

**TÜRKMENISTANYŇ  
TEBIGATY GORAMAK  
MINISTRILIGI**



**MINISTRY  
OF NATURE PROTECTION  
OF TURKMENISTAN**

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**To: The Chairman of the Aarhus Convention Compliance Committee**

**Cc: Mr. Jeremy Wates  
Secretary of the Aarhus Convention**

The Turkmen Party, having become familiar with the Draft Decision III/6 prepared for the Third Meeting of the Convention Parties, expresses its concern and regret over the fact that the efforts undertaken by Turkmenistan for implementation of the Aarhus Convention provisions in the country have not been reflected in the reports of the Observance Committee and in the Draft Decision of the Meeting of the Parties accordingly.

In accordance with the information reflected in the Third National Report addressed to the Secretariat of the Convention and Compliance Committee in December 2007, Turkmenistan exerts its every effort directed at the fulfillment of the Aarhus Convention provisions, Decision II/5 of the Second Meeting of the Parties.

During the years of independence more than 10 new environmental legal statutory acts have been introduced in Turkmenistan. At the same time the active work is being done for the development and improvement of the national environmental Law.

Different educational and elucidative seminars, conferences on environmental problems, specialized round tables are being held for the explanation of provisions of the Convention among different levels of the civil society and decision-makers. The First International Conference for explanation of the Aarhus Convention provisions, organized in 1999 by UNEP, OSCE and Secretariat of the Aarhus Convention, was held exactly in Ashgabat.

All environmentally-oriented educational and informational-elucidative measures are covered in newspapers, on radio and television. The work was performed in more active manner in 2006. The "Panel Discussion on Environmental Problems" can serve as an example of such work, which was held by the US Embassy, in which representatives of governmental structures, business structures, public institutions, international organizations, and mass media take part as well as secondary and higher school teachers, pupils and students. The issues of environmental information, its coverage in mass media, role of community in nature protection and nature management were in the attention of this event.

The Ministry of Nature Protection of Turkmenistan under the support of UNDP, World Bank, GEF, UNEP, TACIS, and other international organizations at present time implements several programs and projects for environment conservation. Among them is the holding of joint with governmental and public organizations nature protective measures and national conferences; implementation of the small grants system for nongovernmental organizations (NGOs) in order they are able to implement projects for environment protection and public movement development.

Several resource-information centers have been established in Turkmenistan under the Society for Nature Protection, which provide the Public organizations' representatives with environmental information, including within the framework of the Aarhus Convention activities.

One of the most valuable and positive factors is the comprehensive support from the high-rank management of the country in the issue of democratization of all aspects of the state and public life in Turkmenistan. From the moment of election of the President of the country, Mr. Gurbanguly Berdymukhamedov has initiated the large-scale program of reforming the national, including environmental, legislation for the purpose of establishing a correspondence with the international standards and agreements. The integral part of this initiative is the enhancement of participation and influence of the civil society in the life of the country. For this purpose a special commission has been established in the country, which includes representative of the Parliament, ministries and departments as well as public organizations. Moreover, the country's administration gave an errand to this Commission to also collect proposals in the legislation improvement from ordinary citizens of Turkmenistan. All proposals being worthy of notice from

citizens of the country are covered in the mass media and are acquired for further introduction into the current standard legal acts.

One more positive factor in the promotion of the Aarhus Convention principles in the country is the beginning of the TACIS regional project "Strengthening Public Participation and Civil Society Support to Implementation of the Aarhus Convention", which is implemented with support of the European Union, within the framework of which the national legislation is analyzed for the issue of its compliance with provisions of the Aarhus Convention. The highly qualified national and regional lawyers, specialists in the international law, and other experts were involved for the implementation of the mentioned project. The work will be completed by the end of June 2008, based on results of which particular recommendations will be submitted to the Government of Turkmenistan as well as proposals for making amendments and alterations to the relevant statutory and legal acts concerning the access of community to decision-making, administration of justice and information regarding environment, for the purpose of improving the role of community in these issues. In particular, such amendments are supposed to be introduced also into the Act of Turkmenistan "On Public Associations".

The Ministry of Nature Protection of Turkmenistan being responsible for the implementation of the mentioned Project, has fully supported the given component of the project and provides a comprehensive support in its implementation. In particular, it is supposed to recommend to the Government of Turkmenistan to develop a program for raising awareness in the area of community's participation in decision-making for public servants, employees of justice authorities and members of Parliament; to organize the joint work of the Ministry of Nature Protection, the Adalat (Justice) Ministry, judicial authorities, representatives of professional juridical association and NGOs for the purpose of overcoming the barriers hampering the access to the justice and realization of rights of community.

The Ministry of Nature Protection has been set a particular task to support the measures aimed at the raising of awareness of the population in the issues of environmental information, and its participation in decision-making, including through holding information-educational campaigns and providing support to NGOs. Particularly, development of the publicly available official guidance on the interpretation of the Act on Public Associations as stated required in Decision II/5 is foreseen within the Project.

Recurring to Decision II/5, the Ministry of Nature Protection would like to notice the following:

The Turkmen Party followed and will follow the principles of Convention. As it was mentioned earlier, at present the Government of Turkmenistan has initiated the large-scale program of improvement of the national legislation for the purpose of its bringing to conformity with the international legal norms and agreements. The integral part of this initiative is the expansion of the participation and influence of institutes of the civil society upon lawmaking activity, upon processes of decision-making including the access to the environmental information. Based on the mentioned above, the Ministry of Nature Protection exerts every effort for the implementation of this program.

