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ՆԱԽԱՐԱՐ
MINISTRY OF NATURE PROTECTION OF THE REPUBLIC OF ARMENIA
MINISTER
МИНИСТЕРСТВО ОХРАНЫ ПРИРОДЫ РЕСПУБЛИКИ АРМЕНИЯ
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No 1/11/11595
« 31 » 08 2011 ք.

To: Mr. Nicholas Bonvoisin,
Secretary,
Convention on Environmental Impact
Assessment in a Transboundary Context,
Fax: + 4122 917-0107

Dear Mr. Bonvoisin

Please find attached the submission by Armenia to the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context.

Sincerely


Aram Harutyunyan



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No 1/11/11596
«31» 08 2011 թ.

To: Chair,
Implementation Committee
Convention on Environmental Impact
Assessment in a Transboundary Context,
Fax: + 4122 917-0107

Subject: Submission by Armenia to the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context

Dear Chair

Paragraph 5 of the “Structure and Functions of the Implementation Committee and the Procedures for the Review of Compliance” (ECE/MP.EIA/6, Annex II, Appendix), as decided by the third Meeting of the Parties (hereinafter III/2 Decision) to the Convention on Environmental Impact Assessment in a Transboundary Context (hereinafter the Convention) defines that “A submission may be brought before the Committee by:

(a) One or more Parties to the Convention that have concerns about another Party’s compliance with its obligations under that instrument.”

In accordance with the abovementioned paragraph, Armenia submits the following.

During the 5th session of the Meeting of the Parties on 23 June, 2011, Deputy Minister of Ecology and Natural Resources of Azerbaijan mentioned in his speech (http://live.unece.org/fileadmin/DAM/env/eia/documents/mop5/statement_Azerbaijan.pdf) that Azerbaijan has developed such global oil and gas projects as Azeri-Chirag-Gyuneshli, Shah Deniz, as well as Baku-Novorossiysk pipeline, Baku-Tbilisi-Ceyhan pipeline, South-Caucasus pipeline, Sangachal oil terminal.



All of the abovementioned activities fall under the list of activities mentioned in Appendix I of the Convention, in particular, under paragraphs 1, 8, 15 and 16.

Furthermore, Armenia is considered an affected party under the provisions of the Convention: "...an affected party is the country likely to be affected by a transboundary impact of a proposed activity".

We believe that during the implementation of the mentioned projects Azerbaijan has breached a number of provisions of the Convention and Decision III/2 on Review Compliance of the Convention (as adopted by the Meeting of the Parties, 3rd meeting, 1-4 June 2004, Cavtat (Croatia).

- Under Article 2, paragraph 4, and article 3, paragraph 1 of the Convention Azerbaijan has an obligation to ensure the notification to affected parties (in this case - Armenia) concerning the proposed activities, listed in Appendix I. Azerbaijan has not taken any steps to ensure the fulfillment of the said obligation and has not notified the Republic of Armenia of the projects to be carried out. Therefore, Armenia concludes that Azerbaijan has breached the mentioned provisions of the Convention.
- According to paragraph 5, subparagraph b) of Decision III/2, if Party concludes that, despite its best endeavors, it is unable or will be unable to comply fully with its obligations under the Convention, it must bring a submission to the Committee. Azerbaijan has not brought any submission therein. Hence Azerbaijan has breached its obligations set in the mentioned provisions.

Based on the abovementioned, Armenia concludes that Azerbaijan has breached Articles 2 (4) and 3 (1) of the Convention, and para. 5(b) of the Decision III/2.

The Republic of Armenia kindly requests the Implementation Committee to consider the present submission in accordance with the relevant provisions of Decision III/2.

At the same time, Armenia confirms its readiness to take part in the discussions of the present submission, as defined in paragraph 9 of Decision III/2, as well as to submit more detailed reasoning, if needed.

Sincerely,


Aram Harutyunyan