

Biodiversity Conservation Protocol to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea

The CONTRACTING PARTIES to the present Protocol;

BEING PARTIES to the Framework Convention for the Protection of the Marine Environment of the Caspian Sea, adopted at Tehran on 4 November 2003 (hereinafter referred to as the Convention);

DETERMINED to implement the Convention, in accordance with Article 14, which stipulates the duty to cooperate in the development of the Protocols in order to undertake the necessary measures for the protection, preservation and restoration of marine biological resources;

ACKNOWLEDGING the commitment of the Caspian Sea countries made under the Convention on Biological Diversity (Rio de Janeiro, 1992);

TAKING INTO ACCOUNT the results, conclusions and recommendations of the Transboundary Diagnostic Analysis prepared under the auspices of the Caspian Environment Programme;

NOTING WITH CONCERN the deterioration of, and continued pressure on the marine and coastal areas due to different kinds of human activities, that contribute to substantial decline of biological diversity of the Caspian Sea;

STRESSING the importance of safeguarding biodiversity and, as appropriate, improving the state of the natural and cultural heritage of the marine and coastal areas of the Caspian Sea, in particular through the enhancement of specially protected areas and by the protection and conservation of threatened species, at the national and regional levels;

BEING FULLY AWARE of the fact that the Caspian Sea contains a large number of unique ecosystems, biotopes and species of great regional and global importance that need protection, conservation and restoration, and of the need to guarantee sustainable use of natural resources;

NOTING WITH CONCERN the issue of alien species and urgent need to develop control measures to prevent the accidental transfer due to human activities of species into and out of Caspian Sea.

DESIROUS to conserve, protect and restore the health and integrity of the marine and coastal ecosystems of the Caspian Sea;

ACKNOWLEDGING that when there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be invoked as a reason for postponing measures to avoid or minimize such a threat;

HAVE AGREED as follows:

PART I - GENERAL PROVISIONS

ARTICLE 1 - Definitions

For the purpose of this Protocol, the following terms means:

1. **"Biological diversity"** or "biodiversity" 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;

2. "**Biological resources**" means genetic resources, organisms or parts thereof, populations, or any other biotic component of ecosystems with actual or potential use or value for humanity;
3. "**Biotechnology**" means any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use;
4. "**Competent Authority**" means either the "National Authority" defined in Article 1 of the Convention, or the authorities within the Government of a Contracting Parties, designating by the National Authority and responsible for the fulfilment of the obligations and duties specified in this Protocol;
5. "**Conference of Parties**" means the body referred to in Article 22 of the Convention;
6. "**Contracting Parties**" means the Caspian littoral states which are Parties to the Convention and have become Parties to this Protocol;
7. "**Convention**" means the Framework Convention for the Protection of the Marine Environment of the Caspian Sea;
8. "**Country of origin of genetic resources**" means the country which possesses those genetic resources in In-situ conditions;
9. "**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;
10. "**Domesticated or cultivated species**" means species in which the evolutionary process has been influenced by humans to meet their needs"
11. "**Ecosystem**" means a dynamic complex of living organisms and their environment interacting as a functional unit;
12. "**Endemic species**" means any species believed to occur only in a specified geographical region;
13. "**Ex-situ conservation**" means the conservation of components of biological diversity outside their natural habitats.
14. "**Genetic resources**" means genetic material of actual or potential value;
15. "**Habitat**" or "**Special Habitat**" means a specified living space where an organism or population naturally occurs;
16. "**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;
17. "**Alien Species**" (also known as exotic or introduced species) means any species occurring in an area outside of its historically known natural range as a result of intentional or accidental dispersal by human activities;

18. **"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;
19. **"Protected Area"** or **"Specially Protected Area"** (SPA) means a geographically defined marine and/or coastal area that is designated or regulated and managed to achieve specific conservation objectives;
20. **"SPACS List"** means the list of Specially Protected Areas of importance to the Caspian Region;
21. **"Special Habitat"** means a specified living space containing any of the following: unique and/or fragile ecosystems; reservoirs of biological diversity; important habitats for threatened species; biological resources of socio-economic importance, and is designated and managed to achieve specific conservation objectives.
22. **"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;
23. **"Technology"** means the practice, description and terminology of any or all of the applied sciences which have practical and/or industrial use, including biotechnology;
24. **"Threatened Species"** means any taxon whose survival is significantly jeopardized by human activities or other factors. It is a collective term encompassing the IUCN categories.

