
Holding Power to Account:

Government and Corporate Responsibility
in the Caspian Oil Sector



Production Sharing Agreements (PSAs)

- Agreements between the government and oil companies
- PSAs for the Karachaganak and Kashagan oil and gas fields, as well as the Tengiz concession agreement were concluded in the 1990s
 - They have since been kept confidential



Timeline



Jan 14, 2025

Submitted a request to the Ministry of Energy demanding access to the environmental aspects of the agreements



Feb 3, 2025

The request was rejected by the Ministry of Energy citing confidentiality guarantees



Feb 14, 2025

Filed a lawsuit in the Specialized Interdistrict Administrative Court of Astana

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- Lawsuit and appeals in the courts of first, appeal, and cassation instances have been dismissed
 - → All available legal remedies in Kazakhstan have been exhausted



Non-Compliance with Article 4 of Aarhus Convention

- In its refusal, the Ministry of Energy referred to Article 4(4)(g), stating that the provision of access could adversely affect “the interests of a third party which has supplied the information.”

However:

- **Aarhus Convention, Article 4(1)(a):** Each Party shall ensure that, subject to the following paragraphs of this article, public authorities, in response to a request for environmental information, make such information available to the public, without stating an interest.
 - We requested access to environmental aspects of PSAs;
 - Information in the agreements cannot be treated as a trade secret: the government is a Party to it.



Non-Compliance with Article 9 of Aarhus Convention



- Article 9, paragraph 1 of the Aarhus Convention: any person who considers that his or her request for information under Article 4 has been wrongfully refused, whether in part or in full, shall have access to a review procedure before a court of law or another independent and impartial body established by law.
 - Non-compliance of Kazakhstan with its obligation under the Aarhus Convention to provide access to justice.

Violations of International Covenant on Civil and Political Rights and Universal Declaration of Human Rights

- **Article 19(2) of ICCPR** and **Article 19 of UDHR**, the right to seek and receive information
- **Article 8 of UDHR**, the right to an effective remedy for acts violating the fundamental rights granted by law



Thanks!

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