

**TERMS OF REFERENCE FOR THE ADMINISTRATION OF THE TRUST FUND  
FOR THE CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES  
OF WILD ANIMALS**

1. The Trust Fund for the Convention on the Conservation of Migratory Species of Wild Animals (hereinafter referred to as the Trust Fund) shall be continued for a period of three years to provide financial support for the aims of the Convention.
2. The financial period shall be three calendar years beginning 1 January 2006 and ending 31 December 2008.
3. The Trust Fund 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 and the consent of the Secretary-General of the United Nations.
4. The administration of the Trust Fund 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 income of the Trust Fund an administrative charge equal to 13 per cent of the expenditure charged to the Trust Fund in respect of activities financed under the Trust Fund. In the case of voluntary contributions, the Executive Director of UNEP will be prepared to allocate to the CMS Trust Fund the programme support cost portion of funds received as voluntary contributions with a view to providing additional support for CMS Secretariat projects. Those allocations will be issued by the Executive Director based on the proposals of the Executive Secretary of CMS.
6. In the event that the Parties wish the Trust Fund to be extended beyond 31 December 2008, the Executive Director of UNEP shall be so advised in writing immediately after the ninth meeting of the Conference of the Parties. It is understood that whether to so extend the Trust Fund shall be decided by and at the discretion of the Secretary-General of the United Nations.
7. The financial resources of the Trust Fund for 2006-2008 shall be derived from:
  - (a) The contributions made by the Parties by reference to annex II, including contributions from any new Parties; and
  - (b) Further contributions from Parties and contributions from States not Parties to the Convention, other governmental, intergovernmental and non-governmental organizations and other sources.
8. All contributions to the Trust Fund shall be paid in euros. For contributions from States that become Parties after the beginning of the financial period, the initial contribution (from the first day of the third month after deposit of the instrument of ratification, acceptance or accession till the end of the financial period) shall be determined pro rata based on the

contributions of other States Parties on the same level as 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 22 percent of the budget, the contribution of that Party shall be 22 percent of the budget for the financial year of joining (or pro rata for a partial year). The scale of contributions for all Parties shall then be revised by the Secretariat on 1 January of the next year. Contributions shall be paid in annual instalments. Contributions shall be due on 1 January 2006, 2007 and 2008.

9. Contributions shall be paid into the following accounts:

(a) Contributions in euros:

UNEP Euro Account  
Account No. 616160755  
J.P. Morgan AG  
Gruneburgweg 2  
60322 Frankfurt/Main  
Germany  
Bank code number 501 108 00  
SWIFT No. CHASDEFX  
IBAN: DE 565011080061616 03755

(b) Contributions in dollars:

UNEP Trust Fund  
Account No. 485 000 326  
J.P. Morgan Chase  
International Agencies Banking  
1166 Avenue of the Americas, 17th Floor  
New York, N.Y. 10036-2708, USA  
Wire transfers: Chase ABA number 021000021  
SWIFT number BIC-CHASUS33  
CHIPS participant number 0002

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 Convention of their assessed contributions.

11. Contributions received into the Trust Fund 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 Fund.

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

13. Budget estimates covering the income and expenditure for each of the three calendar years constituting the financial period, prepared in euros (with dollar equivalents), shall be submitted to the ordinary meeting of the Conference of the Parties to the Convention.

14. The estimates for each of the calendar years covered by the financial period shall be divided into sections and objects of expenditure, 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. In particular, estimates shall also be prepared for each programme of work for each of the calendar years, with expenditures itemized for each programme so as to correspond to the sections, objects of expenditure and budget lines described in the first sentence of the present paragraph.

15. In addition to the budget estimates for the financial period described in the preceding paragraphs, the Secretariat of the Convention, in consultation with the Standing Committee and the Executive Director of UNEP, shall prepare a medium-term plan as envisaged in chapter III of the Legislative and Financial Texts Regarding the United Nations Environment Programme and the Environment Fund. The medium-term plan will cover the years 2006 to 2011, inclusive, and shall incorporate the budget for the financial period 2006–2008.

16. The proposed budget and medium-term plan, including all necessary information, shall be dispatched by the Secretariat to all Parties at least 90 days before the date fixed for the opening of the ordinary meeting of the Conference of the Parties at which they are to be considered.

17. The budget and medium-term plan shall be adopted by unanimous vote of the Parties present and voting at that ordinary meeting.

18. 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, which shall seek the advice of the Standing Committee as to its priorities for expenditure.

19. Commitments against the resources of the Trust Fund may be made only if they are covered by the necessary income of the Convention. No commitments shall be made in advance of the receipt of contributions.

20. Upon the request of the Secretariat of the Convention, after seeking the advice of the Standing 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 the first calendar year of the financial period, the Executive Director of UNEP may proceed to transfer any uncommitted balance of appropriations to the second calendar year, provided that the total budget approved by the Parties shall not be exceeded, unless specifically sanctioned in writing by the Standing Committee.

21. At the end of each calendar year of the financial period,<sup>1</sup> the Executive Director of UNEP shall submit to the Parties, through the UNEP/CMS Secretariat, the accounts for the year in euros. The Executive Director shall also submit, as soon as practicable, the audited accounts for the financial period, in euros (with dollar equivalent). Those accounts shall include full details of actual expenditure compared to the original provisions for each budget line.

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<sup>1</sup> The calendar year 1 January to 31 December is the accounting and financial year, but the account's official closure date is 31 March of the following year. Thus, on 31 March the accounts of the previous year must be closed, and it is only then that the Executive Director may submit the accounts of the previous calendar year.

22. Those financial reports required to be submitted to the Executive Director of UNEP shall be transmitted simultaneously by the Secretariat of the Convention to the members of the Standing Committee.

23. The Secretariat of the Convention shall provide the Standing Committee with an estimate of proposed expenditures over the coming year simultaneously with, or as soon as possible after, distribution of the accounts and reports referred to in the preceding paragraphs.

24. The present terms of reference shall be effective from 1 January 2006 to 31 December 2008.