ARTICLE 2 – OBJECTIVES

The objectives of this Protocol are:

1. To protect, conserve and restore the health and integrity of biological diversity and ecosystems of the Caspian Sea;
2. To safeguard the biological diversity, particularly threatened species, of the marine and coastal areas of the Caspian Sea, vulnerable ecosystems, their biodiversity, and their sustainable use and management to ensure long-term viability and diversity;
3. To prevent degradation of, and damage to species, habitats and ecological processes, directed by the precautionary principle;
4. To protect and conserve areas that best represent the range of species, habitats, ecological processes, cultural and natural heritage of the region.

ARTICLE 3 - SCOPE OF APPLICATION

The Protocol shall apply to the Area as defined in Article 3 of the Convention, the area to which this Protocol applies (hereinafter referred to as the "Protocol Area") shall include:

- a) The Caspian Sea proper;
- b) The lands affected by the proximity to the Sea;
- c) The habitats vulnerable to the sea water level fluctuations;
- d) The coastal areas designated by each of the Contracting Parties as wetlands connected to the Caspian Sea;
- e) The Specially Protected Areas as identified in the Specially Protected Areas of the Caspian Sea List.

ARTICLE 4 - GENERAL OBLIGATIONS

The Contracting States shall:

1. Individually or jointly take all appropriate measures to protect, preserve and restore the environment of the Caspian Sea;
2. Use the natural resources of the Caspian Sea in such a way as not to harm to the environment of the Caspian Sea;
3. Protect, conserve and restore their natural biological diversity with particular emphasis on endangered or threatened species;
4. Protect, preserve and manage areas that are unique, highly sensitive or regionally representative in an environmentally sound and sustainable manner, notably by the establishment of protected areas;
5. Adopt strategies, plans and programmes for the conservation of biodiversity and the sustainable use and management of marine and coastal biological resources including their habitats, and integrate them into their relevant sectoral and inter-sectoral policies;
6. Adopt appropriate legislation in support of planning and management strategies and undertake and monitoring measures for vulnerable ecosystem including protected areas;
7. Identify and compile inventories of biological diversity and habitats for the purpose of conservation and sustainable use;
8. Ensure that sea and/or land-use strategies are consistent with the principles for conservation and sustainable resources use and management of biological diversity;
9. Designate Competent Authority/ Authorities responsible for the fulfilment of the obligations and duties specified in this Protocol;
10. Apply integrated management of coastal areas by taking into account conservation and sustainable use of natural biological resources;
11. Control land-based and sea-based sources of pollution that pose a significant impact on habitats and species;
12. Develop cooperation on bilateral and multilateral basis in the field of conservation and management of vulnerable ecosystems notably through the establishment of Specially Protected Areas of the Caspian Sea (SPACS).

PART II - PROTECTION AND CONSERVATION OF SPECIES

ARTICLE 5 - MEASURES FOR THE PROTECTION AND CONSERVATION OF SPECIES

For the purpose of protection and conservation of species, the contracting parties shall:

1. Provide comprehensive inventories of endangered and threatened species of flora and fauna and accord protected status to such species to be placed in Annex 1, and adopt internationally recognized criteria to define these species (IUCN classification);
2. Regulate and, where appropriate, prohibit activities having adverse effects on protected species and their habitats, and other measures to ensure a favourable state of conservation of such species;
3. Control and prohibit the intentional and, to the extent possible, the accidental taking, possession or killing, the transport and exhibition for commercial purposes of Protected species of fauna, their eggs, parts or products;
4. Control, and where appropriate, prohibit the disturbance of wild fauna, particularly during the period of breeding, incubation, hibernation or migration, as well as other periods of biological stress;
5. Regulate, and where appropriate, prohibit 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;
6. Coordinate efforts for the protection and recovery of migratory species whose range extends into the Protected Areas to which this Protocol applies, through bilateral or multilateral action, and if necessary, agreements;
7. Periodically monitor the status of internationally recognized threatened species, as well as the nature and magnitude of impacts threatening their survival according to common criteria such as population size, range, number of mature individuals and estimated immediacy of extinction;
8. Periodically provide an account of measures being undertaken to conserve populations of endangered or threatened species and using common criteria, conduct an assessment of the effectiveness of such measures and proposals for additional actions as necessary;
9. Prohibit the destruction of and damage to the habitats of species listed in the Annex 1 and formulate and implement action plans for their ex-situ and in-situ conservation and recovery;
10. When a range area of an endangered or threatened species extends to both sides of a national frontier of the areas subject to the sovereignty or the national jurisdiction of two parties to this Protocol, these Parties shall cooperate to ensuring the protection and conservation and, if necessary, the restoration of such species;
11. The Contracting Parties may grant exemptions to the prohibition prescribed for the protection of the species listed in Annex I to this Protocol for scientific purposes providing that the exemption does not harm the survival of the population of the target species or of any other species.

ARTICLE 6 - ALIEN SPECIES AND GENETICALLY MODIFIED SPECIES

Contracting Parties shall:

1. Regulate the introduction of alien species and/or genetically modified 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;
2. 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 these species;
3. Periodically provide a report for each investigated or monitored alien species and/or genetically modified species, in accordance with a common regional format;

PART III - PROTECTION AND CONSERVATION OF THE PROTECTED AREAS

ARTICLE 7 - ESTABLISHMENT OF SPECIALLY PROTECTED AREAS

1. For the purpose of In-situ conservation, each Contracting Party shall establish specially protected areas in the marine and coastal zones subject to its sovereignty or jurisdiction. Such specially protected areas shall be established 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 in the Caspian region 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 endangered, threatened or endemic species of flora or fauna;
 - d) sites of particular importance because of their scientific, aesthetic, cultural or educational interest.
2. If a Contracting Party intends to establish, in an area subject to its sovereignty or national jurisdiction, a specially protected area contiguous to the frontier and to the limits of a zone subject to the sovereignty or national jurisdiction of another Party, the competent authorities of the two Parties shall endeavour to cooperate, with a view to reaching agreement on the measures to be taken and shall, *inter alia*, examine the possibility of the other Party establishing a corresponding specially protected area or adopting any other appropriate measures.

ARTICLE 8 - PROTECTION AND MANAGEMENT OF SPECIALLY PROTECTED AREAS

1. The Parties, in conformity with international law and taking into account the characteristics of each specially protected area, shall take the protection measures required, in particular:

- a) the strengthening of the application of the other Protocols to the Convention and of other relevant treaties to which they are Parties;
 - b) the prohibition of the dumping or discharge of wastes and other substances likely to impair the integrity of the specially protected area directly or indirectly;
 - c) the regulation of the passage of ships and any stopping or anchoring;
 - d) the regulation of the introduction of any species into the area including those not indigenous to the specially protected area in question, or of genetically modified species, as well as reintroduction of species which are or have been present in the specially protected area;
 - e) the regulation or prohibition of any activity involving the exploration or modification of the soil or the exploitation of the subsoil of the land part, the seabed or its subsoil;
 - f) the regulation of any scientific research activity;
 - g) the regulation or prohibition of fishing, hunting, taking of animals and harvesting of plants or their destruction, as well as trade in animals, parts of animals, plants, parts of plants, which originate in specially protected areas;
 - h) the regulation, and if necessary, the prohibition 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 species, or might impair the natural or cultural characteristics of the specially protected area;
 - i) any other measure aimed at safeguarding ecological and biological processes and the landscape.
2. The Parties shall, in accordance with the rules of international law, adopt planning, management, supervision and monitoring measures for the specially protected areas. Such measures should include for each specially protected area:
- 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 continuous monitoring of ecological processes, habitats, population dynamics, landscapes, as well as the impact of human activities;
 - c) the active involvement of local communities and populations, as appropriate, in the management of specially protected areas, including assistance to local inhabitants who might be affected by the establishment of such areas;
 - d) the adoption of mechanisms for financing the promotion and management of specially protected areas, as well as the development of activities which ensure management is compatible with the objectives of such areas;
 - e) the training of managers and qualified technical personnel, as well as the development of an appropriate infrastructure.
3. The Contracting Parties shall ensure that national contingency plans incorporate measures for responding to incidents that could cause damage or constitute a threat to the specially protected areas.
4. All measures and requirements for this Protocol are applicable to the management of SPAs, with special consideration to:

- a) protection and conservation of endangered or threatened species, or species of economic and/or cultural importance;
 - b) restoration of ecosystems and populations of species;
5. When specially protected areas covering both land and marine areas have been established, the Parties shall endeavour to ensure the coordination of the administration and management of the specially protected area as a whole.
6. Contracting States shall develop and implement management plans for marine and coastal protected areas in accordance with guidelines and common criteria as set by Article 15 and Annex 2 of this Protocol.

ARTICLE 9 - ESTABLISHMENT OF THE LIST OF SPECIALLY PROTECTED AREAS

1. In order to promote cooperation in the management and conservation of natural areas, as well as in the protection of endangered or threatened species and their habitats, the Contracting Parties shall draw up a "List of Specially Protected Areas of the Caspian Sea" hereinafter referred to as the "SPACS List".
2. The "SPACS List" may include sites, which:
 - a) are of importance for conserving the components of biological diversity in the Caspian marine and coastal areas;
 - b) contain ecosystems specific to the Caspian coastal areas or the habitats of endangered species;
 - c) are of special interest at the scientific, aesthetic, cultural or educational levels.
3. The Contracting Parties agree:
 - a) to recognize the particular importance of these areas for the Caspian Sea;
 - b) to comply with the measures applicable to the SPACS and not to authorize nor undertake any activities that might be contrary to the objectives for which the SPACS were established.

ARTICLE 10 - PROCEDURE FOR THE ESTABLISHMENT AND LISTING OF SPACS

1. SPACS may be established, following the procedure provided in paragraph 2 to 3 of this Article in:(a) the marine and coastal zones subject to the sovereignty or jurisdiction of a single Contracting Party; (b) two or more Contracting Parties.
2. Contracting Parties making proposals for inclusion in the SPACS 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 legal status, its management and financing plans and the means for their implementation, as well as a statement justifying its importance. Where a proposal is formulated under subparagraph 1 (b) of this Article, the neighbouring Contracting Party or Parties concerned shall consult each other with a view to ensuring the consistency of the proposed protection and management measures, and their implementation. The Secretariat shall examine its conformity with the common guidelines and criteria adopted pursuant to Article 15 and if, after assessment, it is consistent with the guidelines and common criteria, after assessment,

shall inform the Conference of Parties, which shall decide whether to include the area in the SPACS List.

3. The Contracting Parties which proposed the inclusion of the area in the List shall implement the protection and conservation measures specified in their proposals in accordance with paragraph 2 of this Article. The Contracting Parties undertake to observe the rules thus established. The Centre shall inform the competent international organizations of the List and of the measures taken in the SPACS.
4. At the request of a Contracting Party the SPACS List may be revised and to this end the Secretariat of the Convention shall prepare a detailed report on the proposed changes and reasons for these changes to be submitted to the meeting of the Contracting Parties.
5. Changes in the delimitation or legal status of a SPACS or the relaxation of protective measures of all or part of such an area shall not be granted unless there are valid reasons for doing so, taking into account the need to safeguard the environment and comply with the obligations laid down in this Protocol.

