



**Economic and Social
Council**

Distr.
GENERAL

ECE/MP.PP/2005/13/Add.5
11 March 2005

ORIGINAL: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

Meeting of the Parties to the
Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters

(Second meeting, Almaty, Kazakhstan, 25-27 May 2005)
(Item 6 (b) of the provisional agenda)

REPORT OF THE COMPLIANCE COMMITTEE

Addendum

**FINDINGS AND RECOMMENDATIONS WITH RESPECT TO COMPLIANCE BY
SPECIFIC PARTIES (TURKMENISTAN)**

Submission	ACCC/C/2004/05
Communicant:	Biotica Ecological Society
Party concerned:	Turkmenistan
Alleged non-compliance:	Article 3, paragraphs 4 and 9, of the Aarhus Convention
Reference document:	Report of the 7 th meeting of the Compliance Committee (ECE/MP.PP/C.1/2005/2)

The Compliance Committee.

Having considered the issues raised by the above communication as set out in an addendum to the report of its 7th meeting (ECE/MP.PP/C.1/2005/2/Add.5),

Noting with regret that no response to the communication was provided by the Party concerned pursuant to the requirements set out in the annex to decision I/7,

Finds that:

1. Article 5 of the Act on Public Associations is not in compliance with article 3, paragraph 9, of the Convention;
2. Article 17 of the Act is not in compliance with article 3, paragraph 4, of the Convention;
3. By enacting provisions that are not in compliance with article 3, paragraph 9, and article 3, paragraph 4, of the Convention, the Party concerned is not in compliance with the requirement of article 3, paragraph 1, to establish and maintain a clear, transparent and consistent framework to implement the provisions of the Convention;

Recommends to the Meeting of the Parties, pursuant to paragraph 35 of the annex to decision I/7 and taking into account the cause and degree of non-compliance, to:

- (a) Request the Government of Turkmenistan to amend the Act on Public Associations with a view to bringing all its provisions into compliance with the Convention;
- (b) Recommend that the Government of Turkmenistan should immediately take appropriate interim measures with a view to ensuring that the provisions of the Act are implemented as far as possible in a manner which is in compliance with the requirements of the Convention;
- (c) Also recommend that the Government of Turkmenistan should carry out the measures referred to in paragraphs (a) and (b) above with the involvement of the public and, in particular, relevant national and international organizations, including non-governmental organizations;
- (d) Furthermore recommend that the Government of Turkmenistan should develop and make publicly available official guidance on the interpretation of the Act, taking into account the relevant provisions and standards of the Convention;
- (e) Invite the Government of Turkmenistan to submit a report to the Meeting of the Parties, through the Compliance Committee, no less than four months before the third meeting of the Parties on the measures taken to implement the recommendations in subparagraph (a);
- (f) Request the secretariat or, as appropriate, the Compliance Committee, and invite relevant international and regional organizations and financial institutions to provide advice and assistance to Turkmenistan where this is necessary to overcome obstacles to the implementation of these measures. .