Delegation of Authority on Administrative and Financial Matters

From: Achim Steiner, Executive Director of the United Nations Environment Programme (UNEP)

To: John Scanlon, Secretary General of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

Accountability context

1. This delegation of authority aims to ensure the provision of secretariat services to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES, or the Convention) and to delegate the appropriate authority and responsibility to the Secretary General of CITES (the “Secretary General”) within an accountability context. In this regard, the Executive Director of UNEP (the “Executive Director”) and the Secretary-General acknowledge the following:

   (i) The authority of the Parties to CITES, including through the Conference of the Parties (CoP) or its Standing Committee, is established by the Convention and Resolution Conf. 11.1 (Rev. CoP15), and the Executive Director is required to provide a Secretariat in accordance with Article XII of the Convention. This Delegation of Authority does not affect the nature or scope of the authority entrusted to the Executive Director or the Secretariat by the Convention, the CITES Parties, or any other source, but rather merely specifies those aspects of the Executive Director’s authority with respect to the CITES Secretariat that are delegated to the Secretary-General.

   (ii) Accountability requires a clear and hierarchical structure of delegated authority and authority is personal: it is not possessed solely by virtue of an individual’s office and can be extended or withdrawn as and when necessary.

   (iii) The Secretary-General is appointed by the United Nations Secretary-General on advice from the Executive Director, and is accountable to the Executive Director, within delegated authority, for the management and administration of the CITES Secretariat. The CITES Secretariat is accountable to the CITES Parties, including through the CoP and its Standing Committee, for the implementation of the CITES Costed Programme of Work and all other functions entrusted to it by the Convention and the CITES Parties.
(iv) The Executive Director is responsible for ensuring that the Secretary-General implements the policy guidance of the Conference of the Parties, and between the meetings of the CoP, the policy guidance of its Standing Committee, in exercising the functions of the Secretariat in accordance with the Convention, including such functions as may be entrusted to the Secretariat by the Parties.

(v) The Secretary-General must comply, and the Executive Director must ensure compliance, with all UN regulations, rules and related administrative instructions, including directives issued by the Executive Director, pertaining to the use and management of human, financial and physical resources and to the General Procedures Governing the Operations of the Fund of UNEP (as amended by GC decision 19/25 of 7 February 1997) and the Financial Rules of UNEP, as they apply to the Environment Fund and associated trust funds and earmarked contributions, as promulgated by the Secretary General of the United Nations on 8 October 1998.

(vi) All UNEP trust funds, including those pertaining to CITES have been established in accordance with Article V of the General Procedures Governing the Operations of the Fund of UNEP and as such are governed by the Financial Rules of UNEP. UNEP Financial Rule 201.4 states that all matters not covered by the Financial Rules of UNEP are governed by the Financial Regulations and Rules of the UN (ST/SGB/2003/7).

Authority and responsibility

2. This delegation of authority supersedes all previous delegations to you. Its purpose is to strengthen accountability within UNEP and ensure the efficient and effective operation of the CITES Secretariat. Its operation requires you to submit an annual work plan to the Executive Director. This work plan shall cover the period 1 April to 31 March of the following year and comply, as appropriate, with the format of the Executive Director's compact with the Secretary-General of the United Nations. The work plan of the Secretary-General must be agreed with the Executive Director (and is a requirement of the UN's mandatory Performance Appraisal System (PAS)). In due course you may further delegate elements of this authority within the immediate secretariat of CITES as appropriate but you remain ultimately accountable for its use. Copies of such delegations of authority must be sent to UNEP's Office for Operations (OIO).
Programme management

3. The authority of the Executive Director to manage the implementation of the Costed Programme of Work approved by the Conference of the Parties (CoP) to CITES, and activities financed from the main and extra-budgetary trust funds, earmarked contributions and the CITES allotment from the UNEP Special Account for Programme Support Costs approved by the Executive Director, and the agreed annual work plan referred to in paragraph 2 above, is hereby delegated to you. This includes the authority to approve and sign projects and legal instruments as are required to ensure the implementation of the Costed Programme of Work and budget, providing that all such projects and legal instruments comply with the Financial and Staff Regulations and Rules of the UN and UNEP and related administrative instructions (for guidance please refer to UNEP’s legal instruments guidelines and templates). In this context:

(i) A report listing all signed projects and legal instruments must be provided to OfO (for monitoring and oversight purposes) every six months (from 1 January). All potential deviations from Regulations and Rules of the UN and UNEP and related administrative instructions must be referred to OfO for prior review and clearance. When negotiating projects and legal instruments, special care must be taken to ensure that the UN’s procurement, recruitment and audit policies are upheld.