ARTICLE 11 - INVENTORIES OF SPECIAL HABITATS

Contracting Parties shall provide inventories for special habitats, such as areas containing fragile and vulnerable ecosystems, habitats vulnerable to sea water level fluctuations, reservoirs of biological diversity and important habitats for threatened species as well as fisheries and other important biological resources. Identification of such areas might facilitate the selection of sites for possible inclusion in SPACS List.

ARTICLE 12 - MANAGEMENT OF SPECIAL HABITATS

1. Contracting Parties shall provide the Secretariat with inventories of Special Habitats,
2. The characteristics of special habitats shall be monitored periodically and a report of the findings shall be provided to the Secretariat.
3. Contracting Parties shall adopt and comply with special conservation measures for the management of Special Habitats as specified in Annex 2, in order to mitigate possible adverse ecological effects from anthropogenic sources.

PART IV - PROVISIONS COMMON TO PROTECTED AREAS, HABITATS AND SPECIES

ARTICLE 13 - INTEGRATED COASTAL AREA MANAGEMENT

Pursuant to Article 15 of the Convention, the Contracting Parties shall develop and adopt principles of integrated coastal area management to provide an umbrella mechanism for biodiversity conservation, protected area management and sustainable resource use. Requirements for the application of these principles include but are not limited to the following:

1. Integration of biodiversity conservation and environmental considerations in national and regional development planning;

2. Implementation of integrated management approach that allows multiple uses of marine and coastal natural resources, including management of wetlands connected to the sea.

ARTICLE 14 - ENVIRONMENTAL IMPACT ASSESSMENT

Pursuant to Article 17 of the Convention, the Contracting Parties shall endeavour to develop and adopt national and regional guidelines concerning the assessment of the environmental impacts of activities or projects within its territory or under its regulatory control, as a tool for preventing and minimizing biodiversity loss.

1. EIA shall be a requirement for any new project or activity likely to have significant impact on coastal and marine biodiversity in the project/activity area, or wider area covered by this Protocol;
2. EIA shall address all components of biodiversity and biological resources integrated with social, cultural and economic aspects over the long-term and short-term;
3. EIA summaries and information shall be exchanged with the Contracting Parties through the offices of the Secretariat to provide for consultation where proposed national projects/activities are likely to have transboundary impacts on biological diversity;
4. EIA summaries should be made available to the public through official offices congruent with national standards and practices.

ARTICLE 15 - ACCESS TO GENETIC RESOURCES

Recognizing the sovereign rights of Parties over their natural resources, the authority to determine access to genetic resources rests with the national governments and is subject to national legislation. The Contracting Parties shall adopt the following in order to help ensure appropriate and equitable access to genetic resources:

1. Each Contracting Party shall endeavour to create conditions to facilitate access to genetic resources for the sustainable use by other Contracting Parties and not to impose restrictions that might jeopardize the purpose and objectives of this Protocol;
2. For the purpose of this Protocol, the genetic resources being provided by a Contracting Party, as referred to in this Article, are only those that are provided by Contracting Parties that are "Countries of origin" of such resources or by the Parties that have acquired the genetic resources in accordance with this provision;
3. Access, where granted, shall be on mutually agreed terms and subject to the provisions of this Article;
4. Access to genetic resources shall be subject to prior informed consent of the Contracting Parties providing such resources, unless otherwise determined by that Party;
5. Each Contracting Party shall endeavour to develop and carry out scientific research based on genetic resources provided by other Contracting Parties with where possible the full participation of donor Contracting Parties;
6. Each Contracting Party shall take appropriate legislative, administrative or policy measures with the aim of sharing the results and benefits arising from any commercial and other utilization of genetic resources in fair and equitable way with the Contracting Parties providing such resources. Such sharing shall be upon mutually agreed terms.

