



Scholars Research Library

Annals of Biological Research, 2013, 4 (7):27-34
(<http://scholarsresearchlibrary.com/archive.html>)



Comparison of regional organization for protection of the marine environment (ROPME) and the convention of Caspian Sea protection

Mohammad Hossein Porkareh¹, Seyed Masood Monavari², Yousef Molaei² and Masood Akhavan Fard³

¹Department of Environment Law, Faculty of Environment and Energy, Science and Research Branch, Islamic Azad University, Tehran, Iran

²Department of Environment, Science and Research Branch, Islamic Azad University, Tehran, Iran

³North Tehran Branch, Islamic Azad University, Tehran, Iran

ABSTRACT

The Caspian Sea and Persian Gulf are faced to environmental pollution. The (ROPME) covers eight states the Regional Organization for Protecting the Marine Environment that Joined force in 1978 to adopt the Kuwait Regional Convention for Cooperation on the Protection of the Marine Environment from pollution, otherwise known as the Kuwait Convention and four associated Protocols. The five countries bordering the Caspian Sea have a Convention for Protecting Caspian Sea (CEP), and related four Protocols. This study shows there are many differences of regulation are between the two conventions. The main differences are pollution controls, biodiversity management and control of the hazardous waste.

Key words: ROPME, CEP, Pollution, Environmental Protecting.

INTRODUCTION

Petroleum pollution is considered as a result of exploitation and commuting through sea. Many conventions in national and international levels have been approved and their rules are obeyed to reduce and avoid environmental damages of sea pollutions. Kuwait convention (ROPME) is in Persian Gulf and Caspian Sea perseverance in Caspian Sea are two most important national conventions.

In 1969/12/12 a rule was approved by Islamic republic of Iran's revolution committee in 30 articles about (Kuwait national convention to cooperate about environmental protections in sea of beach zones) and also (a protocol against petroleum pollution in necessary situations).

Caspian Sea preservation rule also was approved in 2005.06.28 in 37 articles. Despite necessities of under studied conventions, pollution of Caspian Sea and Persian Gulf are existed till now. Considering root causes or weakness of operating necessities can lead to provide proper solutions for better operation in national level.

MATERIALS AND METHODS

1) Data collection and review of literature collection about the issue.

- 2) Rules recognition and explanation about Kuwait convention.
- 3) Rules recognition and explanation about Caspian Sea preservation convention.
- 4) Review literature about rules that are existed in conventions.
- 5) Common and different point's classification.
- 6) Data analysis and conclusion.
- 7) Developed paper.

Instrument

- In this paper, conventions' rules are considered to determine operational gap and challenges and suggest proper solutions to remove rules' obstacles.
- Research methodology was through library, and data collection was done through internet and other documents in environmental preservation office.

Review of literature

- There are lots of papers and dissertations about Kuwait conventions specifically about petroleum pollutions. But there isn't any dissertation about Caspian Sea preservation convention.
- A paper in national conference of Persian Gulf was offered named "Preservation of Persian Gulf and Oman Sea in the light of national Kuwait convention" by Fakhrolzehi and Heidari in [1].
- A book was written entitled "Oman sea and Persian Gulf environment national cooperation and Kuwait convention founs" by Sedighe Babran [2].
- A paper was written about Caspian Sea environment – necessities of Tehran convention, challenges and successes by Seyed Hossein Mousavian, [3].
- Caspian Sea convention's framework and forehead challenges by Tavaf Zadeh in environment engineering conference, [4].
- Collection of papers about international rights of seas and Iran issues, Aghai, [5].
- Caspian Sea legal situation, Sharifian, Ghafghaz and central Asia studies quarterly, 4th year, Vol 2, issue 10, [6].
- Caspian Sea management and marginal people training on the basis of Caspian Sea convention's framework. By Tavaf Zadeh and Mousa Zadeh, [7].