At the same time, it should be taken into consideration that the process of implementation of the mentioned measures cannot be put into practice momentarily, and supposes the stage-by-stage complex solution of problems related to the implementation of the Aarhus Convention within the current national legislation of Turkmenistan, including the Act "On Public Associations". Recommendations on bring the Act of Turkmenistan "On Public Associations" in conformity with provisions of the Convention, unconditionally, will be studied attentively one more time and analyzed from the point of view of lawyers-specialist in international law and other experts within the framework of the currently implemented project for strengthening the legislative and legal basis in order to implement the Aarhus Convention in Central Asian countries. In case of revealing the necessity to make amendments into the environmental or any other legislation related to the implementation of provisions of the Convention, the Ministry of Nature Protection will put forward an appropriate proposal to the Government of Turkmenistan.

The existing legislative and legal-normative measures in the country provide the guaranteed access for the public community of Turkmenistan to the information, set up the responsibilities of officials and authorities to assist in getting the necessary information, establish solid legal conditions for direct participation of public associations in decision-making and access to the justice that corresponds to provision of the Aarhus Convention (para2, Article 3). Moreover, in compliance with Article 30 of the Law of Turkmenistan "On Nature Protection", the public associations have the right "to bring a lawsuit to the court or to the economic court for reparation of damages to nature, health and property of citizens and public organizations".

The comprehensive awareness of the public community on issues of environment conditions and protection, formation of environment-oriented world view in the population has been considered the priority trend of nature protective policy in Turkmenistan. For this purpose mass media and special task-oriented actions for widening the specter of environmental information for the public community are used. Scientific and popular scientific books, booklets, brochures, manuals and guidelines on environment protection are issued in Turkmenistan on the regular basis; other environmental materials are also distributed. "National Reports on Climate Changes", statistical digests "Environment Protection and Natural Resources Management in Turkmenistan", "Reports on Human Development" are regularly published here, which contain the wide environmental information. Radio and Television have permanent broadcasts on ecology. In 2007 the Ministry of Nature Protection of Turkmenistan has launched its own website, in which it places comprehensive information about activities of the Ministry, on environmental convention, programs, projects and other measures implemented in the country.

Ecological public organizations are actively realizing their rights on the territory of our country, in all velayats (regions), in cities and etraps (districts), among them: national and velayat (regional) societies for nature conservation, hunters' and fishers' unions, societies of dog-breeders, societies of beekeepers, Ashgabat Society of Gardeners, Turkmen Cynology Club "Turkmen Dog", Lebap Organization of Ufologists, Horse-breeders' Association, National Society of Falcon-breeders.

The Act of Turkmenistan "On Public Associations" of 2003 and its articles do not set forward any limitations for registration and activities of public associations based on citizenship, nationality, place of residence, trends of activities carried out in accordance with laws, and in case of legal persons – based on their registered location or actual place of carrying out activities.

Article 17 of the Law sets up the order of registration of public associations of Turkmenistan and foreign associations, determined documents to be registered, regulates appropriate due time and the order of registration of amendments and revisions introduced into charters of public associations. It ascertains the necessity of registration of public associations of all types, and this order is universally recognized in the world

practice and is regulated by the Civil Code of Turkmenistan requiring registration of legal persons, to which public associations refer.

According to Article 57 of the Civil Code of Turkmenistan, "Public organizations and funds start their activities as legal persons from the very moment of registration. Refuse of registration should be well-grounded, envisage the possibility of appeal and its order. The refuse can be appealed against in the court".

The Constitution of Turkmenistan, the existing national legal system, the Act "On Public Associations" of 2003 do not allow the limitation or infringement of rights of citizens, their inequality against the law depending on nationality, origin, property or official capacity, place of residence, language, attitude towards religion, membership of public associations" (Article 17 of the constitution). This provision is given concrete expression in Article 5 of the Act "On Public Associations" of 2003, which determines that "making demands to indicate the membership in one or another public association is not allowed. Membership or non-membership of citizens to any public associations cannot be the foundation for limitation of their rights and freedoms".

So, neither the Act "On Public Associations" of 2003 nor its Article 5, as well as the whole legal system of Turkmenistan contains any discrimination provisions on the basis of citizenship, national identity or place of residence, and in case of a legal person – on the basis of his/her place of registration or actual center of activities.

The Constitution of Turkmenistan adopted on May 18, 1992, provides the citizens of our country as well as foreign citizens with the right to access and obtain information, including ecological information. Article 26 of the Constitution of Turkmenistan determines: "Citizens of Turkmenistan have the right to obtain information". According to Article 8 of the Constitution and Article 3 of the Law "On Legal Status of Foreign Citizens in Turkmenistan", 1993, foreign citizens in our country "exercise the sane rights and freedoms as citizens of Turkmenistan", including an access to information as well, and environmental one, in particular. Existing in the national legislation descriptions are in compliance with Article 2 of the Convention.

Undoubtedly, besides the mentioned legislative acts in the area considered, there is a number of other normative legal acts (decrees, enactments of the President, Cabinet of Ministers) ensuing from and adopted for the development of mentioned above laws.

Therefore, we state that the Turkmen party cannot be satisfied with the Draft Decision III/6 of the Meeting of Parties, which reflects with bias activities of Turkmenistan within the framework of implementation of provisions of the Convention as well as hastily and unreasonably makes negative conclusions concerning our country.

Summarizing we would like to notice that Turkmenistan joining the Aarhus Convention fully realized its exclusively great importance for sustainable development of society, and proceeded from principles of strengthening participation of public community in decision-making processes concerning issues of environment protection as well as for integration into international processes and initiatives for strengthening the role of institutions of civil society.

We again confirm our adherence to principles of the Convention and intend to further undertake all necessary efforts for their stage-by-stage implementation on the national level.

Sincerely,

Makhtumkuli Akmuradov



Minister of Nature Protection  
Turkmenistan