



UNITED NATIONS
ECONOMIC COMMISSION FOR EUROPE

The Executive Secretary

Under-Secretary-General

Ref: ECE/ENV/2013/24

25 January 2013

Excellency,

I am writing to you at the request of the Compliance Committee of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), which recently met to consider compliance by Turkmenistan with the Convention, as required by decision IV/9g (enclosed), adopted by the Meeting of the Parties to the Convention at its fourth session (Chisinau, 29 June–1 July 2011).

At its second session (Almaty, Kazakhstan, 25–27 May 2005), the Meeting of the Parties adopted decision II/5c on compliance by Turkmenistan with its obligations under the Aarhus Convention (ECE/MP.PP/2005/2/Add.9), endorsing findings of the Compliance Committee that Turkmenistan was not in compliance with article 3, paragraphs 1, 4 and 9, of the Convention. It requested the Government of Turkmenistan to amend the Act on Public Associations with a view to bringing all of its provisions into compliance with the Convention.

At its third session (Riga, 11–13 June 2008), the Meeting of the Parties adopted decision III/6e on compliance by Turkmenistan with its obligations under the Convention (ECE/MP.PP/2008/2/Add.13), confirming its earlier endorsement of the findings and recommendations of the Compliance Committee that Turkmenistan had not yet achieved compliance. The Meeting of the Parties issued a provisional caution to Turkmenistan and, through paragraph 5 of decision III/6e, it invited Turkmenistan to satisfy three conditions in order to achieve compliance with the Convention.

His Excellency
Mr. Gurbanguly Berdimuhamedov
President of Turkmenistan
Ashgabat



The caution became effective on 1 May 2009, after the Compliance Committee established that Turkmenistan had failed to successfully fulfil the conditions set by the Meeting of the Parties.

Upon the invitation of the Government, and in close cooperation with the Organization for Security and Cooperation in Europe, members of the Compliance Committee and the Convention secretariat organized a mission to Ashgabat from 18 to 19 April 2011.

At its fourth session, the Meeting of the Parties adopted a new decision IV/9g on the same matter (see ECE/MP.PP/2011/2/Add.1). Further to the recommendations of the Compliance Committee, the Meeting of the Parties decided to suspend the caution. It also decided that the caution should re-enter into effect on 1 January 2013, unless Turkmenistan had amended the Act on Public Associations in order to bring all of its provisions into compliance with the Convention.

At its thirty-ninth meeting (Geneva, 11–14 December 2012), the Compliance Committee reviewed the steps taken by Turkmenistan to comply with the Convention. The Committee took note of the additional information submitted by Turkmenistan on 2 October 2012 and 11 December 2012. The Committee also had the opportunity to discuss the subject matter in open session with a representative of the Party concerned.

The Committee observed that the Meeting of the Parties, in its decision IV/9g, had been clear as to the condition to be fulfilled and the deadlines to be met. After considering the efforts undertaken and the progress achieved by the Party concerned, the Committee found that the Act on Public Associations had not yet been amended and thus the formal condition of decision IV/9g had not been met. Therefore, the caution re-entered into effect on 1 January 2013.

The Committee, nevertheless, appreciated the efforts described by Turkmenistan towards compliance with decision IV/9g. It decided to urge Turkmenistan to make efforts to fulfil the conditions set by the decision as soon as possible and to report to the Committee on the progress achieved on 1 June 2013 and on 1 November 2013. The Committee will then decide on what further steps to be taken and, depending on whether the Act is adopted, it will reflect that in its report to the Meeting of the Parties at its fifth session, to be held in June/July 2014, and consider recommending that the caution be lifted.

The Committee also asked the Party concerned to submit a copy of the draft law and offered to review the draft, if the Party concerned would agree. The Committee will review the situation at its forty-first meeting (Geneva, 25–28 June 2013).



On behalf of the United Nations Economic Commission for Europe (ECE), I would like to express the willingness of the secretariat to work with the Government of Turkmenistan to assist it in meeting its obligations under the Aarhus Convention.

Furthermore, I would like to take this opportunity to express my appreciation for the continuing cooperation of your Government with ECE on a number of important issues.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, which appears to read "Sven Alkalaj", is written in a cursive style. The signature is positioned to the right of the typed name.

Sven Alkalaj

cc: Permanent Mission of Turkmenistan
to the United Nations Office and other international organizations in Geneva

Enclosure: Decision IV/9g