



THIRD MEETING OF THE TECHNICAL COMMITTEE OF THE AGREEMENT ON THE
CONSERVATION OF AFRICAN-EURASIAN MIGRATORY WATERBIRDS (AEWA)
TANZANIA, 27-28 MAY 2002

GUIDELINES ON CONTRIBUTIONS IN KIND (revised version 22/05/02)

INTRODUCTION

During the Negotiation Meeting to adopt the AEWA (June 1995, The Hague) the Meeting of the Parties was invited to consider at its first session the possibility of accepting from a given Party contributions in kind in lieu of contributions in cash to the budget of the Agreement, with the understanding that such contributions in kind from a given Party should be limited only in exceptional circumstances and that the nature of the contributions must correspond to the needs and objectives of the Agreement

At the First Session of the Meeting of the Parties, which took place in Cape Town, South Africa (November 1999) the issue of contributions in kind was discussed and the outcome of this was that the Meeting instructed the Secretariat of the Agreement to examine, in close consultation with the Technical Committee, the United Nations Environment Programme and the Convention Secretariat, the feasibility of countries making their contributions to the Agreements budget in kind instead of in cash and to report to the next Meeting of the Parties. Furthermore the Agreement Secretariat was instructed, if such a possibility is an option, to develop, with the Technical Committee and in close consultation with the United Nations Environment Programme and the Convention Secretariat, criteria to establish a preliminary list of Range States to which this decision might apply, for discussion at the first meeting of the Technical Committee.

At the second Meeting of the Technical Committee (November 2001, France) the Executive Secretary presented document TC 2.8 stressing, that although for some countries to pay their annual contribution to the budget of the Agreement in accordance with Article V paragraph 2 a of the Agreement, this could lead to serious financial problems. Therefore he suggested that this option should be limited to developing countries and economies in transitions that have to pay more than US \$ 1,000 per annum.

The representative of UNEP/ UNON, Ms Jasmin Kanza informed the Technical Committee that consultation with UNEP and UNON had revealed that so far there was no precedent for a procedure regarding contributions in kind in lieu of cash to the budget of an international treaty. However the Committee was free to make proposals and, if they were adopted by MOP2, this would be the first case study.

Since the previous Technical Committee meeting UNON has informed the Secretariat not to be in favour of a provision to pay the annual contribution to the budget of the Agreement in kind instead of in cash. Furthermore the Secretariat elaborated its proposal in terms of making a list of Range States that might fulfill the criteria as discussed during the second meeting of the Technical Committee.

PROPOSAL REGARDING ACCEPTANCE OF CONTRIBUTIONS IN KIND.

As indicated above the idea was to come up with a proposal regarding contributions in kind and to discuss this at the first meeting of the Technical Committee. The Agreement Secretariat sought advice from the Budget and Funds Management Service of UNON. On the 10th of October 2001 a response was received (attached hereto). This response partly clarifies the common practice and conditions applicable for acceptance of contributions in kind. However it does not clarify if contributions in kind can be set in place of the annual financial contribution to the AEWA Trust Fund. Also it is not clear if there are guidelines for similar cases in other conventions. To bring this discussion a step further the AEWA Secretariat reconsidered the idea of contributions in kind and divided this matter in the following two issues:

- a) contributions in kind to the Trust Fund to cover the 'running costs of the Secretariat'
- b) voluntary contributions in kind to the Agreement Secretariat and/ or activities to implement the Agreement.

Contributions in kind to cover the 'running costs of the Secretariat'

As laid down in the Final Act of the Negotiation Meeting to adopt the AEWA (June 1995, The Hague) the acceptance of contributions in kind in lieu of contributions in cash to the budget of the Agreement should be permitted only in exceptional circumstances. The Agreement Secretariat proposes to use the following criteria to decide if a given Party is eligible to pay their annual contribution to the budget of the Agreement in kind in lieu of contribution in cash:

- a) The given Party should be a country with economies in transition and/ or developing country.
- b) An official request should be sent by the Government to the Agreement Secretariat. This request should justify why the specific country requests to pay the annual contribution in kind instead of in cash. The request should include a proposal regarding the nature of the contribution in kind.
- c) The annual contribution to the Agreement budget should be at least US \$ 5,000.

