



**Economic and Social
Council**

Distr.
GENERAL

ECE/MP.PP/2005/13/Add.2
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 (KAZAKHSTAN (2))**

Communication	ACCC/C/2004/02
Party concerned:	Kazakhstan
Communicant:	Association Green Salvation
Alleged non-compliance:	Article 6, paragraphs 2 to 4 and 6 to 8, and article 9, paragraphs 3 and 4, 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.2),

Finds that:

1. The Government of Kazakhstan did not comply fully with article 6, paragraph 1 (a), and annex I, paragraph 20, of the Convention, and, in connection with this, article 6, paragraphs 2, 3, 4, 7 and 8;

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2. No firm conclusion could be reached on the question as to whether the activity in question would be covered by article 6, paragraph 1 (b);

3. There was no basis on which to conclude that article 6, paragraph 6, and article 9 were not complied with;

Notes with appreciation the efforts of the Ministry of the Environment in December 2001 and May-June 2002 to attempt to introduce some elements of public participation in a process that was defective in that respect;

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) Recommend to the Government of Kazakhstan, with a view to fully implementing article 3, paragraph 1, of the Convention, to:
 - (i) Adopt and implement regulations setting out more precise public participation procedures covering the full range of activities subject to article 6 of the Convention, without in any way reducing existing rights of public participation;
 - (ii) Ensure that public authorities at all levels, including the municipal level, are fully aware of their obligations to facilitate public participation;
 - (iii) Consider introducing stronger measures to prevent any construction work going ahead prior to the completion of the corresponding permitting process, with the required level of public participation;
- (b) Invite the Government of Kazakhstan 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);
- (c) 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 Kazakhstan as necessary in the implementation of these measures;
- (d) Undertake to review the situation at its third meeting; and
- (e) Mandate the Working Group of the Parties to develop guidance on the scope of the permitting processes in which the public participation procedures set out in article 6 should apply, having in mind the environmental focus of the Convention, and to present such guidance for endorsement by the Parties at their third meeting.