

Compliance Committee to the Convention on
Access to Information, Public Participation
in Decision-making and Access to Justice
in Environmental Matters (Aarhus Convention)

**First progress review of developments relating to request
ACCC/M/2017/2 on compliance by Turkmenistan
with its obligations under the Convention**

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I. Introduction

1. Through paragraph 19 of its decision VI/8 on compliance adopted at its sixth session (Budva, Montenegro, 11-13 September 2017), the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) requested the Committee, pursuant to paragraph 13(b) of the annex to decision I/7, to review the compliance of Turkmenistan with articles 3(1), (4) and (9) of the Convention in the light of the amendments to the Law of Public Associations of 4 February 2017 with respect to the possibilities for foreign citizens and persons without citizenship to found and participate in non-governmental organizations promoting environmental protection.

II. Summary of follow-up

2. At its sixtieth meeting (Geneva, 12-15 March 2018), the Committee reviewed the implementation of request ACCC/M/2017/2 (Turkmenistan) in open session with the participation of representatives of Turkmenistan in person. Though invited, neither the communicant of communication ACCC/C/2004/5 nor registered observers took part in the session. The Chair informed Turkmenistan that, following the meeting, a letter would be sent with questions for its reply by 1 October 2018.

3. On 5 September 2018, the secretariat sent a letter from the ECE Executive Secretary enclosing questions from the Committee to Turkmenistan, with questions 1-6 to be answered by 1 October 2018, and questions 7-22 to be answered by 1 December 2018.

4. On 1 October 2018, Turkmenistan submitted its replies to questions 1, 3, 5 and 6 of the Committee on time. It indicated that its replies to questions 2 and 4 would be submitted by 1 December 2018, together with its replies to the remaining questions.

5. On 5 October 2018, the secretariat forwarded the replies to questions 1, 3, 5 and 6 to the communicant of communication ACCC/C/2004/5 and registered observers, inviting their comments by 1 November 2018. No comments were received.

6. On 7 December 2018, Turkmenistan submitted additional information explaining inter alia that they were not able to provide their answer to the remaining questions by the deadline of 1 December 2018 and requesting an extension for its reply to these questions. Turkmenistan also expressed concern about a possible misunderstanding by the Committee regarding its compliance with the Convention. It also called upon the Committee to carefully consider its comments of 24 August 2017, submitted in the context of decision V/91.

7. On 21 December 2018, the secretariat informed Turkmenistan that the Chair had agreed to extend the deadline for its reply to the remaining questions to 11 January 2019.

8. On 17 January 2019, Turkmenistan submitted an update as to the steps it was taking to prepare its replies to the Committee's remaining questions.

9. On 19 February 2019, Turkmenistan submitted its answers to questions 2 and 4 and resubmitted answers to questions 1, 3, 5 and 6.

10. As of the date of the adoption of the present progress review, Turkmenistan has not yet provided its replies to questions 7-22 of the Committee's questions dated 5 September 2018.

11. After taking into account the information received by that date the Committee prepared its first progress review and adopted it at its virtual meeting on 21 February 2019. The Committee thereafter requested the secretariat to forward the first progress review to Turkmenistan, the communicant of communication ACCC/C/2004/5 and registered observers.

III. Considerations and evaluation by the Committee

12. In order to fulfil request ACCC/M/2017/2 of the Meeting of the Parties, Turkmenistan should provide evidence to the Committee to demonstrate that it complies with article 3(1), (4) and (9) of the Convention in the light of the amendments to the Law of Public Associations of 4 February 2017 with respect to the possibilities for foreign citizens and persons without citizenship to found and participate in non-governmental organizations promoting environmental protection.

13. The Committee welcomes the replies provided by Turkmenistan on 1 October 2018 to questions 1, 3, 5 and 6 of the questions dated 5 September 2018, including the texts of the relevant legislation.

14. The Committee also welcomes the replies provided by Turkmenistan on 19 February 2019 to questions 1-6 of the questions dated 5 September 2018, including the texts of relevant legislation and rules on the registration of public associations.

15. The Committee however expresses its serious disappointment that, as of the date of the adoption of the present progress review, Turkmenistan has still not yet provided its replies to questions 7-22 of the Committee's questions dated 5 September 2018. This is despite a timeframe of over five months to respond to the Committee's questions. While it is important that Turkmenistan submit detailed answers that fully address each aspect of the questions raised by the Committee, it is also most important that it do so in a timely fashion.

16. The Committee takes note of the points made in Turkmenistan's letter of 7 December 2018.¹ The Committee confirms that it has already carefully considered Turkmenistan's comments of 24 August 2017, submitted in the context of decision V/91 and it will do so again, in the light of Turkmenistan's full and detailed replies to the Committee's questions of 5 September 2018. With regard to the concerns expressed by Turkmenistan in its letter of 7 December 2018 about a potential misunderstanding between it and the Committee concerning its compliance, the Committee urges Turkmenistan to continue to engage fully and dialogue with the Committee in order that any possible misunderstandings are promptly resolved.

17. In this regard, the Committee strongly encourages Turkmenistan to participate in the open session on request ACCC/M/2017/2 to be held during the Committee's sixty-third meeting (Geneva, 11-15 March 2019), so that the concerns expressed by Turkmenistan in its additional information of 7 December 2018 can be discussed with the Committee, and to enable Turkmenistan to have the opportunity, if it so wishes, to put questions to, or seek advice from, the Committee.

18. Pending its full and detailed replies to questions 7-22 of the Committee's questions of 5 September 2018, Turkmenistan has not yet demonstrated that it complies with article 3(1), (4) and (9) of the Convention in the light of the amendments to the Law of Public Associations of 4 February 2017 with respect to the possibilities for foreign citizens and persons without citizenship to found and participate in non-governmental organizations promoting environmental protection.

IV. Conclusions

19. While welcoming the information provided by Turkmenistan on 1 October 2018 in reply to the Committee's questions 1, 3, 5 and 6, and the information provided by Turkmenistan on 19 February 2019 in reply to the Committee's questions 1-6, the Committee expresses its serious disappointment that, despite an extended timeframe of more than five months, Turkmenistan has still not yet submitted its replies to questions 7-22 of the Committee's questions of 5 September 2018.

20. Pending its full and detailed replies to questions 7-22 of the Committee's questions of 5 September 2018, Turkmenistan has not yet demonstrated that it complies with article 3(1), (4) and (9) of the Convention in the light of the amendments to the Law of Public

¹ Additional information from the Party concerned, 7 December 2018.

Associations of 4 February 2017 with respect to the possibilities for foreign citizens and persons without citizenship to found and participate in non-governmental organizations promoting environmental protection.

21. The Committee urges Turkmenistan to provide its replies to questions 7-22 of the Committee's questions of 5 September 2018 as a matter of urgency.

22. In addition, the Committee strongly encourages Turkmenistan to participate in the open session on request ACCC/M/2017/2 to be held during the Committee's sixty-third meeting (Geneva, 11-15 March 2019) in order to demonstrate its ongoing engagement and willingness to dialogue with the Committee and so that any questions or concerns Turkmenistan may have can be discussed with the Committee.
