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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**

Third meeting
Riga, 11–13 June 2008
Item 6 (b) of the provisional agenda
Procedures and mechanisms facilitating
the implementation of the Convention:
Compliance mechanism

DRAFT DECISION III/6

GENERAL ISSUES OF COMPLIANCE

Addendum

DRAFT DECISION III/6e

**COMPLIANCE BY TURKMENISTAN WITH ITS OBLIGATIONS
UNDER THE CONVENTION (Ref. Decision II/5c)**

As provisionally adopted

The Meeting of the Parties,

Acting under paragraph 37 of the annex to decision I/7 on the review of compliance,

Mindful of the conclusions and recommendations set out in its decision II/5c with regard to compliance by Turkmenistan (ECE/MP.PP/2005/2/Add.9),

Recalling the regret expressed by it in decision II/5c with regard to the lack of response from the Party concerned in the course of compliance review pursuant to the requirements set out in the annex to decision I/7,

Taking note of the report of the Compliance Committee (ECE/MP.PP/2008/5) and its addendum 8 (ECE/MP.PP/2008/5/Add.8),

1. *Notes with regret* the failure of the Government of Turkmenistan to take measures to implement decision II/5c of the Meeting of the Parties;
2. *Also notes* the initial engagement of the Government of Turkmenistan demonstrated by its correspondence with the Committee and the participation of its representatives in a meeting of the Committee;
3. *Notes* with appreciation the information provided by Turkmenistan, inter alia through its national implementation report, with regard to general measures taken to implement the Convention, and in particular its expression of intent to review its legislation, including the Act on Public Associations, and its willingness to engage with the process outlines in paragraphs 6-8 below;
4. *Confirms* its earlier endorsement of the Committee's findings with regard to compliance by Turkmenistan as set out in paragraph 1 of decision II/5c;
5. *Decides* to issue a caution to the Government of Turkmenistan, to become effective on 1 May 2009, unless the Government of Turkmenistan has fully satisfied the conditions set out in subparagraphs (a) to (c) below, and has notified the Secretariat of this fact, by 1 January 2009. The successful fulfilment of the conditions is to be established by the Compliance Committee:
 - (a) the Act on Public Associations is amended in such a way as to make clear that foreign citizens and persons without nationality can enjoy the same rights as citizens in the formation of and participation in public associations;
 - (b) the Act on Public Associations is amended in such a way as to make clear that members of the public may conduct activities on behalf of non-registered public associations in harmony with the requirements of the Convention, in particular, article 3, paragraph 4 ; and
 - (c) other legislation does not run counter to the above amendments;
6. *Invites* the Government of Turkmenistan to submit to the Committee periodically (in November 2008, November 2009 and November 2010) detailed information on further progress in implementing the measures referred to in paragraph 5;
7. *Also invites* the Government of Turkmenistan to consider accommodating an expert mission, with the involvement of Committee members and other experts, as appropriate, with a view to making available to it a wide range of expert opinion on possible ways to implement the measures referred to in decision II/5c, including any possible amendments to the Act on Public Associations;
8. *Requests* the secretariat and the Compliance Committee, and invites relevant international and regional organizations and financial institutions, to provide advice and assistance to the Party concerned, as necessary, in the implementation of these measures;
9. *Undertakes* to review the situation at its fourth meeting.
