



ADAPTATION FUND

AFB/B.7/7  
September 10, 2009

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Adaptation Fund Board  
Seventh Meeting  
Bonn, September 14-16, 2009

**OFFERS TO CONFER LEGAL CAPACITY, AND TO HOST,  
THE ADAPTATION FUND BOARD**

1. The Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol at its Fourth session decided

*That the Adaptation Fund be conferred such legal capacity as necessary for the discharge of its functions with regard to direct access by eligible Parties and implementing and executing entities, in accordance with decision 1/CMP.3, paragraphs 29 and 30, in particular legal capacity to enter into contractual agreements and to receive project, activity and programme proposals directly and to process them ...*

**(Decision 1/CMP.4, paragraph 11)**

2. At the Fourth meeting of the Adaptation Fund Board an ad hoc working group with mandate to work on the operationalization of the legal capacity of the Adaptation Fund Board was created.

2. The former Chair of the Board and Chair of the working group sent a letter to the UNFCCC focal points of all the Kyoto Protocol Parties inviting them to recognize the legal capacity of, and to host, the Board.

3. At the Fifth meeting of the Board, the Chair of the working reported on its activities during the intersessional period. He presented a number of criteria and elements for the Board to consider when selecting a potential host country. At this same meeting, the Chief Legal Advisor for the UNFCCC Secretariat explained that the best course of action for the Board was to consider any incoming offers and then to ask the CMP to endorse the Board's final selection.

4. The Board decided

*(a) That the Secretariat of the Adaptation Fund Board should reissue the invitation to the Parties to the Kyoto Protocol through their Permanent Missions to the United Nations Headquarters in New York;*

*(b) That the date for the submission of expressions of interest in hosting the Adaptation Fund Board should be received by the Secretariat of the Adaptation Fund Board no later than 26 April 2009;*

*(c) That notwithstanding the 26 April 2009 deadline for the submission of expressions of interest in hosting the Adaptation Fund Board, in some exceptional cases that deadline might be waived;*

*(d) That the ad hoc working group would continue to meet to refine the elements of information that the Board might wish to request from Parties interested in granting legal capacity to, and hosting, the Board, contained in Annex III to the present report;*

*(e) That the working group, in refining the elements of criteria referred to above, would give consideration to the questionnaire contained in Annex I of document A/AC.237/79/Add.4 of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change; and*

*(f) That during the intersessional period the working group would also consider any expressions of interest in hosting the Adaptation Fund Board and then report back to the Board on those expressions of interest, as well as its other intersessional activities, at the Board's sixth meeting.*

**(Decision B.5/2)**

5. In accordance with the mandate above, the Chair of the Board sent a letter to Permanent Missions to the UN of all the Kyoto Protocol Parties on April 6, 2009.

6. Following that letter, the secretariat received three offers in total, up until the final submission date of April 26, 2009, namely:

- I. The Federal Republic of Germany submitted an offer on April 24, 2009.
- II. Barbados presented an offer on April 26, 2009.
- III. The Hellenic Republic of Greece submitted an offer on April 24, 2009. However this offer was rescinded on May 5, 2009.

7. The ad hoc working group reviewed the expressions of interest received. The set of criteria that the Board decided to consider and about which requested information from the Parties interested can be summed up into 4 categories:

- a) The legal framework
- b) The logistical and financial issues
- c) The local facilities and conditions
- d) Other relevant information

8. The two countries that expressed interest in recognizing the legal capacity of, and hosting, the Board sent representatives to the Sixth meeting of the Board in order to provide further information on their proposals. The Board heard presentations from both countries and it was agreed that the ad hoc working group would further consider the two offers and make a recommendation for the consideration of the Board at its Seventh meeting.

9. The summary of all the information provided by the two bidding countries is contained in the chart presented in Annex I to the present document. The additional information presented after the last Board meeting can be found in Annexes II (Barbados) and III (Germany) to the present document.

10. Having considered the information available under the light of legal advice received from the UNFCCC secretariat, the ad hoc working group will submit a report and its recommendation to the Board at its Seventh meeting for approval.

**Recommendation**

11. The Board may wish to

- a) Consider the offers received, the report and the recommendation by the ad hoc working group.
- b) Forward its decision to the CMP for endorsement.