Conventions related to seas

- National program for preparation, and prevention of oil pollution.
- Protocol rule about sea environment preservation against dry zone's pollution.
- International convention against ship pollution MARPOL.
- Protocol for interference in seas under polluted conditions.
- Protocol about discovery pollutions.
- International convention about interference in sea under oil pollution conditions.
- Accepted rule about controlling abroad transitions and dangerous wastes in sea.
- Convention about prevention of pollutions that are result of waste materials.
- International program for preparation and prevention of oil pollution.
- Kuwait national convention for comorting to preserve and develop sea zone.
- Framework of preserving Caspian Sea environment.
- Convention of preservation of cultural and natural heritage.
- Convention about important international lakes.
- The text of international convention conlerency.
- Sea pollution that is result of waste materials.
- United nation convention about climate changes.
- Appendix rule of Islamic Republic of Iran to Stockholm convention about stable pollutions.
- Accepted appendix rule to convention of preservation of under waster cultural heritage.
- Convention of bio-varieties.
- Convention of preserving of immigrated wild life specious.
- Protocol of bio security.
- Convention of sea rights about managing immigrant Fishes sources.
- Basel convention.
- Convention of managing stable environmental pollution.
- Operational instruction about controlling dangerous systems those are anti moss
- Conventional international trade of under extinction specious.

- Preventing of dangerous materials that are results of packaging.
- International convention of security containers.
- Operational instruction of second appendix of MARPOL international convention.
- International convention of prevention of oil pollution.

Kuwait convention

A rule named convention of Kuwait national cooperation about preserving of Persian Gulf and Oman sea environment was approval in 1978 and was operated by its members (Iran, Saudi Arabia, Iraq, Kuwait, Qatar, Oman, and Bahrain).

This convention makes the states to make perseverance decisions against polluted sources.

After about 30 years of this convention, although it is expected to observe increasing cooperation of international organizations, there have been existed environmental and economic damages.

ROPME Sea zone (Persian Gulf & Oman sea) is considered as one of the most important strategic zone in the world and it is important to protect of this sensitive sea ecosystem against pollutions specially oil extract and discovery program.

This convention is legal document in which Persian Gulf & Oman Sea states (Iran, Bahrain, Iraq, Qatar, Saudi Arabia and Emirate) were promisor to try for preserving their common seas environmental.

Aforementioned convention is consisted of 30 articles and is prepared aimed at determining members' responsibilities to protect Persian Gulf & Oman Sea.

The goals of Kuwait convention

Cooperation to protect sea environments against oil pollution which is result of human activities

Ensuring of safe industrial activities

Applying comprehensive managerial approach in using sea environments

Developing regional cooperation to protect sea environments

Regional conventions about Caspian Sea

Caspian national program which Iran is one of its members is focused on:

Controlling existed pollution and preventing of more pollution, retrieval the damaged elements (if it is possible)

Strategic committee of Caspian Sea region was started its in 1998 in Ramsar and established marringing unit (PCU) in Baku. It was determined that this unit would transfer to Iran after 4 years. In addition, this committee agreed on number and title of Caspian Sea regional centers (CRTCS) and their please with other regional states.

Caspian Sea regional program is decided to make some groups to interfere in operating its program and use their social – economic views to plan for national and strategic operations.

CEP program is totally consisted of arranging mechanisms and environmental managements through topical plans, and boosting proper legal frameworks to operate regional strategic plans.

CONCLUSION

Conclusions of convention's articles that are about preservation of Caspian Sea environment and Kuwait convention have some similarities and differences that are offered in 1 to 9 tables.

Table 1- Provisions of the Convention for the Protection of the Caspian environment

| Article | subject |
|---------|---|
| 1 | Definitions |
| 2 | goal - Based on all sources of pollution and conservation of biological resources. |
| 3 | Fluctuating water emphasized |
| 4 | - Individually or jointly - Cooperation with international organizations |
| 5 | Pays principle pollution |
| 6 | Exchange of information |
| 7 | Impose severe requirements |
| 8 | Applying wastewater treatment |
| 9 | Common institutions to control pollution |
| 10 | Marine Pollution |
| 11 | Control, dredging, land reclamation and dam |
| 12 | Control non-native invasive species |
| 13 | - Identification of hazardous activities - Impacts of hazardous activities |
| 14 | - Due to the conservation of marine biological resources - Develop the ability of living resources - Preservation and restoration of marine species |
| 15 | Measures of program planning and management of land adjacent to the sea |
| 16 | Fluctuations of sea |
| 17 | Policy |
| 18 | - Protection and pollution control standards - Development of water quantity and quality monitoring program |
| 19 | Environmental Monitoring |
| 20 | Research programs and assess pollution damage |
| 21 | Exchange of information |
| 22 | Holding conferences |

