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DESIGNATION OF A PERMANENT SECRETARIAT
AND ARRANGEMENTS FOR ITS FUNCTIONING

Note by the Executive Secretary

Addendum

INSTITUTIONAL LINKAGE

Note by the Secretary-General of the United Nations on an
institutional arrangement for the permanent secretariat

1. At its eleventh session, the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change invited the Secretary-General of the United Nations to complete his advice on this subject by recommending, for consideration by the Conference of the Parties at its first session, an efficient arrangement for administrative support to the Convention secretariat that would ensure proper procedures, controls and accountability, while allowing for managerial autonomy, flexibility and full accountability to the Conference of the Parties (A/AC.237/91, para. 101).
2. In response to the above-mentioned invitation from the Committee, the Special Adviser to the Secretary-General has conveyed to the President of the Conference of the Parties a note by the Secretary-General (see attached annex and appendix) containing a proposal that is based on the assumption that the Conference of the Parties will act on the recommendations of the Committee concerning the institutional linkage of the Convention secretariat to the United Nations and the financial procedures for the Conference of the Parties, its subsidiary bodies and the Convention secretariat.

Annex

Letter dated 5 April 1995 to the President of the Conference of the Parties to the United Nations Framework Convention on Climate Change from the Special Adviser to the Secretary-General of the United Nations

I have the honour to refer to your letter of 3 April 1995 to the Secretary-General concerning the decision by the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change to invite the Secretary-General of the United Nations to recommend, for consideration by the Conference of the Parties at its first session, "an efficient arrangement for administrative support to the Convention secretariat that would ensure proper procedures, controls and accountability, while allowing for managerial autonomy, flexibility and full accountability to the Conference of the Parties" (A/AC.237/91, para. 101).

In a related decision, the Committee recommended to the Conference of the Parties that it decide that the Convention secretariat be institutionally linked to the United Nations in the manner that had been proposed by the Secretary-General (A/AC.237/91, para. 100).

The attached note by the Secretary-General is a response to the above-mentioned invitation from the Committee. It builds upon the Secretary-General's previous advice on institutional arrangements, notably the sections referring to administrative support and the appointment of the head of the Convention secretariat (A/AC.237/79/Add.1, paras. 12-17).

In line with the recommendations of the Intergovernmental Negotiating Committee concerning the need to ensure managerial autonomy for the Convention secretariat, the proposed arrangement would confer on the head of the Convention secretariat an appropriate degree of delegated authority for financial and personnel management, consistent with the Financial and Staff Regulations and Rules of the United Nations.

The Secretary-General's proposal is based on the assumption that the Conference of the Parties will act on the relevant recommendations of the Intergovernmental Negotiating Committee. It is noted, in this regard, that the Conference of the Parties already has before it, for decision, a text identical to that adopted by the Intergovernmental Negotiating Committee.

It is our understanding that if the Conference of the Parties endorses the Secretary-General's proposal regarding an arrangement for administrative support to the Convention secretariat, the text of the proposed financial procedures would be amended to refer to "the United Nations" in place of "the host organization" and to "the Secretary-General of the United Nations" in place of "the head of the host organization".

.....

(Signed)

Ismat Kittani

Special Adviser to the Secretary-General

Appendix

Administrative support for the secretariat of the United Nations Framework Convention on Climate Change

Note by the Secretary-General

1. This note responds to the decision of the Intergovernmental Negotiating Committee at its eleventh session whereby the Committee decided "to invite the Secretary-General of the United Nations to complete his advice by recommending, for consideration by the Conference of the Parties at its first session, an efficient arrangement for administrative support to the Convention secretariat that would ensure proper procedures, controls and accountability, while allowing for managerial autonomy, flexibility and full accountability to the Conference of the Parties" (A/AC.237/91, para. 101).

2. The advice referred to in that decision is the advice of the Secretary-General on an institutional arrangement for the Convention secretariat that was conveyed to the Committee in document A/AC.237/79/Add.1, annex III. The Committee took account, *inter alia*, of that advice in recommending to the Conference of the Parties "that the Convention secretariat be institutionally linked to the United Nations, while not being fully integrated in the work programme and management structure of any particular department or Programme" (*ibid.*, para. 100).

3. The following advice assumes that the Conference of the Parties will act as recommended by the Committee with respect to the institutional linkage of the Convention secretariat, as well as to the financial procedures for the Conference of the Parties, its subsidiary bodies and its permanent secretariat.

A. Head of the Convention secretariat

4. The Secretary-General will appoint the head of the Convention secretariat after consultation with the Conference of the Parties. The level and term of office of the appointment will be determined by the Conference of the Parties. The term of office may be extended by the Secretary-General after consultation with the Conference of the Parties. Consultations on these matters will be conducted through the Bureau of the Conference of the Parties.

