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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

Third meeting

Riga, 11–13 June 2008

Agenda item 6 (d)

Procedures and mechanisms facilitating the implementation of the Convention:
financial arrangements

DRAFT DECISION III/7

FINANCIAL ARRANGEMENTS

Draft decision prepared by the Bureau

The Meeting of the Parties,

Recalling article 10, paragraph 3, of the Convention, which states that the Meeting of the Parties may, as necessary, consider establishing financial arrangements on a consensus basis,

Recalling also its decisions I/13 and II/6, through which an interim voluntary scheme of contributions based on a system of shares, open to contributions from Parties, Signatories and other States having opted to participate in it, has been established and maintained,

Determined to ensure that the necessary resources are available for implementing the work programme,

Believing that, in order to achieve this, it is necessary to establish financial arrangements under the Convention based on the principles of a fair sharing of the burden, stable and predictable sources of funding, accountability and sound financial management,

Recognizing the need for a scheme of financial contributions which is transparent and accessible to all Parties and Signatories, as well as to other States and organizations wishing to contribute,

Believing that some non-State entities such as charitable foundations may be interested in contributing financially to the activities under the work programme and should be encouraged to do so,

Recognizing that the interim voluntary scheme has raised significant levels of funding and was a particularly appropriate mechanism at a stage when there were relatively small numbers of Parties,

Mindful, however, that the amounts contributed under the interim voluntary scheme have consistently fallen short of the estimated core costs of implementing the work programme,

Noting that the distribution of the burden has been far from equitable, with significant numbers of Parties and Signatories failing to contribute at all,

Believing that only a firm commitment by all Parties to contribute towards the costs of the work programme will ensure that the core costs are covered and that the distribution of the burden is equitable,

Believing also that the financial arrangements in place under the Convention will need to be kept under periodic review by the Meeting to ensure that they continue to meet the goals of stability, predictability and a fair sharing of the burden,

OPTION 1: GUIDANCE ON AMOUNT OF CONTRIBUTION

1. *Establishes* a [voluntary] scheme of contributions aimed at covering the costs of activities under the work programme that are not covered by the United Nations regular budget, based on the following principles:

(a) The Parties should collectively ensure that, as a minimum, the costs of the core activities of the work programme that are not covered by the United Nations regular budget are covered through the scheme, and should endeavour to ensure that non-core costs are covered¹;

(b) Subject to subparagraph (c) below, the burden of covering the costs of the core activities shall be distributed among the Parties to the Convention in proportion to the United Nations scale of assessments;²

¹ It is assumed in Options 1 and 2 that the distinction between core and non-core costs is retained, and that quantitative estimates of both are provided in the work programme. It may be worth considering whether it is necessary to quantify the costs of non-core activities.

(c) The scale shall be adjusted so that no Party is required to contribute [more than [20 per cent] of the estimated core costs to be covered by the scheme or] less than 200 United States dollars;

(d) Each Party shall contribute each year, as a minimum, the amount derived from applying the adjusted scale of assessments referred to in subparagraph (c) to the total estimated costs of the core activities (hereafter, the “core contribution”)

(e) Core contributions shall be made in cash and shall not be earmarked for a particular activity;

(f) Contributions that are surplus to the core contribution may be made in cash or in kind and may be earmarked for a particular activity;

(g) Contributions in cash shall be made through the United Nations Economic Commission for Europe Trust Fund for Local Technical Cooperation (Aarhus Convention project);

(h) Contributions in cash to be used for activities taking place in a given calendar year should be made as early as possible and in any case no later than the end of [October] of that year;

2. *Decides* that the Parties shall contribute each year towards the costs of activities under the work programme [for 2009–2011]³ in accordance with the scheme established through paragraph 1, the core contribution of each Party for 2009 being as shown in the annex;

3. *Calls on* Parties to pay their contributions as soon as possible once they are due so as to ensure the smooth functioning of the secretariat and the timely and effective implementation of the decisions of the Meeting;

4. *Requests* the secretariat to circulate to the Parties each year during the month of [October] an updated version of the table indicating core contributions contained in the annex, reflecting any changes to

