties and enter into force in accordance with Articles 24 and 25 of the Convention.

### **Article 25. Relationship with Other International Treaties**

Nothing in this Protocol shall prejudice the rights and obligations of the Contracting Parties under other international treaties to which they are parties.

#### **Article 26. Effect of the Protocol on National Legislation**

The provision of this Protocol shall not affect the right of the Parties to adopt stricter national measures relevant for the implementation of this Protocol.

#### **Article 27. Reservation**

No reservations may be made to this Protocol.

#### **Article 28. Depository**

The Depository of the Protocol is the Depository of the Convention.

#### **Article 29. Authentic Texts**

The Azerbaijani, English, Farsi, Kazakh, Russian and Turkmeni texts of this Protocol are equally authentic. In case of dispute arising as to the interpretation or application of this Protocol the English text shall be authoritative.

#### **Article 30. Relationship with the Negotiation of the Legal Status of the Caspian Sea**

Nothing in this Protocol shall be interpreted as to prejudge the outcome of the negotiation on the final legal status of the Caspian Sea.

**IN WITNESS WHEREOF** the undersigned, being duly authorized, have signed this Protocol.

Done at the city of Ashgabat on the thirtieth day of May of 2014.

## **ANNEX I**

### **Categories for the Identification of Threatened Species**

#### **Extinct (EX)**

A taxon is Extinct when there is no reasonable doubt that the last individual has died. A taxon is presumed Extinct when exhaustive surveys in known and/or expected habitat, at appropriate times (diurnal, seasonal, annual), throughout its historic range have failed to record an individual. Surveys should be over a time frame appropriate to the taxon's life cycle and life form.

#### **Extinct in the Wild (EW)**

A taxon is Extinct in the Wild when it is known only to survive in cultivation, in captivity or as a naturalized population (or populations) well outside the past range. A taxon is presumed Extinct in the Wild when exhaustive surveys in known and/or expected habitat, at appropriate times (diurnal, seasonal, annual), throughout its historic range have failed to record an individual. Surveys should be over a time frame appropriate to the taxon's life cycle and life form.

#### **Critically Endangered (CR)**

A taxon is Critically Endangered when the best available evidence indicates that it meets any of the criteria A to E\* for Critically Endangered, and it is therefore considered to be facing an extremely high risk of extinction in the wild.

#### **Endangered (EN)**

A taxon is Endangered when the best available evidence indicates that it meets any of the criteria A to E\* for Endangered and it is therefore considered to be facing a very high risk of extinction in the wild.

#### **Vulnerable (VU)**

A taxon is Vulnerable when the best available evidence indicates that it meets any of the criteria A to E\* for Vulnerable, and it is therefore considered to be facing a high risk of extinction in the wild.

#### **Near Threatened (NT)**

A taxon is Near Threatened when it has been evaluated against the criteria\* but does not qualify for Critically Endangered, Endangered or Vulnerable now, but is close to qualifying for or is likely to qualify for a threatened category in the near future.

**Least Concern (LC)**

A taxon is Least Concern when it has been evaluated against the criteria\* and does not qualify for Critically Endangered, Endangered, Vulnerable or Near Threatened. Widespread and abundant taxa are included in this category.

**Data Deficient (DD)**

A taxon is Data Deficient when there is inadequate information to make a direct, or indirect, assessment of its risk of extinction based on its distribution and/or population status. A taxon in this category may be well studied, and its biology well known, but appropriate data on abundance and/or distribution are lacking. Data Deficient is therefore not a category of threat. Listing of taxa in this category indicates that more information is required and acknowledges the possibility that future research will show that threatened classification is appropriate. It is important to make positive use of whatever data are available. In many cases great care should be exercised in choosing between DD and a threatened status. If the range of a taxon is suspected to be relatively circumscribed, and a considerable period of time has elapsed since the last record of the taxon, threatened status may well be justified.

**Not Evaluated (NE)**

A taxon is Not Evaluated when it has not yet been evaluated against the criteria.

\* The criteria can be found in the “IUCN Red List and Criteria” (latest version 3.1)

## **ANNEX II**

### **Common Criteria for Inclusion in the PACS List**

#### **A. Site Selection Criteria**

**1.** To be eligible for inclusion in the PACS List, an area must comply with at least one of the sub- paragraphs set out in Article 9, paragraph 1 of this Protocol. Several of these sub-paragraphs can be complied with by the same area in certain cases, and such circumstances only strengthen the case for the inclusion of the area in the List.

**2.** No limit is imposed on the total number of areas included in the List or on the number of areas any individual Party can propose for inscription. Nevertheless, the Parties agree that sites will be selected on a scientific basis and included in the List according to their qualities; therefore they will have to fulfil the requirements set out by this Protocol and the present criteria.

**3.** The Contracting Parties agree that besides the fundamental criteria of national administrative status of protected areas, the following criteria will guide their site selection for inclusion in the PACS List:

**(a) Global Significance:**

The site is a particularly good example of a natural or near-natural ecosystem, characteristics of the appropriate bio-geographical region; it supports an appreciable assemblage of rare, vulnerable or endangered species or subspecies of plant or animal, or an appreciable number of individuals of any one or more of these species; it is of special value for maintaining the genetic and ecological diversity of a region because of the quality and peculiarities of its flora and fauna; it is of special value as the habitat of plants or animals at a critical stage of their biological cycle; it regularly supports 20,000 waterfowl; it regularly supports 1% of the population of one species or subspecies of waterfowl;

**(b) Regional Value:**

The site has a regional value and highly representative of the Caspian Region and its biological diversity;

**(c) National Status:**

The site has the administrative status of national protected area, protection measures and a financed management plan;

**(d) Uniqueness:**

The site contains unique or rare ecosystems, and or rare; threatened; endangered or endemic species;

**(e) Natural Representativeness:**

The site is highly representative of ecological systems, community or habitat types or other natural characteristics;

**(f) Biological Diversity:**

The site has a high diversity of species, communities, habitats or ecosystems;

**(g) Manageable Anthropogenic Stressors:**

Sites with less human-induced stressors are preferred;

**(h) Manageable Natural Stressors:**

Sites with minimum degree of natural stressors are preferred;

**(i) Availability of Adequate Baseline Data:**

The site has a minimal information gap and some degree of reliable baseline data available;

**(j) Cultural Representativeness:**

The site has high representative value with respect to cultural heritage, due to the existence of environmentally sound traditional activities integrated with nature, which support the well being of local populations;

**(k) Scientific, Educational and Aesthetic Values:**

The site has scientific, educational or aesthetic value and does not face threats likely to immediately impair its ecological, biological, aesthetic or cultural values;

**(l) Civil Society Involvement:**

There is an ongoing involvement and active participation of the public, particularly of local communities, in the process of planning and management of the area.

**B. Criteria for Inclusion in the PACS List**

To be included in the PACS List, the Contracting Parties agree to undertake the following planning and management measures within their proposed areas:

**(a)** Submission of relevant baseline data including environmental, socio- economic and cultural aspects and a plan of fulfilling the identified information gaps;

**(b)** Submission of a well defined short and long-term objectives of the Conservation Management Plan;

**(c)** Submission of relevant information on the competent authority/authorities and status of multiple stakeholder involvement;

**(d)** Application of measures including Environmental Impact Assessment, to prevent, control and mitigate all sources of pollution that might have adverse impact on the conservation status of species, community, ecosystem or habitats, cultural, or aesthetic value of the area proposed for inclusion in the PACS List;

(e) Fully cooperate in implementation of provisions of this Protocol, especially in connection with the introduction and or re-introduction of any species;

(f) To be included in the PACS List an area will have to be endowed with a management plan. The main rules of this management plan are to be defined from the time of inclusion and implemented

immediately. A detailed management plan must be presented within three years of the time of inclusion. Failure to respect this obligation entails the removal of the site from the List;

(g) The competence and responsibility with regard to administration and implementation of conservation measures for areas proposed for inclusion in the PACS List must be clearly defined in the texts governing each area;

(h) In order to be included in the PACS List, a protected area must have a management body with sufficient powers as well as the means and human resources to prevent and/or control activities which are likely to be contrary to the aims of the protected area;

(i) To be included in the PACS List, an area will have to be endowed with a monitoring programme. This programme should include the identification and monitoring of a certain number of significant parameters for the area in question, in order to allow the assessment of the condition and evolution of the area, as well as the effectiveness of protection and management measures implemented, so that they may be adapted if need be. Submission of regular monitoring reports of the area from the date of inclusion in the PACS List.

### **C. Implementation of Protection, Planning and Management Measures**

1. Conservation and management objectives must be clearly defined in the text relating to each site, and will constitute the basis for assessment of the adequacy of the adopted measures and the effectiveness of their implementation during the revisions of the PACS List.

2. Protection, planning and management measures applicable to each area must be adequate for the achievement of the conservation and management objectives set forth in the management plan for the site in the short and long term, and take in particular into account the threats upon it.

3. Protection, planning and management measures must be based on an adequate knowledge of the elements of the natural environment and of socio-economic and cultural factors that characterize each area. In case of shortcomings in basic knowledge, an area accepted for inclusion in the PACS List must actively initiate the collection of the missing data and information.

4. In the respect of the specificity characterizing each protected site, the protection measures for a PACS must take account of the following basic aspects:

(a) The strengthening of the regulation pertaining to the release or dumping of wastes and other substances likely directly or indirectly to impair the integrity of the area;

(b) The strengthening of the regulation of the introduction or reintroduction of any species into the area;

(c) The regulation of any activity or act likely to harm or disturb the species, or that might

endanger the conservation status of the ecosystems or species or might impair the natural, cultural or aesthetic characteristics of the area;

(d) The regulation applicable to the zones surrounding the area in question.

5. Periodic reporting of the monitoring and evaluation of the site, and appropriate revisions of the management plan should be undertaken in accordance with this Protocol.

6. Failure to meet these criteria will result in the removal from the PACS List.

## **UPDATED PROGRAMME OF WORK AND BUDGET**

### **Introduction**

Attached is the Program of Work (POW) for 2013-2014 updated and extended to cover the period 2014-2015.

The activities listed in the POW are building on the implementation of the decisions taken at COP4 and anticipate the implementation of the decisions which COP5 may wish to take.

The budget of the POW is based on the expected income from the contributions of the Contracting Parties due and proposed for 2014 and 2015, including the arrears of national contributions which I.R. of Iran is in the process of paying, and amounts to a total of USD 1,008.000. Other possible contributions are recorded in words.

A breakdown of the proposed staff and cost related to the secretariat services is provided in Annex I. The arrangement reflects the absolute minimum structure needed to service the Convention and up to four protocols in the coming years, and its cost can only partly be covered from the contributions by the Contracting Parties. A number of measures to meet the additional cost is included in the draft Ministerial Statement and Decisions of COP5, i.e. in paragraphs 7, 17, 20 and 21.