ARTICLE 16 - ACCESS TO AND TRANSFER OF TECHNOLOGY

1. Contracting Parties shall adopt the following, to ensure appropriate and reasonable access to and transfer of technology:
 - (a) Each Contracting Party, recognizing that technology includes biotechnology, and that both access to and transfer of technology among Contracting Parties are essential elements for the attainment of the objectives of this Protocol, and undertakes to provide and/or facilitate access for and transfer to other Contracting Parties 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 subject to the provisions of this Article,;
 - (b) Access to and transfer of technology, referred to in paragraph 1 above, to other contacting Parties shall be provided and/or facilitated under fair and favourable terms, including concessional and preferential terms where mutually agreed, and, where necessary, in accordance with financial mechanisms associated with this Protocol. In the case of technology, subject to patents and other intellectual property rights, such access and transfer shall be provided on terms which recognize and are consistent with the adequate and effective protection of intellectual property rights. The application of this paragraph shall be consistent with the paragraphs (c) and (d) below;
 - (c) Each Contracting Parties shall take legislative, administrative or policy measures, as appropriate, with the aim that the private sector facilitates access to joint development and transfer of technology referred to in paragraph 1 above for the benefit of both governmental institutions and the private sector of Contracting Parties;
 - (d) Contracting Parties, recognizing that patents and other intellectual property rights may have an influence on the implementation of this Protocol, shall co-operate in this regard subject to national legislation and international law in order to ensure that such rights are supportive of and do not run counter to its objectives.

2. Handling of Biotechnology

Contracting Parties shall adopt the following measures concerning the handling of biotechnology:

- (a) consider the need for and modalities of cooperation setting out appropriate procedures, including, in particular, advance informed agreement, in the field of the safe transfer, handling and use of any living modified organism resulting from biotechnology that may have adverse effect on the conservation and sustainable use of biological diversity; and
- (b) directly or by requiring any person providing the organisms referred to in paragraph (a) above under its jurisdiction, to make available all information about the use and safety regulations required by the Contracting Parties in handling such organisms, as well as any available information on the potential adverse impact of the specific organisms concerned to the Contracting Parties into whose jurisdiction the organisms are to be introduced.

ARTICLE 17 - SCIENTIFIC AND TECHNICAL CO-OPERATION AND ASSISTANCE

1. The Contracting Parties shall promote technical and scientific cooperation in the field of conservation and sustainable use of biological diversity, through the appropriate national, regional 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 institution building, research and monitoring programmes, and standardizing procedures and guidelines in promoting such cooperation,;
3. The Contracting Parties shall encourage and develop methods of cooperation for the development and use of technologies, including indigenous and 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 research programmes and joint ventures for the development of technologies relevant to the objectives of this Protocol.

ARTICLE 18 - EXCHANGE OF INFORMATION

The Contracting Parties shall:

- a) Adopt appropriate measures to facilitate the exchange of information on the conservation and sustainable use of marine biological resources. Such exchange of information shall include, but is not limited to, the results of technical, scientific and socio-economic research, as well as information on training and indigenous and traditional knowledge;
- b) Exchange information concerning the characteristics of protected areas and species, the experience acquired and the problems encountered;
- c) At the earliest opportunity, communicate any situation that might endanger the ecosystems of Specially Protected Areas or the survival of Protected species to the other Contracting Parties that might be affected and to the Secretariat.