## SUMMARY OF OFFERS SUBMITTED FOR LEGAL CAPACITY OF THE ADAPTATION FUND BOARD

Item	Host Government/Country	
	Germany	Barbados
Legal Framework	<p>- Already conferred required legal capacity to the Secretariat of the UNFCCC</p> <p>- The process to confer legal capacity would take roughly one year</p> <p>- Government of Germany would be required to enact a special law to confer legal capacity on the AFB</p> <p>- Law would enable Board to enter into contracts, acquire and dispose of property and to institute legal proceedings</p> <p>- Germany could not compel other States to recognize the legal effects of such legal capacity</p> <p><i>Two options to confer legal capacity(Both would take 9 months-1year and would require the German Governments to enact a special law to confer legal capacity to the Board):</i></p> <ol style="list-style-type: none"> <li>1. Headquarters Agreement between Government of Germany, UN, and AFB (It is unknown whether UN wishes to be involved in an agreement. The Chair of the AFB requested Germany to provide information about the possibility of engaging the UN)</li> <li>2. Memorandum of Understanding between Government of Germany and AFB</li> </ol> <p>The Government of Germany is currently consulting with the UN Office of Legal Affairs (OLA) on the possibility to involve the UN in a tripartite headquarters agreement (option 1 above).</p> <p>The outcome of these consultations can be summarized as follows:</p> <ul style="list-style-type: none"> <li>- The OLA considers that <i>is not clear how the Adaptation Fund Board would relate legally to the United Nations and what would be the consequences to the UN, if there is no formal legal relationship. In this regard OLA and the German [Government] are currently analyzing the process, which allowed the United Nations to sign a tripartite Headquarters Agreement for the Secretariat of the UNFCCC with the German Government and whether this precedent would constitute a way forward.</i></li> <li>- The German Government is <i>currently analyzing whether a tripartite Headquarters Agreement for the AFB involving the Secretariat of the UNFCCC (instead of the United Nations Secretariat) and the German Government might be an alternative as well.</i></li> <li>- Option 2 does not require neither further consultation with UN nor consider involving UNFCCC.</li> </ul>	<p>- Juridical personality is conferred to all <b>UN bodies</b> resident in Barbados, by virtue of the Convention on Privileges and Immunities of the UN (1946), or the Convention on the Privileges and Immunities of the Specialized Agencies of the UN (1947).</p> <p>- Juridical personality is conferred to <b>non-UN agencies</b> by virtue of a decision of the Cabinet of Barbados.</p> <p>- A special law is not necessary to grant legal capacity to AF Board</p> <p>- Legal capacity can be attained within two months</p> <p>- Headquarters Agreement between Barbados and AFB will embody Privileges and Immunities to be granted and will be based on agreements which govern arrangements with UN agencies in Barbados</p> <p>- The AFB's assets, income, and other property would be exempted from taxes, customs duties, and import/export restrictions</p> <p>- If established as agency, head of AFB would have full diplomatic privileges and immunities while other officials would be entitled to administrative and technical status</p> <p>- The conferring of full juridical personality provides for the organization to contract, acquire, and dispose of immovable and movable property and to institute legal proceedings</p> <p>- Headquarter operations include arrangements for the accommodation of the organization and the provision of public services and security</p> <p>- Members and Alternates will enjoy privileges and immunities as are necessary for the fulfillment of its purposes and that representatives of the Members of the UN</p>