### **The Conference of the Parties may wish to:**

- Note and approve the 2014-2015 update of the Program of Work and Budget of the Tehran Convention for 2013-2014 as contained in document TC/COP4/9;

## PROGRAMME OF WORK<sup>2</sup>

1 January 2014– 31 December 2015

	Timeframe	Description of activity	Expected outputs	Implementation	Budget (USD) (approximately)
1.	Jan 2014 - Dec. 2015	Support to the established network of NCLOs	Operational network of NCLOs facilitating implementation Convention and Protocols	Governments with support TCIS	180 000 (including overdue payments of Iran's NCLO)
2.	Jan 2014 - Dec. 2015	Finalization of administrative and financial arrangements for the Convention and Protocols	Convention Secretariat located in Baku Host country agreement signed and under implementation Trust Fund with agreed terms of reference in place Head Secretariat/Executive Secretary nominated Secretariat staff under recruitment Contributions by Contracting Parties to Convention budget secured	Governments with support UNEP/TCIS  idem  UNEP  Governments	690 000 (a breakdown is provided in Appendix I)
3.	Jan 2014 - Dec. 2015	Implementation of National Convention Action Plans	NCAPs under implementation National reports available on web-based CEIC Synthesis report prepared and submitted to COP6	Governments with support TCIS and Grid Arendal  TCIS	15 000 (consultants)

<sup>2</sup> The budget of the POW reflects the resources required for the implementation of the activities contained therein. It does not include costs related to administrative overhead claims.

	Timeframe	Description of activity	Expected outputs	Implementation	Budget (USD) (approximately)
4.	Jan 2014 - Dec. 2015	Ratification and implementation of Aktau Protocol	Meeting on Caspian Day 2014 in Aktau to Celebrate entry into force of the Aktau Protocol Review regional contingency plan engage private sector demonstrate oil spill prevention Follow-up meeting in 2015 Regional Contingency Plan and private sector engagement strategy adopted at COP6	Governments with support TCIS, IMO and international partners  Idem  TCIS and IMO	Funded by Kazakhstan, IMO and ENVSEC  negotiable  20,000 (consultants)
5.	Jan 2014 - Dec. 2015	Adoption/signing/ratification and implementation of three protocols	Protocols on: - Environmental Impact Assessment in a Trans-boundary Context adopted and signed; - “Moscow” Protocol on the Protection of the Caspian Sea against Pollution from Land based sources and Activities in force; - Conservation of Biological Diversity adopted, signed and ratified;	Governments with support TCIS and international partners	
6.	Jan 2014 - Dec. 2014	Promotion of other intergovernmental agreements and programs	Support to CAB for intergovernmental agreement on fisheries provided  Meeting in 2014 for implementation Regional Strategy and Action Plan Ballast Water Management Convention	Pending request  Governments with support IMO and TCIS	Co-financed by IMO, TCIS

	Timeframe	Description of activity	Expected outputs	Implementation	Budget (USD) (approximately)
7.	Jan 2013 - Dec. 2014	Monitoring, reporting and information exchange	Draft Protocol on Information Exchange developed National reports and updated synthesis report prepared/ submitted to COP6 EMP under implementation (two meetings WG on Monitoring) State of the Caspian Environment Report prepared Web-based Caspian Environmental Information Centre in operation	Governments with support TCIS  Governments and TCIS WG on Monitoring with support TCIS, CaspCom a.o. TCIS with inputs from Governments Information focal points with support of Grid Arendal.	20,000 (consultants)  (see point 3)  50,000  negotiable  funded by BP
8.	Jan 2013 - Dec. 2014	Promoting cooperation with and support from GEF, EU and the oil, gas and shipping industry	GEF, EU and private sector support for the implementation of the POW secured	Governments with support of TCIS and international partners	13 000 (consultants)       50 000
9.	Jan 2014 - Dec. 2015	Outreach and stakeholder involvement.	Public participation strategies under implementation as part of NCAPs Stakeholder networks and -representation in Convention meetings promoted Synthesis report on public participation prepared and submitted to COP6 Caspian Day celebrations 2014 and 2015 in five Caspian countries	Governments with TCIS support  idem   idem	
10.	2014	Regional Preparatory Meetings for COP5 and 6	PrepCom in March 2014 to conduct/finalize negotiations on outstanding issues, review docs and prepare decisions of COP5	Governments with support TCIS	25,000 + contribution of Turkmenistan

	Timeframe	Description of activity	Expected outputs	Implementation	Budget (USD) (approximately)
			PrepComs in Dec 2014 and mid 2015 to conduct/finalize negotiations on outstanding issues, review docs and prepare decisions COP6	Governments with support TCIS	50,000 + host contribution
11.	28-30 May 2014, Turkmenistan	Fifth Meeting of the Conference of the Parties	Ministerial Statement and Decisions One or two Protocol(s) adopted and signed	Governments with TCIS support	25,000 + contribution of Turkmenistan
	Fall 2015, Baku	Sixth Meeting of the Conference of the Parties	Ministerial Statement and Decisions (Protocol adopted and signed)	Governments with TCIS support	25,000 + contribution of Azerbaijan
<b>TOTAL</b>					<b>1 163 000</b>

**Tehran Convention Secretariat Cost in USD\*2014 – 2015**

Staffing	2014	2015	Total
	Geneva	Baku	
Coordinator/Executive Secretary	--	180'000	180'000
Associate Programme Officer (P2)	120'000	105'000	225'000
Programme Officer (P3)	pm	pm	pm
Programme Officer (P3)	pm	pm	pm
Administrative Assistant (G-5)	pm	pm	pm
Senior Consultant	70'000	40'000	110'000
Move/establishment of the Secretariat	--	60'000	60'000
Travel	50'000	40'000	90'000
Operational running cost	--	25'000	25'000
<b><i>TOTAL</i></b>	<b><i>240'000</i></b>	<b><i>450'000</i></b>	<b><i>690'000</i></b>

\* To be covered by the contributions of the Contracting Parties to the budget of the Convention, in the understanding that the non-budgeted staff may be provided by one or more of the Contracting Parties.

## **ANNEX 6**

### **Materials of the Extraordinary Session of the Conference of the Parties to the Tehran Convention**

## **EXTRAORDINARY MEETING OF THE CONFERENCE OF THE PARTIES**

**19-20 July 2018, Moscow, Russian Federation**

### **PROVISIONAL AGENDA**

#### **Working sessions**

Thursday, 19 July 2018.

10:30 – 11:00 - Registration, welcome coffee

11:00 – 13:00 - Opening of the first Extraordinary Meeting of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea

#### **Organizational matters**

- a) Election of officers
- b) Adoption of the agenda
- c) Organization of work
- d) Admission of observers

Report on the credentials and full powers of representatives Report of the interim Secretariat of the Tehran Convention

Items for consideration and decision by the Conference of the Parties on 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 (TC/ECOP/2)

13:00 – 14:30 - Lunch break

14:30 – 15:30 - Continuation: Items for consideration and decision by the Conference of the Parties on 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

15:30 – 16:30 - Coffee break

16:30 – 18:00 - Finalization of the Draft Ministerial Statement and Decisions Other matters

#### **High-level Segment**

Friday, 20 July 2018

10:30 – 11:00 - Welcome Coffee

11:00 – 12:20 - Opening

Welcome address by the Russian Federation (3 min)

Statements by the other Parties to the Tehran Convention (3 min)

Republic of Azerbaijan Islamic Republic of Iran Republic of Kazakhstan Turkmenistan

Statement from the Executive Director of the United Nations Environment Programme (3 min)

Statement by the Representative of the interim Secretariat of the Tehran Convention (3 min)

Statement by the Representative of United Nations Development Programme (3 min)

Other statements (2 min)

Report by the Bureau on the working sessions (10 min)

Adoption of the Protocol on Environmental Impact Assessment in a Transboundary Context

Adoption of the Ministerial Statement and Decisions

Signing ceremony 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

Closure of the Extraordinary Meeting of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea

12:20 – 12:30 - Group Photo

12:30 – 12:50 - Press Conference of the Ministers on the results of the Extraordinary Meeting of the Conference of the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea

13:00 – 14:00 - Reception:

Ministers - reception hall for foreign delegations on the 1st floor

Meeting participants - the conference room on the 3rd floor.

## **EXTRAORDINARY MEETING OF THE CONFERENCE OF THE PARTIES**

**19-20 July 2018, Moscow, Russian Federation**

### **MINISTERIAL STATEMENT AND DECISIONS OF THE EXTRAORDINARY MEETING OF THE CONFERENCE OF THE PARTIES TO THE FRAMEWORK CONVENTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT OF THE CASPIAN SEA**

The Ministers of Natural Resources, Environment and Energy and High-level Officials of the Contracting Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea, done at the city of Tehran, on the fourth day of November 2003 (hereinafter referred to as the Tehran Convention), and entered into force on 12 August 2006:

Guided by the outcomes of the summits of the Heads of Caspian States in Ashgabat (2002), Tehran (2007), Baku (2010) and Astrakhan (2014);

Recalling the Ministerial Statements and Decisions of the five Meetings of the Conference of the Parties to the Tehran Convention;

Having considered the Note by the interim Secretariat on the Protocol on Environmental Impact Assessment in a Trans-boundary Context to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea.

Having reviewed the progress report of the interim Secretariat on the accomplished activities.

1. Welcome the adoption and signing of the Protocol on Environmental Impact Assessment in a Trans-boundary Context to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea by the Contracting Parties, confirm the intention of their respective Governments to ensure early ratification of the Protocol and request the Secretariat to undertake the necessary steps to promote its implementation;

2. Stress the importance of the continuation of the work on the effective implementation of the provisions of the Tehran Convention;

3. Express gratitude to the Government of the Russian Federation for the organization of the Extraordinary Meeting of the Conference of the Parties to the Tehran Convention.

**PROTOCOL ON ENVIRONMENTAL IMPACT ASSESSMENT IN A  
TRANSBOUNDARY CONTEXT TO THE FRAMEWORK CONVENTION FOR THE  
PROTECTION OF THE MARINE ENVIRONMENT OF THE CASPIAN SEA**

**Preamble**

The Caspian Littoral States:

Republic of Azerbaijan,

Islamic Republic of Iran,

Republic of Kazakhstan,

Russian Federation,

Turkmenistan,

hereinafter referred to as the Contracting Parties,

Being the Parties to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea, done at Tehran, Islamic Republic of Iran, on 4 November 2003 hereinafter referred to as the Convention;

Reaffirming their determination to implement the provisions of Articles 7, 17 and 18 of the Convention;

Determined to enhance regional understanding and cooperation between the Contracting Parties in protecting the marine environment of the Caspian Sea;

Recognizing that the application of environmental impact assessment at an early stage in the decision-making process for proposed activities promotes the implementation of the principles of sustainable development;

Noting the importance of access to information and public participation in decision-making in environmental matters;

Have agreed as follows:

**Article 1. Use of Terms**

For the purposes of this Protocol,

- (a) “Party of Origin” means the Contracting Party(ies) to this Protocol under jurisdiction of which the proposed activity listed in the Annex 1 to this Protocol is planned to be implemented;
- (b) “Affected Party” means the Contracting Party(ies) to this Protocol likely to be affected by the transboundary impact of a proposed activity. The marine area within which the Contracting

Party(ies) can be considered as Affected Party will be determined in accordance with the provisions of the convention on the legal status of the Caspian Sea after its entry into force for all Contracting Parties;

(c) “Concerned Parties” means the Party of Origin and the Affected Party of environmental impact assessment procedure pursuant to this Protocol;

(d) “Environmental impact assessment” means a national procedure for evaluating the likely impact of a proposed activity on the environment;

(e) “Proposed activity” means any activity or any major change to an activity subject to a decision of a competent authority in accordance with an applicable national environmental impact assessment procedure;

(f) “Impact” means any effect caused by implementation of a proposed activity on the marine environment of the Caspian Sea including flora, fauna, soil, atmospheric air, water, climate, landscape, historical monuments and/or interaction among those factors; also includes effects on human health and safety, cultural heritage, socio-economic or other conditions resulting from alterations to those factors;

(g) “Transboundary impact” means any impact caused by implementation of proposed activity by the Party of Origin to another Contracting Party;

(h) “The public” means one or more natural or legal persons;

(i) “Competent authority” means the authority(ies) designated by a Contracting Party as responsible for performing tasks covered by this Protocol;

(j) “Point of contact for notification” means the contact point or points of a Contracting Party that each Contracting Party has identified and informed the other Contracting Parties and the Secretariat of, that are responsible for receiving Notification and ensuring the relevant competent authority is notified;

(k) “Project Proponent” means initiator, including public authority, which applies for authorization for a proposed activity according to the national procedure;

(l) “Conference of the Parties” means the body referred to in Article 22 of the Convention;

(m) “Secretariat” means the body referred to in Article 23 of the Convention.

