

Jonas Ebbesson
**Chair of the Compliance Committee under the UNECE Convention on Access to Information, Public
Participation in Decision-making and Access to Justice in Environmental Matters**
(Aarhus Convention)

Stockholm, 8 September 2017

Dear Madam,

Re: Recent legislative developments concerning Turkmenistan

I refer to the Committee's report on decision V/91 concerning Turkmenistan to the sixth session of the Meeting of the Parties (Budva, Montenegro, 11 – 13 September 2017) dated 31 July 2017 (ECE/MP.PP/2017/44).

As you may recall, at paragraph 14 of its report, the Committee held:

“14. Having examined the official statement submitted by the Party concerned on 30 March 2016 as summarized above, and in the absence of any information from the communicant of communication ACCC/C/2004/05 or observers to the contrary, the Committee considers that the official statement sufficiently addresses each of the points in subparagraphs (a)-(c) of paragraph 6 of decision V/91. Accordingly, the Committee finds that the Party concerned has met the requirements of paragraph 6 of decision V/91, and, on the basis that the official statement reflects the law as it stands and is applied, the Party concerned is no longer in noncompliance with article 3, paragraph 4, of the Convention with respect to the points of noncompliance identified in the Committee's findings on communication ACCC/C/2004/05. The Committee makes clear that this does not preclude it from examining future allegations with respect to the compliance with the Convention of the Act on Public Associations or Law on Nature Protection, if brought before it.”

On 1 August 2017, after the Committee had adopted its report and submitted it for the sixth session of the Meeting of the Parties, it received a letter from the European Environmental Bureau, which alleged that on 4 February 2017 the Party concerned had adopted amendments to its Act on Public Associations. European Environmental Bureau submitted that this amendment, inter alia, deleted key provisions examined by the Committee in its report on decision V/91 to the sixth session of the Meeting of the Parties.

On 4 August 2017, having confirmed that indeed the Act on Public Associations had recently been amended, I wrote a letter to the Party concerned inviting an explanation of the impact, if any, of these amendments. The Party concerned replied to my letter on 24 August 2017. On 5 September 2017, the observer (European Environmental Bureau) provided its comments on the reply of the Party concerned.

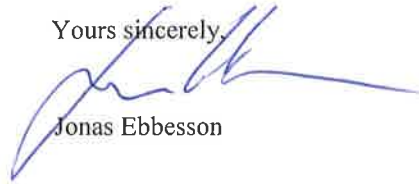
Given the short period of time within which this information was received prior to the sixth session of the Meeting of the Parties, the Committee is not currently in a position to conclude on whether, following the February 2017 amendments to the Act on Public Associations, the legal framework of the Party concerned still meets the requirements of the Convention to ensure the possibility for foreign citizens and persons without citizenship to found and participate in non-governmental organizations promoting environmental protection. However, having examined the information received so far, and without coming to any conclusions at this point, the Committee considers that the amendments of 4 February 2017 do raise some questions in this regard.

In the light of the above and in accordance with paragraph 14 of the annex to decision I/7, the Committee recommends to the Meeting of the Parties that it request the Committee, pursuant to paragraph 13 (b) of the annex to decision I/7, to review the compliance of Turkmenistan with articles 3, paragraphs 1, 4 and 9 of the Convention, following the amendments to the Act of Public Associations of 4 February 2017, specifically with respect to the possibilities for foreign citizens and persons without citizenship to found and participate in non-governmental organizations promoting environmental protection.

I would also like to inform you that, in my oral report to the sixth session of the Meeting of the Parties (item 7 (b) of the provisional agenda), I propose to highlight the importance for Parties that are subject to compliance review to promptly notify the Compliance Committee of any changes to their legislation or practice that may have an impact on the Committee's conclusions concerning their compliance.

I am available to provide any further explanation regarding the above that you may consider useful.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Jonas Ebbesson', with a long horizontal flourish extending to the right.

Jonas Ebbesson

Ms. Maia Bitadze
Chair of the Bureau of the Meeting of the Parties