Table 2- Protocol and biodiversity conservation – Caspian Sea Convention

| Article | subject |
|-----------|--|
| 1 | Aspects such as biodiversity and biological resources, and countries of origin of genetic resources and biotechnology have been defined. |
| 2 | Protocol targets have been defined. |
| 3 | Application of the protocol is specified. |
| 6 | Emphasis is placed on the publication of the Red Sea. |
| 7, 8 | Reorganization of alien species and genetically modified |
| 9, 10, 11 | And management of protected areas and the process is referred to |
| 13 | Environmental Impact Assessment of Biodiversity |
| 14 | Environmental Education |
| Appendix1 | Classified as a threatened species |
| Appendix2 | Common Criteria |

Table 3- Protocol preparedness, response and regional cooperation in combating oil disaster – Caspian Sea Convention

| Article | subject |
|---------|---|
| 1 | Information about incidents of oil pollution |
| 2 | Determine the range |
| 4 | Tasks undertaken projects |
| 5 | Emergency evacuation plans and identify possible sources of oil |
| 6 | Exchange of information |
| 7 | How to Report Pollution and preparation instructions |
| 8 | Operational procedures and its implementation |
| 9 | Marine oil pollution emergency schemes and facility |
| 10 | Party plans needed to help |
| 11 | Reimbursement of aid |

Table 4- Additional Protocol to the Convention on Trans-boundary environmental impact assessment framework for environmental protection of the Caspian Sea

| Article | subject |
|------------|---|
| 1 | Definition of related parties, effects, and cross-border effects... |
| 3 | range of scope |
| 4 | Obligations of the parties concerned |
| 5 | The parties concerned, partnerships, etc. |
| 6 | Communication between stakeholders |
| 7 | Draft assessment documents |
| 8 | Documentation of assessment and public consultations |
| 9 | Stakeholders consultations |
| 10 | The final decision on the implementation of the proposed activities |
| 11 | Analysis of the project |
| 12 | Reporting |
| Appendix 1 | List of activities |
| Appendix 2 | List assessment criteria to help determine |
| Appendix 3 | Documents minimal evaluation |

Table 5- Protocol on the Protection of the Caspian Sea against pollution from land-webmaster resources and activities

| Article | subject |
|------------|---|
| 2 | The best technique is to restrict output and loses focus, while coastal areas, pollutants and their sources are presented. |
| 3 | Pollutant outputs, pollution of entering them and they have been studied. |
| 4 | Prevention is the most important points of interest. |
| 5 | Application of best available techniques and focuses on the control output is emphasized. |
| 6 | Cooperation with international organizations is considered. |
| 7 | Inspection systems perspective is considered necessary. |
| 8 | Diffuse sources of pollution and standards are taken into consideration. |
| 9 | Other pollution prevention activities and how they |
| 10 | Prevent deforestation and land degradation in coastal |
| 11 | Cross contamination of water sources should be considered. |
| 12 | The environmental impact assessment and its implementation |
| 13 | Data collection and monitoring and evaluation |
| 14 | Information Exchange |
| 15 | Public participation in environmental impact assessment, particularly |
| 16 | Prevention and control by all members of the Convention |
| 17 | How to report |
| Appendix 1 | - - Classification of land-based activities has been carried out. - Classification of substances that are considered a source of water pollution. |
| Appendix 2 | Resources and agricultural pollution prevention and control plans |
| Appendix 3 | Transmission through the atmosphere |
| Appendix 4 | Output contains worrying |
| Appendix 5 | Guidelines on best available techniques |

In convention about Caspian Sea preservation the following items aren't obeyed:

- a) Arranging management, preservation and extraction of sea's bio-sources
- b) Arrangement in right and task operations, by considering preservation of sea environment
- c) Arrangement of scientific researches and operation of common programs in the region
- d) Invitation of interested states or international organization for cooperation to advance toward goals and principles of this article.

In this convention, after descriptions and geographical contents, in 4th article ships' pollution was predicted, in 5th article planes' wastes pollution was forecasted then in 6th article polluted sources in dryness were mentioned 9th article was explained about cooperation against emergency pollutions, in 10th article scientific and technical cooperation were discussed, the 11th article was assessed environments, 12th article was spoken about technical aids, 13th article was said about responsibilities, and 16th article was discussed about establishing regional organization to protect environments.