Item	Germany	Barbados
Logistical/Financial Issues	<ul style="list-style-type: none"> <li>- Offer restricted to AFB and was not considered to host AFB Secretariat (this could occur if invited to do so by the CMP)</li> <li>- Rooms for AFB: Free</li> <li>- Issuance of visas would be facilitated</li> <li>- Agreement would be negotiated to provide and maintain furnished rooms to the AFB at the UN Campus in Bonn, free of charge</li> <li>- German Government would be prepared to support the AFB in a permanent agreement between AFB and UNBONN in the event that the AFB decides to seek legal capacity under German jurisdiction</li> <li>- UNBONN would be pleased to permanently facilitate the AFB meetings at the Langer Eugen (LEU) building</li> <li>- Only one of the 4 big conference rooms in the LEU is suitable for the plenary of the AFB meetings</li> <li>- This room is also used by UNBONN agencies and is applied on a first-come-first serve basis so these rooms must be booked 3 to 4 months in advance.</li> <li>- If these rooms are not available, an alternate agreement would have to be made by the AFB Secretariat to organize meetings somewhere else (e.g., World Conference Centre)</li> <li>- Conference facilities and logistical support (i.e., booking of venue, setup of rooms, basic technical building support, cleaning services, telephone/technician, audio and video recording) : approximately 3,000 EUR per meeting</li> <li>- IT Support: 1,500 EUR per meeting</li> <li>- Safety and Security: dependent on additional service hours and will be invoiced directly to AFB secretariat</li> <li>- AFB Secretariat would have to make own arrangements for: local support staff to service meetings, conference utilities and materials (e.g., nameplates), external service (e.g., re-production of documents), other logistical support (e.g., transportation, hotel arrangements)</li> </ul>	<ul style="list-style-type: none"> <li>- Rooms for AFB: Free</li> <li>- Minor maintenance to be paid for by the Board and major maintenance by Barbados' Government</li> <li>- 75% of utilities would be paid for by Barbados' Government; remaining 25% would be pro-rated among those occupying UN House</li> <li>- Government would facilitate the issuance of visas for those on official business and that once Government was informed by AFB regarding the attendance of member or alternate, it would make arrangements for a visa to be issued</li> <li>- Airlines would also be informed</li> <li>- Adaptation Fund Board Secretariat would be located in the UN House</li> <li>- The space would accommodate twelve people</li> <li>- Rooms would be provided for at least four meetings a year, although more meetings could be accommodated if necessary, free of charge</li> <li>- Security would be provided at the level accorded to other UN agencies housed in same building</li> <li>- Availability of space is constantly reviewed and is contingent upon expansion/contraction plans of UN Agencies occupying building</li> <li>- The arrangement between the Government of Barbados and the UN with respect to the provision of the UN House is of permanent nature</li> <li>- The provision of accommodation includes the outfitting of the premises for computer and other telecommunication networks</li> <li>- Security for UN House is provided by the Royal Barbados Police Force and a private security company which maintains a 24 hour presence on the premises.</li> </ul>
Local Facilities and Conditions	<ul style="list-style-type: none"> <li>- Meetings would take place at Langer Eugen (LEU) building</li> <li>- Building includes IT support: set-up of Internet connection, connection outlets to connect desktop PCs/laptops, connection outlets to facilitate webcast services</li> <li>- UNBONN cannot provide hardware resources such as workstations, printers, and the internet café</li> <li>- Heavy duty printers, multipurpose boxes (copier, print, fax) and plasma screens are not available and the AFB secretariat would need to make arrangements to rent them</li> <li>- In event of major technical failure of technology, UNBONN holds maintenance contract including reaction time of up to 4 hours for necessary repairs</li> </ul>	<ul style="list-style-type: none"> <li>- Operations of Board will be located in UN House In Christ Church</li> <li>- Main conference facility: Lloyd Erskine Sandiford Center (LESC) which is owned by the Government of Barbados and managed by Barbados Conference Services Ltd. (BCSL), which has earned the World Travel Award for the leading Caribbean Conference Center in 2003-2006</li> <li>- Building includes most advanced telecommunications facilities (e.g., direct fiber optic cable access, microwave receiving and transmitting link, hospitality lounge with teleconferencing)</li> <li>- Barbados has well equipped modern Language Center at the Barbados Community College</li> <li>- Local staff will be made available to service all meetings of AFB</li> <li>- Barbados offers range of accommodations from inexpensive houses to luxury accommodations at hotels</li> <li>- Leader in health care in the region with health services comparable to any in the major developed nations (e.g., Queen Elizabeth Hospital)</li> </ul>

<b>Item</b>	<b>Germany</b>	<b>Barbados</b>
<b>Other Relevant Information</b>	<ul style="list-style-type: none"> <li>- Bonn has already served as host for AFB and serves as seat of Secretariats of UNFCCC and of the Kyoto Protocol</li> <li>- Members and alternates of AFB are already protected in Germany by existing agreements when attending other meetings as representatives of Parties to Kyoto Protocol</li> <li>- Freedom of speech protected, immunity from legal process, from personal arrest and from seizure of baggage and interference with papers</li> </ul>	<ul style="list-style-type: none"> <li>- <i>Current discussions with the United Nations Organization on Drugs and Crime could require accommodation for them that would place constraints on space availability</i></li> </ul>



