

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

Seventh session

Geneva, 18–20 October 2021

Excerpt from the addendum to the report of the seventh session of the Meeting of the Parties (ECE/MP.PP/2021/2/Add.1)*

Decision VII/8q concerning compliance by Turkmenistan with its obligations under the Convention

Adopted by the Meeting of Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its seventh session

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,¹

Recalling paragraph 19 of its decision VI/8 on general issues of compliance adopted at its sixth session (Budva, Montenegro, 11–13 September 2017),² through which it requested the Compliance Committee to review the compliance of Turkmenistan with article 3 (1), (4) and (9) of the Convention with respect to the possibilities for foreign citizens and persons without citizenship to found and participate in non-governmental organizations promoting environmental protection,

Taking note of the report of the Committee with respect to paragraph 19 of decision VI/8 on general issues of compliance concerning the compliance of Turkmenistan,³

Encouraged by the willingness of Turkmenistan to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the findings of the Committee that:

(a) In the absence of a legal framework that clearly ensures that foreign citizens and persons without citizenship are able to participate in and found public associations in the same way as citizens of Turkmenistan, the Party concerned does not yet comply with article 3 (9) of the Convention;

(b) Given the ongoing lack of clarity as to how the prohibition of activities of unregistered public associations set out in article 7 (2) of the 2014 Act on Public Associations is to be applied in practice, the Party concerned has not yet demonstrated that it complies with article 3 (4) of the Convention;

* The full text of addendum to the report of the seventh session of the Meeting of the Parties (ECE/MP.PP/2021/2/Add.1) will, in due course, be available in English, French and Russian from https://unece.org/environmental-policy/events/Aarhus_Convention_MoP7.

¹ ECE/MP.PP/2/Add.8.

² ECE/MP.PP/2017/2/Add.1.

³ ECE/MP.PP/2021/58, forthcoming.

(c) In the light of the Committee's findings in subparagraphs (a) and (b) above, the Committee finds that the Party concerned has not yet demonstrated that it complies with the obligation contained in article 3 (1) of the Convention to provide a clear, transparent and consistent framework to implement the provisions of article 3 (4) and (9) of the Convention;

2. *Recommends* that the Party concerned take, as a matter of urgency, the necessary legislative, regulatory, administrative and practical measures to ensure that its legal framework:

(a) Explicitly sets out that foreign citizens and persons without citizenship have the same right to found and participate in non-governmental organizations promoting environmental protection as do citizens of Turkmenistan;

(b) Makes clear that members of the public who decide to come together to exercise their rights under article 9 (2) of the Law on Nature Protection, for example, to undertake environmental rehabilitation activities or to take part in demonstrations on nature protection issues and, in doing so, choose to identify themselves by a common name, will not be considered as acting as an "unregistered public association" and thus have their activities prohibited under article 7 (2) of the 2014 Act on Public Associations;

3. *Calls upon* all relevant ministries of the Party concerned, including the Ministry of Justice, to work together to ensure the successful fulfilment of the above recommendations;

4. *Requests* the Party concerned to:

(a) Submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the above recommendations;

(b) Provide detailed progress reports to the Committee by 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the plan of action and the above recommendations;

(c) Provide such further information as the Committee may request in order to assist it to review the progress by the Party concerned in implementing the above recommendations;

(d) Participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendations is to be considered;

5. *Decides* to issue a caution to the Party concerned, to become effective on 1 January 2024, unless the Party concerned has fully satisfied the conditions set out in paragraph 2 (a) and (b) above and has notified the secretariat of this fact by 1 October 2023;

6. *Requests* the Committee to establish the successful fulfilment of paragraph 2 (a) and (b) above for the purposes of paragraph 5 above;

7. *Undertakes* to review the situation at its eighth session.