## **Article 2. Objective**

The objective of this Protocol is to implement effective and transparent environmental impact assessment procedures in a transboundary context to any proposed activity which is likely to cause significant transboundary impact on the marine environment and land affected by proximity to the sea in order to prevent, reduce and control pollution of the marine environment and land affected by proximity to the sea, promote conservation of its biodiversity, and rational use of its natural resources, and protect human health.

## **Article 3. Scope of Application**

In accordance with Article 3 of the Convention this Protocol shall be applied to the marine environment of the Caspian Sea taking into account its water level fluctuations and pollution from land-based sources.

#### **Article 4. General Provisions**

1. Each Contracting Party shall adopt necessary legal, administrative or other measures to implement the provisions of this Protocol with respect to proposed activities listed in Annex I, that are likely to cause significant transboundary impact as determined in accordance with the criteria set forth in Annex II to this Protocol, the establishment of an environmental impact assessment procedure that permits public participation and preparation of the environmental impact assessment documentation described in Annex III to this Protocol.
2. Each Contracting Party shall ensure that the proposed activities listed in Annex I to this Protocol, that are likely to cause a significant transboundary impact are subject to an environmental impact assessment procedure pursuant to this Protocol prior to a decision to authorize or undertake a proposed activity.
3. Each Contracting Party shall inform the Contracting Parties and the Secretariat of its Point of Contact for Notification. Information on the Points of Contact for Notification shall be made available to the Contracting Parties by the Secretariat, electronically or as otherwise appropriate.
4. Concerned Parties shall ensure effective public participation in the environmental impact assessment procedure of a proposed activity pursuant to this Protocol, commencing at early stage of environmental impact assessment procedures.
5. Pursuant to this Protocol the Concerned Parties shall ensure an equivalent opportunity to the public of the Party of Origin and the public of the Affected Party to participate in the environmental impact assessment procedures of a proposed activity, and shall provide the public with assistance and advice thereof.
6. The provisions of this Protocol shall not affect the right of Contracting Parties to implement national laws, regulations or administrative provisions in the interests of national security.
7. The provisions of this Protocol shall not affect the right of Contracting Parties to maintain or introduce additional measures in relation to issues covered by this Protocol.
8. The provisions of this Protocol shall not prejudice any obligations of the Contracting Parties under international law regarding environmental impact assessment in a transboundary context.

#### **Article 5. Notification**

1. For a proposed activity listed in Annex I to this Protocol, the Competent authority of the Party of Origin shall notify as early as possible after being informed of the proposed activity that is likely to cause a significant transboundary impact through the Point of Contact for Notification any Contracting Party which it considers may be a potentially Affected Party and the Secretariat to inform the other Contracting Parties.

2. The notification shall contain, *inter alia*:
  - a) Information on the proposed activity, including any available information at the time of notification on its possible transboundary impacts and the characteristics of possible decisions on the proposed activity;
  - b) A reasonable time-frame which should not be less than 30 days from receipt of notification in English and Russian as provided in article 5 paragraph 3 of this Protocol, for the submission of the Affected Party's response to the notification;
  - c) Information regarding the envisaged environmental impact assessment procedure, including an indication of the time schedule for the further steps in the environmental impact assessment procedure, in particular those steps as referred to in Articles 6, 7 and 8 of this Protocol.
3. The Party of Origin shall provide the notification documents in State language with translation in English or in Russian language. The Secretariat shall provide the translation of notification documents into English or Russian, as appropriate.
4. The Competent Authority of the Party of Origin shall ensure the receipt of notification by the Point of Contact for Notification of the Affected Party and the Secretariat.
5. The Competent Authority of the Affected Party shall respond to the Competent Authority of the Party of Origin, and inform the Secretariat, within the time specified in notification, indicating whether it intends to participate in the environmental impact assessment procedure of the proposed activity.
6. If the Affected Party indicates that it does not intend to participate in the environmental impact assessment procedure of the proposed activity, or if it does not respond within the time specified in the notification, the provisions in paragraphs 7 and 8 of this Article, and Articles 6 to 11 of this Protocol, excluding the obligation of the Party of Origin to send the draft environmental impact assessment documentation to the Secretariat pursuant to Article 7, paragraph 3 (b), of this Protocol, shall not apply.
7. If the Affected Party indicates that it intends to participate in the environmental impact assessment procedure of the proposed activity, the Affected Party shall provide in its response to the notification or promptly after to the Party of Origin:
  - a) Relevant information on the public consultation procedure in the Affected Party;
  - b) Request, if any, for particular issues to be addressed in the environmental impact assessment investigations;
  - c) A summary of readily available information on the issues raised in sub-paragraph (b).
8. At the request of the Party of Origin, the Affected Party shall provide any reasonably obtainable information relating to the potentially affected environment, if such information is necessary for the preparation of the environmental impact assessment documentation.

9. When a Contracting Party has reasonable concerns that it would be affected by a significant transboundary impact of a proposed activity and when no notification has taken place in accordance with paragraph 1 of this Article, the Party of Origin shall, at the request of that Contracting Party, provide it with sufficient information whether a significant transboundary impact will take place as a result of the proposed activity. If necessary, these Parties shall hold consultations regarding possible participation in the environmental impact assessment procedure.

#### **Article 6. Communication between Concerned Parties**

1. Competent Authorities of Concerned Parties shall consult and agree upon:
  - (a) The required format and language(s) of environmental impact assessment documentation, including any information, to be submitted for the purposes of public consultations and review by Competent Authority of Affected Party;
  - (b) Detailed arrangements for communication between Concerned Parties including the roles of the Competent Authorities of the Concerned Parties and the Project Proponent;
  - (c) Time-frame for review by the Affected Party of the environmental impact assessment documentation which shall not exceed 90 days.
2. Concerned Parties may agree, as appropriate, on means of interaction for undertaking tasks under this Protocol.

#### **Article 7. Preparation and Transmittal of Draft Environmental Impact Assessment Documentation**

1. Environmental impact assessment investigations shall be carried out pursuant to national law and practice of the Party of Origin and shall address, to the extent possible, any issues raised by the Affected Party, pursuant to Article 5, paragraph 7, of this Protocol.
2. The Party of Origin shall ensure that the Project Proponent prepares a draft of the environmental impact assessment documentation for the purposes of public consultations and review by the competent authority of the Affected Party. The draft environmental impact assessment documentation shall be provided in the format and language(s) as agreed by Concerned Parties, pursuant to Article 6, paragraph 1, of this Protocol, and shall contain, as a minimum, the content of the items referred to in Annex III of this Protocol in addition to information requested by Affected Party pursuant to Article 6, paragraph 1, of this Protocol.
3. The Party of Origin shall transmit the draft environmental impact assessment documentation to the:
  - (a) Competent Authority of the Affected Party;
  - (b) Secretariat for making this information available at the request of any Contracting Party.

#### **Article 8. Review of environmental impact assessment Documentation and Public Consultations**

1. Concerned Parties shall ensure that the public in the areas likely to be affected are informed, as agreed, pursuant to Article 6, paragraph 1, of this Protocol, of:
  - (a) The proposed activity;
  - (b) The availability of the draft environmental impact assessment documentation;
  - (c) The opportunity and procedure for public consultations by using public notice or other appropriate means.
2. Concerned Parties shall ensure that the draft environmental impact assessment documentation, including as appropriate hardcopies, is made available and easily accessible to the public, including in places open for the public, in accordance with national legislation.
3. Concerned Parties shall ensure that the public in the areas likely to be affected is provided with the opportunity to comment upon the proposed activity to the Competent Authorities of the Concerned Parties. Comments shall be transmitted to the Competent Authority of the Party of Origin or as agreed pursuant to Article 6, paragraph 1 (b), of this Protocol.
4. The Competent Authority of the Affected Party shall review and comment upon the draft environmental impact assessment documentation within the time specified by the Party of Origin pursuant to Article 6, paragraph 1 (c), of this Protocol and submit its comments to the Competent Authority of the Party of Origin.
5. The Party of Origin shall ensure that the Project Proponent:
  - (a) Summarizes and translates, where necessary, the comments received;
  - (b) Carries out further investigations where required;
  - (c) Incorporates comments received from the public and the Competent Authorities of the Affected Parties into final environmental impact assessment documentation and explains how the comments were taken into account.

#### **Article 9. Consultations between Concerned Parties**

1. Prior to making the final decision on the proposed activity, at the request of the Affected Party, the Party of Origin shall enter into consultations with the Affected Party, concerning, *inter alia*, measures to reduce potential transboundary impact.
2. The Concerned Parties shall agree, at the commencement of such consultations, on a reasonable time-frame for the duration of the consultation period, while the period of consultations should not exceed 180 days, unless otherwise decided during the consultation period.

#### **Article 10. Final Decision on Implementation of a Proposed Activity**

1. The Competent Authority of the Party of Origin shall take the comments received pursuant to Article 8 of this Protocol into account when reviewing the final environmental impact assessment documentation and when making the final decision on the proposed activity.

2. The Competent Authority of the Party of Origin shall provide the Competent Authority of the Affected Party and the Secretariat with the final decision on the proposed activity along with the reasons and considerations on which it was based, including information on how the comments received were taken into account.
3. Concerned Parties shall ensure that information on the final decision on the proposed activity and information on how the comments received were taken into account is made available to those who submitted comments in accordance with Article 8, paragraph 3, of this Protocol.

### **Article 11. Post project analysis**

1. The Concerned Parties at the request of one of the Parties shall determine the expediency of the post project analysis and, in case of such expediency, to what extent it shall be carried out, taking into account the likely significant adverse transboundary impact of the activity for which an environmental impact assessment has been undertaken pursuant to this protocol.
2. Any post project analysis shall be undertaken with a view to achieving objectives as follows:
  - (a) Monitoring compliance with the conditions as set out in the authorization or approval of the activity and the effectiveness of mitigation measures;
  - (b) Review of an impact for proper management and in order to cope with uncertainties;
  - (c) Verification of past predictions in order to transfer experience to future activities of the same type.
3. If, after the post-project analysis, any of the Contracting Parties has reasonable grounds for concluding that there is a significant adverse transboundary impact, or factors have been discovered which may result in such an impact, it shall immediately inform the Party of Origin and the Secretariat. In this case, the Concerned Parties shall immediately consult and if necessary take appropriate measures to eliminate or reduce the impact.