Table 6- Protocol relating to the protection of the marine environment against pollution of land-based sources

| Article | subject |
|-----------|--|
| 1 | Definitions |
| 2 | Definition of the area |
| 3 | Depletion of resources, pollution |
| 4 | Control of pollution sources |
| 5 | How water treatment |
| 6 | Regional and local regulations and permits for discharging waste |
| 7 | Monitoring and data management |
| 8 | Environmental impact assessment of projects |
| 9 | Scientific and technical cooperation |
| 10 | Scientific and Technical Assistance |
| 11 | Intergovernmental Waterways |
| 12 | Exchange of information between Contracting States |
| 13 | Liability and Compensation |
| Appendix1 | Reduce pollution by controlling pollutant sources and control |
| Appendix2 | Promoting joint or combined wastewater treatment |
| Appendix3 | Guidelines, regulations and permits for the discharge of waste and contaminants introduced |

Table 7- Offshore Transmission Control Protocol and disposal of hazardous wastes and other wastes at sea - Kuwait Convention

| Article | subject |
|---------|--|
| 1 | - Areas including - Classification of hazardous waste |
| 2 | Definitions of waste management and cross-border transfers, etc. |
| 3 | Those areas of the North Sea that announces that are under affected. |
| 4 | General obligations of the Contracting States |
| 5 | Banning hazardous wastes |
| 6 | Prohibition of hazardous waste |
| 7 | Export of hazardous wastes and other wastes by Contracting States |
| 8 | Cross-border transport of hazardous wastes and other wastes between States Parties |
| 9 | Third parties using the facilities ratings |
| 10 | Illegal transportation of hazardous wastes and other wastes transported offshore |
| 11 | Duties towards the re-entry of hazardous wastes and other wastes |

Table 8- Protocol for regional cooperation in combating pollution from oil and other harmful substances in cases of emergency - Kuwait Convention

| Article | subject |
|-----------|--|
| 1 | Definitions |
| 2 | Cooperation measures by States Parties |
| 3 | Responsibilities of Contracting Governments in the center of the fight against pollution |
| 4 | How to deal with emergencies |
| 5 | Exchange of information |
| 6 | Methods and techniques for transactional data |
| 7 | How Government Contracting Information |
| 8 | Contracting State the obligation to submit information |
| 9 | Failure to disclose the information sent |
| 10 | Information regarding the emergency |
| 11 | How to apply for aid and assistance in case of emergency |
| 12 | How to implement the requirements of reference |
| Appendix1 | User configurable reports |

In this convention two important issues are observable which shows the importance of sides' cooperation. First, to avoid differentiations among sides, the name of "Persian Gulf" has never mentioned, instead "sea's environment of common region" was mentioned. The considerable note is that according 15th articles Kuwait convention hasn't right to interfere in sea's territories of member states and according to legal issues of Caspian Sea, this pattern can be helpful.

In Kuwait convention implications of member states is divided in to two parts. Individual implications such as (determination of national reference and Iran it is named environmental preservation organization) and appending to other conventions, group implications is referred to providing protocols.

Table 9- Protocol concerning Marine Pollution resulting from exploration and exploitation of the continental shelf - Kuwait Convention

| Article | subject |
|---------|---|
| 1 | Chemically defined area affected, reference centers, waste, marine pollution |
| 2 | Contracting State measures to prevent and control marine pollution |
| 3 | Enforcement actions |
| 4 | Provide an environmental impact statement |
| 5 | Resources, facilities and equipment |
| 6 | Determine the suitability of the safety of offshore facilities |
| 7 | Use tools and equipment |
| 8 | Emergency plan |
| 9 | Non-specific effluent discharge standards and to prevent the waste disposal areas defined |
| 10 | A Practical Guide |
| 12 | Security Operations |
| 13 | Operations |

