

October 25, 2013

**To: the President of the RK**

**Committee of Nature Management and Development of Rural Territories of the Senate of the Parliament of the RK**

**Committee of Ecology and Nature Management of the Majilis of the Parliament of the RK**

**Ministry of Industry and New Technologies**

**Committee of Tourism Industry of the Ministry of Industry and New Technologies**

**Ministry of Environmental Protection**

**Forestry and Game Committee of the Ministry of Environmental Protection**

*For information:*

**Ile-Alatau National Park**

**Akimat of the city of Almaty**

**Akimat of Almaty oblast**

## **PETITION**

**We, representatives of the public who speak out for preservation of Kok-Jailau Hollow, are addressing you with a request to help to protect Ile-Alatau National Park, help to add it to the World Heritage List, and establish a dialog between the public and authorized state authorities who are responsible for management of the specially protected territories and tourism development.**

At the moment, the project of construction of a mountain ski resort “Kokjailau” on the territory of Ile-Alatau National Park is being developed in the city of Almaty. It is planned to create a resort with a total length of ski tracks of more than 65 km, build passenger cable roads, hotels, restaurants, shopping and entertainment centers; build infrastructure facilities – auto road, parking lots.

For two years, the public calls **state authorities for a dialog** in compliance with the requirements of the Aarhus Convention which states: “Each Party shall endeavour to ensure that officials and authorities assist and **provide guidance to the public in seeking access to information, in facilitating participation in decision-making and in seeking access to justice in environmental matters**” (Article 3, p.2). A public petition, to the date supported by 8,712 people, was sent **twice** (on January 30, 2012 and April 2, 2013) to the President, Parliament, and state authorities. In September 2013, Civil hearings were held with participation of all interested parties.

Nevertheless, during the time of the campaign, except for representatives of the project operator, **none of the authorized state authorities** offered to discuss questions concerning the public, getting off only with formal replies. Such actions do not allow the public to effectively **participate in the decision-making process** which is a direct violation of the provisions of the Aarhus Convention which requires that each

Party provides “for early public participation, when all options are open and **effective public participation** can take place” (Article 6, p.4).

Our concerns are constantly growing also due to the fact that even in the absence of approved design estimates, the project implementation has been already started in Kok-Jailau Hollow: the ground is being studied, the area is being marked for the future development. This suggests that the project initiators ignore the public opinion and are ready to violate the legislation to gain profit.

**The public is even more concerned about the fact that the people realizing their rights, in compliance with the provisions of the Aarhus Convention, are being subjected to discrimination, pursuit, and oppression in various forms which is a violation of the Article 3, paragraph 8 and paragraph 9 of the Convention. Such actions are not compatible with the state policy aiming to establish Kazakhstan as a lawful state.**

In its turn, “Protect Kok-Jailau” Initiative Group continues calling for a dialog.

As earlier, we are open to discuss the following questions:

1. About development of ecological tourism as a priority type of tourism for Kazakhstan: segment of ecotourism, prospective for Kazakhstan, planning of the market, internal and external demand. Separately: question of positioning and promoting of national parks of the RK, including Ile-Alatau.

2. About development of tourism: segment of mountain skiing tourism, prospective for Kazakhstan, planning of the market, demand and needed capacity, principles of site selection with consideration of the existing legislation and ecological requirements.

It should be noted that the “Protect Kok-Jailau” Initiative Group and participants of the movement purposefully do not discuss the following question:

“How to better (with “a minimal effect on the environment” or other wordings exist) build up Kok-Jailau, Ile-Alatau National Park, or any other national park on the territory of Kazakhstan in the frames of such or another initiative?”

As mentioned above, any type of construction on a territory of a national park is a violation of the Constitution of the RK (Article 31, paragraph 37), Law “About Specially Protected Natural Territories”, Land, Water, Forestry, and Environmental Codes. The project violates international conventions ratified by the Republic of Kazakhstan, the state program “Zhassyl Damu”, message of the President, and principles of the “Green economy”.

The construction will lead to even broader degradation of natural ecological systems of the national park, reduction in number of rare species of animals and plants, deterioration of ecological situation in the city of Almaty, will create tension around water resources. The economically unjustified construction will spoil tourism potential of the region. Without a real unique market offer, the project is not able to attract tourists externally, or internally, especially, in the context of decreasing demand for such resorts worldwide, and it promises to become one more ecological problem, such as the mountain ski resort “Chimbulak”. In these conditions, the project will fail to be completed. And this area, which is already an existent base for ecotourism in the region, will be lost forever by Kazakhstanis. The construction will cause even more limitation of access to the natural resources by the population and tourists, increase littering on the territory of the national park, overload the transportation system, increase number of illnesses related to the worsened air quality, pollution of soil and water sources.

As an alternative type of tourism for Almaty and the oblast, the “Protect Kok-Jailau” movement offers development of ecological tourism which already became popular. Scientific, educational, recreational, and active ecotourism, bird watching, botanical excursions, video and photo excursions, ethnical tourism, and other could become a distinctive feature of Almaty oblast. This is supported by a fact that this segment is growing from the year 2000 on 12% annually which is three times faster than the whole tourism industry in total. For the past 10 years, number of people visiting mountain ski resorts does not grow, and since 2009,

has a tendency to decrease. Demand on ecotourism has formed and continues to grow which is confirmed by various studies. For example, in 2012, annual income from visiting natural territories in the US was \$14 billion, in Australia - \$3 billion, in Kenya - \$0.5 billion, in Russia – 0.1 billion.

Another fact speaks in support of this alternative: back in 2002, Ile-Alatau National Park was introduced by the Republic of Kazakhstan into a preliminary list of areas nominated to the UNESCO World Heritage List. Moreover, on October 21-22, 2013, the international conference “Preservation of biodiversity in the trans-boundary region of the North Tien-Shan” took place in the city of Bishkek (Kyrgyzstan). During this conference, experts made an emphasis on importance of creation of a UNESCO World Heritage trans-boundary area in the North Tien-Shan. The status of the national park as a world heritage area and creation of necessary conditions for development of ecotourism will attract a large number of local and foreign tourists.

But for development of this type of tourism, it is necessary to prohibit any construction for any purposes on the territories of national parks. Besides, management of national parks shall be arranged in the best practices of the United States, Germany, and New Zealand.

We would like to draw your attention that the “Protect Kok-Jailau” campaign is conducted strictly in accordance with the national laws and international conventions ratified by the Republic of Kazakhstan! We demand an accurate compliance with the laws and international conventions provisions, which according to the Constitution (Article 4, paragraph 3) have a priority of the laws of the Republic of Kazakhstan!

We are convinced that only a dialog with authorized state organs will help to solve the problem within the active legislation and provisions of the international conventions ratified by the Republic of Kazakhstan.

Therefore, we call the authorized state authorities for a dialog again.

**Sincerely:**

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2. Zhujenova Zhamilya (“Protect Kok-Jailau” Initiative Group)
3. Belkhodzhayev Nursultan (“Protect Kok-Jailau” Initiative Group)
4. Shraiber Dagmar (“Protect Kok-Jailau” Initiative Group)
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14. Solyanik Sergey (Almaty Kazakhstan)
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16. Vaschenko Nadezhda (Almaty Kazakhstan)
17. Sadovskaya Yelena Yuriyevna (Almaty Kazakhstan)

And others.