



*AN AGREEMENT UNDER THE CONVENTION ON
THE CONSERVATION OF MIGRATORY SPECIES
OF WILD ANIMALS*



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FIRST SESSION OF THE MEETING OF THE PARTIES TO THE
AFRICAN-EURASIAN WATERBIRD AGREEMENT (The Hague, 1995)
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DRAFT GUIDELINES FOR ACCEPTANCE OF FINANCIAL CONTRIBUTIONS

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INTERIM SECRETARIAT OF THE AFRICAN-EURASIAN WATERBIRD AGREEMENT
MINISTRY OF AGRICULTURE, NATURE MANAGEMENT
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SHORT EXPLANATORY NOTE ON THE DOCUMENTS AEWA/ MOP 1.13 AND AEWA/RES 1.6

Introduction

1. The documents in question, AEWA/MOP 1.13 and AEWA/RES 1.6, in fact address three issues at the same time:
 - (a) Voluntary contributions;
 - (b) Contributions in kind; and
 - (c) Contributions in kind, in lieu of payments in cash of the obligatory contributions.

A. Voluntary contributions and contributions in kind

2. The guidelines for voluntary contributions in cash and in kind, as noted in the present document, to be applied for AEWA activities, are entirely based on the decisions taken by the Conference of the Parties at its fifth meeting, in resolution 5.7, applicable for the Bonn Convention. The same applies for any contributions in kind that Parties may wish to provide towards the implementation of the Agreement.
3. It is the understanding of the interim secretariat that such contributions, in cash, shall now be charged with 13 per cent “programme support costs” upon their expenditure by the secretariat. This understanding is based on the recent memorandum of the Executive Director of UNEP, which brings to the attention of all UNEP-administered conventions decision 20/35 of 4 February 1999 of the UNEP Governing Council.
4. As far as voluntary contributions by “non-reimbursable loans” (including secondment of personnel) are concerned, it should be noted that this would only be possible under the terms set out by the United Nations General Assembly in its resolution 51/243 of 25 September 1997, for so-called Type II gratis personnel: the seconding authority would have to provide the funds for the respective person to be recruited by the United Nations in accordance with their rules and regulations, plus 14 per cent programme support charges to cover the Organization’s costs for, *inter alia*, office space and maintenance, equipment, personnel administration, insurance. These 14 per cent programme support costs may be waived by the Executive Director of UNEP “whenever he feels that this is justified”. Other contributions in kind would need examination on a case-by-case basis in order to find out whether or not programme support costs would fall due.
5. It should be noted that, in addition to the above, a number of other rules and regulations of UNEP, based on decisions of the Governing Council as well as instructions of the Executive Director of UNEP, at present applicable to, *inter alia*, the CMS secretariat, will apply also to the AEWA secretariat, such as:
 - (a) Acceptance of voluntary contributions from non-governmental sources in excess of \$500,000 only with prior approval by the Governing Council or its subsidiary body (UNEP financial rule 203.3);

- (b) Acceptance by the Executive Director of counterpart contributions from Governments or cooperating agencies or supporting organizations or others made in cash or in kind for the cost of specific services and facilities as set out in individual project documents (UNEP financial rule 204.1);
- (c) Acceptance of counterpart contributions, as outlined in rule 204.1 above, that are made by profit-making organizations, by the Executive Director as long as the contributions are directed towards activities consistent with the programme of work and only with the prior approval of the Governing Council or its subsidiary body (UNEP financial rule 203.3);
- (d) Submission to and clearance by the UNEP Deputy Executive Director of all outgoing letters which have an impact on staff or financial resources or, as stated in the instruction of the Executive Director dated 16 October 1998, and the explanatory memorandum of the Deputy Executive Director dated 12 November 1998, “all communications that solicit funds from Governments or other bodies outside UNEP and/or touch upon personnel matters”;
- (e) All voluntary (or. “counterpart”) contributions in cash have to be deposited to UNEP trust fund accounts and must not be directed by the contributor to the imprest account of the secretariat (instruction by Deputy Executive Director to the CMS secretariat dated 27 January 1999, and confirmation dated 11 May 1999).

