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ECONOMIC COMMISSION FOR EUROPE

Meeting of the Parties to the
Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters

(Second meeting, Almaty, Kazakhstan, 25-27 May 2005)

IMPLEMENTATION REPORT

Turkmenistan

In accordance with decision I/8

1. Provide brief information on the process by which this report has been prepared, including information on which types of public authorities were consulted or contributed to its preparation, on how the public was consulted and how the outcome of the public consultation was taken into account and on the material which was used as a basis for preparing the report.

The report was prepared by specialists of the Ministry of Environmental Protection of Turkmenistan with the participation of members of the Nature Protection Society.

2. Report any particular circumstances that are relevant for understanding the report, e.g. whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have a direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).

The provisions of the Convention are implemented on the basis of domestic legislation and international norms concerning the practical application of environmental conventions. A significant obstacle to implementation is the lack of interest among various segments of civil society about the environment and the rational use of natural resources, as well as insufficient provision to the public of computer equipment and electronic means of communication.

Article 3

3. List legislative, regulatory and other measures that implement the general provisions in paragraphs 2, 3, 4, 7 and 8 of article 3.

(a) With respect to paragraph 2. Turkmenistan has established a State commission on the fulfilment of obligations arising from the international environmental conventions that have been adopted. In the Ministry of Environmental Protection there is a department for the coordination of environmental programmes which has two sections: a section on environmental information and work with civic associations, and a section for coordinating international projects;

(b) With respect to paragraph 3. Issue of environmental literature, textbooks and brochures, pursuit of environmental actions and cooperation with relevant ministries;

(c) With respect to paragraph 4. A law on civic associations has been adopted, permitting and regulating the activities of those associations in the country;

(d) With respect to paragraph 7. Participation in the development of regional action plans and international seminars, etc., preparation of manuals and guidebooks on EIA in a transboundary context;

(e) With respect to paragraph 8. The right to information is enshrined in the national Constitution, as well as reflected in the main laws on environmental protection.

4. Describe any obstacles encountered in the implementation of any of the paragraphs of article 3 listed above.

5. Provide further information on the practical application of the general provisions of the Convention.

Holding round tables to explain the provisions of the Convention to different segments of civil society and to decision makers.

6. Give relevant web-site addresses, if available.

Article 4

7. List legislative, regulatory and other measures that implement the provisions on access to environmental information in article 4.

Access to environmental information is provided upon request, on the basis of the domestic legislation, observing the deadlines for its provision.

8. Describe any obstacles encountered in the implementation of any of the paragraphs of article 4.

9. Provide further information on the practical application of the provisions on access to information, e.g. are there any statistics available on the number of requests made, the number of refusals and their reasons?

There are no statistics on the number of requests made, the number of refusals and the reasons for refusal.

10. Give relevant web-site addresses, if available.

Article 5

11. List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in article 5.

State bodies carry out their work on the basis of domestic legislation and national plans and programmes in the interests of all members of society.

12. Describe any obstacles encountered in the implementation of any of the paragraphs of article 5.

The mechanism for interaction between different agencies is not sufficiently well adjusted.

13. Provide further information on the practical application of the provisions on the collection and dissemination of environmental information in article 5, e.g. are there any statistics available on the information published?

The national statistical bodies are preparing and issuing a compendium on the topic "Environmental protection and the use of natural resources in Turkmenistan". The information provided is based on official statistical reports drawn up by the State statistical bodies, as well as on data from the relevant ministries, agencies and organizations engaged in the use of natural resources, environmental monitoring and protection of the environment. This information covers the state of the environment and environmental impacts, the use of natural resources and the existence of natural endowments, as well as measures being taken to protect the environment. Items concerning environmental activities are published regularly in the mass media.

14. Give relevant web-site addresses, if available.

Article 6

15. List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in article 6.

An example of the successful implementation of the provisions of article 6 is the holding of public hearings before the commencement of works in the oil and gas sector (mandatory according to the 2002 Turkmenistan National Standards for an EIA). A sufficiently well-adapted legislative framework (Environmental Protection Act 1991, State Expert Environmental Evaluation Act 1995, Ambient Air Quality Act 1996, Hydrocarbon Resources Act 1996) is also helping to implement successfully the provisions of each paragraph of article 6.

16. Describe any obstacles encountered in the implementation of any of the paragraphs of article 6.

Low environmental awareness and interest among members of civil society.

17. Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 6, e.g. are there any statistics or other information available on public participation in decisions on specific activities or on decisions not to apply the provisions of this article to proposed activities serving national defence purposes.

Holding of public hearings by the Charigali company.

18. Give relevant web-site addresses, if available.

Article 7

19. List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

An indicator of the implementation of article 7 is the active participation of representatives of the public in preparing: 1. A national report on the state of the environment of Turkmenistan; 2. The first national communication under the United Nations Framework Convention on Climate Change; 3. The National Environmental Action Plan (NEAP); 4. The Biological Diversity Strategy and Action Plan; 5. Status of biological diversity (Overview).

20. Explain what opportunities there are for public participation in the preparation of policies relating to the environment.

The Ministry of Environmental Protection is conducting a broad campaign to inform civil society about any current work relating to the environment and the use of natural resources through national radio and television and the press. Information is provided in the nature newsletter "*Vestnik prirody*" and a bulletin on air pollution in the cities of Turkmenistan, and articles are printed in newspapers with feedback through the weekly television broadcast "*Tebigat ulkemi*".

21. Describe any obstacles encountered in the implementation of article 7.

Weak interest of civil society.

22. Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 7.

23. Give relevant web-site addresses, if available.

Article 8

24. Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment.

The participation of members of the National Nature Protection Society and any stakeholder is considered as a prerequisite for the implementation of any environmental protection activity.

25. To the extent appropriate, describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

26. Describe any obstacles encountered in the implementation of article 8.

Weak interest and inadequate environmental awareness of civil society.

27. Provide further information on the practical application of the provisions on public participation in the field covered by article 8.

28. Give relevant web-site addresses, if available.

Article 9

29. List legislative, regulatory and other measures that implement the provisions on access to justice in article 9.

Access to justice regarding environmental matters is covered in the relevant articles of the Administrative Code and Criminal Code, the national Constitution and the main laws on environmental protection.

30. Describe any obstacles encountered in the implementation of any of the paragraphs of article 9.

31. Provide further information on the practical application of the provisions on access to justice pursuant to article 9, e.g. are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?

There has to date been no known instance of a petition by citizens to the law-enforcement authorities on environmental matters. It must be pointed out that all requests and petitions from citizens reaching the Ministry of Environmental Protection are considered without delay in accordance with the law and observing the deadlines for a reply.

32. Give relevant web-site addresses, if available.

33. If appropriate, indicate how the implementation of the Convention contributes to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.