



**NATIONS UNIES**  
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**ОБЪЕДИНЕННЫЕ НАЦИИ**  
**ЭКОНОМИЧЕСКАЯ КОМИССИЯ**  
**ДЛЯ ЕВРОПЫ**

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19 December 2007

Attn. Mr. Alzhan Braliev  
Vice-Minister for Environmental Protection  
Ministry of Environmental Protection  
35-A Street, House 8, "Ministries House"  
Astana 010000  
Kazakhstan  
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Dear Mr. Braliev,

**Re: Implementation of decision II/5a of the Meeting of the Parties  
and issues raised in communication ACCC/C/2007/20**

At its eighteenth meeting (28-30 November 2007), the Aarhus Convention Compliance Committee discussed the implementation of decisions with regard to compliance with the Convention by individual Parties adopted at the second meeting of the Parties (Almaty, May 2005). In accordance with its functions, the Committee will address this topic in its report to the Meeting of the Parties, inter alia on the basis of information provided by the Parties concerned.

With this in mind, the Committee has requested the secretariat to draw the attention of the Government of Kazakhstan to the following points:

1. Through decision II/5a, you are invited by the Meeting of the Parties to submit a report to the Meeting, through the Compliance Committee, no less than four months before the third meeting of the Parties, i.e. 11 February 2008, on the measures taken to implement the recommendations in paragraph 7 of the decision. The report would need to address inter alia:

- (a) what regulations have been adopted 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, and how they have been implemented in practice;
- (b) how the Government of Kazakhstan ensures that public authorities at all levels, including the municipal level, are fully aware of their obligations to facilitate public participation; and
- (c) whether stronger measures have been introduced to prevent construction work going ahead prior to the completion of the corresponding permitting process with the required level of public participation.

2. In accordance with the agreement reached in the course of the discussion on the Committee's findings and recommendations with regard to communication ACCC/C/2004/06 (ECE/MP.PP/C.1/2006/4/Add.1), the aforementioned report would also need to address the

way in which the recommendations contained in these findings have been addressed and in particular:

(a) whether publication of the courts' decisions and statistics related to environmental cases and capacity-building activities for the judiciary have been included in the strategy which was to be prepared pursuant to paragraph 5 of decision II/5a of the Meeting of the Parties;

(b) whether an analysis of the relevant environmental and procedural legislation was carried out, with appropriate involvement of the public, to identify whether it sufficiently provides judicial and other review authorities with the possibility to provide adequate and effective remedies in the course of judicial review and if so, what the results of such an analysis were;

(c) whether and how the findings and recommendations of the Committee have been taken into account in further consideration of the specific matter raised by the communicant in communication ACCC/C/2005/06.

3. Furthermore, with reference to our letter dated 1 October 2007 concerning communication ACCC/C/2007/20, you will recall that the Committee had decided that the matters raised in the communication could be addressed within the context of the strategy being developed and implemented by your Government to implement the recommendations contained in Decision II/5a. The Committee had therefore invited the Government of Kazakhstan to address the substantive issues raised in the communication in its report to be submitted pursuant to Decision II/5a.

4. On 9 November 2007, the Committee received further correspondence from the communicant concerning implementation by Kazakhstan of decision II/5a. It considered this information at its eighteenth meeting in the context of implementation by Kazakhstan of decision II/5a.

The Committee expressed its concern with regard to some of the issues raised in this information, such as the statement contained in the letter of 5 October 2007 from the Ministry of Environment of Kazakhstan to the communicant that the draft strategy developed by Kazakhstan in implementation of paragraph 5 of decision I/7 has never been adopted and that its adoption had become irrelevant in the light of the recent adoption of the Environmental Code. In this regard the Committee, while welcoming development of the new Environmental Code, noted that the strategy referred to in paragraph 5 of decision II/5a, in addition to legislative developments, was meant to also cover the development of practical mechanisms and implementing (i.e. secondary) legislation as well as possible capacity-building activities.

The Committee therefore wished to invite the Government of Kazakhstan, when preparing the report that is to be submitted by 22 February 2008 pursuant to decision II/5a, to also address the matters raised by the communicant in this latest submission.

Copies of our letter of 1 October 2007, communication ACCC/C/2007/20 and correspondence from the communicant of 9 November 2007 and its attachments are included here for your convenience.

Yours sincerely,



Jeremy Wates  
Secretary

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

Cc: Mr Sergey Kuratov, Green Salvation