Similarities and differences between the conventions

Table 10- Similarities and differences of Convention (environmental assessment)

| Kuwait ROPME | Article | Caspian CEP | Article |
|---|---|--|---|
| Environmental Assessment Statement Presentation | 4- Marine Pollution resulting from Exploration Protocol | Environmental impact assessment, with emphasis on biodiversity | 13- Biodiversity Protocol |
| Environmental impact assessment of projects | 8- Protocol concerning the protection of water sources | Implementation of environmental impact assessments | 12-Protocol for the Protection of the Caspian |
| Trans-boundary environmental impact assessment protocol | | Public consultations assessment documents | 8- Assessment of Transnational protocol |
| | | List of criteria and assessment documents | Appendix 2, 3- Assessment of Transnational protocol |
| | | | 12- Protocol to protect against water pollution |
| | | Public participation in the evaluation | 15- Protocol to protect against water pollution |

Table 11- Similarities and differences of Convention (biodiversity)

| Kuwait | Article | Caspian | Article |
|--------|---------|-------------------------------------|--|
| | | Publication of the Red Sea | 6- Protocol for biodiversity conservation |
| | | Of protected areas | 9, 10, 11- Protocol for biodiversity conservation |
| | | Classified as a threatened species | Appendix 1- Protocol for biodiversity conservation |
| | | Control non-native invasive species | 12- Convention |
| | | Prevent deforestation | 10- Protocol for land-based pollution sources and activities |

Table 12- Similarities and differences between the conventions in the field of pollution control

| Kuwait | Article | Caspian | Article |
|--|---|-----------------------------------|--|
| Emergency plan | 8- Results of exploration protocols | Originally paid by pollutants | 5- Sea Convention |
| Use tools and equipment | 7- Results of exploration protocols | Applying wastewater treatment | 8- Sea Convention |
| And the lack of effluent discharge standards | 9- Results of exploration protocols | Dredging control | 11- Sea Convention |
| How to Control | 4- Protection from land-based sources protocol | Operational measures | 8- Protocol Oil Disaster |
| How water treatment | 5- Protection from land-based sources protocol | Emergency plans | 9- Protocol Oil Disaster |
| Pollution | Appendix 1- Protection from land-based sources protocol | Prevention and control of members | 16- Protocol for land-based sources of pollution |
| Waste Discharge Requirements | Appendix3- Protection from land-based sources protocol | | |
| How to deal with emergencies | 4- Protocol to combat oil pollution | | |
| How aid | 7- Protocol to combat oil pollution | | |

Table 13- Similarities and differences between the conventions of solid waste

| Kuwait | Article | Caspian | Article |
|--|---|---|--|
| Definition of Waste | 1- Marine Pollution resulting from Exploration Protocol | Techniques to limit losses | 1- Protocol for land-based sources of pollution |
| Waste Discharge Requirements | 6- Land-based sources of pollution | Classification of water pollutants origin | Appendix 1- Protocol for land-based sources of pollution |
| Waste Discharge Requirements | Appendix3- Land-based sources of pollution | | |
| Banning hazardous wastes | 5- Cross-border transfer protocol | | |
| Prohibition of hazardous waste | 6- Cross-border transfer protocol | | |
| Export of hazardous wastes | 7- Cross-border transfer protocol | | |
| Cross-border transport of hazardous wastes | 8- Cross-border transfer protocol | | |
| Illegal transportation of hazardous waste | 10- Cross-border transfer protocol | | |
| Task of re-entry hazardous waste | 11- Cross-border transfer protocol | | |

REFERENCES

[1] Fakhrolzahi, R and Heidari, M. Protection of Persian Gulf and Oman Sea environments with attentions on Kuwait regional convention. Article set of international conference on Persian Gulf. **2009**.

[2] Babran, S. Persian Gulf and Oman Sea environment: regional cooperation and Kuwait conventions founds. Strategic research center. **2010**.

[3] Mousavian, M. H. Caspian Sea environment – Tehran convention necessities, founds and challenges. Strategic research center. **2006**.

[4] Tavaf Zadeh, N. Caspian Sea framework convention and forefront challenges. Article set of 14th technical conference on environmental engineering. **2010**.

[5] Aghai, B., Set of articles about international rights of seas and Iran issues. Ganje Danesh Pub, Tehran, Iran. **1995**.

[6] Sharifian, J. Caspian Sea legal situation. Studies of central Asia and Ghafghaz quarterly. 4(2). **1995**.

[7] Tavaf Zadeh, N and Mousazadeh, M. Caspian Sea management and marginal people training according to Caspian Sea framework convention. Article set of 11th national conference on Iran sea industry. **2009**.