

TO: Ms. Fiona Marshall,
Secretary to the Aarhus Convention Compliance Committee
24 March, 2014

Dear Ms. Fiona Marshall
and others who are really concerned of fulfillment by Armenia its obligations under the Aarhus Convention,

As far as:

- Here, in Armenia, there was no any reply to our numerous written inquiries directed to almost all relevant authorities in Armenia /Constitutional Court, the National Assembly, the Minister of Justice, RA Ombudsman, etc. / concerning compliance by Armenia of its responsibilities related to the Committees' recommendations mentioned particularly in the Decision III/6b concerned to the agricultural areas of "Dalma Gardens" (also known as "Dalma Forests", "Dalma Orchards");

- Here, in Armenia, mainly the land users of Dalma Orchards are directly interested in fulfilling of the Recommendations of the Aarhus Compliance Committee Decisions since they were the first ones who expressed their concerns when they got "surprised" by the Government's illegal actions of taking away their leased lands. The affected land users approached several non-governmental organizations of Armenia /Sakharov Foundation, Transparency International, etc. /, Armenian scientists, academics and others, to start the process of applying to the Aarhus Compliance Committee;

- Here, in Armenia, an area named "Dalma Gardens" is also a special beneficiary of the fulfillment of the Recommendations of the Compliance Committees Decision and is directly concerned, as well as the entire territory. The said area "Dalma Gardens" is not a small piece of land on which one can build some /2 or more/ houses and there will be not be space anymore. This is a huge area which is the historical and cultural monument of the world significance, the establishment of which is verified by the cuneiform evidence to confirm that it is built in BC Urartu kings reign. This is an area which was named as a "Sardar Garden" and which previously (at least it was during the Soviet period) included the whole territory starting from the Airport "Zvartnots" till the brandy and wine factories of Yerevan. Unfortunately, many people even in Yerevan do not have a clear idea about this;

- Here, in Armenia, exactly the former and current land users of these orchards /the Noragavit district also was included in this area/ since the 2003-2004 years till now are fighting against the RA Government. They still demand that during the destroying /or intention to destroy/ of these centuries-old historical and cultural monuments and ecologically important areas the RA Government and other authorities take into account the need for monuments' preservation and land users' interests and rights. The land users also hope that authorities will take into account their opinions and during the decision making process will give them an opportunity to participate in the processes related to their lands;

- Here, in Armenia, authorities continue to make decisions on destroying of the new areas in the "Dalma Gardens", without taking into account the interests, rights and the opinion of the public concerned in these areas and without public participation in such new decision-making process, from the earliest stages. They do that, probably because the Compliance Committee is unlikely to raise the "Dalma Gardens" matter, again and again, thinking that this area is likely completely constructed according to the RA illegal Decree N1941-A, and there is no else place to destroy. Probably this is because the Members of Compliance Committee hadn't really seen the real size of the "Sardar Garden" and couldn't imagine that there are still another lands for destroying;

- Here, in Armenia, authorities don't want that international community be aware of what is really going on in these and other areas. That's why, the authorities distort or dissemble the information or use some

leverage or hinder the concerned public, officials and NGOs in order not to provide the accurate information to International organizations.

And as far as:

- in fact, only our "Dalma - Sona" organization, founded in 2010 (whose main objectives are Dalma gardens' land use preservation, assistance in the land users' accumulated problems solution and protection of land users' rights and interests) stays as the real successor of the claim sent in 2004 to the Aarhus Compliance Committee;

- only we feel on our skin and ensure that no one of Recommendations of the Committee on communication ACCC/C/2004/08 and related next 2006, 2008 Decisions are fulfilled by the Armenian Government: particularly practical and legislative measures to overcome the existing problems are not undertaken, appropriate practical measures to ensure effective access to justice are not taken, the detailed procedures for public participation in decision-making are not adopted yet, etc. /; and

- In whole text of the Committee's IV/9a Decision the Name of Orchards /we believe that Armenia's urging, intentionally/ is missing. If the same will happen now and further in subsequent decisions, then we are afraid that the authorities will abuse this fact. This will give the authorities a chance not undertake the relevant and appropriate practical measures to ensure effective access to justice for Dalma Gardens' land users. If Compliance Committee does not mention in its decisions the words "Dalma Gardens/Forests/Orchards" and the issues connected with the Dalma Gardens, then the issues with "Dalma Orchards" will no longer exist.

This will benefit also the Dispute Resolution bodies, which so far even without ignore the interests of ordinary people. For many years Armenia has not a fair, impartial and independent judicial system, which is said even in the RA Ombudsman Report published in 09.12.2013 and other speeches /See: <http://aysor.am/am/news/2013/12/09/ombuds/> ; <http://www.aysor.am/am/news/2013/12/11/ombuds/>; <http://hetq.am/arm/news/31631#.UyHfmKhmXas.facebook> /;

-As far during the previous periods, when the Compliance Committee had adopted its' decisions concerned to the Armenia, our "Dalma - Sona" Fund hadn't such great and good opportunity to directly participate in such decision-making processes and express its views and approaches to the texts of the draft decisions of the Committee, as we have now;

- We hereby ask to take into account our comments and suggestions which we will send additionally.

Sincerely,

Ruzanna Ghazaryan
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