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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

#### Seventh session

Geneva, 18–20 October 2021

Item 9 (d) of the provisional agenda

#### **Programme of work and operation of the Convention: financial arrangements**

## **Draft decision VII/6 on financial arrangements under the Convention**

### **Prepared by the Bureau**

#### *Summary*

The present document sets out a draft decision on financial arrangements under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) prepared by the Bureau of the Parties to the Convention.

At its sixth session (Budva, Montenegro, 11–14 September 2017), the Meeting of the Parties to the Convention mandated the Bureau and the Working Group of the Parties to explore options for more predictable, stable and equitably shared funding, and requested them to make the appropriate proposals for the consideration of the Meeting of the Parties at its seventh session (ECE/MP.PP/2017/2/Add.1, decision VI/6, operative para. 14).

The Bureau prepared the present document pursuant to decision VI/6. The draft decision contains three options: the current financial scheme based on voluntary contributions; a recommendatory scheme; and a mandatory scheme of contributions aligned with the United Nations scale of assessments. For greater clarity regarding the different options under consideration for a financial scheme, text in bold in the draft decision indicates which option or options are applicable for the suggested text. Option A relates to a financial scheme with voluntary contributions. Option B is for a financial scheme with recommendatory contributions. Option C is for a financial scheme with mandatory contributions.

The major issues for consideration by the Working Group included: (a) whether the scheme of financial arrangements should be mandatory, recommendatory or voluntary; and (b) whether the United Nations scale of assessments should apply to contributions.

The Working Group considered the document at its twenty-fourth meeting (Geneva, 1–3 July and 28 and 29 October 2020) and requested the Bureau to prepare a draft decision on financial arrangements in the light of the comments by the Working Group for its submission to the twenty-fifth meeting of the Working Group. There were opportunities for open-ended consultations among national focal points and stakeholders on the present draft document after the twenty-fourth

meeting of the Working Group. No comments were received on the draft. The document was therefore submitted to the Working Group for consideration and approval at its twenty-fifth meeting (Geneva, 3 May and 7 and 8 June 2021) with editorial revisions only. At its twenty-fifth meeting, the Working Group was unable to reach consensus on: the scheme of contributions (e.g., mandatory, recommendatory or voluntary); the use of the United Nations scale of assessments; and an increase in the minimum level of contributions from \$500 to \$1,000. It approved the draft decision on financial arrangements (ECE/MP.PP/WG.1/2021/9) and requested the secretariat to submit it to the Meeting of the Parties for consideration at its seventh session.

*The Meeting of the Parties,*

*Recalling* article 10, paragraph 3, of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), which states that the Meeting of the Parties to the Convention may, as necessary, consider establishing financial arrangements on a consensus basis,

*Recalling also* its decisions I/13,<sup>1</sup> II/6,<sup>2</sup> III/7,<sup>3</sup> IV/7,<sup>4</sup> V/7<sup>5</sup> and VI/6,<sup>6</sup> through which an interim voluntary scheme of contributions, open to contributions from Parties, Signatories and other States having opted to participate therein, has been established and maintained,

*Having considered* the outcomes of the assessment of the current interim scheme of contributions (ECE/MP.PP/WG.1/2013/9), and recalling discussions and decisions at each of the previous sessions of the Meeting of the Parties on financial arrangements under the Convention [about the need to establish financial arrangements based on the goals of stability, predictability and an equitable sharing of the burden],

*Recognizing* the need to:

(a) Ensure that sufficient resources are available to implement the Convention's work programme for 2022–2025, adopted through decision VII/5,

(b) Ensure a scheme of financial contributions that is transparent and accessible to all Parties, Signatories and other States and organizations wishing to contribute,

(c) Establish financial arrangements under the Convention based on the principles of an equitable sharing of the burden, stable and predictable sources of funding, accountability and sound financial management,

[*Expressing its serious concern* that the financial burden has not been evenly distributed during the current intersessional period, with several Parties and Signatories not contributing at all,]<sup>7</sup>

*Believing* that alternative options to the financial arrangements in place under the Convention should be considered by the Meeting of the Parties at its next session to ensure that the arrangements meet the goals of stability, predictability and an equitable sharing of the burden,

1. **Option A for voluntary contributions:** [*Agrees* to continue to use the existing interim scheme of contributions as reflected in decision VI/6 of the Meeting of the Parties to the Convention (ECE/MP.PP/2017/2/Add.1)] **Option B for recommendatory contributions:** [*Establishes* a recommendatory scheme of contributions] **Option C for mandatory contributions:** [*Establishes* a mandatory 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 the costs of the activities of the work programme that are not covered by the United Nations regular budget are covered through the financial scheme;

**Relevant for Option C only:** [(b) The burden of covering the costs of the activities shall be distributed among the Parties and Signatories to the Convention in proportion to the United Nations scale of assessments,<sup>8</sup> with the indicative contribution of each Party for 2021 being as shown in the annex hereto;

<sup>1</sup> See ECE/MP.PP/2/Add.14.

