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

Fourth session

Chisinau, 29 June–1 July 2011

Item 5 (b) of the provisional agenda

Procedures and mechanisms facilitating the implementation of the Convention: compliance mechanism

Draft decision IV/9g on compliance by Turkmenistan with its obligations under the Convention*

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,

Mindful of the conclusions and recommendations set out in its decision II/5c (ECE/MP.PP/2005/2/Add.9) and its decision III/6e (ECE/MP.PP/2008/2/Add.13) with regard to compliance by Turkmenistan with its obligations under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention),

Taking note of the report of the Compliance Committee (ECE/MP.PP/2011/11) with regard to follow-up on decision III/6e,

Recalling that according to decision III/6e a caution was issued by the Meeting of the Parties, which, following the review by the Compliance Committee at its twenty-third meeting of the steps taken by the Party concerned to fulfil the conditions set out in paragraph 5 of that decision, entered into effect on 1 May 2009,

1. *Notes with appreciation* the recent engagement of the Party concerned demonstrated by its cooperation with the Committee, in particular with respect to the mission by members of the Committee and the secretariat to Ashgabat on 18–20 April 2011;

*This document was submitted late in order to take into account the outcomes of the mission to Turkmenistan by members of the Compliance Committee and secretariat on 18-20 April 2011.

2. *Decides* to suspend the caution issued to the Party concerned through decision III/6e, and which entered into effect on 1 May 2009;

3. *Decides* that the caution should re-enter into effect on 1 January 2013 unless the Party concerned:

(a) Has amended the Act on Public Associations with a view to bringing all of its provisions into compliance with the Convention as requested by the Meeting of the Parties through paragraph 2 of decision II/5c;

(b) Has notified the secretariat of this fact by 1 October 2012;

The successful fulfilment of these conditions is to be established by the Committee;

4. *Requests*, inter alia, to avoid a situation where the Act on Public Associations may need to be revised again in the near future, that the Party concerned should ensure that the revisions to the Act on Public Associations are made in accordance with:

(a) The suggestions made by members of the Compliance Committee at the working session held during its mission to Turkmenistan on 18 April 2011 (informal document C.1/2011/4/Add.2/Inf.1);

(b) The outcome of the round tables organized by the National Institute of Democracy and Human Rights under the President of Turkmenistan and the International Center for Not-for-Profit Law in 2009 (informal document C.1/2011/4/Add.2/Inf.2);

(c) The comments of the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights dated 22 June 2010 (informal document C.1/2011/4/Add.2/Inf.3);

5. *Requests* that the Party concerned examine other relevant legislation, including its Code of Administrative Offences and the Presidential Decree on the Registration of Public Associations, with a view to ensuring that all relevant legislation is consistent with the provisions of the revised Act on Public Associations and, together, provides a clear and transparent framework to implement the provisions of the Convention, as required by article 3, paragraph 1, of the Convention;

6. *Requests*, in accordance with paragraph 4 of decision II/5c, that the Party concerned carry out the measures referred to above with the involvement of the public, including relevant non-governmental and international organizations;

7. *Requests*, in order to ensure the effective implementation thereof, that the above measures are carried out through constructive cooperation between the Ministry of Nature Protection and the Ministry of Justice, whose engagement as the competent authority for the Act on Public Associations is crucial;

8. *Requests* the secretariat, and invites relevant international and regional organizations and financial institutions, to provide advice and assistance to the Party concerned as necessary in the implementation of these measures;

9. *Undertakes* to review the situation at its fifth session.