### **Article 12. Reporting**

Each Contracting Party shall submit a report to the Secretariat on the implementation of the provisions of this Protocol, in format and at intervals as determined at the Conference of the Parties.

### **Article 13. Institutional Provisions**

1. For the purposes of this Protocol and in accordance with Article 22, paragraph 10, of the Convention, the Conference of the Parties shall, *inter alia*:
  - (a) Keep under review the implementation of this Protocol;
  - (b) Keep under review the content of this Protocol;
  - (c) Consider and adopt annexes to this Protocol;

- (d) Consider and adopt any amendments to this Protocol or its annexes;
  - (e) Consider reports submitted by the Secretariat on matters relating to the implementation of this Protocol;
  - (f) Establish such subsidiary bodies as may be deemed necessary for the implementation of this Protocol;
  - (g) Seek, where appropriate, the technical and financial services of relevant international bodies and scientific institutions to achieve the objective of this Protocol;
  - (h) Perform such other functions, as may be required for the implementation of this Protocol.
2. In accordance with Article 23, paragraph 4, of the Convention, the Secretariat shall *inter alia*:
- (a) Make information on Points of Contact for Notification of all Contracting Parties available to the Contracting Parties electronically, or as otherwise appropriate;
  - (b) Receive and make available electronically, or as otherwise appropriate, information received in the implementation of this Protocol, as provided by a Party of Origin, including:
    - (i) Notification of the proposed activities in accordance with Article 5, paragraph 3, of this Protocol;
    - (ii) Environmental impact assessment documentation provided by a Party of Origin in accordance with Article 7, paragraph 3, of this Protocol;
    - (iii) The final decision on a proposed activity along with the reasons and considerations on which it was based, including information on how the comments received were taken into account in accordance with Article 10, paragraph 2, of this Protocol;
  - (c) Prepare and transmit reports on matters relating to the implementation of this Protocol;
  - (d) Consider enquiries by and information from the Contracting Parties and consult with them on matters relating to the implementation of this Protocol;
  - (e) To the extent possible, promote the exchange of information and cooperation between the Contracting Parties and provide assistance to the Contracting Parties in implementing the provisions of this Protocol;
  - (f) Arrange, upon request by any Contracting Party, for the provision of technical assistance and advice for the effective implementation of this Protocol;
  - (g) Cooperate, as appropriate, with relevant regional and international organizations and programs;
  - (h) Perform such other functions as may be determined by the Conference of the Parties.

#### **Article 14. Funding**

1. To achieve the objectives of this Protocol, the Contracting Parties, shall as far as possible ensure that financial resources are available for the formulation and implementation of related programmes, projects and measures. To this end, the Contracting Parties shall:
  - (a) Commit domestic financial resources envisaged for these purposes;
  - (b) Promote the mobilization of financial resources from bilateral and multilateral funding sources and mechanisms, including grants and loans;
  - (c) Explore innovative methods and incentives for mobilizing and channeling resources, including those of foundations, governmental agencies of other countries, international organizations, non-governmental organizations and private sector entities.
2. The Financial Rules of the Convention shall apply mutatis mutandis to this Protocol, unless otherwise decided by the Conference of the Parties.
3. All activities and their implementation covered by this Protocol shall be financed by funds allocated by the Contracting Parties and other sources consistent with national legislation.

#### **Article 15. Settlement of Disputes**

Any dispute between the Contracting Parties concerning the application or interpretation of the provisions of this Protocol shall be settled in accordance with Article 30 of the Convention.

#### **Article 16. Adoption and Entry into Force of the Protocol**

1. This Protocol shall be adopted by unanimous decision of the Contracting Parties by a Meeting of the Conference of the Parties.
2. This Protocol shall be open for signature only by the Caspian Littoral States, in the city of Tehran from 20<sup>th</sup> July 2018 to 20<sup>th</sup> July 2019.
3. This Protocol shall be subject to ratification, acceptance or approval by the Caspian littoral States, and shall be open for accession by any Caspian littoral State, from the date on which the Protocol is closed for signature.
4. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depository of the Convention.
5. This Protocol shall enter into force on the ninetieth day after the date of deposit of the instrument of ratification, acceptance, approval or accession by all Caspian littoral States.

#### **Article 17. Adoption of Amendments and Annexes to the Protocol, and Amendments to the Annexes**

Any Contracting Party may propose amendments and annexes to this Protocol, as well as amendments to its annexes. These amendments and annexes shall be adopted by the Contracting Parties and enter into force in accordance with Articles 24, 25 and 34 of the Convention.

#### **Article 18. Effect of the Protocol on National Legislation**

The provisions of this Protocol shall not affect the right of Contracting Parties to adopt relevant stricter national measures for the implementation of this Protocol.

#### **Article 19. Relationship with Other International Treaties**

Nothing in this Protocol shall prejudice the rights and obligations of the Contracting Parties under other international treaties to which they are parties.

#### **Article 20. Reservation**

No reservations may be made to this Protocol.

#### **Article 21. Depository**

The Depository of the Protocol is the Depository of the Convention.

#### **Article 22. Authentic Texts**

The Azerbaijani, Farsi, Kazakh, Russian, Turkmen and English texts of this Protocol are equally authentic. In case of dispute arising as to the interpretation or application of this Protocol the English text shall be authoritative.

#### **Article 23. Relationship with the Negotiations on the Legal Status of the Caspian Sea**

Nothing in this Protocol shall be interpreted as to prejudice the outcome of the negotiation on the final legal status of the Caspian Sea.

In witness whereof the undersigned, being duly authorized, have signed this Protocol.

Done at the city of Moscow on the twentieth day of July of 2018.

## **ANNEX I**

### **List of Activities**

1. Crude oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 tons or more of coal or bituminous shale per day.
2. Thermal power stations and other combustion installations with a heat output of 300 megawatts or more.
3. Nuclear power stations and other nuclear reactors, including the dismantling or decommissioning of such power stations or reactors (1/) except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load.
4. Installations solely designed for the production or enrichment of nuclear fuels, for the reprocessing or storage of irradiated nuclear fuels or for the storage, disposal and processing of radioactive waste.
5. Major installations for the initial smelting of cast iron and steel and for the production of non-ferrous metals.
6. Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos: for asbestos-cement products, with an annual production of more than 20,000 tons finished product; for friction material, with an annual production of more than 50 tons finished product; and for other asbestos utilization of more than 200 tons per year.
7. Integrated chemical and petrochemical installations.
8. Construction, reconstruction and/or widening of motorways, express roads (2/) and lines for long distance railway traffic, including the construction of major associated bridges, and of airports (3/) with a basic runway length of 2,100 metres or more;
9. Large diameter pipelines for the transport of oil, gas and oil products, or chemicals.
10. Marine/Trading ports and also inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 tons.
11. Waste-disposal installations for the incineration, chemical treatment or landfill of waste;
12. Large dams, reservoirs and canals connected to the Caspian Sea.
13. Groundwater abstraction activities or artificial groundwater recharge schemes where the annual volume of water to be abstracted or recharged amounts to 10,000,000 cubic metres or more.

14. Pulp, paper and board manufacturing of 200 air-dried tons or more per day.
15. Major quarries, mining, on-site extraction and processing of metal ores or coal.
16. Offshore hydrocarbon production. Extraction of petroleum and natural gas for where the amount extracted exceeds 500 tons/day in the case of petroleum and 500,000 cubic metres/day in the case of gas.
17. Major storage facilities for petroleum, petrochemical and chemical products.
18. Deforestation of large areas.
19. Works for the transfer of water resources between and within river basins where this transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 100,000,000 cubic metres/year; in all other cases, works for the transfer of water resources between and within river basins where the multi-annual average flow of the basin of abstraction exceeds 2,000,000,000 cubic metres/year and where the amount of water transferred exceeds 5 per cent of this flow. In both cases transfers of piped drinking water are excluded.
20. Waste-water treatment plants with a capacity exceeding 150,000 population equivalent.
21. Installations of microbiological and biotechnological production, and the release of genetically modified organisms.
22. Land reclamation, including the construction of artificial islands, spits and reefs.

## **Notes to Annex I**

(1/) For the purposes of this Protocol, nuclear power stations and other nuclear reactors cease to be such an installation when all nuclear fuel and other radioactively contaminated elements have been removed permanently from such an installation site.

(2/) For the purposes of this Protocol:

- “Motorway” means a road specially designed and built for motor traffic, which does not serve properties bordering on it, and which:
  - (a) Is provided, except at special points or temporarily, with separate carriageways for the two directions of traffic, separated from each other by a dividing strip not intended for traffic or, exceptionally, by other means;
  - (b) Does not cross at level with any road, railway or tramway track, or footpath;
  - (c) Is specially signposted as a motorway.
- “Express road” means a road reserved for motor traffic accessible only from interchanges or controlled junctions and on which, in particular, stopping and parking are prohibited on the running carriageway(s).

(3/) For the purposes of this Protocol, “airport” means an airport which complies with the definition in the Annex 14 to the Convention on International Civil Aviation, Chicago, USA, 1944, setting up the International Civil Aviation Organization.

**List of Criteria to Assist in Determining Significant Transboundary Impact**

Concerned Parties may consider whether the activity is likely to have a significant adverse transboundary impact in particular by virtue of one or more of the following criteria:

- (a) Size: proposed activities which are large for the type of the activity;
- (b) Location: proposed activities which are located in or close to an area of special environmental sensitivity or importance (such as wetlands designated under the Convention on Wetlands of International Importance especially as Waterfowl Habitat, done on February 2, 1971, national parks, nature reserves, sites of special scientific interest, or sites of archaeological, cultural or historical importance); also, proposed activities in locations where the characteristics of proposed development would be likely to have significant effects on the population;
- (c) Effects: proposed activities with particularly complex and potentially adverse effects, including those giving rise to serious effects on humans or on valued species or organisms, those which threaten the existing or potential use of an affected area and those causing additional loading which cannot be sustained by the carrying capacity of the environment.

### **Minimum Content of the Environmental Impact Assessment Documentation**

Information to be included in the draft environmental impact assessment shall, as a minimum, contain, in accordance with Article 6 of this Protocol:

- (a) A description of the proposed activity and its purpose;
- (b) A description, where appropriate, of reasonable alternatives (for example, locational or technological) to the proposed activity and also the no-action alternative;
- (c) A description of the environment likely to be significantly affected by the proposed activity and its alternatives;
- (d) A description of the potential environmental impact of the proposed activity and its alternatives and an estimation of its significance;
- (e) A description of mitigation measures to keep adverse environmental impact to a minimum;
- (f) An explicit indication of predictive methods and underlying assumptions as well as the relevant environmental data used;
- (g) An identification of gaps in knowledge and uncertainties encountered in compiling the required information;
- (h) Where appropriate, an outline for monitoring and management programmes and any plans for post-project analysis;

A non-technical summary including a visual presentation as appropriate (maps, graphs).