*Permanent Mission of Barbados to the United Nations*

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(212) 551 - 4300 FAX (212) 988 - 1030

UN 9/4/10 Vol. V

August 14, 2009

Ms. Marcia Levaggi  
Manager  
Adaptation Fund Board Secretariat  
1818H Street, NW  
Washington, DC 20433  
USA

Dear Ms. Levaggi,

I write in response to your letter to Ambassador Hackett dated July 27, 2009 in which you requested additional information regarding the legal framework related to Barbados' proposal to host the Adaptation Fund Board.

I have the honour to submit the requested information as an attachment to this letter.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Joyce Bourne".

Joyce Bourne  
Charge d'Affaires a.i.

Enc.



MINISTRY OF FOREIGN AFFAIRS AND FOREIGN TRADE  
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## **Fax** OFFICE OF PROTOCOL

To:	Permanent Representative to the United Nations
From:	Ms. G. Thompson for Permanent Secretary <i>G</i>
Date:	August 13, 2009
Fax:	212-986-1030
Document #:	1777
Subject:	<b>Adaptation Fund Board</b>
Pages:	9 [ <i>including this page</i> ]

Forwarded is the additional information requested by the UN Adaptation Fund Board in its letter dated July 27, 2009 to H.E. Dr. Christopher Hackett.

EOM.



## **ADAPTATION FUND BOARD**

### **Additional Information Requested by the Adaptation Fund Board With Respect to Barbados' bid to host the Board**

#### **Legal Framework**

Headquarters Agreements concluded between the Government of Barbados and International Organisations contain five main elements:

- Juridical Personality
- Headquarters Operations
- Privileges and Immunities
- Facilitation of Travel
- Settlement of Disputes

#### **Juridical Personality**

The conferring of full juridical personality provides for the organisation to contract, acquire and dispose of immovable and movable property and to institute legal proceedings.

Juridical personality is conferred on all United Nations bodies resident in Barbados, by virtue of the Convention on Privileges and Immunities of the United Nations 1946, Article I, or of the Convention on the Privileges and Immunities of the Specialised Agencies of the United Nations 1947, Article II. Barbados is party to both Conventions.

Headquarters Agreements concluded between the Government of Barbados and UN agencies automatically retain this provision.

Juridical personality is conferred on non- UN agencies by virtue of a decision of the Cabinet of Barbados.

#### **Headquarters Operations**

Headquarters operations include agreed arrangements for the accommodation of the organisation and the provision of public services and security.

#### **Privileges and Immunities**

Privileges and immunities for the organisation include provisions on the inviolability of the headquarters premises, its archives and communications. Provisions on immunity extend to the organisation's property, assets and funds. The organisation is also accorded exemption from taxation, foreign exchange controls, customs duties and import and export restrictions on articles for official use.

Privileges and immunities conferred on the Adaptation Fund Board, AFB, will be in accordance with the Convention on Privileges and Immunities of the United Nations, 1946. Article IV of the Convention will be applied to members and alternate members of the Board. Article V will be applied to officials of the AFB. Such other privileges and immunities that may be necessary for members, alternate members and officials of the Board to effectively carry out their functions will be considered within the context of paragraph 2 of the preamble to the Convention which states inter alia that:

"...the Organisation shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes and that representatives of the Members of the United Nations and officials of the Organisation shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of the functions in connection with the Organisation."

If established as an agency, the Head of the AFB would be entitled to full diplomatic privileges and immunities, exemptions and facilities accorded diplomatic envoys, in accordance with international law.

#### Logistical and related Financial Issues

The operations of the AFB will be located in United Nations House (UN House) which was made available by the Government of Barbados to the United Nations in January 2002. The Office of the United Nations Resident Coordinator at UN House advised that currently space is available to accommodate an AFB Secretariat of twelve persons. The actual space allocation is decided on the basis of discussions between the AFB, the Resident Coordinator and the Government of Barbados.