<sup>2</sup> See ECE/MP.PP/2005/2/Add.10.

<sup>3</sup> See ECE/MP.PP/2008/2/Add.15.

<sup>4</sup> See ECE/MP.PP/2011/2/Add.1.

<sup>5</sup> See ECE/MP.PP/2014/2/Add.1.

<sup>6</sup> See ECE/MP.PP/2017/2/Add.1.

<sup>7</sup> This paragraph is to be verified closer to the adoption of the decision.

<sup>8</sup> 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

(c) The scale of assessments shall be adjusted so that no Party or Signatory is required to contribute more than 22 per cent<sup>9</sup> of the estimated costs to be covered by the scheme;

(d) Each Party or Signatory shall contribute each year, as a minimum, the amount derived from applying the adjusted scale of assessments referred to in subparagraph ... [above/below] to the total estimated costs of the activities, but each contribution should not be less than stated in subparagraph ... [above/below];]

**Relevant for Options A, B and C:**

[(b)] No Party or signatory is expected to contribute less than [500] [1,000] United States dollars for the Convention's work programme in its contribution for a given calendar year;

[(c)] Contributions shall be made in cash and shall not be earmarked for a particular activity;

[(d)] Additional contributions may be made in cash or in kind and may be earmarked for a particular activity;

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

[(f)] If allowed by the domestic budgetary procedures of the Parties, contributions for a given calendar year should be made by 1 October of the preceding year, or where this is not an option, it is recommended that contributions be made in the first six months of the calendar year, so as to secure payment of staff costs for the smooth functioning of the secretariat, as a priority, and the timely and effective implementation of the priority activities of the respective programme of work;

[(g)] *New para added:* To keep administrative costs related to fund management to a minimum, insofar as possible and subject to the internal budgetary procedures of the Parties, contributions should preferably be paid net, with possible charges at the expense of donors, concentrated as much as possible within the intersessional period, by, for example, making multiannual or annual contributions continuously (for every calendar year) and by merging contributions for the Aarhus Convention and the Protocol into one transfer, if appropriate;

[(h)] Parties pledge, where possible, prior to the adoption of a work programme by the Meeting of the Parties, their expected annual or multi-annual financial and in-kind contributions. Signatories, other interested States and organizations may also wish to indicate their expected contributions;

2. *Requests* Parties to contribute each year or to make multi-annual contributions towards the costs of activities under the work programme, in accordance with the scheme referred to in paragraph 1 above;

3. *Invites* Signatories, other interested States and public entities, as well as the private sector, in accordance with the 2015 Guidelines on a Principle-based Approach to the Cooperation between the United Nations and the Business Sector,<sup>10</sup> to contribute, in cash or in kind, towards covering the costs of the work programme;

4. *Calls upon* countries with economies in transition to finance, to the extent possible, their own participation in the activities;

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budget. In December 2018, the General Assembly adopted resolution 73/271 on a scale of assessments for the apportionment of the expenses of the United Nations for the period 2019–2021. As reaffirmed in that resolution, the fundamental principle for calculating Member States' contributions is that "the expenses of the Organization shall be apportioned broadly according to capacity to pay".

<sup>9</sup> In accordance with General Assembly resolution 73/271, which refers to 22 per cent for the period 2019–2021.

<sup>10</sup> United Nations, Global Compact, report, 2015 (revised). Available at [www.unglobalcompact.org/library/3431](http://www.unglobalcompact.org/library/3431).

5. *Calls upon* international organizations working in countries with economies in transition to support the participation of representatives of these countries and non-governmental organizations in the meetings and other activities;

6. *Encourages* Parties that have historically contributed generously to maintain, or return to, their previous levels of contribution;

7. *Requests* all Parties to ensure the equitable distribution of the financial responsibility for implementation of the work programme, and requests the Bureau to liaise with Parties where appropriate concerning the achievement of this goal;

8. *Requests* the secretariat, in accordance with the financial rules of the United Nations, to allocate in the Convention trust fund, by 1 October of each year, the sum required for the extension of the contracts of extrabudgetary staff of the secretariat for the upcoming year, as a priority, and also costs needed for implementation of activities in the first quarter of the upcoming year;

9. *Also 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 specifically indicating contributions, and reflecting any changes to:

(a) The estimated costs of activities for the next calendar year;

(b) The composition of the Parties, for review by the Working Group of the Parties, in order to strive to ensure that the level of contributions matches the level of funding needed for the implementation of the work programme;

10. *Requests* the Bureau, with the assistance of the secretariat, to provide an estimation of the operational costs needed for the effective functioning of the Convention, which should be clearly distinct from the cost of other activities which are subject to the availability of resources;