**AN**

**ANNEX 7**

**Proceedings of the preparatory meetings for the Sixth Session of the Conference of the  
Parties to the Tehran Convention**

AN

**First Preparatory Committee Meeting**  
**for the sixth Meeting of the Conference of the Parties (COP6) to the Tehran Convention**  
**24 – 27 November 2014, Baku, Azerbaijan**  
**PROVISIONAL AGENDA**

<b>Monday, 24 November 2014</b>
---------------------------------

10:00 - 10:15- Registration and opening of the meeting

- Adoption of the agenda

10:15 - 11:30 - Update and review on Secretariat relocation and arrangements: Host country arrangements

*11:30– 12:00 - Coffee break*

12:00 – 13:00 - Update and review on Secretariat relocation and arrangements: finalization of the draft Terms of Reference of the Convention Trust Fund

*13:00 – 14:30 - Lunch break*

14:30 – 16:00 - *Continued:* Update and review on Secretariat relocation and arrangements: finalization of the draft Terms of Reference of the Convention Trust Fund

*16:00 - 16:30 - Coffee break*

16:30 - 18:00 - Update and review on Secretariat relocation and arrangements: Staffing and financing

<b>Tuesday, 25 November 2014</b>
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10:00 – 11:00 - Update on ratification process and implementation of the Aktau Protocol

11:00 – 11:15 - Update on signing and ratification of the Moscow and Ashgabat Protocols

11:15 – 11:45 - *Coffee break*

11:45 – 13:00 - Review of the <sup>AN</sup>Turkmen proposals and finalization of the draft protocoltext on environmental impact assessment in a trans-boundary context

13:00 - 14:30 - *Lunch break*

14:30 - 15:30 - Reports on activities of Caspian Day 2014

15:30 – 16:00 - Update on CEIC: Meeting of the National Information Officers

16:00 – 16:30 - *Coffee break*

16:30 – 18:00 - *Continued:* Update on CEIC: Meeting of the National Information Officers

<b>Wednesday, 26 November 2014</b>
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10:00 – 10:30 - Proposal for a legal instrument on data and information sharing

10:30 – 11:30 - Role and future tasks of the Working Group on Monitoring

11:30 – 12:00 - Coffee break

12:00 – 13:00 - Update on CEIC and role and future tasks of National Information Officers

13:00 – 14:30 - Lunch break

14:30 – 15:30 - Discussion on access to information (Aarhus principles) as part of a legal instrument

15:30 – 16:30 - Discussion on future of national reports and state of the environment reporting

16:30 – 17:00 - Coffee break

17:00 – 18:00 - Wrap-up on discussions on public participation and monitoring and information sharing

<b>Thursday, 27 November 2014</b>
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10:00 – 11:00 - Review and provisional planning of Tehran Convention activities 2014 / 2015

- 11:00 – 11:30 - Coffee break
- 11:30 – 13:00 - Continued: Review ~~and~~ And provisional planning of Tehran Convention activities 2014 / 2015
- 13:00 – 14:30 - Lunch break
- 14:30 – 16:00 - Preparations for COP6 and other matters
- 16:00 – 16:30 - Coffee break
- 16:30 – 18:00 - Wrap-up of the meeting

**AN**

**Second Preparatory Committee Meeting**  
**for the sixth Meeting of the Conference of the Parties (COP6) to the Tehran**  
**Convention 31 May – 3 June 2015, Baku, Azerbaijan**  
**PROVISIONAL AGENDA**

<b>Sunday, 31 May 2015</b>
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- 10:00 - 10:15 - Registration and opening of the meeting
- Adoption of the agenda
- 10:15 - 11:30 - Update and review on Secretariat relocation and arrangements: Host country arrangements
- 11:30– 12:00 - Coffee break*
- 12:00 – 13:00 - Update on signing, ratification and implementation of Aktau, Moscow and Ashgabat Protocols; review Turkmen proposals on EIA Protocol
- 13:00 – 14:30 - Lunch break*
- 14:30 – 16:00 - Composition, terms of reference and work programme Working Group on Assessment, Monitoring and Information Exchange
- 16:00 - 16:30 - Coffee break*
- 16:30 - 18:00 - *Continued:* Composition, terms of reference and work programme Working Group on Assessment, monitoring and Information Exchange

<b>Monday, 1 June 2015</b>
----------------------------

- 10:00 – 11:30 - Preparation water quality standards and objectives
- 11:30 – 12:00 - Coffee break*
- 12:00 – 13:00 - Update and status CEIC and review outline next State of the Caspian Environment report
- 13:00 - 14:30 - Lunch break*

- 14:30 - 15:30 - *Continued:* update and status CEIC and outline next State of the Caspian Environment Report
- 15:30 – 16:00 - Draft Protocol on Assessment, Monitoring, Reporting and Information Exchange

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16:00 – 16:30 - *Coffee break*

- 16:30 – 18:00 - *Continued:* draft Protocol on Assessment, Monitoring, Reporting and Information Exchange

<b>Tuesday, 2 June 2015</b>
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- 10:00 – 11:30 - *Continued:* Draft Protocol on Assessment, Monitoring, Reporting and Information Exchange

11:30 – 12:00 - *Coffee break*

- 12:00 – 13:00 - *Continued:* Draft Protocol on Assessment, Monitoring, Reporting and information Exchange

13:00 – 14:30 - *Lunch break*

- 14:30 – 16:30 - *Continued:* Draft Protocol on Assessment, Monitoring, Reporting and Information Exchange

16:30 – 17:00 - *Coffee break*

- 17:00 – 18:00 - *Continued:* Draft Protocol on Assessment, Monitoring, Reporting and Information Exchange

<b>Wednesday, 3 June 2015</b>
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- 10:00 – 11:00 - *Continued:* Draft Protocol on Assessment, Monitoring, Reporting and Information Exchange

11:00 – 11:30 - *Coffee break*

- 11:30 – 13:00 - Wrap-up of the meeting

AN

**Third Preparatory Committee Meeting**  
for the sixth Meeting of the Conference of the Parties (COP6) to the Tehran Convention  
10-11 November 2015, Baku, Azerbaijan

**PROVISIONAL AGENDA**

Tuesday, 10 November 2015
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10:00 - 10:15    - Registration and opening of the meeting

- Adoption of the agenda

10:15 - 11:30    - Location, staffing and arrangements of the Secretariat

*11:30– 12:00    - Coffee break*

12:00 – 12.15   - Terms of Reference of the NCLOs

12:15 - 12:30   - Status of signing and ratification of the Moscow and Ashgabat

Protocols

12:30 - 13:00   - Ratification and implementation of the Aktau Protocol

*13:00 – 14:30   - Lunch break*

14:30 – 16:00   - EIA Protocol: Consideration of the proposal of Turkmenistan

*16:00 - 16:30   - Coffee break*

16:30 - 18:00    -        Composition, terms of reference and work programme of the  
Working Groupon Monitoring and Assessment

Wednesday, 11 November 2015
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10:00 – 11:30   - Stakeholders' involvement, status of the CEIC and SoE-Report  
preparations

*11:30 – 12:00   - Coffee break*

12:00 – 13:00   - 2016-2017 Programme of Work, Terms of Reference of the Convention  
TrustFund and Budget

*13:00 - 14:30 - Lunch break*

14:30 - 16:00 - Draft Ministerial Statement and Decisions <sup>**AN**</sup>

*16:00 – 16:30 - Coffee break*

16:30 – 17:30 - *Continued:* Draft Ministerial Statement and Decisions

17:30 – 18:00 - Wrap-up and closure of the meeting

**Fourth Meeting of the Preparatory Committee  
for the sixth Meeting of the Conference of the Parties (COP6) to the Tehran  
Convention Geneva, 7, 8 and 10 November 2016**

**Meeting of the Preparatory Committee  
for the first Meeting of the Conference of the Parties of the Parties (COP1) to the  
(Aktau) Protocol Concerning Regional Preparedness, Response and Cooperation in  
Combating Oil Pollution Incidents  
Geneva, 8 and 9 November 2016**

**PROVISIONAL ANNOTATED AGENDA**

<b>Monday, 7 November 2016</b>
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9:30 – 10:00 - Registration and opening of the meeting

- Adoption of the agenda

*10:00 – 10:15 - Coffee break*

10:15 – 11:30 - Clarifications on outstanding matters related to the Secretariat of the Tehran Convention:

The representative of UNEP will clarify the outstanding matters, followed by a discussion. The outstanding matters include:

- Carrying out functions of the Secretariat: Request and authority;
- Secretariat personnel: Recruitment, appointment, and status;
- UN/UNEP financial regulations and rules: Administration of the Convention Trust Fund and Convention Financial Rules;
- Privileges and immunities: of the UN/UNEP, of the Secretariat premises, the Secretariat personnel, experts and delegates to the meetings of the Convention;
- Provider or administrator of the Secretariat: Roles, responsibilities, accountability and authority;
- Relationship between the Executive Director of UNEP and the Executive Secretary of the Convention,
- Other key elements in a host country agreement.

Relevant document: Communication from the UNEP to the Parties in document - TC/COP6/INF11.

The PrepCom will be invited to comment on the clarifications made and reach agreement on the outstanding matters for use in the host country agreement..

11:30 – 12:00 - *Coffee break* **AN**

12:00 – 13:00 - Azerbaijan will introduce its version of the HCA, after which UNEP and the Parties will be invited to provide comments on the text of the HCA and open the discussion.

Relevant document: Host Country Agreement, draft version of Azerbaijan produced as of 17/04/2015 in document TC/COP6/INF13.

13:00 – 14:30 - *Lunch break*

14:30 – 16:00 - Composition and Staffing of the TC Secretariat

The Representative of UNEP will inform and update the Meeting about the status of the recruitment process of the Executive Secretary of the Secretariat of the Tehran Convention (P5).

The recruitment of other UNEP staff in the Convention Secretariat will be spearheaded by the appointed Executive Secretary within his/her delegated authority. As indicated in Annex I of the proposed Programme of Work 2016

– 2017, a large part of the staff positions should be filled through secondments. UNEP will inform the Meeting about further steps for the recruitment of the staff, including offers and procedures for the secondment of staff to the Secretariat by the Contracting Parties.

The PrepCom will be invited to provide comments and take note on the status of the recruitment of staff of the Secretariat.

16:00 – 16:30 - *Coffee break*

16:30 – 18:00 - Terms of Reference (ToR) and Budget of the Convention Trust Fund (TF).

At its 1st Meeting in Baku, 24-27 November 2014, the PrepCom reviewed and reached agreement on the draft ToR of the Trust Fund for the Tehran Convention. UNEP reviewed the draft as agreed by the PrepCom and provided comments. The draft ToR as agreed by the subsequent PrepCom is contained in the Note by TCIS on the TF (TC/COP6/7); UNEP may provide additional comments or clarifications during the meeting.

At its 3rd Meeting, the PrepCom agreed with the proposed budget of the TF, “on the understanding, that the budget figures will be updated once the certified statement of income and expenditure over 2015 has been issued”. In light of the delay in finalizing the arrangements for COP6, an update of the budget has been prepared and is included in the Note by TCIS on the TF.

The PrepCom is invited to consider the updated draft budget and agree on it.

- 10:00 – 10:30 - Status of the Moscow, Ashgabat and EIA Protocols as well as Protocol on information sharing

The PrepCom is invited to review the status of ratification of the Protocol for the Protection of the Caspian Sea against Pollution from Land Based Sources and Activities (Moscow Protocol), and the Protocol for the Conservation of Biological Diversity (Ashgabat Protocol), and review and agree on para's 1 and 2 of the draft Ministerial Statement, contained in document TC/COP6/10.