5. The head of the Convention secretariat shall be accountable:

(a) to the Conference of the Parties for the implementation of the policies and programme of work approved by the Conference;

(b) to the Secretary-General as the chief administrative officer of the Organization, including for the observance of the Financial and Staff Regulations and Rules of the United Nations.

B. Personnel matters

6. Except as provided in paragraph 8 below, the head of the Convention secretariat shall have the authority to appoint, promote, transfer and separate those staff whose appointments are limited to service with the Convention secretariat. The head of the secretariat shall establish consultative machinery, with staff participation, to advise on these matters, as appropriate. In the appointment of staff, the head of the Convention secretariat shall conform to the provisions of Article 101, paragraph 3, of the Charter of the United Nations.

7. In addition, staff may also be assigned or seconded to the Convention secretariat on terms to be agreed between the organization assigning or seconding staff and the head of the Convention secretariat.

8. The Secretary-General shall retain the authority to dismiss staff under Chapter X of the staff regulations, and to take decisions on appeals under Chapter XI of those regulations.

9. The United Nations will conduct recruitment at the request and on behalf of the head of the Convention secretariat, and shall administer the staff so recruited. "Administration" in this context will signify taking decisions on, and processing of, statutory entitlements under the staff regulations and rules; and giving effect to the decisions taken by the head of the secretariat regarding the appointment, promotion, transfer and separation of staff.

C. Financial matters

10. The following provisions relating to financial matters will be implemented and interpreted in accordance with the financial procedures adopted by the Conference of the Parties.

11. The Secretary-General will, on request by the head of the Convention secretariat and as authorized by the Conference of the Parties, establish new trust funds required to support the Convention process. These trust funds will be managed by the head of the Convention secretariat. The balances of the trust funds currently established in terms of General Assembly resolution 45/212, paragraph 10 and 20, will be transferred to the new trust funds.

12. The following financial services will be provided by the United Nations, in consultation with the head of the Convention secretariat;

(a) opening of bank accounts;

(b) receipt and posting of contributions, and advice thereof to the head of the Convention secretariat;

(c) such accounting records as may be required by the head of the Convention secretariat;

(d) approval of payments in terms of financial rule 108.9(c) ;

(e) disbursements, including payroll services.

13. The formulation, review and approval of the administrative budget of the Convention shall be solely within the purview of the Conference of the Parties and the Convention secretariat.

14. The head of the Convention secretariat shall issue allotments pursuant to the appropriations approved by the Conference of the Parties. These allotments shall at no time exceed available income.

15. Certification authority for expenditures from each of the Convention trust funds shall reside with the head of the Convention secretariat, who may delegate that authority.

16. The Secretary-General will invest monies not immediately required, in accordance with paragraph 12 of the financial procedures for the Convention.

17. The Office of Internal Oversight Services will provide, within its work programme, for the internal audit of the Convention financial systems.

18. The interim and final accounts for each biennium, as certified by the head of the Convention secretariat, shall be submitted to the Board of Auditors for audit and opinion.

D. Conference services

19. The Secretary-General has noted the recommendation by the Committee to the Conference of the Parties that the Conference request the General Assembly to include, in the United Nations regular budget, provision for conference services for sessions of the Conference and its subsidiary bodies (A/AC.237/91, para. 116). The Secretary-General will convey to the General Assembly, as appropriate, any decision that the Conference of the Parties may adopt on this matter. Pending a decision by the General Assembly, the Office of Conference and Support Services is ready to assist in the planning of the pattern of meetings of the Conference and its subsidiary bodies for the biennium 1996-1997.

E. Procurement of goods and services

20. The procurement services of the United Nations will be available, on request, to the head of the Convention secretariat. Bearing in mind however that, at least for the first biennium, procurement for the Convention secretariat is likely to be limited to furniture, office supplies and equipment, the head of the Convention secretariat will receive delegated authority to approve procurement of goods up to a maximum of US\$50,000 for each transaction, and to ensure in this regard the observance of the relevant financial regulations and rules.

F. Provision and maintenance of office space

21. The Secretary-General notes that the provision and maintenance of office space for the Convention secretariat may be covered by arrangements with the host Government, once the physical location of the secretariat is decided by the Conference of the Parties. Should it be necessary to do so, the Secretary-General will make proposals in due course concerning any aspects of this matter that may not be adequately covered by such arrangements.

G. Reimbursement to the United Nations for services rendered

22. In consideration of the services rendered by the United Nations to the Conference of the Parties and its permanent secretariat, the United Nations shall receive each year, from the administrative budget of the secretariat, an amount of 13 per cent of the total expenditures of the preceding year, as set out respectively in the interim and final accounts. The level of reimbursement will be subject to review in the light of experience.