

Agenda Item 18.2.

Draft Resolutions

Financial and Administrative Matters for
the Forthcoming Financial Period

Document 18.2.a

**Draft Resolution:
Financial and Administrative Matters
for the Forthcoming Financial Period**

Action Requested

- Propose amendments of the draft resolution text
- Endorse the draft resolution

Submitted by

Secretariat



**NOTE:
DELEGATES ARE KINDLY REMINDED
TO BRING THEIR OWN COPIES OF DOCUMENTS TO THE MEETING**

Secretariat's Note

This draft resolution does not yet contain a budget proposal to be forwarded to MOP8, since several options will be considered by the Advisory Committee.

The budget proposals for the quadrennium 2017-2020 as developed by the Secretariat can be found in AC22/Doc.18.2.b.

Draft Resolution

Financial and Administrative Matters

Recalling Article 6.1 c) of the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (hereinafter referred to as "the Agreement"), which states that the Meeting of Parties shall consider and decide upon "the establishment and review of financial arrangements and the adoption of a budget for the forthcoming three years";

Having regard to Article 7 of the Agreement, which states that the Parties agree to share the cost of the budget according to the United Nations scale of assessment and that these sums shall be paid to the government or international organization hosting the Secretariat;

Appreciating that the financial situation of the Agreement has continued at a satisfactory level since the previous Session as a result of voluntary support received and careful stewardship by the Secretariat;

Giving special thanks to the Government of Germany for providing, and agreeing to continue to provide, the accommodation for the Secretariat on a rent-free basis and its annual voluntary contribution in support of special measures and projects aimed at improving the implementation of the Agreement;

Acknowledging with appreciation also the additional support provided on a voluntary basis by the Government of the United Kingdom and the Government of the Netherlands to contribute to the implementation of the Agreement;

Recognizing the need to provide sufficient resources, including manpower, to enable the Secretariat of the Agreement to continue to carry out the Agreement's Work Plan and to serve its Parties;

Appreciating the willingness of the Parties to the Convention on Migratory Species (CMS) to continue to provide Secretariat services to ASCOBANS (CMS Resolution 11.1, Quito, Ecuador, November 2014);

The Meeting of the Parties:

1. *Adopts* the budget for 2017-2020 attached as Annex 1 to this resolution;
2. *Further adopts* the scale of annual contributions, based on the UN Scale of Assessment, as listed in Annex 2 to the present resolution and *decides* to apply that scale pro rata to new Parties;
3. *Agrees* that the maximum contribution shall be restricted to 20 per cent of the total budget;
4. *Reiterates* that in accordance with Paragraph 7.2 of the Agreement, the annual contributions are to be paid as soon as practicable after the end of March and no later than the end of June of the calendar year to which they relate;
5. *Decides* that all contributions to the Trust Fund shall be paid in Euros;
6. *Further decides* that there shall be maintained a working capital at a constant level of at least 15 per cent of estimated annual expenditure or three months' salaries, whichever is higher;
7. *Requests* Parties that are required to pay a small contribution to consider paying for the whole financial period in one instalment;
8. *Decides* to continue the current Secretariat arrangements and therefore *decides* that the UNEP/CMS Secretariat shall continue to serve as the Secretariat pursuant to provision

No. 4 of the ASCOBANS Agreement[, and that the Executive Secretary of UNEP/CMS shall be [Acting] Executive Secretary for ASCOBANS];

9. *Instructs* the Secretariat to allocate the contributions of Parties that accede to the Agreement after 1 January 2017 towards the funding of approved activities not covered by the core budget;

10. *Further instructs* the Secretariat to report on its income and expenditure to the Advisory Committee at each of its meetings, and to report back to the Meeting of Parties at its next session;

11. *Requests* the Secretariat to monitor carefully exchange rate fluctuations and adjust levels of expenditure, where necessary;

12. *Authorizes* the Advisory Committee to decide upon withdrawals from the Trust Fund of the core budget reserve in the event of unforeseen major shortfalls on established budget lines and subject to the provision of satisfactory documentation by the Secretariat;

13. *Authorizes* the Secretariat, subject to paragraph 6 above, to approve withdrawals from the fund balance to finance conservation projects approved by the Parties;

14. *Invites* Parties and Non-Party Range States, governmental, intergovernmental and non-governmental organizations to make voluntary contributions towards special activities for the implementation of the Agreement;

15. *Encourages* Parties to consider financing Junior Professional Officers and/or providing technical experts to the Secretariat to increase its capacity in line with UN Rules and Regulations;

16. *Requests* the Secretariat to provide Parties with a detailed list of ongoing and future activities and projects not covered by the core budget, to assist Parties and others to identify those they intend to fund;

17. *Requests* the Executive Director of UNEP to extend the duration of the Trust Funds to 31 December 2020;

18. *Requests* the Executive Director of UNEP to consider, as appropriate, providing financial support for special activities;

19. *Approves* the Terms of Reference for the administration of the Trust Funds, as set out in Annex 3 to this Resolution, for the period 2017-2020.