(a) The estimated costs of core and non-core activities for the next calendar year,

(b) The composition of the Parties, or

(c) The United Nations scale of assessments,

which will take effect for the following calendar year and supersede the previous version;

5. *Invites* Signatories, other interested States and organizations to contribute, in cash or in kind, towards covering the costs of the work programme;

6. *Encourages* Parties that have historically contributed more than their core contribution to maintain their previous levels of contribution;

² The United Nations scale of assessments is adopted by the General Assembly for a three-year period. It provides the basis for calculating the contributions of Member States to the United Nations regular budget. In December 2006, the General Assembly adopted a scale for the next three-year cycle (2007–2009). The fundamental principle for calculating Member States' contributions is that “the expenses of the Organization shall be apportioned among Member States according to capacity to pay” (resolution A/RES/58/1 B of 3 March 2004).

³ Deleting the words in square brackets would generalize the decision, that is, the scheme would remain in place until altered by a future decision.

7. *Calls on* Parties that have so far failed to contribute, or have contributed significantly less than the amounts stipulated in paragraph 1 (d), to increase their contributions during the current and future budget cycles to the specified levels, and requests the Bureau to liaise with such Parties where appropriate concerning the achievement of this goal;

8. *Requests* the secretariat, in accordance with the financial rules of the United Nations, to monitor the expenditure of the funds and to prepare annual reports for review by the Working Group of the Parties in order to ensure that the level of contributions matches the level of funding needed for the implementation of the work programme;

9. *Also requests* the Working Group of the Parties to consider, in the light of these annual reports, whether changes would be required to the content or time frame of the work programme in the event that the level of actual and/or pledged contributions does not match the level of funding needed;

10. *Further requests* the secretariat to prepare a comprehensive report for each meeting of the Parties, including information on how much Parties and other participating States and organizations contributed to the budget of the Convention in cash and in kind, and on how the contributions were spent;

11. *Agrees* to review the operation of the scheme of financial arrangements at its fourth meeting.

OPTION 2: NO GUIDANCE ON AMOUNT OF CONTRIBUTION

1. [*Decides* to extend the][*Establishes* a] [voluntary] scheme of contributions aimed at covering the costs of activities under the work programme that are not covered by the United Nations regular budget, based on the following principles:

(a) The Parties [and Signatories] should collectively ensure that, at a minimum, the costs of the core activities of the work programme that are not covered by the United Nations regular budget are covered through the scheme, and should endeavour to ensure that non-core costs are covered;

(b) No Party [or Signatory] is expected to contribute less than 200 United States dollars;

(c) Contributions may be made in cash or in kind;

(d) Contributions in cash should be made through the United Nations Economic Commission for Europe Trust Fund for Local Technical Cooperation (Aarhus Convention project);

(e) Contributions in cash to be used for activities taking place in a given calendar year should be made as early as possible and in any case no later than the end of [October] of that year;

2. *Requests* Parties [and [invites] Signatories] to contribute each year, in accordance with the scheme established through paragraph 1, towards covering the costs of activities under the work programme [for 2009–2011], as set out in the annex to decision III/9;

3. *Invites* [Signatories,] other interested States and organizations to contribute, in cash or in kind, towards covering the costs of the work programme;
4. *Encourages* Parties that have historically contributed more than their core contribution to maintain their previous levels of contribution;
5. *Encourages* Parties [and Signatories] that have so far failed to contribute, or have contributed to a disproportionately small extent by comparison with their economic status, to increase their contributions during the current and future budget cycles, and requests the Bureau to liaise with such Parties [and Signatories] where appropriate concerning the achievement of this goal;
6. *Requests* the secretariat, in accordance with the financial rules of the United Nations, to monitor the expenditure of the funds and to prepare annual reports for review by the Working Group of the Parties in order to ensure that the level of contributions matches the level of funding needed for the implementation of the work programme;
7. *Also requests* the Working Group of the Parties to consider, in the light of these annual reports, whether changes would be required to the content or time frame of the work programme in the event that the level of actual and/or pledged contributions does not match the level of funding needed;
8. *Further requests* the secretariat to prepare a comprehensive report for each meeting of the Parties, including information on how much Parties and other participating States and organizations contributed to the budget of the Convention in cash and in kind, and on how the contributions were spent;
9. *Agrees* to review the operation of the scheme of financial arrangements at its fourth meeting.