(ii) Contributions may only be accepted if they do not directly or indirectly involve additional financial liability for the UN or UNEP. If a legal instrument has potential implications for the use of the resources of UNEP’s Environment Fund and/or Special Account for Programme Support Costs or entail the application of a programme support costs rate of less than 13% (unless otherwise agreed between the parties at the corporate (UN/UNEP) level – see point (iii) below), it may be accepted only with my prior clearance. This clearance is to be sought through OfO.

(iii) Where standard corporate agreements exist, such as those with the European Commission, the World Bank and specific donors and UN organizations, they must be applied. If necessary, copies of these agreements can be obtained from OfO. Contribution agreements with the European Commission must comply with the Financial and Administrative Framework Agreement of 29 April 2003 between the European Commission and the United Nations.

(iv) The financial and substantive reporting arrangements set forth in projects and legal instruments must be complied with in a timely manner; timely
financial and substantive reports must also be obtained from implementing partners.

Financial and physical resources management

4. The authority of the Executive Director to manage the implementation of the budget approved by the Conference of the Parties (CoP) and all other CITES budgets including those financed from trust fund (extrabudgetary) resources, earmarked contributions and the CITES allotment from the UNEP Special Account for Programme Support Costs as well as the related components of the agreed annual workplan referred to in paragraph 2 above, is hereby delegated to you on the understanding that all activities must be undertaken within available funds, and in accordance with the purposes for which these funds were accepted, as confirmed by a certifying officer duly-designated as such by the Chief of CSS. In this context, you are responsible for ensuring the efficient and effective use of resources and for ensuring that these resources are used for the purposes for which they are provided. You must continuously review your office/operating costs and, in consultation with the CITES Parties through the CoP or its Standing Committee, leverage common services where these are shown to provide cost-effective services to the Convention. In addition you shall:

(i) Request designation by the Chief of CSS of one or more certifying officer(s) for your office who will assist you in carrying out financial management delegated functions in close collaboration and consultation with CSS.¹

(ii) Request designation by the Director of UNON’s Division of Administrative Services of one or more bank-signatories for the CITES bank account, one or more petty-cash custodians and one or more approving officers.²

(iii) Ensure the proper performance of certifying, bank-signatory and petty-cash management functions, including the separation of duties, required by the Financial Rules that define these responsibilities (see Financial Rules 105.5, 104.5, 104.8 and 104.9 in particular).

¹ Pursuant to Financial Rule 105.5, a Certifying Officer and Alternate Certifying Officer were designated in 2007.

² Pursuant to Financial Rule 104.5, four bank signatories were designated in 2007, of which two signatures are required on all transactions. The Secretary-General and two alternates were designated as authorizing officers in May 2010.
(iv) Ensure the sound management of the CITES bank account in accordance with the applicable Financial Rules. This requires, in particular, that you ensure, in consultation with UNON, that the maximum cash balance does not exceed that permitted by Financial Rule 104.7 and that the monthly reconciliations required under Financial Rule 104.11 be prepared in accordance with requirements established by, and are submitted to, UNON.

(v) Authorize the submission of requisitions for goods, services and facilities to the duly-designated procurement service. In respect of CITES, this means the relevant services of UNOG or UNON.

(vi) Maintain an inventory of property, plant and equipment and submit requests for the disposition and disposal of such assets to CSS for onward transmission to a duly-designated Property Survey Board.

(vii) Authorize hospitality on the basis of an approved hospitality budget and in compliance with ST/AI/2002/8.

(viii) Authorize travel of staff members of your office, including your own, on the basis of a quarterly travel plan and in compliance with ST/AI/1998/3 and ST/AI/2006/4. A copy of this travel plan must be submitted to QAS.

