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SECOND SESSION OF THE MEETING OF THE PARTIES TO THE AGREEMENT ON THE
CONSERVATION OF AFRICAN-EURASIAN MIGRATORY WATERBIRDS (AEWA)
GERMANY, 25-27 SEPTEMBER 2002

GUIDELINES ON CONTRIBUTIONS IN KIND

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 third Meeting of the Technical Committee (May 2002, Tanzania) the Executive Secretary presented document TC 3.10. Consultation of UNEP/ UNON, which had revealed that so far no precedent for a procedure regarding contributions in kind in lieu of cash to the budget of an international treaty has occurred. It became also clear that Governing bodies of Multilateral Environmental Agreements are free to take their own decision in this respect.

The Technical Committee reviewed the attached proposal during their third meeting and approved it.

PROPOSAL REGARDING ACCEPTANCE OF CONTRIBUTIONS IN KIND.

In accordance with Resolution 1.6 paragraph 1 the Agreement Secretariat was instructed by MOP1 to examine, in close cooperation with the Technical Committee, UNEP and the Convention Secretariat, the feasibility of countries making their contributions to the Agreements budget in kind instead of cash and to report back to the next MOP. Therefore the Agreement Secretariat sought advice from the Budget and Funds Management Service of UNON. On 10 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 in lieu of cash to the budget of the Agreement

Contributions in kind in lieu of cash

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. In the view of Secretariat these exceptional circumstances would probably only occur when the annual budget is relatively high and would amount more than a few thousand US dollars.

The Technical Committee reviewed the proposal of the Agreement Secretariat and recommends using 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 which demonstrated the exceptional circumstance;
- c) The nature of the contribution in kind is consistent with the needs and objectives of the Agreement.

The Standing Committee in close cooperation with the Agreement Secretariat should discuss and decide on the request of a given Party taking into account the criteria mentioned-above.