

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 for three calendar years beginning 1 January 2003 and ending 31 December 2005.
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.
6. In the event that the Parties wish the Trust Fund to be extended beyond 31 December 2005, the Executive Director of UNEP shall be so advised in writing immediately after the Eighth Meeting of the Conference of the Parties. It is understood that such extension of the Trust Fund shall be decided at the discretion of the Secretary-General of the United Nations.
7. The financial resources of the Trust Fund for 2003-2005 shall be derived from:
  - (a) The contributions made by the Parties by reference to Annex 2, including contributions from any new Parties;
  - (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 fully convertible United States dollars. 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 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 would be more than 22 per cent of the budget, the contribution of that Party shall be 22 per cent of the budget for the financial year of joining (or *pro rata* for a part-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 installments. The contributions shall be due on 1 January 2003, 2004 and 2005.

Contributions shall be paid into the following account:

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

9. 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.

10. 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.

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

12. The budget estimates covering the income and expenditure for each of the three calendar years constituting the financial period to which they relate, prepared in US dollars, shall be submitted to the ordinary meeting of the Conference of the Parties to the Convention.

13. 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. In particular estimates shall also be prepared for each programme of work for each of the calendar years, with expenditure itemized for each programme so as to correspond to the sections, objects of expenditure, and budget lines described in the first sentence of this paragraph.

14. 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 2003-2008, inclusive, and shall incorporate the budget for the financial period 2003-2005.

15. The proposed budget and medium-term plan, 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 meeting of the Conference of the Parties.

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

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 Standing Committee as to its priorities for expenditure.

18. 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.

19. 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 this is specifically sanctioned in writing by the Standing Committee.

20. 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. 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 to the Executive Director of UNEP shall be transmitted simultaneously by the Secretariat of the Convention to the members of the Standing Committee.

22. 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.

23. The present terms of reference shall be effective from 1 January 2003 to 31 December 2005.

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<sup>1</sup> 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.