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2nd October 2009

Jeremy Wates Esq
Secretary to the Aarhus Convention
United Nations Economic Commission for Europe
Environment and Human Settlement Division
Room 332, Palais des Nations
CH-1211 Geneva 10
Switzerland

Dear Mr Wates,

Re: Aarhus Compliance Committee: invitation to comment on allegation of conflict of interest

Thank you for your letter of 29th September and the other documents and correspondence.

We are surprised by the vehemence of the UK protest and find it distasteful that the integrity of the Compliance Committee should be impugned.

The following matters seem to us to be relevant:-

- 1 Mr Bonine has no personal interest in the outcome of the hearing and therefore no genuine "conflict of interest" exists.
- 2 His position is comparable to that of an advocate rather than a party. We do not believe that it is unheard of for an advocate to appear in a Court a member of which is a family relative.
- 3 The group on whose behalf Mr Bonine made submissions had no direct interest in the proceedings and nothing to gain or lose from the result.
- 4 There were no issues of fact involved in the hearing but simply issues of interpretation and policy. It is absurd to suppose that members of the Committee would be swayed on those issues by the family relationship between one of its members and a spokesman for a body only indirectly concerned in the proceedings.

It is our view therefore that the Committee is in a position to determine case No. ACCC/C/2008/27 and that the steps taken by the Committee should satisfy any reasonable person that the matter has been dealt with fairly and equitably and in accordance with the principles of law.

Yours sincerely,

A handwritten signature in black ink, appearing to read "H. L. McCracken". The signature is written in a cursive style with a long horizontal flourish extending to the right.

H L McCracken