The arrangement between the Government of Barbados and the United Nations with respect to the provision of the UN House is of a permanent nature. UN agencies as well as the AFB will be provided rent free accommodation. The Government is responsible for maintenance of UN House and 75 percent of the cost of public services, which include water, electricity, gardening services, insurance and private security. UN agencies are responsible for the payment of the remaining 25 percent, divided on the basis of space occupied by each agency.

The provision of accommodation includes the outfitting of the premises for computer and other telecommunication networks. UN agencies are responsible for providing office furniture and equipment.

Security for United Nations House is provided by the Royal Barbados Police Force and a private security company which maintains a 24 hour presence on the premises. The security arrangements are under constant review to ensure that they are in compliance with the security requirements of the United Nations.

## **Local Facilities and Conditions**

### **Diplomatic Representation**

There are 8 diplomatic missions, 28 honorary consulates and 22 regional and international organisations resident in Bridgetown, Barbados. (Annex I)

### **International Meeting / Conference Facilities**

The main conference facility in Barbados is the Lloyd Erskine Sandiford Centre (LESC). This is own by the government of Barbados and managed by Barbados Conference Services Ltd. (BCSL).

BCSL's outstanding performance has earned it the prestigious World Travel Award for the leading Caribbean Conference Centre for 2003, 2004, 2005 & 2006. The building is also serviced by the most advanced telecommunications facilities available on the island including direct fibre optic cable access, a microwave receiving and transmitting link, a hospitality lounge with teleconferencing, internet access, audio and visual recording and editing suites, interpretation booths, a business center, and a multi-purpose outdoor gazebo. The LESC is also equipped with the latest technology in Building security.

The LESC was the venue of the major conferences/meeting listed below:

- The UN Global Conference on Sustainable Development for Small Island States
- The Caribbean Tourism Conference (CTC-20)
- The CARICOM Heads of Government Conference
- The US-CARICOM Summit between US President Bill Clinton and the CARICOM Heads of Government
- Organization of American States (OAS) General Assembly
- The UN World Conference Against Racism - African and African Descendants World Conference Against Racism
- The African, Caribbean and Pacific (ACP)- European Union (EU) Joint Parliamentary Meeting
- Signing Ceremony for the ACP-EU Economic Partnership Agreement

The Barbados Hilton Hotel, which reopened in 2005 after complete rebuilding, also offers excellent conference and meeting facilities and is used by a wide cross section of the diplomatic community, international and regional organisations and the private and commercial sectors for the hosting of meetings.

Barbados has a well equipped modern Language Centre located at the Barbados Community College. The staff is competent in delivering language courses and providing some interpretation and translating services.

Barbados has matured into a world class business centre, offering the professionalism and high level of management necessary to service large international meetings. The country has consistently placed high in the United Nations Human Development Index, outranking all other nations in Latin America and the Caribbean in the 2006 survey with its ranking of number 29. It ranks third in the Americas, led only by Canada (no. 1) and the USA (no.2).

The Government of Barbados will provide meeting rooms for at least 4 meetings a year to be organized by the AFB. Local staff will be made available to service all meetings of the AFB.

### **International Transport**

Barbados has always been a hub for international and regional transport in the southern Caribbean. The Grantley Adams International Airport is a modern facility servicing some of the major airlines from Europe and North America. It has an annual passenger throughput of two million. Barbados is the southern hub for the regional airline LIAT, which services 22 destinations in the Eastern Caribbean.

### **Local Transport**

The island is serviced by the Government owned Barbados Transport Board which provides a reliable and efficient bus service to every part of the country. This is supplemented by privately owned and operated mini-buses. A large number of tour operators, taxis operations, limousine services as well as car rental companies are available.

### **Hotels**

Barbados offers a range of accommodations from inexpensive guest houses to luxury accommodations at some of the world's finest hotels. The accommodation choices also include apartments and apartment hotels, luxury villas and cottages and privately owned vacation rentals.

### **Social Services and Amenities**

Since gaining Independence in 1966 Barbados has benefited from considerable investment in social capital formation, physical infrastructure and innovative social legislation in areas of education, land reform, national insurance, social security protection, health and the elimination of discrimination based on gender. Some of the social sector achievements are as follows:

- 99.7% literacy
- Life expectancy of 74.9 years
- Comprehensive health care system
- Well developed social security net

- Access to adequate shelter
- Low level of poverty
- Low level of crime
- 100% access to safe drinking water
- Unblemished record in the area of civil liberties and the rule of law.