At its 3rd Meeting the PrepCom, after having reviewed the advisory opinion of the Espoo Convention Secretariat on the proposals of Turkmenistan for the Annex to the Protocol on Environmental Impact Assessment in a Trans- boundary Context, concluded that, "in the continuing absence of consensus, the Ministers at COP6 will be requested to review and reach agreement on the proposals". The text of the Protocol with the Proposals of Turkmenistan, as well as the Advisory Opinion of the Espoo Convention Secretariat, are contained in document TC/COP6/3.

The PrepCom is invited to provide guidance as to how best the Ministers can address the issue, and review and agree on para 3 of the draft Ministerial Statement (document TC/COP6/10).

- 10:30 – 11:00 - Terms of Reference NCLOs

At its 3rd Meeting the PrepCom reviewed the draft ToR for the NCLOs and requested TCIS to incorporate comments and prepare the ToR for submission to COP6. The final draft of the ToR is contained in document TC/COP6/6.

The PrepCom is invited to review the ToR of the NCLOs and agree on para 11 of the draft Ministerial Statement, contained in document TC/COP6/10.

*11:00 – 11:30 - Coffee break*

- 11:30 – 12:30 - Host Country Agreement

Azerbaijan and UNEP will inform the Meeting of the outcome of their HCA negotiations, after which the PrepCom is invited to provide guidance in solving any remaining points.

- 12:30 – 13:00 - Decision on Institutional arrangements for the Tehran Convention

TCIS will introduce and the PrepCom is invited to review and agree on the text of the draft Decision on institutional arrangements for the Tehran Convention, contained in document TC/COP6/9.

*13:00 – 14:30 - Lunch break*

**14:30 – 16:00 - Preparations for COP1 Aktau Protocol**

The Meeting will be informed of the outcome of the Meeting in Aktau, 10 – 12 August 2016, to celebrate the entry into force of the (Aktau) Protocol on Regional Preparedness, Response and Co-operation in Combating Oil Pollution Incidents.

The PrepCom is invited to discuss and prepare recommendations for the 1st COP and Ministerial Statement and Decisions concerning:

- the designation of competent national authorities (art 1 (f) Protocol), and their relation with the NFPs and NCLOs of the Tehran Convention;
- the procedures for the establishment of a regional mechanism (art 4.3 Protocol) and its relation to the Tehran Convention Secretariat;
- the finalization and procedures for adoption of the Caspian Sea Plan concerning Regional Co-operation in Combating Oil Pollution (art 4.4 Protocol);
- the first two-year POW and budget for the implementation of the Protocol;
- the Strategy and procedures for involving the Oil and Gas Industry in the implementation of the Protocol
- the relationship between the Protocol and the Agreement on Co-operation in the field of prevention and liquidation of emergency situations in the Caspian
- Sea, adopt at the Caspian Summit, in Astrakhan, 29 September 2014

The documentation for the Meeting will include: A note by TCIS on the implementation of the Aktau Protocol; the draft of the Caspian Sea Plan; the draft POW and Budget; the Note by IMO on Models and Considerations for the Establishment of a Regional Centre for Oil Pollution Preparedness and Response; the updated Note by TCIS on Co-operation with the Oil and Gas sector; draft Ministerial Statement and Decisions.

*16:00 – 16:30 - Coffee break*

**16:30 – 18:00 - Continued: Preparations for COP1 Aktau Protocol**

<b>Wednesday, 9 November 2016</b>
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**10:00 – 11:30 - Continued: Preparations for COP1 Aktau Protocol**

*11:30 – 12:00 - Coffee break*

12:00 – 13:00 - *Continued: Preparations for COP1 Aktau Protocol*

*13:00 – 14:30 - Lunch break*

14:30 – 16:00 - Programme of work and budget

The PrepCom is invited to consider the Programme of Work and budget as contained in document TC/COP6/8 and agree on para 12 of the draft Ministerial Statement, contained in document TC/COP6/10.

*16:00 – 16:30 - Coffee break*

16:30 – 18:00 - Stakeholder involvement, status CEIC and SOE preparations

The Russian Federation/Secretariat will inform and introduce the report and recommendations of the Stakeholders' Meeting, Astrakhan, 12 – 13 August 2015 (TC/COP6/12). The PrepCom is invited to consider the report and recommendations and review and agree on para 6 of the draft Ministerial Statement, contained in document TC/COP6/10.

The PrepCom will be informed by the Representative of Grid Arendal of the status of Caspian Environment Information Centre (CEIC), in particular the proposal submitted to BP for the 2<sup>nd</sup> phase of CEIC activities, and is invited to review and agree on para 9 of the draft Ministerial Statement, contained in document TC/COP6/10.

The PrepCom is invited to consider the Note by TCIS on the preparations for the second State of the Caspian Sea Environment Report (SOE2), contained in document TC/COP6/5. and review and agree on para 10 of the draft Ministerial Statement, contained in document TC/COP6/10.

<b>Thursday, 10 November 2016</b>
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10:00 – 11:30 - Draft Ministerial Statement and Decisions

The PrepCom is invited to review and agree on the draft Ministerial Statement, contained in document TC/COP6/10, and to decide on the dates of COP6

*11:30 – 12:00 - Coffee break*

12:00 – 12:45 - Other matters

12:45 – 13:30 - Wrap-up and closure of the meeting

**Fifth Meeting of the Preparatory Committee  
for the sixth Meeting of the Conference of the Parties (COP6) to the Tehran Convention  
Geneva, 13-17 November 2017**

**PROVISIONAL ANNOTATED AGENDA**

<b>Monday, 13 November 2017</b>
---------------------------------

10:00 – 10:15 - Registration and opening of the meeting

- Adoption of the agenda

10:15 – 11:30 - Discussions on outstanding matters related to the Secretariat of the Tehran Convention

In discussions in a meeting of Parties organized by Azerbaijan (Baku, 14 June 2017) and further exchanges in the margin of meetings in Iran (Bandar Anzali, 16-20 April 2017) and Russian Federation (Astrakhan, 10-12 August 2017) questions were raised as to the financial implications of, and the position of the Executive Secretary in a rotating Convention Secretariat. Pending is also the format and text of the Host Country Agreement since Azerbaijan did not find acceptable the solution which was proposed at PrepCom 4, 7-10 November 2016, in Geneva.

A Note by the TCIS to clarify the outstanding issues and assist the Parties in deciding on the way forward, is contained in document TCIS Note 1. The document also contains a draft-Decision on the Secretariat arrangements prepared by TCIS.

The PrepCom is invited to comment on the clarifications made and reach agreement on the outstanding matters, including the proposed draft Decision on Secretariat arrangements, for submission and adoption by COP6.

11:30 – 12:00 - *Coffee break*

12:00 – 13:00 - *Continued.* Discussions on outstanding matters related to the Secretariat of the Tehran Convention

13:00 – 14:30 - *Lunch break*

14:30 – 16:00 - Status of the Moscow, Ashgabat, EIA and Aktau Protocols

The PrepCom is invited to review the status of ratification of the Protocol for the Protection of the Caspian Sea against Pollution from Land Based Sources and Activities (Moscow Protocol, ratification Kazakhstan, Russian

Federation pending), and the Protocol for the Conservation of Biological Diversity (Ashgabat Protocol, ratification Azerbaijan, Kazakhstan, and IR Iran pending).

At its 3rd Meeting, the PrepCom, having reviewed the advisory opinion of the Espoo Convention Secretariat on the proposals of Turkmenistan for the Annex to the Protocol on Environmental Impact Assessment in a Trans-boundary Context, concluded that, “in the continuing absence of consensus, the Ministers at COP6 will be requested to review and reach agreement on the proposals”. PrepCom 4 (Geneva, 7-10 November 2016) repeated that request.

The text of the Protocol with the Proposals of Turkmenistan, as well as the Advisory Opinion of the Espoo Convention Secretariat, are contained in document TC/COP6/3.

Having been ratified by all Parties the Protocol Concerning Regional Preparedness, Response and Co-operation in Combating Oil Pollution Incidents (Aktau Protocol) entered into force on 25 July 2016. At the meeting in Iran (Bandar Anzali, 16-20 April 2017), the Parties agreed on the text of the Caspian Sea Plan Concerning Regional Co-operation in Combating Oil Pollution in Cases of Emergency of the Aktau Protocol, with the exception of the definition of the Regional Mechanism. The plan is the implementation framework of the Aktau Protocol and guidance document for effective cooperation on oil pollution preparedness and response activities in the Caspian Sea. The PrepCom is requested to consider and agree on the plan for submission to and adoption by COP6 as contained in document TC/COP6/17. The PrepCom will furthermore be informed about the intention to hold a first implementation workshop in May 2018 co-organized with the International Maritime Organization (IMO).

*16:00 – 16:30 - Coffee break*

16:30 – 17:30 - Programme of work and budget

The PrepCom is invited to consider and agree on the Programme of Work and budget for 2018-2019, as contained in document TC/COP6/8, for submission and approval by COP6.

17:30 – 18:00 - Terms of Reference (ToR) and Budget of the Convention Trust Fund (TF).

At its 1st Meeting in Baku, 24-27 November 2014, the PrepCom reviewed and reached agreement on the draft ToR of the Trust Fund for the Tehran Convention. UNEP reviewed the draft as agreed by the PrepCom and provided comments. The draft ToR as agreed by the subsequent PrepCom is contained in the Note by TCIS on the TF (TC/COP6/7).

At its 3rd Meeting, the PrepCom agreed with the proposed budget of the TF, “on the understanding <sup>AN</sup> that the budget figures will be updated once the certified statement of income and expenditure over 2015 has been issued”. In light of the delay in finalizing the arrangements for COP6, an update of the budget has been prepared and is included in the Note by TCIS on the TF.

The PrepCom is invited to consider the updated draft budget prepared by TCIS and included in document TC/COP6/7. The draft TF Tor and budget will be submitted to COP6 for its consideration and approval.

<b>Tuesday, 14 November 2017</b>
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10:00 – 10:30 - Terms of Reference NCLOs

At its 4rd Meeting, the PrepCom reviewed the draft ToR for the NCLOs and requested TCIS to incorporate comments made by Kazakhstan and Russian Federation and prepare the ToR for submission to COP6. The final draft of the ToR is contained in document TC/COP6/6.

The PrepCom is invited to agree on the ToR of the NCLOs for submission to and adoption by COP6.

10:30 – 11:00 - Unified Reporting Format

At its 4rd Meeting the PrepCom agreed to the proposal of Russian Federation and requested the interim Secretariat to ensure updating the Unified Reporting Format. At the meetings in Iran (Bandar Anzali, 16-20 April 2017) the Unified Reporting Format was initially reviewed. The meeting is invited to consider the Unified Reporting Format contained in document TC/COP6/13, for submission and approval by COP6.

*11:00 – 11:30 - Coffee break*

11:30 – 12:30 - Green Climate Fund

In the context of the implementation of the Sustainable Development Goal 13 “Take urgent action to combat climate change and its impacts” and against the background of the knowledge and state of Caspian Sea level fluctuations, regional consultations took place at the meeting in Astrakhan, 10-12 August 2017 Russian Federation. All Parties supported the idea of development of a project addressing the issue of Climate change and Caspian Sea level fluctuations. The PrepCom is invited to review the initial concept note and the timetable for finalizing the proposal to the Green Climate Fund, contained in document TCIS Note 2.

