

Comments to the Draft findings and recommendations with regard to communication ACCC/C/2013/88 concerning compliance by Kazakhstan.

Para 21

Written: Kok Zhailau is a gorge located in the Ile-Alatau State National Nature Park.

Suggested: It should be pointed out that Kok Zhailau was part of the national park at the time of application of the communication 88 (31 May 2013), but later it was excluded from the park territory.

Para 72

Written: Moreover, on 9 September 2013, the City of Almaty Department for Tourism took part in Citizen Hearings organised by the Ecological Society 'Green Salvation', where issues relating to the mountain ski resort were clarified.

Suggested: The Ecological Society 'Green Salvation' was just one of the organizers of the hearing.

Para 105

Written: The communicants allege that the public was obstructed from participating in the hearings on the preliminary OVOS report on 11 June 2013 and the feasibility study in February 2014. These allegations are examined below.

Suggested: 11 January 2013

Para 106

Written: Hearing on the preliminary OVOS report, 11 June 2013

Depending on the stage of decision-making procedure, the immediate responsibility to ensure that the arrangements for the hearing enable the public to participate effectively may fall on the developer or the relevant authority. The Committee stresses, however, that regardless of the stage of the decision-making, the ultimate responsibility to ensure that the requirements of the Convention are met always rests with the Party concerned.

Suggested: 11 January 2013

Para 107

Written: The Committee takes note of the information provided by the communicants, and not refuted by the Party concerned, that access and registration of participants for the public hearing on 11 June 2013 was restricted. In particular, not all those who wanted to take part in the public hearing could enter the Kazgidromet building because the entrance was blocked by a private security service forty minutes before

Suggested: 11 January 2013

Para 112

Written: With regard to the television talk show "Nasha Pravda" broadcast on 1 March 2013 and the citizen-hearing initiated by Ecological Society "Green Salvation" on 9 September 2013, the Committee observes that such measures may be useful to facilitate dialogue and raise public awareness.

Suggested: The Ecological Society 'Green Salvation' was just one of the organizers of the hearing.

Paras 79 and 119

- 1) The official name of the existing Public council under the Ministry of Energy is "Public Council" (Not "Public Environmental Council". Moreover, in many documents it is referred to as "Public council on fuel and energy complex and ecology" (see the minutes of this council at <http://energo.gov.kz/index.php?id=5300>).

- 2) The tasks of the council under the Ministry of Energy are described incorrectly. The scope of its activities is much wider than “the government’s environmental policy” and covers, inter alia, the government policy on the development of oil, gas and coal industries, nuclear energy which cannot be referred as “the government’s environmental policy” (see para. 5 of the Public Council under the Ministry of Energy at <http://energo.gov.kz/assets/old/uploads/files/2016/3/%D0%9F%D1%80%D0%B8%D0%BA%D0%B0%D0%B7%20%D0%9F%D0%BE%D0%BB%D0%BE%D0%B6%D0%B5%D0%BD.%D1%80%D1%83%D1%81.pdf>).
- 3) It is unclear what is meant by “public organizations”.

In summary, we suggest to reformulate the paragraph 79 in a way providing just the information on existing public councils under various ministries and local executive authorities established in 2016 but without singling out the public council under the Ministry of Energy and premature assessment of multi-stakeholder nature of the existing public councils. From this perspective the phrase “welcoming the multi-stakeholder nature of their memberships, and recognizing that the Councils may make a valuable contribution to the development of environment policy” seems to be groundless. For instance, during the process of establishment of such public councils, including those one established under the Ministry of Energy, the most active and independent environmental nongovernmental organizations have been somehow excluded from their membership and activities.

Communicants of ACCC/C/2013/88
14 July 2016