Barbados is acknowledged as a leader in health care in the region with health services comparable to any in the major developed nations. There is one main hospital, the Queen Elizabeth Hospital, which is fully equipped to handle any major medical emergencies and supported by a network of polyclinics throughout the island providing ante and post-natal care, dental and optical services. In addition, there are other private health care facilities providing a range of health care services for a charge.

### **Transfer of Funds**

As provided for in the Convention on Privileges and Immunities of the United Nations, Article 2, Section 5, the AFB is entitled to hold funds in any currency, operate accounts in any currency and freely transfer its funds from one country to another or convert any currency held by it into any other currency.

### **Travel and Visa Requirements**

All persons entering Barbados must be in possession of a passport. Barbados also recognises the United Nations Laissez-Passer as an official travel document.

Persons normally requiring visas to enter Barbados but who are travelling on AFB official business will be issued the requisite visa, gratis, on arrival in Barbados. The official's itinerary should be submitted to the Ministry of Foreign Affairs of Barbados one week before travel to allow for processing and for the information with regards to the agreed issue of visa on arrival to be communicated to the relevant airlines. Persons travelling on the United Nations Laissez-Passer do not require visas to enter Barbados.

### **Other relevant Information**

#### **Education**

Education in Barbados is based on the British model and is legally compulsory for children between 5 and 16 years of age.

A three-tier system of education is provided free for all nationals - at primary, secondary and tertiary levels. There are some 80 public primary schools and 23 public secondary schools, supplemented by a number of private schools for which tuition is paid. Three major institutions offer under-graduate and graduate qualifications at the tertiary level: (1) the Barbados Community College, (2) the Samuel Jackman Prescod Polytechnic and (3) the Cave Hill Campus of the University of the West Indies.

The Government of Barbados provides free primary and secondary education for dependent children of diplomats and officials of regional and international organisations resident in Barbados. Dependent children of AFB officials will be provided free primary and secondary education in Barbados.

**ANNEX**

**LIST OF RESIDENT MISSIONS**

BRAZIL  
CANADA  
CHINA  
CUBA  
THE EUROPEAN COMMISSION  
THE UNITED STATES OF AMERICA  
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND  
THE BOLIVARIAN REPUBLIC OF VENEZUELA

**HONORARY CONSULAR REPRESENTATIVES IN BARBADOS**

AUSTRIA  
THE BAHAMAS  
BELGIUM  
CHILE  
CYPRUS  
DENMARK  
ECUADOR  
FINLAND  
FRANCE  
FEDERAL REPUBLIC OF GERMANY  
GHANA  
GRENADA  
GUYANA  
HAITI  
INDIA  
ISRAEL  
ITALY  
JAMAICA  
JAPAN  
KOREA, REPUBLIC OF  
LUXEMBOURG  
MEXICO  
THE NETHERLANDS  
NORWAY  
SPAIN  
SURINAME  
SWEDEN  
SWITZERLAND

**INTERNATIONAL AND REGIONAL ORGANIZATIONS  
RESIDENT IN BARBADOS**

CARIBBEAN AGRICULTURAL RESEARCH DEVELOPMENT INSTITUTE (CARDI)  
CARIBBEAN DEVELOPMENT FUND

CARIBBEAN CENTRE FOR DEVELOPMENT ADMINISTRATION [CARICAD]  
CARIBBEAN DISASTER EMERGENCY RESPONSE AGENCY [CDERA]  
CARIBBEAN EXAMINATIONS COUNCIL (CXC)  
CARIBBEAN REGIONAL NEGOTIATING MACHINERY [CRNM]  
CARIBBEAN SINGLE MARKET & ECONOMY [CSME]  
CARICOM REGIONAL ORGANISATION FOR STANDARDS & QUALITY [CROSQ]  
CARIBBEAN DEVELOPMENT BANK (CDB)  
CARIBBEAN EXPORT DEVELOPMENT AGENCY (CEDA)  
CARIBBEAN TOURISM ORGANISATION [CTO]  
FOOD AND AGRICULTURE ORGANISATION OF THE UNITED NATIONS SUB-  
REGIONAL OFFICE FOR THE CARIBBEAN [FAO/SLAC]  
INTER-AMERICAN DEVELOPMENT BANK (IADB)  
INTER-AMERICAN INSTITUTE FOR COOPERATION ON AGRICULTURE [IICA]  
INTERNATIONAL TELECOMMUNICATION UNION [ITU]  
ORGANISATION OF AMERICAN STATES [OAS]  
PAN AMERICAN HEALTH ORGANISATION [PAHO]  
REGIONAL SECURITY SYSTEMS (Central Liaison Office)  
UNITED NATIONS DEVELOPMENT PROGRAMME [UNDP]  
UNITED NATIONS CHILDREN'S FUND [UNICEF]  
UNITED NATIONS DEVELOPMENT FUND FOR WOMEN [UNIFEM]



