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**ECONOMIC COMMISSION FOR EUROPE
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Meeting of the Signatories to the
Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters
Working Group on Compliance and Rules of Procedure
(First meeting, Geneva, 12-16 February 2001)
(Item 4 of the provisional agenda)

**RESOURCE IMPLICATIONS OF VARIOUS OPTIONS FOR DEVELOPING A
COMPLIANCE MECHANISM UNDER THE AARHUS CONVENTION**

Note from the Secretariat

1. The first meeting of the task force on compliance invited the secretariat to identify what administrative resources would be required to support the various options under consideration for establishing compliance arrangements under the Convention (CEP/WG.5/2000/4, para. 31).
2. At the second meeting of the task force, the secretariat presented a preliminary oral report on the matter. The task force requested the secretariat to prepare a written report for the first meeting of the Working Group on Compliance and Rules of Procedure, taking into account comments made by the task force (CEP/WG.5/AC.1/2001/3, para. 23).

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This document has not been formally edited.

3. An estimate of the resources that might be required for a compliance mechanism is provided in the attached annex. As suggested by the task force, costings for several scenarios are included. The figures given for the costs should be understood to be indicative only, being based on certain assumptions that are set out in the following paragraphs.

4. It is assumed that under all scenarios, the secretariat would need at least one and possibly two professional staff persons to service the mechanism during the start-up period of 2-3 years. Two scenarios are considered in annex , one involving one professional staff person, the other two, in both cases with appropriate secretarial support. The figures provided cover the costs associated with hiring personnel but do not cover office costs or trust fund overheads, which are listed separately.

5. One variable concerns the extent to which the Compliance Committee would have responsibilities in relation to reports submitted in accordance with article 10, paragraph 2 of the Convention. For equivalent committees in the human rights field, consideration of such reports amounts to a considerable proportion of their work. It is assumed that in any case the Committee would need to have some degree of familiarity with the content of the reports.

6. The likely extent of the workload arising from communications from the public to the Committee, or from the public to the secretariat in relation to compliance issues which may prompt the secretariat to bring a matter to the attention of the Committee, is also difficult to predict with any accuracy. It is reasonable to suppose that increasing public awareness of the mechanism would result in a progressive increase in this part of the workload during the initial years.

7. The choice of structure for the Compliance Committee has implications for the costs of its meetings (see CEP/WG.5/AC.1/2001/3, paras. 10 and 1 of annex I). Three scenarios are considered here:

- (1) The Committee consists exclusively of nine Parties to the Convention, two of which are countries whose representatives are eligible for financial support for travel and subsistence and two of which are countries whose representatives are eligible for financial support for subsistence only, under the Committee on Environmental Policy's guidelines on targeting of financial support from the Trust Fund for Assistance to Countries with Economies in Transition (TFACT).
- (2) The Committee consists of seven Parties to the Convention, two of which are countries whose representatives are eligible for financial support for travel and subsistence and one of which is a country whose representatives are eligible for financial support for subsistence only under the aforementioned guidelines; and two of the bodies entitled to participate in Meetings of the Parties in accordance with Article 10(5) of the Convention, both of which require financial support for travel and subsistence in order to be able to send a representative.
- (3) The Committee consists of nine individuals serving in a personal capacity, all of whom will

receive financial support for travel and subsistence in order to enable them to attend the meeting.

8. In each of the options in paragraph 7, it is assumed that the members of the Committee (or, as the case may be, their representatives) do not receive any fee for their participation in meetings of the Committee. This follows the precedent established in a number of human rights committees. If it were to prove difficult or impossible to engage committee members meeting the relevant criteria and willing to contribute their time on this basis, this assumption would need to be revisited.

9. In each of the options in paragraph 7, it is furthermore assumed that the Committee would meet three times per year, each time for a duration of one week. It may in fact be the case that during the first year or two following the setting up of the Committee, this number of meetings would not be required; and that one or two meetings per year might suffice. In any case, the number of meetings required would clearly be influenced by the factors referred to in paragraphs 5 and 6. It is assumed that the meetings would take place in Geneva.

10. It is assumed that under scenario (3), members would need financial support to attend a meeting of the Parties once every two years. Under scenarios (1) and (2), it is assumed that the Parties and other bodies would be represented without requiring financial support directly related to the Compliance Committee.

