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**Mr. Jeremy Wates**  
**Secretary**  
**Convention on Access to Information,**  
**Public Participation in Decision-making**  
**and Access to Justice in Environmental Matters**

*Environment, Housing and Land Management Division*  
*Bureau 332*  
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*CH-1211 Geneva 10*  
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Dear Mr. Jeremy Wates,

With regard to your letter from March 17, 2008, entitled "Draft Report on Compliance by Ukraine with its Obligations under the Aarhus Convention" we are pleased to submit the following comments.

We welcome the initiative of the Compliance Committee to raise the issue of implementation by Ukraine of its previous Findings and Recommendations (ECE/MP.PP/C.1/2005/2), which were supported by the decision of the Second Meeting of the Parties (MOP-2), Decision II/5b.

According to article 10 of the Aarhus Convention, the Meeting of the Parties shall keep under continuous review the implementation of the Convention by its parties.

Unfortunately, your draft report does not include strong and effective measures for MOP-3 to help bring Ukraine into compliance with the Aarhus Convention.

The failure of Ukraine to undertake effective measures clearly indicates the absence of political will to fully implement the Aarhus Convention in Ukraine, including articles 3.1, 4 and 6 of the Convention.

The recommendations are mainly based on the promise by Ukraine that it would prepare a draft strategy by May 2008 and submit it to the Secretariat of the Aarhus Convention. MOP-3 would then further consider the issue of non-compliance by MOP-3 on the basis of the draft strategy.

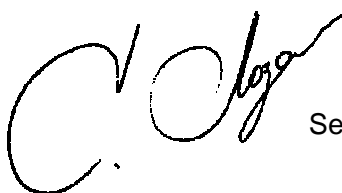
But if Ukraine does not submit a strategy by May 2008—or submits an inadequate one—what will the MOP do? The failure of Ukraine to submit an acceptable strategy is very likely to happen. The draft strategy prepared by one Ukrainian NGO so far was unacceptable to the rest of the NGOs in Ukraine because of very low quality.

We believe it is necessary for the Compliance Committee to make appropriate recommendations concerning non-compliance by Ukraine to be adopted by the MOP, giving Ukraine an incentive to start complying with international agreements, including the Aarhus Convention. Delay in implementation of the Aarhus Convention by Ukraine is harming implementation of the right of the public to information, the right to participate in environmental decision-making by Ukraine, and other matters.

Adoption of stricter measures concerning non-compliance by Ukraine at MOP-3 would serve as a positive example that the Committee and Meeting of the Parties take compliance with the Convention seriously. Adoption of weak recommendations will only encourage other countries to treat the Convention as an amusing but irrelevant trophy on the shelf of un-implementation international obligations.

Sincerely Yours,

Serhiy Lozan  
Executive Director  
of International Charitable Organization  
"Environment-People-Law"

A handwritten signature in black ink, appearing to read 'S. Lozan', written in a cursive style.

Serhiy Lozan