Annex III: Additional Information Presented by Germany

19. AUG. 2009 18:32

BMZ BONN

NR. 262 S. 1



Bundesministerium für  
wirtschaftliche Zusammenarbeit  
und Entwicklung



Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung  
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BEARBEITET VON  
MR Frank Fass-Metz  
GZ: 312 K6187-0133001  
Bonn, 19.06.2009

**German offer to confer legal capacity to the Adaptation Fund Board under German jurisdiction**

Dear Mr Cedergren,

Thank you very much for your letter dated July 27th, 2009.

In order to inform the Working Group set up by the Adaptation Fund Board to consider the offers put forward to confer legal capacity and to host the Board I can provide the following information:

1. The German Government has contacted the Office of Legal Affairs (OLA) of the United Nations Secretariat in New York to seek its view on the possibility to involve the United Nations in a tripartite Headquarters Agreement (UN, AFB and German Government). OLA is still reviewing the issue. Recognizing that we are in the midst of the holiday season I expect an answer from OLA probably not before beginning of September.
2. With regard to the logistical issues we have meet with the Ms Flavia Executive Coordinator of UNV and UNBONN to facilitate an agreement with AFB



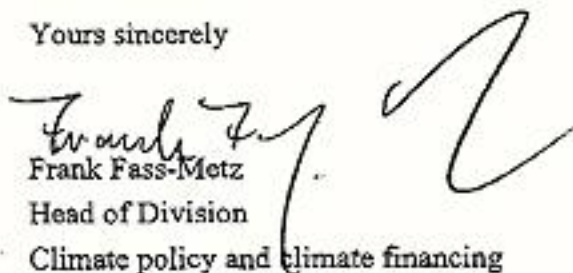
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and UNBONN. UNBONN has informed us and confirmed by writing through the attached letter of August 13th that they would be pleased to permanently facilitate the meetings of the AFB in Bonn at the Langer Eugen building. Based on a detailed list of the AFB requirements UNBONN has provided specific information on the different elements in the attached letter.

3. Ms. Pansieri suggests that, in the event the AFB decides to seek legal capacity under German jurisdiction and hold its meeting in Germany, a permanent agreement between AFB and UNBONN would be needed. We are ready to support the AFB in this process.

I would like to reconfirm that the German government would be very glad to host the headquarters of the AFB in addition to hosting conference meetings and reiterates its interest in conferring legal capacity within German jurisdiction the AFB and taking all steps necessary to do so.

Yours sincerely

  
Frank Fass-Metz  
Head of Division  
Climate policy and climate financing

**volunteers**

inspiration in action

Bonn, 13 August 2009

Dear Mr. Fass-Metz

Thank you for your letter of 4th August 2009 concerning Hosting of the Adaptation Fund Board (AFB) within the United Nations Common Premises in Bonn.

As indicated during our meeting of 3 July, UNBONN would be pleased to permanently facilitate the meetings of the Fund in the Langer Eugen (LEU). At the same time, following the review of the logistical requirements of the AFB during its meetings, we would like to highlight the following important issues to be taken into account:

1. Considering the size of the meeting rooms requirement as indicated in the AFB's communication of 27<sup>th</sup> of July 2009, only one of the 4 big conference rooms available in LEU is suitable for the plenary of the AFB meetings. In view of the fact that this room is also used by the UNBONN agencies and the principle applied is on a first-come-first serve basis, it will be important to book the Conference rooms well in advance, preferably 3 to 4 months. Furthermore, considering the high demand of these rooms by the agencies, there could be cases when the rooms may not be available. As such, alternative arrangements will have to be made by the AFB secretariat to organize the respective meetings at either the World Conference Centre or some where else.
2. With respect to specific logistical support the following could be provided by UNBONN, but as you will appreciate at a certain fee/cost. At this stage all costs are only indicative:

**2.1 Conference facilities and logistical support: logistical requirements in terms of**

- the booking of the venue
- the set-up of the rooms as required
- the basic technical building support
- cleaning services
- providing local and international telephone and fax lines to liaise and coordinate the requirements of an external conference technician in order to cover and support the interpretation facilities, the conference technology, the audio and video recording of meetings if necessary

Indicative cost per meeting: approx. EUR 3,000

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## 2.2 IT Support:

- set-up of Internet connection
- the provision of connection outlets to connect desktop PC's or laptops
- the provision of connection outlets to facilitate web cast services

Indicative cost per meeting: approx. EUR 1,500

Kindly note that the UNBONN cannot provide any kind of hardware resources, such as workstations, printers and the internet café. Heavy duty printer, multipurpose boxes (copier, print, fax) and a plasma screen are not available and therefore the AFB secretariat would need to make arrangements to rent them.

## 2.3 Safety and Security:

- the arrangements for security services
- the security team might need to hire additional staff due to the size and length of an event.

Indicative of cost per meeting: charge depends on the additional service hours and will be invoiced directly to the AFB secretariat.

3. It should also be noted that in case of major technical failure of the conference technology, UNBONN holds a maintenance contract which includes a reaction time of up to 4 hours for the necessary repairs.

4. As regards the following services/facilities and any other that is not specifically mentioned under 2.1, 2.2 and 2.3 above the AFB secretariat will need to make their own arrangements to have them available.

4.1 Local Support Staff to service meetings, such as messenger, copying services etc.

4.2 Conference utilities and materials such as nameplates, office utilities, printing papers etc..

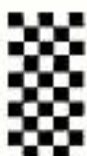
4.3 Provisions of external services: AFB Secretariat will need to procure and contract any support for services such as re-production of documents, provide web cast feeds and live streaming or similar.

4.4 Other logistical support in terms of transportation, hotel arrangements, catering services, visa services etc.

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BEARBEITET VON

MR Frank Fass-Metz

GZ: 312 K8187-0126001

Bonn,

## German offer to confer legal capacity to the Adaptation Fund Board under German jurisdiction

Dear Mr Cedergren,

I would like to follow-up on my letter of August 19, 2009 and give you an update on our talks with the Office of Legal Affairs of the Secretariat of the United Nations in New York.

As I have pointed out earlier the German Government has contacted the Office of Legal Affairs (OLA) of the United Nations Secretariat in New York to seek its view on the possibility to involve the United Nations in a tripartite Headquarters Agreement (UN, AFB and German Government). OLA is still reviewing the issue.

In its first reaction OLA gave a constructive feed back and underlined its intention to contribute to a solution. However, it seems that there are still legal problems to be analyzed. For the time being it is not clear, how the Adaptation Fund Board would relate legally to the United Nations and what would be the consequences for the United Nations, if there is no formal legal relationship. In this regard OLA and the German are currently analyzing the process, which allowed the United Nations to sign a tripartite

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Headquarters Agreement for the Secretariat of the UNFCCC with the German Government and weather this precedent would constitute a way forward.

Furthermore we are currently analyzing whether a tripartite Headquarters Agreement for the AFB involving the Secretariat of the UNFCCC (instead of the United Nations Secretariat) and the German Government might be an alternative as well.

Concluding I would like to reiterate, that the German Government is very much interested in providing legal capacity to the Adaptation Fund Board under German jurisdiction and recall that we had indicated in our presentation in the June Board Meeting that the German Government is ready to pass a legislative act especially for the provision of legal capacity to the Adaptation Fund Board under German jurisdiction. This option would be a way forward for the AFB in any case and would not require further discussions with the OLA and explorations on the feasibility of involving the Secretariat of the UNFCCC (instead of the United Nations Secretariat) in a tripartite Headquarters Agreement for the AFB and the German Government.

Yours sincerely,

Frank Fass-Metz  
Head of Division

Climate policy and climate financing