11. While the three scenarios set out in paragraph 7 by no means cover all the possible permutations for the composition of the Committee, they give an indication of the likely range of costs using the given assumptions, and the extent to which the choice of structure of the Committee affects the costs, including the overall costs.

12. Participation in meetings of the Committee by representatives of Parties whose compliance is under consideration by the Committee or which have raised questions concerning compliance by another Party, by members of the public having made communications which are under consideration by the Committee, or by experts or advisers may in some cases be dependent upon the provision of financial support. It is assumed that in the initial phase, three persons might require their travel and subsistence costs to be covered per meeting, attending for one day each.

13. In order to support the work of the Committee, the secretariat, members of the Committee or experts designated by the Committee may be called upon to travel to the territories of Parties whose compliance is under consideration by the Committee in order to gather information on behalf of the Committee or to attend a hearing. It is assumed that ten such trips would take place each year.

14. In order to provide for the possibility that the Committee may seek the services of experts and advisers, an allowance of 50 person days per year is included.

15. Interpretation and translation costs incurred at UN headquarters are not included, on the assumption that they would generally be covered from the regular budget. However, an assessment of the likely extent of interpretation or translation needs would be important at some

point, given the considerable cost to the organisation of these services. There would be a substantial saving if Committee meetings could be conducted in one language, or with interpretation provided only where really needed. An item is included for interpretation and translation costs outside UN headquarters.

16. The standard Trust Fund overhead of 13% is applied to all the costs. However, it should be noted that to the extent that items (e.g. personnel) might be covered from the regular budget, this figure would be reduced, perhaps substantially.

17. Further work to identify costs might be fruitful once the likely nature of the compliance mechanism is known. Until such time, the large number of variables makes a more accurate assessment difficult.

18. Only the direct costs of the mechanism are considered here. Indirect costs, such as those, which might arise from the implementation of recommendations made by the Committee, or the costs, which Parties might incur in the course of responding to submissions or referrals made to the Committee, are not included in the present estimate.

19. The attempt in this note to identify and quantify costs which would arise as a direct result of pursuing one or other options for developing a compliance mechanism under the Convention should not be taken to imply that the servicing of the mechanism would not be undertaken as part of the regular activities of the secretariat, or that the mechanism could not function at all without the funding of additional staff from extra-budgetary sources. Nor should it be taken to presuppose that the finances related to the compliance mechanism would be managed separately from the financing within the secretariat of other activities under the Convention.

20. As regards the immediate future, some measures are being taken to expand the resources available in the secretariat for its work related to the Convention. A resource person has been allocated from the regular budget to work on activities related to the Convention. In addition, discussions are taking place with a potential donor government with a view to obtaining support for another staff person working in the secretariat on a project related to aspects of the promotion of the Convention, and it is hoped that these will have a positive outcome. In allocating or seeking these additional resources, the secretariat is endeavouring to put itself in a position to be able to fulfil its tasks in relation to the preparation of the first meeting of the Parties and at least the initial stages following a decision of the Parties on the compliance issue.

21. It is beyond the scope of this note to identify the options for financing the costs arising in connection with the compliance mechanism.

Annex

Indicative table of costs arising under various options for a compliance mechanism

Item	Approximate Costs (‘000 USD/year)	
Personnel: Scenario A		
1 professional		117
Secretarial support		21
Subtotal personnel A		138
Personnel: Scenario B:		
2 professionals		213
Secretarial support		41
Subtotal personnel B		254
Committee meetings:		
Scenario 1: Committee members’ participation: 9 Parties only		17
Scenario 2: Committee members’ participation: 8 Parties, 2 other bodies		25
Scenario 3: Committee members’ participation in a) regular meetings, and b) meetings of the Parties: 9 independent members		43 6
Participation of others in Committee meetings		9
Information-gathering missions		10
Interpretation/translation costs outside UNHQ		10
Experts and advisers		25
Office costs (office space, equipment, communications, documentation, etc):		
- Personnel scenario A		25
- Personnel scenario B		40
TOTALS UNDER VARIOUS SCENARIOS	Net totals	Including Trust Fund overhead of 13%
A1	234	264
A2	242	273
A3	266	301
B1	365	412
B2	373	421
B3	397	449