11. *Requests* the Working Group of the Parties to consider, in the light of these annual reports, whether changes would be required in 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;

12. *Requests* the secretariat to prepare a comprehensive report on financial matters for each session of the Meeting of the Parties, including information on how much Parties and other participating States and organizations have contributed to the budget of the Convention in cash and in kind, and how the contributions were spent;

13. *Agrees* to review the operation of the scheme of financial arrangements at its eighth session;

14. *Mandates* the Bureau and the Working Group of the Parties to explore, in the next intersessional period, options for more predictable, stable and equitably shared funding, and requests them to make the appropriate proposals for consideration by the Meeting of the Parties at its eighth session;

15. *Requests* the United Nations Economic Commission for Europe to allocate more resources to support the work under the Convention, noting in this connection the positive evaluation of the Environment subprogramme during the 2013 review of the 2005 reform of the Commission,<sup>11</sup> and considering, inter alia, the balance in the use of regular budgetary resources in the different subprogrammes.

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<sup>11</sup> *Official Records of the Economic and Social Council, 2013, Supplement No. 17 (E/2013/37-E/ECE/1464, annex III, paras. 7 and 8).*

## [Annex

**Indicative contributions for 2021**

<i>Column A: Countries (Parties and Signatories)</i>	<i>Column B: United Nations scale of assessments (percentage)<sup>a</sup></i>	<i>Column C: Adjusted United Nations scale of assessments (percentage)<sup>b</sup></i>	<i>Column D: Amount to be contributed for 2021 (United States dollars):</i>
Albania	0.008	0.026	
Armenia	0.007	0.023	
Austria	0.677	2.190	
Azerbaijan	0.049	0.159	
Belarus	0.049	0.159	
Belgium	0.821	2.657	
Bosnia and Herzegovina	0.012	0.039	
Bulgaria	0.046	0.149	
Croatia	0.077	0.249	
Cyprus	0.036	0.116	
Czechia	0.311	1.006	
Denmark	0.554	1.793	
Estonia	0.039	0.126	
European Union <sup>c, d</sup>	—	—	
Finland	0.421	1.362	
France	4.427	14.326	
Georgia	0.008	0.026	
Germany	6.090	19.707	
Greece	0.366	1.184	
Hungary	0.206	0.667	
Iceland	0.028	0.091	
Ireland	0.371	1.201	
Italy	3.307	10.701	
Kazakhstan	0.178	0.576	
Kyrgyzstan	0.002	0.006	
Latvia	0.047	0.152	
Liechtenstein	0.009	0.029	
Lithuania	0.071	0.230	
Luxembourg	0.067	0.217	
Malta	0.017	0.055	
Monaco	0.011	0.036	
Montenegro	0.004	0.013	
Netherlands	1.356	4.388	
North Macedonia	0.007	0.023	
Norway	0.754	2.440	
Poland	0.802	2.595	
Portugal	0.350	1.133	
Republic of Moldova	0.003	0.010	
Romania	0.198	0.641	
Serbia	0.028	0.091	

<i>Column A: Countries (Parties and Signatories)</i>	<i>Column B: United Nations scale of assessments (percentage)<sup>a</sup></i>	<i>Column C: Adjusted United Nations scale of assessments (percentage)<sup>b</sup></i>	<i>Column D: Amount to be contributed for 2021 (United States dollars):</i>
Slovakia	0.153	0.495	
Slovenia	0.076	0.246	
Spain	2.146	6.944	
Sweden	0.906	2.932	
Switzerland	1.151	3.725	
Tajikistan	0.004	0.013	
Turkmenistan	0.033	0.107	
Ukraine	0.057	0.184	
United Kingdom	4.567	14.779	
<b>Total</b>	<b>30.907</b>	<b>100.0</b>	

<sup>a</sup> Figures in column B are based on the scale of assessments contained in General Assembly resolution 73/271, adopted on 22 December 2018.

<sup>b</sup> The percentages from the United Nations scale of assessments have been adjusted for the Convention by using a multiplier of 3.236, in order to arrive at a total of 100 per cent.

<sup>c</sup> Subject to footnote d below on the contribution of the European Union, the figures in column D would be derived by multiplying the percentage value in column C by the annual estimated cost requirement of the work programme, as specified in the draft decision on the work programme 2022–2025 (ECE/MP.PP/...). The actual amounts for the contribution of each Party and Signatory between 2022 and 2025 will be calculated in due course, subject to the consideration and approval of the draft decision on the work programme for 2022–2025.

<sup>d</sup> A percentage has not been assigned to the European Union, since the European Union 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). Pursuant to paragraph 2 of decision I/3 of the Meeting of the Parties, the European Union contribution to activities under the work programme not covered by the United Nations regular budget would account for 2.5 per cent of the total needed for core activities. This commitment is subject to annual endorsement by the budgetary authorities of the European Union.]