B. Contributions in kind, in lieu of payments in cash of the obligatory contribution for administrative costs of convention secretariats.

6. This is, of course, a different issue and much more under discussion than the above-mentioned arrangements. It was included in the Final Act (see reference citation in the draft resolution AEWA res.1.6.). It is suggested that this issue, in particular, should be taken up by the Technical Committee. This should be done in close cooperation with the CMS and other agreement secretariats, with a view to developing a policy applicable throughout CMS and it should not lead to the emergence of different policies within the working conditions of different agreements.
7. The interim secretariat therefore proposes that, for voluntary contributions, if provided to the AEWA secretariat, the previously accepted guidelines for CMS, as amended for AEWA (see AEWA/MOP1.13), are to be applied by the AEWA secretariat in line with the instructions by the Executive Director of UNEP.
8. With regard to contributions in kind in lieu of cash payments for the obligatory costs of secretariats, the much more time is needed to resolve the issue. The interim secretariat therefore proposes that the meeting of the Parties, at its first meeting, entrust this matter to the Technical Committee and that at its second meeting, by the end of 2002, the meeting of the Parties should adopt an appropriate decision on the matter.

Annex

GUIDELINES FOR THE ACCEPTANCE OF FINANCIAL CONTRIBUTIONS

1. Background

- 1.1 The Meeting of the Parties to the African-Eurasian Waterbird Agreement, at its first meeting, considered the funding of special projects by external voluntary contributions. It invited all Parties, non-Party range States, governmental, intergovernmental and non-governmental organisations and other sources to contribute to its trust fund or to special activities.
- 1.2 The secretariat and the Technical Committee will continue to identify key priority areas in accordance with which projects should be developed as appropriate.

2. United Nations framework

- 2.1 Regarding guidelines for voluntary contributions, the United Nations Financial Rules (rules 107.5, 107.6, 107.7) state as follows:

Rule 107.5

In cases other than those approved by the General Assembly, the establishment of any trust fund or the receipt of any voluntary contribution, gift or donation to be administered by the United Nations requires the approval of the Secretary-General, who may delegate this authority to the Under-Secretary General for Administration and Management.

Rule 107.6

No voluntary contribution, gift or donation for a specific purpose may be accepted if the purpose is inconsistent with the policies and aims of the United Nations.

Rule 107.7

Voluntary contributions, gifts of donations which directly or indirectly involve an immediate or ultimate financial liability for the Organization may be accepted only with the approval of the General Assembly.

- 2.2 Although the Meeting of the Parties to AEWA has the competence to approve or reject voluntary contributions and to decide on general guidelines, in doing so it should take account of the above United Nations rules *mutatis mutandis*.

3. Approval of list of donors

- 3.1 Donors which are not governmental institutions of Parties or non-Parties to the Agreement must be approved as such by the Technical Committee before their contributions are accepted by the secretariat. The Technical Committee may authorize its Chair to decide on its behalf, should it not

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be possible, for practical reasons, to solicit the approval of the Technical Committee in a timely manner, or should the proposed contribution be insubstantial (i.e., less than \$15,000).

- 3.2 Sources that are known to have been involved in interests or activities which conflict with the aims of the Agreement and any organization or individual that has deliberately brought, or might bring, the Agreement into public disrepute, shall be excluded. The same shall apply where there is a risk that the source might try to influence the decisions of any organ of the Agreement where the source, in the opinion of the Technical Committee, has, or has had in the past, an environmentally unfriendly attitude.

4. Acceptance of extraordinary contributions

- 4.1 Voluntary contributions may be accepted only when the purpose is consistent with the policies and aims of the Agreement.
- 4.2 Voluntary contributions shall not have an immediate or ultimate financial liability for the AEWA trust fund without the prior consent of the Meeting of the Parties or the Technical Committee.
- 4.3 All monetary contributions shall be paid in freely convertible currency; exceptions may, however, be made for special projects if the currency in question can be used effectively.
- 4.4 Voluntary contributions in kind may be accepted, provided that they are used to cover activities approved by the Meeting of the Parties or the Technical Committee. These may include *inter alia*, direct or indirect involvement in a joint project, free office accommodation, equipment, or the secondment of staff.