ARTICLE 19 - ENVIRONMENTAL EDUCATION AND PUBLIC AWARENESS

The Contracting Parties shall:

1. Give appropriate publicity to the status of Protected Species and the establishment of Specially Protected Areas, their characteristics, importance and applicable regulations;
2. Endeavour to inform the public of the interest, value and vulnerability of Specially Protected Areas, Special Habitats and species, and of the scientific knowledge gained through nature conservation programmes. Such information should be included in education and public awareness programmes.
3. Endeavour to promote the participation of public and conservation organizations in measures necessary for the protection of Specially Protected Areas, Special Habitats and species;
4. Cooperate, as appropriate, with other Contracting Parties and competent regional and international organizations in developing educational and public awareness programmes, with respect to conservation and sustainable use of biodiversity.

ARTICLE 20 - REPORTS OF CONTRACTING STATES

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) threatened species;
 - b) harvested species whose exploitation is regulated, including species of economic and/or cultural importance;
 - c) alien species;
 - d) genetically modified species;
 - e) areas included in the SPACS List, and their status
 - f) delimitation or any changes in legal status of the SPACS and Protected species;
 - g) special habitats which are not included in the SPACS List;
 - h) implementation of environmental education and public awareness programmes;
 - i) any exemption allowed pursuant to Article 5 of this Protocol.
2. The format of the report and the procedure for submission of information shall be determined at the Meeting of the Conference of Parties.

PART V - INSTITUTIONAL PROVISIONS

ARTICLE 20 - RESPONSIBILITIES OF THE SECRETARIAT

1. The Secretariat of the Convention shall be responsible for co-ordinating the implementation of this Protocol.
2. The Secretariat shall, *inter-alia*:
 - a) Provide upon request, legal, scientific and technical assistance and advice to the Contracting Parties for the effective implementation of the Protocol;
 - b) Communicate with Competent Authorities in the Contracting Parties on the application of the Protocol;
 - c) Promote and facilitate legal, scientific and technical cooperation;
 - d) Establish and maintain liaison and co-ordination with relevant regional and international organizations, particularly with the Secretariats of the biodiversity-related treaties; and
 - e) Perform other functions as may be assigned to it by the Meeting of the Conference of the Parties for the implementation of this Protocol;
3. For the purpose of coordinating the implementation of this Protocol, the Secretariat shall undertake the following functions:
 - a) assisting the Contracting Parties, in cooperation with the competent international, intergovernmental and non-governmental organizations, in:
 - i. establishing and managing specially protected areas in the area to which this Protocol applies;
 - ii. conducting programmes of technical and scientific research as provided for in Article 17 of this Protocol;

- iii. conducting the exchange of scientific and technical information among the Contracting Parties as provided for in Article 19 of this Protocol;
 - iv. preparing management plans for specially protected areas and species;
 - v. preparing educational materials designed for various groups;
- b) formulating recommendations on guidelines and common criteria;
 - c) develop a unified monitoring system for the SPAs, Special Habitats and endangered or threatened species;
 - d) initiate the establishment of the core network of the SPACS, in coordination with the Contracting Parties, aiming at the effective biological conservation of the Caspian Sea.
 - e) creating and updating databases of Specially Protected Areas, Special habitats and Protected species;
 - f) preparing and presenting reports and technical studies that may be required for the implementation of this Protocol to the Conference of Parties;
 - g) elaborating and implementing the relevant training programmes;
 - h) carrying out the functions assigned to it in the action plans adopted in the framework of this Protocol;
 - i) carrying out any other function assigned to it by the Parties.

ARTICLE 21 - RESPONSIBILITIES OF THE CONFERENCE OF THE PARTIES

1. Meeting of the Parties to this Protocol shall be held in conjunction with ordinary meetings of the Conference of the Parties. The Parties may also hold extraordinary meetings pursuant to Article 22 of the Convention.
2. For the purpose of this protocol and in accordance with Article 22 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) evaluate the efficacy of the measures adopted for the management and protection of Specially Protected Areas, Special Habitats and Protected species, and examine the need for other measures, particularly in the form of amendments to this Protocol or to its Annexes;
 - d) formulate procedures for reports transmitted by the Parties under Article 20 of this Protocol, and assist in developing and establishment of a regional data information centre for the exchange of information in accordance with the Article 18 of this Protocol;
 - e) making recommendations to the Parties and the Secretariat on the measures to be adopted for the implementation of this protocol;
 - f) deciding on the inclusion of an area in the SPACS List, in conformity with Article 10 of this Protocol;