Human resources management

5. The authority of the Executive Director to manage the human resources (HR) assigned to the CITES Secretariat, and ensure the timely initiation and performance of related HR management actions, in accordance with the staffing tables approved by the Conference of the Parties (CoP) and CITES budgets, including those financed from trust funds, earmarked contributions and the CITES allotment from the UNEP Special Account for Programme Support Costs, is hereby delegated to you. In this context, you must implement the related components of the agreed annual work plan referred to in paragraph 2 above, including in relation to the UN’s mandatory ethics and integrity initiatives and financial disclosure, and on the understanding that all HR actions are based on:

(i) An approved quarterly staffing table for the immediate CITES Secretariat and an approved HR Action Sheet signed by me and you. The signed HR Action Sheet shall accompany any HR action taken by the Secretariat.

(ii) Prior certification by a certifying officer duly-designated as such by the Chief of CSS.

Executive Office

P. O. Box 30553, Nairobi, Kenya ∙ Tel: (254 20) 762 3368/3410/3652 ∙ Fax: (254 20) 762 4275 / 4808 ∙ E-mail: executiveoffice@unep.org

www.unep.org
6. Pursuant to the above and subject to clearance by the relevant services of UNOG or UNON you are authorized to:

(i) Launch vacant posts in Inspira or any successor system as may be adopted by the UN.

(ii) Recruit and select all staff up to the P-4 level, including all General Service (GS) staff and make justified recommendations for the selection of all staff at grade P-5 and above.

(iii) On the basis of acceptable performance, as reflected in UN performance appraisals, extend staff contracts for up to 2 years and make justified recommendations to me for the curtailment and non-extension of contracts, at least 3 months prior to the expiry of these contracts.

(iv) Recruit consultants for up to 24 months within a 36-month period and individual contractors for up to 6 months within a 12-month period as per ST/AI/1998/7.

(v) Recruit interns in line with the UN procedures for the selection and engagements of interns at the United Nations.

(vi) Make justified recommendations to me in respect of the recruitment of gratis personnel or Junior Professional Officers as well as professional grade staff transfers, reassignments, secondments, loans, sabbaticals and special leave without pay (for periods in excess of 3 months).

(viii) Nominate staff to participate in UN/UNEP corporate training courses.

Final provisions

7. You will inform me in advance of any actions, or proposed decisions, to be taken by you and your staff, that compromises or complicates adherence to UN regulations, rules and related administrative instructions or that request or require any action by UNEP. You must promptly notify both me and the Parties to the Convention, through the CoP or its Standing Committee, if you perceive a potential conflict between (a) UN regulations, rules or related administrative instructions, and (b) the performance of your duties or the Secretariat's duties under the Convention, or your execution of those duties in accordance with direction from the Parties to the Convention or its Standing Committee. In the event of such a conflict, it will be necessary to coordinate closely with the Parties to the Convention, through the CoP or its Standing Committee, to decide on a mutually acceptable course of action.
8. If any difficulty is experienced interpreting or enforcing UN and UNEP regulations, rules and related administrative instructions, or this delegation of authority, I should be consulted immediately. In this regard, please note that in accordance with UN Financial Rule 101.2 and UN Staff Rules 112.3, 212.2 and 312.2 UN staff members may be held personally and financially liable, and be required to reimburse the UN either partially or in full, for any financial loss suffered by the UN as a result of the staff member's gross negligence or of his or her having violated any regulations, rule and administrative instruction.

9. All other relevant powers and authority vested in me as part of my responsibilities with regard to providing a Secretariat for CITES in accordance with the Convention shall remain with me unless and until specifically accorded to you in writing.

10. Failure to abide by the provisions of this delegation may result in, inter alia, its withdrawal.

11. This delegation of authority will enter into effect on 1 October, 2010, upon receipt of your confirmation, through your signature below, that you understand, accept and will abide by the provisions outlined above.

Signature:

(Achim Steiner)

(John Scanlon)

cc: Amina Mohamed, DED
    Alexander Barabanov, Director, UNON
    John Nollette, Chief, CSS
    Christophe Bouvier, Chief, OFO
    Bakary Kante, Director, DELC