Based on the criteria mentioned-above only the following AEWA Range State would be eligible to apply for this provision namely: Russian Federation.

The Standing Committee/ Technical Committee in close cooperation with the Agreement Secretariat should discuss the request of a given Party taking into account that only in exceptional circumstances such a request could be approved. Furthermore the Standing Committee/ Technical Committee in close cooperation with the Agreement Secretariat should take into account that the nature of the contribution in kind corresponds to the needs and objectives of the Agreement. In case contributions in kind of a given Party will be accepted this will be only for period until the next Meeting of the Parties. After the Meeting of the Parties the given Party again may request to accept contributions in kind in lieu of contributions in cash to the budget of the Agreement.

Voluntary contributions in kind to the Agreement Secretariat and/ or activities to implement the Agreement

The Agreement Secretariat would welcome any voluntary contributions in kind by any Contracting / Non-Contracting Party or organisation to support the Agreement Secretariat and/ or the activities to implement the Agreement. These contributions will be quantified and be reflected in kind contributions in the project budget. Regarding Gratis Personnel the some restrictions are applicable as laid down in the Administrative Instructions (ST/AI/1999/6) as adopted by the United Nations General Assembly as attached hereto.

Draft RESOLUTION

GUIDELINES FOR THE ACCEPTANCE OF CONTRIBUTIONS IN KIND IN LIEU OF CASH TO THE BUDGET OF THE AGREEMENT

Recalling the Final Act of the Negotiation Meeting on the Agreement on the Conservation of African-Eurasian Migratory Waterbirds held in The Hague, in June 1995 which “invited the Meeting of the Parties to consider at its first session the possibility of accepting from a given Party contributions in kind in lieu of contributions in cash to the budget of the Agreement, with the understanding that such contributions in kind from a given Party should be permitted only in exceptional circumstances and that the nature of the contribution must correspond to the needs and objectives of the Agreement”,

Further Recalling resolution 1.8 of the first session of the Meeting of the Parties to the Agreement held in Cape Town in 1999, which instructed the Secretariat of the Agreement to examine, in close cooperation with the Technical Committee, the United Nations Environment Programme and the Convention Secretariat, the feasibility of countries making their contributions to the Agreement in kind instead of in cash, to develop criteria to establish a preliminary list of Range States to which this decision might apply and to report to the next Meeting of the Parties.

Aware of the need to create such circumstances that all Range States can contribute to the functioning and implementation of the Agreement,

Referring to the Guidelines for acceptance of contributions in kind in lieu of cash, adopted by the Technical Committee at its 3rd meeting; and

Appreciating that the Technical Committee has invited the Meeting of the Parties to endorse the Committee’s recommendation:

Decides that in exceptional circumstances contributions to the budget of the Agreement in accordance with Article V paragraph 2 a may be accepted in kind in lieu of cash;

Determines that only Parties that fulfill the following criteria would be eligible to apply this decision on payments in kind instead of in cash:

- a) The given Party is a country with economies in transition or a developing country;
- b) The Government of the Party has submitted an official request to the Agreement Secretariat explaining the reason for this request and the nature of the contribution in kind;
- c) The level of annual contribution to the Agreement budget is at least US \$ 5,000

Further determines that any approval of contributions in kind instead of cash for a given Party will expire at the next ordinary session of the Meeting of the Parties;

Instructs the Secretariat to forthwith such a request to the members of the Standing Committee.

Further instructs the Standing Committee in close cooperation with the Agreement Secretariat to review if the nature of the contribution in kind corresponds with the needs and objectives of the Agreement;

Decides to mandate the implementation of the decision to the Standing Committee in close cooperation with the Agreement Secretariat and the United Nations Environment Programme.