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3 August 2006

**To: Prof. Veit Koester
Chairman of the
Aarhus Convention Compliance Committee**

Dear Prof. Koester,

Hereby, Turkmenistan presents its compliments to the Compliance Committee of the Aarhus Convention and acknowledges the receipt of extract from Protocol of the 12th meeting of the Committee (Geneva, 14-15 June 2006).

Our study of the Protocol, unfortunately, confirms the conclusion on the one sided nature of the ongoing multi-month negotiation, the object of which, as it was identified by the Conference of the Parties and Compliance Committee, became the law of Turkmenistan "On Public Associations", separately taken out of the whole legislative system, instead the real analyze of commitments of Turkmenistan under the Aarhus Convention. At the same time there are no any significant remarks on the implementation of Aarhus Convention by Turkmenistan, the facts and arguments, proposed by us, are not taken into account and simply ignored. By violating the established principle of consensus under consideration of the issues of observance (Article 15 of the Aarhus Convention), Turkmenistan is suggested to implement the measures, in connection with the possibly inappropriate provisions of the law "On Public Associations" to the provisions of the Aarhus Convention. Turkmenistan has drawn attention of participants to the presence of two incomparable legal documents and ill-posedness of their comparison. However, there is no response to this unarguable fact. The law of Turkmenistan "On Public Associations" became an important step in the development of democracy and formation of civil society in the country. It meets the international requirements in

this sphere. Its provisions and norms do not imply any limitations and do not create obstacles for the implementation of the Aarhus Convention. For the implementation the Convention, Turkmenistan has established a unique mechanism of public participation in the decision making process, including on issues of environment. On the highest legislative level – the Constitution of Turkmenistan delegates membership to the representatives of public associations in the highest and local legislative authorities which are involved into the decision-making process on the important issues of the country existence. But these unprecedented positive measures are not considered and mentioned by the Convention.

The Turkmen side wants to draw your attention to the fact that the rules of creation and registration of public associations, set up by the national legislation, does not regulated by the Aarhus Convention. Moreover, in accordance with the item 5 of the Article 2 of the Convention, the non governmental organizations are those which “correspond to any requirements established by the national legislation”.


Consequently, it is unacceptable to consider the recommendations, made by the convention, “to bring into line with” of any additions, explanations, etc., to the national legislation.

Finally, summarizing the above mentioned, Turkmenistan asks you to consider and appraise our arguments on this issue. We believe that continuation of this discussion in one-sided manner, rather than in the form of consensus, will not have productive future.

The Turkmen side presents its compliments to the Conference of the Parties and Compliance Committee.

Sincerely Yours,

M.Akmuradov


Minister of Nature Protection of Turkmenistan,
National Coordinator of the Aarhus Convention