



UNITED NATIONS  
ECONOMIC COMMISSION FOR EUROPE

The Executive Secretary

*Under-Secretary-General*

Ref: ECE/ENV/2012/288

9 October 2012

Excellency,

I am writing to you at the request of the Compliance Committee of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), which recently met to consider compliance by Kazakhstan with the Convention, in accordance with decision IV/9c (enclosed) adopted by the Meeting of the Parties to the Convention at its fourth session on 29 June–1 July 2011 in Chisinau.

At its third meeting, held in Riga from 11 to 13 June 2008, the Meeting of the Parties to the Aarhus Convention adopted decision III/6c on compliance by Kazakhstan with its obligations under the Convention (ECE/MP.PP/2008/2/Add.11). It endorsed the findings of the Compliance Committee that Kazakhstan had not yet achieved compliance with article 9, paragraph 4, in conjunction with article 9, paragraph 3, of the Convention. In paragraph 6 of decision III/6c, the Meeting of the Parties also invited Kazakhstan to thoroughly examine, with the appropriate involvement of the public, the relevant environmental procedural legislation, as well as relevant case law, to identify whether it sufficiently provided judicial and other review authorities with adequate and effective remedies in the course of judicial review.

At its fourth session, the Meeting of the Parties adopted a new decision IV/9c on the same matter, noting with regret the lack of response from Kazakhstan in the course of follow-up to decision III/6c, and decided to issue a caution to Kazakhstan, to become effective on 1 May 2012, unless Kazakhstan had fully satisfied the condition set out in paragraph 6 of decision III/6c and had notified the secretariat of that fact by 1 January 2012 (decision IV/9c, paragraph 4).

His Excellency  
Mr. Erlan Idrissov  
Minister for Foreign Affairs  
of Kazakhstan  
Astana



At its thirty-eighth meeting (Geneva, 25–28 September 2012), the Compliance Committee reviewed the steps taken by Kazakhstan to fulfil the condition set out in paragraph 4 of decision IV/9c. The Committee took note of the additional information submitted by Kazakhstan and the non-governmental organization Green Salvation on 20 August 2012 and 11 September 2012, respectively.

After considering the measures undertaken by Kazakhstan to fulfil the condition set out in decision IV/9c and the comments provided by members of the public, the Committee concluded that Kazakhstan had fulfilled the condition set out in paragraph 4 of decision IV/9c, to the extent that the caution imposed by the Meeting of the Parties should not become effective.

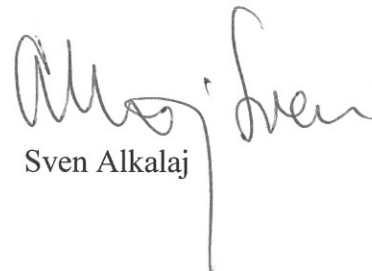
In its findings, the Committee also stressed that the fact that the caution was not to become effective did not imply that Kazakhstan had complied with the remaining part of decision IV/9c. While noting with appreciation the measures taken, the Committee was nevertheless concerned by the slow progress demonstrated by Kazakhstan in taking the legislative and other measures to comply with article 9, paragraph 4, in conjunction with paragraph 3 of the Convention.

The Committee asked Kazakhstan to provide a list of relevant case law. At its forty-first meeting (Geneva, 25–28 June 2013), the Committee will consider whether Kazakhstan has adopted all the legislation necessary to comply with decision III/6c and whether it will recommend that the Meeting of the Parties issues a caution to Kazakhstan at its fifth session.

The Committee also asked the secretariat to remind Kazakhstan to submit detailed information on further progress by November 2012, as required in decision IV/9c, taking into account, to the extent possible, the above suggestions, and agreed to review the situation at its next meeting.

On behalf of the United Nations Economic Commission for Europe, I would like to express the willingness of the secretariat to work with the Government of Kazakhstan to assist it in meeting its obligations under the Aarhus Convention.

Please accept, Excellency, the assurances of my highest consideration.



Sven Alkalaj

cc: His Excellency  
Mr. Nurlan Kapparov  
Minister of Environment Protection of Kazakhstan  
Astana

Enclosure: Decision IV/9c