Annex 1 to the Resolution
Budget Estimates for 2017-2020– ASCOBANS Trust Fund (BA) in Euro

Annex 2 to the Resolution
Scale of Contributions by Parties
to the UNEP/ASCOBANS Trust Fund for 2017-2020 in Euro

Annex 3 to the Resolution
Terms of Reference
for the Administration of the Trust Funds for the Agreement on the Conservation of
Small Cetaceans of the Baltic, North East Atlantic, Irish And North Seas

1. The Trust Funds for the Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas (hereinafter referred to as the Trust Funds) shall be extended for a period of four years to provide financial support for the aims of the Agreement.
2. The financial period for budgeting and reporting purposes of the Agreement shall be the period beginning 1 January 2017 and ending 31 December 2020.
3. The Trust Funds shall continue to be administered by the Executive Director of the United Nations Environment Programme (UNEP), subject to the approval of the Governing Council of UNEP.
4. The administration of the Trust Funds shall be governed by the Financial Regulations and Rules of the United Nations, the Staff Regulations and Rules of the United Nations and other administrative policies or procedures promulgated by the Secretary-General of the United Nations.
5. In accordance with United Nations rules, UNEP shall deduct from the expenditure of the Trust Funds an administrative charge equal to 13 per cent of the expenditure charged to the Trust Funds in respect of activities financed under the Trust Fund.
6. In the event that the Parties wish the Trust Funds to be extended beyond the financial period, the Executive Director of UNEP shall be so advised in writing immediately after the eighth session of the Meeting of Parties. It is understood that such extension of the Trust Funds shall be decided at the discretion of the Secretary-General of the United Nations.
7. The financial resources of the Trust Funds for 2017-2020 shall be derived from:
 - (a) The contributions made by the Parties by reference to Annex 2, including contributions from any new Parties; and
 - (b) Further contributions from Parties and contributions from States not Parties to the Agreement, other governmental, intergovernmental and non-governmental organizations and other sources.
8. All contributions to the Trust Fund shall be paid in Euros. Contributions shall be paid in annual instalments. The contributions shall be due on 1 January for each budget year. Contributions shall be paid into the following account:

UNEP Euro Account
JP Morgan AG
PO Box 60284
Junghoffstr. 14
60311 Frankfurt/Main
Germany
Account No. 6161603755
Bank code number 501 108 00
SWIFT No. CHASDEFX
IBAN: DE 56501108006161603755

9. For contributions from States that become Parties after the beginning of the financial period, the initial contribution (from the thirtieth day after deposit of the instrument of ratification, acceptance or accession until the end of the financial period) shall be determined pro rata based on the contribution of other States Parties on the same level on the United Nations scale of assessment, as it applies from time to time. However, if the contribution of a new Party determined on this basis were to be more than 20 per cent of the budget, the contribution of that Party shall be 20 per cent of the budget for the financial year of joining (or *pro rata* for a partial year). Contributions of Parties acceding to the Agreement during the ongoing financial period will not be used to reduce the subscriptions of existing Parties during that financial period, but will rather flow into the Trust Fund of the core budget. Contributions for all Parties throughout the financial period shall be based on the UN Scale of Assessments applicable at the time of adoption of this resolution.

10. For the convenience of the Parties, for each of the years of the financial period the Executive Director of UNEP shall as soon as possible notify the Parties to the Agreement of their assessed contributions.

11. Contributions received into the Trust Funds that are not immediately required to finance activities shall be invested at the discretion of the United Nations, and any income shall be credited to the Trust Funds.

12. The Trust Funds shall be subject to audit by the United Nations Board of Auditors.

13. The budget estimates covering the income and expenditure for each of the calendar years constituting the financial period to which they relate, prepared in Euros, shall be submitted to the ordinary session of the Meeting of Parties to the Agreement.

14. The estimates of each of the calendar years covered by the financial period shall be divided into sections and objects of expenditures, shall be specified according to budget lines, shall include references to the programmes of work to which they relate, and shall be accompanied by such information as may be required by or on behalf of the contributors, and such further information as the Executive Director of UNEP may deem useful and advisable.

15. The proposed budget, including all the necessary information, shall be dispatched by the Secretariat to all Parties at least ninety days before the date fixed for the opening of the ordinary session of the Meeting of Parties at which they are to be considered.

16. The budget shall be adopted by a three-quarters majority of the Parties present and voting at the ordinary session.

17. In the event that the Executive Director of UNEP anticipates that there might be a shortfall in resources over the financial period as a whole, the Executive Director shall consult with the Secretariat, who shall seek the advice of the Advisory Committee as to its priorities for expenditure.

18. Commitments against the resources of the Trust Funds may be made only if they are covered by the necessary income of the Agreement.

19. Upon the request of the Secretariat of the Agreement, after seeking the advice of the Advisory Committee, the Executive Director of UNEP should, to the extent consistent with the Financial Regulations and Rules of the United Nations, make transfers from one budget line to another. At the end of any calendar year within the financial period, the Executive Director of UNEP may transfer any uncommitted balance of appropriations to the following calendar year, provided that the total budget approved by the Parties is not exceeded, unless specifically sanctioned by the Advisory Committee.

20. At the end of each calendar year within the financial period¹, the Executive Director of UNEP shall submit to the Parties, through the Secretariat of the Agreement, the year-end accounts. The Executive Director shall also submit, as soon as practicable, the audited accounts for the financial period. These shall include full details of actual expenditure compared to the original provisions for each budget line.

21. Those financial reports required to be submitted by the Executive Director of UNEP shall be transmitted simultaneously by the Secretariat of the Agreement to the members of the Advisory Committee.

22. The present terms of reference shall be effective from 1 January 2017 to 31 December 2020.

¹ The calendar year 1 January to 31 December is the accounting and financial year, but the accounts official closure date is 31 March of the following year. Thus, on 31 March the accounts of the previous year have to be closed, and it is only then that the Executive Director can submit the accounts of the previous calendar year.