12:30 – 13:00 - Co-operation with the private sector

At its 4th Meeting the PrepCom requested the (interim) Secretariat to explore possibilities for intensifying collaboration with the private sector. A Round Table on Collaboration with the Private Sector was held at the meeting in Iran (Bandar Anzali, 16-20 April 2017). The outcome is contained in document TC/COP6/15. The (interim) Secretariat will inform the meeting of the latest developments in relation to possibilities for cooperation with the private sector.

13:00 – 14:30 - *Lunch break*

14:30 – 16:00 - Stakeholder involvement, status CEIC and SOE preparations

The Russian Federation/Secretariat will inform and introduce the report and recommendations of the Stakeholders' Meeting, Astrakhan, 12 – 13 August 2015 (TC/COP6/12). The PrepCom is invited to consider the report and recommendations and review and agree on para 6 of the draft Ministerial Statement, contained in document TC/COP6/10.

Following the approval by BP of the project on the second phase of the Caspian Environment Information Centre (CEIC-2), and the designation/confirmation by the Contracting Parties of their National Environmental Information Officers, a first skype call consultation with and between the designated experts was held on 11 September 2017. The invited national experts/information officers are requested to discuss further the progress in the preparation of the second State of the Caspian Sea Environment Report and review the first draft of the interface web-portal (GRID-Arendal).

The PrepCom will be informed by the Representative of Grid Arendal of the status of Caspian Environment Information Centre (CEIC), and the invited national experts/information officers are requested to discuss progress and review the first draft of the interface web-portal.

In presence of and based on the advice of the National Environmental Information Officers the PrepCom is invited to consider the Note by TCIS on the preparations for the second State of the Caspian Sea Environment Report (SOE2), contained in document TC/COP6/5. and agree on the scope of the report, and Table of Contents, process, methodology, process, timetable and division of work for its preparation.

16:00 – 16:30 - *Coffee break*

16:30 – 18:00 - *Continued:* Stakeholder involvement, status CEIC and SOE preparations. Information by National Experts on the status of the preparation of the second State of the Caspian Sea Environment Report and information

holders' assessment. Introduction to Expert elicitation method (GRID-Arendal).

**AN**

**PARALLEL SESSION (GRID-Arendal)**

(National Environmental Information Officers, National Experts)

- 10:00 – 11:30 - Introduction to Expert elicitation method (continued).  
Testing of the Expert elicitation method in the application to risk analysis. Preparation of the SOE report. Assessment of the national information holders.
- 11:00 – 11:30 - Coffee break
- 11:30 – 13:00 - Training session on the use of the CEIC portal.
- 13:00 – 14:30 - Lunch break
- 14:30 – 16:30 - Continued. Training session on the use of the CEIC portal.

<b>Wednesday, 15 November 2017</b>
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- 10:00 – 11:30 - Working Group on Monitoring and Assessment and Information Exchange

The Acting Chair will review the progress achieved by the group during the 2 years of its activities and briefly inform the meeting on the discussions on the Caspian monitoring and assessment occurred during the Caspian Day 2017 celebration in Astrakhan on 10 August 2017. He will also outline his views on the subjects which are to be in the focus of the future WGMA activities.

The WGMA will review the Caspian Environment Monitoring Program (EMP) and its members are invited to express their views on the necessity of its modification taking into account the possible changes in the country's monitoring capabilities, national monitoring program's structures (particularly the monitoring networks and sets of observed parameters) as well as changes in international monitoring practices occurred since 2012

The WGMA will be invited to express their opinion on the choice of set of standards as elaborated in the report of Dr. Ostrovskaia, presented at the meeting in Iran (Bandar Anzali, 16-20 April 2017).

*11:00 – 11:30 - Coffee break*

- 11:30 – 13:00 - Continued. Working Group on Monitoring and Assessment and Information Exchange The WGMA will be invited to consider 3 issues on which no agreement was reached at the previous meetings:
- 1) Minimum data quality control procedures to be applied at the national level prior to data submission;
  - 2) Data Submission Formats;
  - 3) Organization to serve as the Caspian Monitoring Data Centre

*13:00 – 14:30 - Lunch break*

- 14:30 – 16:00 - Protocol on Monitoring, Assessment and Information Exchange

The text of the Protocol on Monitoring, Assessment and Information Exchange prepared by TCIS was reviewed at meetings in Baku, 21 -22 January 2016, and IR Iran, April 2017. Copy of the text, as amended at the last meeting is contained in document TC/COP6/4.

The Parties are requested to continue to review and make every effort to finalize the text it for consideration and adoption by COP6.

*16:00 – 16:30 - Coffee break*

- 16:30 – 18:00 - *Continued.* Protocol on Monitoring, Assessment and Information Exchange

<b>Thursday, 16 November 2017</b>
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- 10:00 – 11:30 - *Continued.* Protocol on Monitoring, Assessment and Information Exchange

*11:30 – 12:00 - Coffee break*

- 12:00 – 13:00 - *Continued.* Protocol on Monitoring, Assessment and Information Exchange

*13:00 – 14:30 - Lunch break*

- 14:30 – 16:30 - *Continued.* Protocol on Monitoring, Assessment and Information

- Exchange 16:30 – 18:00 - Ministerial Statement and decisions

A draft of the Ministerial Statement and Decisions of COP6 was submitted to and reviewed by PrepCom 3 Baku, 10-11 November 2015. The Statement as amended is contained in document TC/COP6/10. The meeting is invited to continue to review and finalize the Statement for submission and approval by COP6.

**Friday, 17 November 2017**

**AN**

10:00 – 11:30 - *Continued.* Ministerial Statement and decisions

11:30 – 12:00 - *Coffee break*

12:00 – 13:00 - *Continued.* Ministerial Statement and decisions

12:45 – 13:30 - Wrap-up and closure of the meeting

**Sixth Meeting of the Preparatory Committee  
for the sixth Meeting of the Conference of the Parties (COP6) to the Tehran  
Convention Baku, 24-28 September 2018  
PROVISIONAL AGENDA**

**Monday, 24 September 2018**

10:00 – 10:15 - Registration and opening of the meeting

- Adoption of the agenda

10:15 – 11:30 - Management and administration of the Tehran Convention Secretariat

11:30 – 12:00 - *Coffee break*

12:00 – 13:00 - *Continued.* Management and administration of the Tehran Convention Secretariat

13:00 – 14:30 - *Lunch break*

14:30 – 16:00 - *Continued.* Management and administration of the Tehran Convention Secretariat

16:00 – 16:30 - *Coffee break*

16:30 – 18:00 - *Continued.* Management and administration of the Tehran Convention Secretariat

**Tuesday, 25 September 2018**

10:00 – 11:30 - Working Group on Monitoring and Assessment and Information Exchange

11:30 – 12:00 - *Coffee break*

12:00 – 13:00 - *Continued:* Working Group on Monitoring and Assessment and Information  
Parallel Session

10:00 – 11:30 - Status of the Aktau Protocol implementation

11:30 – 12:00 - *Coffee break*

12:00 – 13:00 - *Continued:* Aktau Protocol Implementation

13:00 – 14:30 - *Lunch break*

14:30 – 16:00 - Second Caspian Sea State of the Environment Report

16:00 – 16:30 - *Coffee break*

16:30 – 17:30 - Caspian Environment Information

Center 17:30 – 18:00 - Unified Reporting Format

<b>Wednesday, 26 September 2018</b>
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10:00 – 10:30 - Status of the ratification of the Moscow, Ashgabat and EIA

Protocols 10:30 – 11:30 - Protocol on Monitoring, Assessment and Information

Exchange 11:30 – 12:00 - *Coffee break*

12:00 – 13:00 - *Continued.* Protocol on Monitoring, Assessment and Information Exchange

13:00 – 14:30 - *Lunch break*

14:30 – 16:00 - *Continued:* Protocol on Monitoring, Assessment and Information Exchange

16:00 – 16:30 - *Coffee break*

16:30 – 18:00 - *Continued:* Protocol on Monitoring, Assessment and Information Exchange

<b>Thursday, 27 September 2018</b>
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10:00 – 10:30 - Outcomes of the Extraordinary Meeting of the Conference of the Parties,  
Moscow, Russian Federation, 19-20 July 2018

10:30 – 11:30 - Status of the preparatory work for the implementation of the Moscow,  
Ashgabat and EIA Protocol

11:30 – 12:00 - *Coffee break*

12:00 – 12:30 - Terms of Reference NCLOs

12:30 – 13:00 - Programme of Work and budget <sup>AN</sup>13:00

– 14:30 - *Lunch break*

14:30 – 16:00 - Report of the interim Secretariat on the ongoing projects preparation

16:00 – 16:30 - *Coffee break*

16:30 – 18:00 - Private Sector Cooperation and Stakeholder Engagement

<b>Friday, 28 September 2018</b>
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10:00 – 11:30 - Ministerial Statement and Decisions

11:30 – 12:00 - *Coffee break*

12:00 – 13:00 - *Continued:* Ministerial Statement and Decisions

13:00 – 14:30 - *Lunch Break*

14:30 – 16:00 - *Continued:* Ministerial Statement and Decisions

16:00 – 16:30 - *Coffee break*

16:30 – 17:30 - *Continued:* Ministerial Statement and

Decisions 17:30 – 18:00 - Wrap-up and closure of the meeting

**Seventh Meeting of the Preparatory Committee  
for the sixth Meeting of the Conference of the Parties (COP6) to the Tehran  
ConventionBaku, 16-20 September 2019**

**ANNOTATED PROVISIONAL AGENDA**

<b>Monday, 16 September 2019</b>
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10:00 – 10:30 - Registration and opening of the meeting

- Adoption of the agenda

10:30 – 11:30 - Protocol on Monitoring, Assessment and Information Exchange  
(TC/COP6/4)

The Meeting is invited to consider and finalize the text of the Protocol on  
Monitoring, Assessment and Information Exchange.

*11:30 – 12:00 - Coffee break*

12:00 – 13:00 - *Continued:* Protocol on Monitoring, Assessment and Information Exchange

*13:00 – 14:30 - Lunch break*

14:30 – 16:00 - *Continued:* Protocol on Monitoring, Assessment and Information Exchange

*16:00 – 16:30 - Coffee break*

16:30 – 18:00 - *Continued:* Protocol on Monitoring, Assessment and Information Exchange

<b>Tuesday, 17 September 2019</b>
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10:30 – 11:30 - *Continued:* Protocol on Monitoring, Assessment and Information Exchange

*11:30 – 12:00 - Coffee break*

12:00 – 13:00 - *Continued:* Protocol on Monitoring, Assessment and Information Exchange

*13:00 – 14:30 - Lunch break*

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14:30 – 16:00 - Management and administration of the Tehran Convention Secretariat (TC/PrepCom 6-1rev.)

The Contracting Parties, at PrepCom5 for COP6 (Geneva, 13-17 November 2017), in addressing the outstanding issues related to the implementation of the Decision of COP5 on the Location and Arrangements for the Tehran Convention Secretariat, requested the interim Secretariat to prepare a Memorandum of Understanding (MOU) concerning the management and administration of the Convention Secretariat.

