

**MINISTRY OF THE
ENVIRONMENT AND WATER
RESOURCES OF THE REPUBLIC
OF KAZAKHSTAN**

010000, Astana, ulitsa Orynbor, no. 8
House of Ministers
Tel/fax: 8(7172) 74-08-09

03.04.2014 No. 02-01-20/927-i

**Environment Division
United Nations Economic
Commissions for Europe**

**The Compliance Committee of
Aarhus Convention**

The Ministry of Environment and Water Resources of the Republic of Kazakhstan to the letter of July 26, 2013 regarding Communication to the Aarhus Convention Compliance Committee concerning compliance by Kazakhstan in relations to the plan for a ski resort in the Ile-Alatau national park (ACCC/C/2013/88) sends the information according to the application.

Application: on sheet.

Vice - Minister

B. Mukhamedjanov

U. Akhmetova
Telephone number: 8-7172-740845
e-mail: akhmetova@eco.gov.kz

003627

I. *With regard to the conduct of public hearings*

According to information provided by the Akimat (Mayor's Office) of the City of Almaty, before hearings were held, the public concerned had the opportunity to obtain the full draft of the Preliminary Environmental Impact Assessment of the Technological and Economic Feasibility Study ('the TEO') for the Kok-Jailau Mountain Ski Resort Local Budget Investment Project, in a 30-page summary of the TEO (still available on the website).

After public hearings had been held, answers to all the questions raised at the hearings were prepared in the form of an Annex to the Minutes. No questions about the Minutes of the Public Hearings have been received by the City of Almaty Directorate for Tourism.

On 1 March 2013, a talk show 'Nasha Pravda' ['Our Truth'] on the topic of the Kok-Jailau mountain ski resort was aired on the commercial television channel, KTK.

On 9 September 2013, the City of Almaty Directorate for Tourism took part in Citizen Hearings organised by the Ecological Society 'Green Salvation', where issues relating to the mountain ski resort were clarified.

In November 2013, Green Salvation filed a lawsuit against the City of Almaty Directorate for Natural Resources and Regulation of Environmental Management (a public municipal institution), seeking acknowledgement that the conclusion of the state environmental review of the Preliminary Environmental Impact Assessment materials in the TEO for the Kok-Jailau Mountain Ski Resort Project was invalid.

On 25 November 2013, the Specialized Inter-District Economic Court for the City of Almaty rejected Green Salvation's lawsuit.

On 17 March 2014, Green Salvation's petition of appeal against the above judgment was considered by the City Court of Astana; the Court refused to satisfy the petition (judgment of the appeal court not yet published).

The Minutes of the Public Hearings are appended.

II. *With regard to the Republic of Kazakhstan's failure to provide procedures and practical measures for public participation in the discussion of plans and programmes relating to environmental matters*

Under the Private Entrepreneurship Act (Law of the Republic of Kazakhstan No. 124 of 31 January 2006), central government agencies, local representative bodies and local executive agencies, through expert councils, are to send the draft of a normative legal act affecting the interests of private businesses to accredited associations of private businesses and to the National Chamber of Entrepreneurs of the Republic of Kazakhstan, annexing a mandatory explanatory note, in order to obtain an expert conclusion, including on each subsequent agreement of the draft in question with the public authorities concerned.

Thus, by order of the Minister for the Environment and Water Resources of the Republic of Kazakhstan, an Expert Council on Entrepreneurial Issues, attached to the Ministry, has been created. Its membership includes accredited associations of private businesses and interested commercial organizations. Under the mandatory procedure, draft normative legal acts are sent to them in order to obtain expert conclusions.

In addition, a Public Environmental Council ('the Environmental Council') and public councils on water resources, forestry, hunting and fishing ('Public Councils') have been created and are operating under the auspices of the Ministry. The membership of these Councils

includes representatives of the Ministry, of public authorities, of public organizations and the business sector, as well as leading academics and public figures. In this context, we should point out that two thirds of members of these Councils are representatives of public organizations and the business sector.

The tasks of the Environmental Council include involving the institutions of civil society in the formulation and implementation of government environmental policy.

The tasks of the Public Councils include producing recommendations for improving legislation in the area of protection and use of water resources, forests and fauna, for water conservation, for drawing on international experience and for attracting investment; they are also to involve the public in environmental protection measures, water resource management, water conservation and the preservation of biological diversity.

All draft environmental protection legislation is made available through the Ministry's Internet portal and on the website of the Aarhus Centre at www.aarhus.kz; an address to which suggestions and comments may be sent is also given.

All newly adopted environmental protection legislation is made available through the Ministry's Internet portal at www.eco.gov.kz and, in addition, is sent to the e-mail addresses of the public concerned and to the users of natural resources.

We also wish to inform you that all texts of laws and regulations of the Republic of Kazakhstan, after official signature, must be made generally available by means of publication in official journals and other periodicals.