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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

**REPORT OF THE SECOND MEETING OF THE PARTIES**

**Addendum**

**DECISION II/5a**

**COMPLIANCE BY KAZAKHSTAN WITH ITS OBLIGATIONS  
UNDER THE AARHUS CONVENTION**

adopted at the second meeting of the Parties  
held in Almaty, Kazakhstan, on 25-27 May 2005

**The Meeting of the Parties.**

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

**Taking note** of the report of the Compliance Committee (ECE/MP.PP/2005/13) and its addenda 1 and 2 (ECE/MP.PP/2005/13/Add.1 and 2), as well as addenda 1 and 2 to the report of its seventh meeting (ECE/MP.PP/C.1/2005/2/Add.1 and 2), with regard to the cases concerning information requested from Kazatomprom and construction of a high-voltage power line respectively,

**Being encouraged** by Kazakhstan's ongoing willingness to discuss in a constructive manner the compliance issues in question with the Committee;

1. **Endorses** the following findings of the Committee:

(a) By having failed to ensure that bodies performing public functions implement the provisions of article 4, paragraphs 1 and 2, of the Convention, Kazakhstan was not in compliance with that article;

(b) The lengthy review procedure and denial of standing to a non-governmental organization in a lawsuit on access to environmental information was not in compliance with article 9, paragraph 1;

(c) The lack of clear regulation and guidance with regard to the obligations of bodies performing public functions to provide information to the public and with regard to the implementation of article 9, paragraph 1, constitutes non-compliance with the obligations established in article 3, paragraph 1, of the Convention;

2. Welcomes, nonetheless, the Guidelines on Handling Public Requests for Environmental Information, prepared by the Ministry of the Environment of Kazakhstan;

3. Furthermore endorses the finding of the Compliance Committee that the Government of Kazakhstan did not comply fully with article 6, paragraph 1 (a) and annex I, paragraph 20, of the Convention and, in connection with this, article 6, paragraphs 2, 3, 4, 7 and 8;

4. Notes, however, with appreciation the efforts of the Ministry of the Environment in December 2001 and May-June 2002 to attempt to introduce some elements of public participation in a process that was defective in that respect;

5. Requests the Government of Kazakhstan, in order to address the findings in paragraph 1, to submit to the Compliance Committee, not later than the end of 2005, a strategy, including a time schedule, for transposing the Convention's provisions into national law and developing practical mechanisms and implementing legislation that would set out clear procedures for their implementation. The strategy might also include capacity-building activities, in particular for the judiciary and public officials, including persons having public responsibilities or functions, involved in environmental decision-making;

6. Recommends the Government of Kazakhstan, again in order to address the findings in paragraph 1, to provide officials of all the relevant public authorities on various levels of administration with training on the implementation of the Guidelines on Handling Public Requests for Environmental Information and to report to the Meeting of the Parties, through the Compliance Committee, no less than four months before the third meeting of the Parties on the measures taken to this end;

7. Also recommends the Government of Kazakhstan, in order to address the finding in paragraph 3 and with a view to fully implementing article 3, paragraph 1, of the Convention, to:

(a) Adopt and implement regulations setting out more precise public participation procedures covering the full range of activities subject to article 6 of the Convention, without in any way reducing existing rights of public participation;

(b) Ensure that public authorities at all levels, including the municipal level, are fully aware of their obligations to facilitate public participation; and

(c) Consider introducing stronger measures to prevent any construction work going ahead prior to the completion of the corresponding permitting process with the required level of public participation;

8. Invites the Government of Kazakhstan to submit a report to the meeting of the Parties, through the Compliance Committee, no less than four months before the third meeting of the Parties on the measures taken to implement the recommendations in paragraph 7; and

9. Welcomes Kazakhstan's statement to the Meeting that it is willing to continue the established meaningful dialogue with the Compliance Committee referred to in the preamble above in order to bring about its full compliance.