The draft MOU integrating comments received before the PrepCom-6 (Baku, Azerbaijan, 24-28 September 2018) was circulated to the Contracting Parties as Annex 2 to document TC/PrepCom6-1.

At PrepCom6 the Contracting Parties did not succeed in reaching agreement on the text of Annex 2 and requested the interim Secretariat to reproduce the text of Annex 2 reflecting the state of art in terms of paras reviewed, and paras and proposals which were not or only partly discussed. The status report was issued at the last day of the Meeting and has been added to document TC/PrepCom 6.-1 as Annex 3.

The Meeting is invited to consider continuing its discussion on the draft MOU taking into account the status report contained in Annex3 to document TC/PrepCom 6-1rev.

*16:00 – 16:30 - Coffee break*

16:30 – 18:00 - Draft Agreement between the Republic of Azerbaijan, the Islamic Republic of Iran, the Republic of Kazakhstan, the Russian Federation and Turkmenistan on the Secretariat of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea of 4 November 2003

At the 6<sup>th</sup> Meeting the Preparatory Committee (Baku, 24-28 September 2018) the Representative of Kazakhstan proposed that the Parties revisit COP5 Decision of 30 May 2014 on the location and arrangements for the Tehran Convention Secretariat and conclude an exclusive five Party agreement on the arrangements.

On 29 July 2019, Kazakhstan sent a draft five-Party agreement on the Secretariat arrangements via diplomatic channels. The letter from Kazakhstan requesting to add an additional PrepCom-7 agenda item as well as the draft Agreement are contained in the document (TC/PrepCom7/1). The meeting is invited to consider the proposed draft Agreement.

<b>Wednesday, 18 September 2019</b>
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10:00 – 11:30 - *Continued:* Draft Agreement between the Republic of Azerbaijan, the Islamic Republic of Iran, the Republic of Kazakhstan, the Russian Federation and Turkmenistan on the Secretariat of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea of 4 November 2003

10:00 – 11:30 - *Parallel meeting:* Working Group on Environmental Monitoring and Assessment  
For the annotated agenda of the WGMA see Annex I

11:30 – 12:00 - *Coffee break*

12:00 – 13:00 - Tehran Convention Interim Secretariat services; proposal to move the interim Secretariat (TCIS) to the UN house in Azerbaijan

Recognizing the need and importance of an adequately staffed secretariat in the region, the Conference of the Parties at its 5th Meeting, on 30 May 2014 in Ashgabat, Turkmenistan, provided instructions and guidance on how to achieve that objective. On 20 July 2018, at its Extraordinary Meeting in Moscow, the Conference of the Parties reiterated the need and urgency to finalize all matters related to the Secretariat structure and arrangements. At the sixth Preparatory Committee meeting (Baku 24-28 September 2018) the Parties noted that the actual establishment of the Convention Secretariat in the region would take time. In order to prevent further delays in the implementation of the Convention and its Protocols and secure sufficient human and financial service capacity, it is proposed to move the interim secretariat provided by UNEP-Regional Office for Europe (TCIS) to the region, recruit a Head of TCIS and solicit secondments from governments.

A Note by TCIS on the Tehran Convention interim secretariat services was circulated to the NCLOs by email of 1 July 2019 and, together with the comments received, is contained in document TC/PrapCom7/2. The Meeting is invited to consider and express its view on the proposal to strengthen and move the interim secretariat services to Baku.

12:00 – 13:00 - *Continued: Parallel meeting WGMA*

13:00 – 14:30 - *Lunch break*

14:30 – 15:00 - *Status of the ratification of the Moscow, Ashgabat and EIA Protocols*

The Depositary – IR Iran – is invited to report on the status of ratification

of the Moscow, Ashgabat and EIA Protocols; the representatives of the Contracting Parties which have not yet ratified one or more of the Protocols may provide information as to the timing and possible – additional – requirements that need to be met in order to secure ratification.

15:00 – 16:00 - Aktau Protocol (TC/COP6/17)

The Meeting is invited to review and agree on the Caspian Sea Plan Concerning Regional Cooperation in Combating Oil Pollution in Cases of Emergency, as well as on the other proposals in document TC/COP6/17.

16:00 -- 16:30 - *Coffee break*

16:30 – 17:00 - Working Group on Monitoring and Assessment (TC/COP6/11)

The Meeting will be informed of the outcome of the Meeting of the WGMA and consider the recommendations of the Working Group.

17:00 – 17:15 - State of Environment Report (TC/COP6/5)

The Meeting is invited to welcome the publication of the second State of the Caspian Sea Environment report and address the questions and proposals in document TC/COP6/5 concerning the future of the SOE reporting process.

17 :15 – 17 :45 - Caspian Environment Information Center CEIC (TC/COP6/16)

The Meeting will be updated on the state of the CEIC and is invited to consider the proposals and recommendations in document TC/COP6/16, including related proposals for the establishment of a monitoring data center by the WGMA.

17:45 – 18:00 - Unified Reporting Format (TC/COP6/13)

The Meeting is invited to consider the Unified Reporting Format contained in Annex I of document TC/COP6/13, for submission and approval by COP6. The Meeting is furthermore invited to consider the need and possibilities for updating the Strategic Convention Action Plan (SCAP) adopted by COP2, 12 November 2008, as a comprehensive, long term agenda and framework for the implementation of the Tehran Convention and its Protocols over a period of 10 years.

<b>Thursday, 19 September 2019</b>
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10:00 – 10:30 - Outcomes of the Extraordinary Meeting of the Parties, Moscow, Russian Federation, 19-20 July 2018 (TC/COP6/Info1)

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The Meeting is invited to consider the outcomes of the Extraordinary Meeting of the Conference of the Parties, Moscow, Russian Federation, 19-20 July 2018, as contained in document TC/COP6/Info1, and provide guidance as to the implications for the Convention process and the Program of Work (POW).

- 10:30 – 11:15 - Status of the preparatory work for the implementation of the Moscow, Ashgabat and EIA Protocol (TC/COP6/Info3)

TCIS will inform and the Meeting may review and provide guidance on the implementation activities of the Moscow, Ashgabat and EIA Protocols, which are planned and programmed in the POW.

- 11:15 – 11:30 - Terms of Reference NCLOs (TC/COP6/6)

The Meeting is invited to confirm agreement with the terms of reference and arrangements for National Convention Liaison Officers (NCLO), as contained in document TC/COP6/6.

*11:30 – 12:00 - Coffee break*

- 12:00 – 13:00 - Program of Work and budget (POW) (TC/COP6/8)

The Meeting is invited to consider and approve the POW and budget, as contained in Annex 1 and 2 of document TC/COP6/8, for submission and approval by COP6.

The Meeting may furthermore discuss and provide advice to COP6 on how to increase the human and financial resources available for the implementation of the Convention and its Protocols.

*13:00 – 14:30 - Lunch break*

- 14:30 – 16:00 - Ongoing project preparations and other possibilities for cooperation

The meeting will be updated on the state of implementation of the Coca Cola funded project on “Addressing marine litter in the Caspian Sea region” (TC/COP6/14).

The meeting will furthermore be updated on the state of development of other project proposals in particular the projects submitted to Integral Petroleum for collaboration and support by the Great Caspian Foundation.

*16:00 – 16:30 - Coffee break*

16:30 – 18:00 - Private Sector and Stakeholder Engagement (TC/COP6/12; TC/COP6/15)

The Meeting will be informed of the outcomes of Caspian Day related meetings and activities (TC/COP6/12), and of the Round Table in Bandar Anzali on collaboration with the private sector (TC/COP6/15) and is invited to provide guidance as to their follow-up.

<b>Friday, 20 September 2019</b>
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10:00 – 11:30 - Ministerial Statement and Decisions (TC/COP6/10)

The Meeting is invited to review and agree on the Ministerial Statement and Decisions, for submission and approval by COP6

*11:30 – 12:00 - Coffee break*

12:00 – 13:00 - *Continued:* Ministerial Statement and Decisions

*13:00 – 14:30 - Lunch Break*

14:30 – 16:00 - *Continued:* Ministerial Statement and Decisions

*16:00 – 16:30 - Coffee break*

16:30 – 17:30 - *Continued:* Ministerial Statement and Decisions

17:30 – 18:00 - Wrap-up and closure of the meeting

## **Unofficial Video Meeting of the Environment Ministers of the Caspian Littoral States**

**9 June 2020, 10 am CET**

### **Aide-Memoire**

The meeting was organized on the initiative of the Ministry of Ecology and Natural Resources of the Republic of Azerbaijan and facilitated by the interim Secretariat of the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Tehran Convention). Due to the ongoing global COVID-19 pandemic, the meeting was held online via video conference with simultaneous interpretation English and Russian.

The Heads of Delegation were: for the Republic of Azerbaijan Mr. Mukhtar Babayev - Minister of Ecology and Natural Resources, for the Islamic Republic of Iran Mr. Isa Kalantari - Vice-President and Head of the Department of Environment, for the Republic of Kazakhstan Mr. Magzum Mirzagaliyev – Minister of Ecology, Geology and Natural Resources, for the Russian Federation Mr. Dmitry Kobylkin

– Minister of Natural Resources and Environment, and for Turkmenistan Mr. Murad Atadjanov –

Director Caspian Sea Institute. A List of Participants is attached in Annex I.

The meeting was welcomed by the host Mr. Mukhtar Babayev and moderated by Mr. Bruno Pozzi, Director of the UNEP Europe Office. The Agenda of the Meeting is attached in Annex II.

Mr. Mahir Aliyev, Coordinator of the Tehran Convention Interim Secretariat provided the Ministers and Heads of Delegation with a status report about the activities under the Tehran Convention since the Ministers met for the Extraordinary Session of the Tehran Convention Conference of the Parties in Moscow, July 2018, to adopt the Protocol on Environmental Impact Assessment in a Transboundary Context.

During their speeches the Ministers and Heads of Delegation took stock of their countries' and regional efforts to safeguard the Caspian Sea environment and unanimously stressed the urgency to take further and reinforced action. Particular mention was made to strengthen cooperation on regional environmental monitoring and assessment, on scientific research, on

fisheries, on biodiversity protection such as the Caspian seal, and on the reduction of pollution within the framework and instruments of the Tehran Convention and its Protocols. It was also suggested to take new avenues for the conclusion of international instruments and partnerships in that regard.

Furthermore, Ministers and Heads of Delegation stressed the importance to ratify the Protocols for the Protection of the Caspian Sea Against Pollution from Land-Based Sources (Moscow Protocol), the Conservation of Biological Diversity (Ashgabat Protocol) and on Environmental Impact Assessment in a Transboundary Context. The speeches of the Ministers and Heads of Delegation are attached in Annex III.

Ministers and Heads of Delegation further concurred that for enhanced implementation action, the Secretariat of the Tehran Convention shall be strengthened by operating from the Caspian Sea region and expressed determination to resolve the remaining challenges to agree on its hosting arrangements as soon as possible.

All Parties expressed their willingness to gather for the 6th Meeting of the Tehran Convention Conference of the Parties (COP6) before the end of 2020 and as soon as circumstances allow considering the COVID-19 pandemic. Mr. Mukhtar Babayev repeated the invitation of the Republic of Azerbaijan to host COP6 in Baku which was welcomed by all Parties.

The meeting was concluded at 11.15 am CET.