Annex¹

United Nations Scale of Assessment-based Levels of Contribution to the Aarhus Trust Fund

Column A: Countries (Parties and Signatories)	Column B: Adjusted United Nations scale of assessments (percentage)	[Column C: Adjusted United Nations scale of assessments (percentage) (corrected for 20% cap)²]	Column D: Amount to be contributed for 2009 (US\$)³
Albania	0.015	0.015	
Armenia	0.005	0.005	
Austria	2.159	2.183	
Azerbaijan	0.012	0.012	
Belarus	0.049	0.049	
Belgium	2.683	2.712	
Bulgaria	0.049	0.049	
Croatia	0.122	0.123	
Cyprus	0.107	0.108	
Czech Republic	0.684	0.692	
Denmark	1.799	1.819	
Estonia	0.039	0.039	
Finland	1.373	1.388	
France	15.339	15.509	
Georgia	0.007	0.007	
Germany	20.879	20.000	
Greece	1.451	1.467	
Hungary	0.594	0.601	
Italy	12.364	12.501	
Kazakhstan	0.071	0.071	
Kyrgyzstan	0.002	0.002	
Latvia	0.044	0.044	
Liechtenstein	0.024	0.025	
Lithuania	0.075	0.076	
Luxembourg	0.207	0.209	
Malta	0.041	0.042	
Moldova	0.002	0.002	
Netherlands	4.560	4.610	
Norway	1.904	1.925	
Poland	1.220	1.233	
Portugal	1.283	1.297	
Romania	0.170	0.172	
Slovakia	0.153	0.155	
Slovenia	0.234	0.236	
Spain	7.225	7.305	
Sweden	2.607	2.636	
Tajikistan	0.002	0.002	
The former Yugoslav Republic of Macedonia	0.012	0.012	
Turkmenistan	0.015	0.015	
Ukraine	0.110	0.111	
United Kingdom	16.169	16.349	

Column A: Countries (Parties and Signatories)	Column B: Adjusted United Nations scale of assessments (percentage)	[Column C: Adjusted United Nations scale of assessments (percentage) (corrected for 20% cap)^{2]}	Column D: Amount to be contributed for 2009 (US\$)³
Iceland	0.090	0.091	
Ireland	1.083	1.095	
Monaco	0.007	0.007	
Switzerland	2.960	2.993	
European Community⁴			
Total	100.00	100.00	

¹ This annex relates to option 1 of the body of the draft.

² According to para 1 (c) of option 1, no country should be required to contribute more than 20 per cent. The adjusted United Nations scale of assessments in column B is not entirely consistent with this upper limit because of Germany's level of contributions. Column C addresses that issue by fixing Germany's contribution at 20 per cent and adjusting the remaining contributions accordingly.

³ Subject to footnote 4 below on the contribution of the European Community (EC), the figures in column D would be derived from multiplying the fraction in column B (or column C, if so decided) by the annual estimated core requirement of the work programme as specified in the draft decision in the work programme 2009–2011. The actual amounts for the core contribution of each Party and Signatory between 2009 and 2011 have not been included in this annex, given that the draft decision on the work programme for 2009–2011 and the associated costs estimates have yet to be discussed. These figures could be included either in this annex or be integrated as annex III of decision III/9 on the work programme for 2009–2011.

⁴ A percentage has not been assigned to the EC, since the EC is not included in the United Nations scale of assessments and therefore it is not possible to calculate the level of its contribution on the same basis as with the other Parties and Signatories (i.e. on the basis of the adapted United Nations scale of assessments). Possible alternative ways of estimating the level of contributions to be made by the EC include: (a) using historical contribution of the EC as the basis of calculation, and deducting this from the total estimated core requirement prior to applying the United Nations scale of assessments on the other Parties; or (b) assigning an arbitrary percentage (arbitrary in the sense that this percentage is not derived from the United Nations scale of assessments).
