

Outgoing No.: of:

RECOMMENDATIONS
of the Round Table on Compliance by the Republic of Kazakhstan with its
Obligations under the Aarhus Convention
(Astana, 13 December 2011)

Participants of the round table organised by the Ministry of Environmental Protection of the Republic of Kazakhstan jointly with the National Aarhus Centre with the support of the Astana OSCE Centre:

having discussed the current status, results of work and decision IV/9c of the Fourth Meeting of the Parties to the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (hereafter ‘the Aarhus Convention’) on the compliance of Kazakhstan with the Aarhus Convention;

expressing interest in the undertaking of further necessary steps to improve access to information, public participation in decision-making and access to justice;

recognising the great significance of public consultations on decision-making in relation to the further implementation of the Aarhus Convention;

taking into consideration the substantial measures undertaken by state authorities and the Supreme Court of the Republic of Kazakhstan to apply the Aarhus Convention;

have come to the conclusion that measures to improve legislation ensuring compliance with the Aarhus Convention and its application are important for Kazakhstan and **recommend:**

1. Approval of the findings, prepared in implementation of decision IV/9c of the Parties, on the compliance of the environmental and civil procedural legislation of the Republic of Kazakhstan on access to environmental information, public participation in decision-making and access to justice in environmental matters with the Aarhus Convention;

2. Continued work to improve the legislation of the Republic of Kazakhstan (including on water, land, civil society organisations, statistics and the conduct of public hearings) in order to harmonise it with the Aarhus Convention.

2. To the Ministry of Environmental Protection of the Republic of Kazakhstan:

- on the basis of the analysis conducted, draw up proposals for amending the legislation of the Republic of Kazakhstan in the light of the recommendations stated, and submit these for consideration by an interdepartmental working party;
- include representatives of the public as members of the interdepartmental working party;
- carry out further work to draft and promote legislative proposals in close collaboration with non-governmental organisations;
- amend the Rules for the Conduct of Public Hearings (approved by Order No. 135-p of 7 May 2007 of the Ministry of Environmental Protection) once it has examined the issues of charging the state authority taking the decision with the responsibility of overseeing the conduct of public participation procedures, widening the forms of public participation and methods used to inform the public, and providing clear regulations on the public consultation mechanism;
- on an on-going basis, publish and update current environmental information on the Ministry website, including on applications received for state environmental review (*expertiza*);
- continue work towards the ratification by the Republic of Kazakhstan of the PRTR Protocol to the Aarhus Convention and to create a national PRTR system that would improve access to environmental information.

3. To the Supreme Court of the Republic of Kazakhstan (subject to agreement):

- continue work to train judges as well as to monitor and record actions aiming to enforce the Aarhus Convention;
- institute cooperation between *oblast* training centres and Aarhus centres to train judges on environmental legislation;
- in 2012, bring Resolution No. 16 of 22 December 2000 of the Plenum of the Supreme Court of the Republic of Kazakhstan on the Application by Judges of Environmental Legislation into compliance with the Environmental Code of the Republic of Kazakhstan and the Aarhus Convention.

4. To local executive authorities:

- when conducting public hearings, closely adhere to the Aarhus Convention and the Environmental Code of the Republic of Kazakhstan as regards ensuring proper participation by the public concerned, keeping records and documenting presentations, questions, answers and contributions;

- actively cooperate with Aarhus centres;
- on an on-going basis, publish and update current environmental information on websites, including on applications received for state environmental review (*expertiza*);
- examine the possibility of including questions on the Aarhus Convention in the legal knowledge test sat by civil servants undergoing appraisal.

5. To the National Aarhus Centre, the Zhaik-Caspian Aarhus Centre and regional Aarhus centres:

- actively participate in discussing legislative proposals;
- reinforce efforts to inform civil society and members of the public about ways of enforcing the Aarhus Convention on the basis of the legislation of the Republic of Kazakhstan;
- conduct training on the application of the Aarhus Convention among interested parties, including NGOs, judges, employees of the Prosecutor's Office and representatives of other state bodies that hold environmental information and take decisions relating to the environment;
- conduct training on the application of the Aarhus Convention among interested parties, including employees of the Prosecutor's Office;
- ensure that environmental information is published on websites in a timely manner.

4. To non-governmental organisations:

- prepare and submit to the Ministry of Environmental Protection of the Republic of Kazakhstan proposals on how access to information and participation in decision-making by the non-governmental organisations concerned should be organised, including during the conduct of public hearings;
- prepare and submit to the Ministry of Environmental Protection no later than 10 March 2012 proposals for a public-interest tender to promote the provisions of the Aarhus Convention.

5. To the international organisations concerned:

- examine the possibility of organising and holding training seminars for the public on preparing claims, appeals to appellate and cassational courts and applications for supervisory review to the judicial authorities as well as petitions to a public prosecutor requesting the filing of notices of opposition in environmental cases;
- examine the possibility of holding fact-finding visits for representatives of Aarhus centres, NGOs and judges to a successful European Aarhus centre to

exchange information and build the capacity of Kazakh Aarhus centres.