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ECONOMIC COMMISSION FOR EUROPE

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

(Second meeting, Almaty, Kazakhstan, 25-27 May 2005)
(Item 6 (b) of the provisional agenda)

REPORT OF THE COMPLIANCE COMMITTEE

Addendum

**FINDINGS AND RECOMMENDATIONS WITH RESPECT TO COMPLIANCE BY
SPECIFIC PARTIES (KAZAKHSTAN (1))**

Communication	ACCC/C/2004/01
Party concerned:	Kazakhstan
Communicant:	Association Green Salvation
Alleged non-compliance:	Article 4, paragraphs 1 and 7, article 6, paragraph 6, and article 9, paragraph 1, of the Aarhus Convention
Reference document:	Report of the 7 th meeting of the Compliance Committee (ECE/MP.PP/C.1/2005/2)

The Compliance Committee,

Having considered the issues raised by the above communication as set out in an addendum to the report of its 7th meeting (ECE/MP.PP/C.1/2005/2/Add.1),

Finds that:

1. By having failed to ensure that bodies performing public functions implement the provisions of article 4, paragraphs 1 and 2, of the Convention, Kazakhstan was not in compliance with that article;

2. The lengthy review procedure and denial of standing to the non-governmental organization in a lawsuit on access to environmental information was not in compliance with article 9, paragraph 1;

3. The lack of clear regulation and guidance with regard to the obligations of bodies performing public functions to provide information to the public and with regard to the implementation of article 9, paragraph 1, constitutes non-compliance with the obligations established in article 3, paragraph 1, of the Convention;

Welcomes, nonetheless, the Memo on Processing Public Requests for Environmental Information, prepared by the Ministry of the Environment of Kazakhstan;

Recommends to the Meeting of the Parties, pursuant to paragraph 35 of the annex to decision I/7 and taking into account the cause and degree of non-compliance, to:

(a) Pursuant to paragraph 37 (b) of the annex to decision I/7, request the Government of Kazakhstan to submit to the Compliance Committee, not later than the end of 2005, a strategy, including a time schedule, for transposing the Convention's provisions into national law and developing practical mechanisms and implementing legislation that would set out clear procedures for their implementation. The strategy might also include capacity-building activities, in particular for the judiciary and public officials, including persons having public responsibilities or functions, involved in environmental decision-making;

(b) Recommend the Government of Kazakhstan to provide officials of all the relevant public authorities on various levels of administration with training on the implementation of the Memo on Processing Public Requests for Environmental Information and to report to the Meeting of the Parties, through the Compliance Committee, no less than four months before the third meeting of the Parties on the measures taken to this end;

(c) Request the secretariat or, as appropriate, the Compliance Committee, and invite relevant international and regional organizations and financial institutions, to provide advice and assistance to Kazakhstan as necessary in the implementation of these measures;

(d) Undertake to review the situation at its third meeting.