

December 17, 2023

**Comments of the Communicant on Decision VII/8q (Turkmenistan)  
in relation to additionally presented by the Party concerned information**

The Party concerned presented two draft laws which it plans to adopt in response to the MOP Decision VII/8q to solve the issue of the correspondence to the provisions of the Aarhus Convention.

In this respect we want to attract attention to the fact, that the Constitution of Turkmenistan in Article 11 makes a distinction between citizens of Turkmenistan, foreign citizens and stateless persons. In this regard, the Law “On Public Associations”, which, in pursuance of the Aarhus Convention, should not distinguish between these three groups with regard to their right to create public associations and participate in their activities, depending on the legal relationship of individuals in relation to the state – Turkmenistan. In this respect, the law should preferably contain the terms “individuals”, or “physical persons”, or “natural persons” instead of the term “citizens” in order to avoid ambiguous interpretation of the term “citizens” in each specific case. It should simplify the work and decision making of the executive authorities and courts. This recommendation is also valid for the Law “On Nature Protection”.

Concerning the Turkmenistan proposal to amend the Art. 9 of the Law “On Nature Protection”, in our view, it could be supported as a way to overcome the general prohibition of the Law “On Public Association” (Art. 7-2) to create and act in non-registered NGOs for the non-registered NGOs acting in the sphere of the protection of the environment.

At the same time, the Decision VII/8q by its para. 55 establishes the time-table for its execution, where the date of January 1<sup>st</sup>, 2024 is the deadline for the issue solution by the Party concerned. The timetable recently proposed by the Party concerned does not respect the MOP decision and it looks that the caution to the Party should be issued starting from the noted date.

Sincerely,

[Redacted signature]

Ilya Trombitsky  
Co-founder of the BIOTICA Ecological Society

[Redacted address line]

Chisinau [Redacted]  
Republic of Moldova

[Redacted address line]

[Redacted address line]