



## Economic and Social Council

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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

##### 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/9c on compliance by Kazakhstan 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 decision II/5a (ECE/MP.PP/2005/2/Add.7) and decision III/6c (ECE/MP.PP/2008/2/Add.11) with regard to compliance by Kazakhstan,

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

1. *Notes* the initial engagement of the Party concerned, demonstrated by its correspondence with the Committee before the adoption of decision III/6c;

2. *Notes with regret*, however, the lack of response from the Party concerned in the course of follow-up to decision III/6c, and the apparent failure of the Party concerned to take the measures to implement decision III/6c;

3. *Confirms* its earlier endorsement of the Committee's findings with regard to compliance by Kazakhstan as set out in paragraph 5 of decision III/6c;

4. *Decides* to issue a caution to the Party concerned, to become effective on 1 May 2012, unless the Party concerned has fully satisfied the following condition and has notified the secretariat of this fact by 1 January 2012: it has thoroughly examined, with appropriate involvement of the public, the relevant environmental and procedural legislation, as well as the relevant case law, to identify whether it sufficiently provides judicial and other review authorities with the possibility to provide adequate and effective remedies in the course of judicial review;

5. *Requests* the Committee to establish the successful fulfilment of the above condition;

6. *Invites* the Party concerned to submit to the Committee periodically, namely, by November 2012 and November 2013, detailed information on further progress in implementing the measures referred to in paragraph 4;

7. *Also invites* the Party concerned to consider accommodating an expert mission, with the involvement of Committee members and other experts, as appropriate, with a view to making available to it a wide range of expert opinion on possible ways to implement the measures referred to in decision III/6c with regard to access to justice;

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.

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