- g) establish any institutional mechanism as deemed necessary for the achievement of the objectives and provisions of this Protocol;
- h) evaluating the exemptions allowed by the parties in conformity with Article 5;

ARTICLE 22 - REPORTS OF CONTRACTING STATES

3. 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:
 - j) threatened species;
 - k) harvested species whose exploitation is regulated, including species of economic and/or cultural importance;
 - l) alien species;
 - m) genetically modified species;
 - n) areas included in the SPACS List, and their status
 - o) delimitation or any changes in legal status of the SPACS and Protected species;
 - p) special habitats which are not included in the SPACS List;
 - q) implementation of environmental education and public awareness programmes;
 - r) any exemption allowed pursuant to Article 5 of this Protocol.
4. The format of the report and the procedure for submission of information shall be determined at the Meeting of the Conference of Parties.

PART VI - PROTOCOL AND ANNEXES

ARTICLE 23 - ADOPTION OF PROTOCOL

Pursuance to the Article 24 of the Convention, this protocol shall be adopted by unanimous decision of the Contracting Parties at a meeting of the Conference of the Parties.

ARTICLE 24 - ADOPTION OF AND AMENDMENTS TO ANNEXES

The procedures for adoption of annexes and amendments to Annexes to this Protocol shall be those set forth in Article 25 of the Convention.

ARTICLE 25 - AMENDMENT OF THE PROTOCOL

The procedure for adoption of amendment to the Protocol shall be as set forth in Article 34 of the Convention.

PART VII - FINAL PROVISIONS

ARTICLE 26 - EFFECT OF THE PROTOCOL ON DOMESTIC LEGISLATION

The provision of this Protocol shall not affect the right of Parties to adopt relevant stricter domestic measures for the implementation of this protocol.

ARTICLE 27 - RELATIOSHIP 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 pertaining to the division of the Caspian Sea.

ARTICLE 28 - SIGNATURE, RATIFICATION, ACCEPTANCE OR APPROVAL

1. The procedure for Signature, Ratification, Acceptance or Approval of this Protocol is set forth in Article 31 of the Convention.
2. The instrument of ratification, acceptance, approval, or accession shall be deposited with the Government of.....

ARTICLE 29 - RESERVATION

No Reservations may be made to this Protocol.

ARTICLE 30 - ENTRY INTO FORCE

This Protocol shall enter into force on the ninetieth day after the date of deposit of the instrument of ratification, acceptance or approval or accession by all Caspian littoral states.

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

Done.....at , **on** **on**
.....

**Annex I List of Protected Species
in accordance with IUCN**

ANNEX II : COMMON CRITERIA FOR INCLUSION IN THE SPACS LIST

A. Site Selection Criteria:

1- To be eligible for inclusion in the SPACS List, an area must fulfil at least one of the general criteria set in Article 7 paragraph 1 of the Protocol. Several of these general criteria can be fulfilled 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 the Protocol and the present criteria.

3-The Contracting Parties agree that besides the fundamental criteria of National Legal Status, the following criteria will guide their site selection for inclusion in the SPACS 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 biodiversity;

c) Legal Status:

The site has a legal status, 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 processes, 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 on SPACS List

To be included in the SPACS 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 EIA, 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 SPACS 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) In order to be included in the SPACS 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;
- g) The competence and responsibility with regard to administration and implementation of conservation measures for areas proposed for inclusion in the SPACS List must be clearly defined in the texts governing each area.
- h) To be included in the SPACS 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.
- i) To be included in the SPACS 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 SPACS 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 SPACS 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 SPACS 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 SPACS 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 removal from the SPACS List.