

The Adaptation Fund

AFB/B.6.13
June 5, 2009

Adaptation Fund Board
6th Meeting
Bonn, June 15-17, 2009

Agenda Item 7.c)

LEGAL CAPACITY OF THE ADAPTATION FUND BOARD - OFFERS SUBMITTED BY KYOTO PROTOCOL PARTIES

1. At the Fourth meeting of the Adaptation Fund Board a 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 has received three offers in total, up until the final submission date of April 26, 2009, which are contained in the Annexes to the present document:

- 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 working group has reviewed the expressions of interest received. The set of criteria the AFB is considering and requesting 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 have been invited to send representatives to the Sixth meeting of the Board in order to provide further information on their proposals.

Recommendation

9. The Board may wish to consider the offers received and make a recommendation to the CMP.

Annex I: Submission from Germany

24. APR. 2009 17:57

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Bundesministerium für
wirtschaftliche Zusammenarbeit
und Entwicklung



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BEARBEITET VON
Laura Schmidt
GZ: 312 K8187-0139/001
Bonn, 24.04.2009

Dear Mr Cedergren,
Dear Members of the Adaptation Fund Board,

Re: Your letter of 27 February 2009

Thank you very much for your letter of 27 February 2009, in which reference is made to Decision 1/CMP.4 of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP) in December 2008 to confer legal capacity to the Adaptation Fund Board (AFB). Germany is responding to your invitation to all Parties to the Kyoto Protocol to submit expressions of interest in becoming the host country of the Adaptation Fund Board by 26 April 2009.

I am pleased to inform you that the German government is interested in conferring legal capacity under the German jurisdiction to the Adaptation Fund Board pursuant to Decision 1/CMP.4. Germany would thus be able to ensure the fulfilment of the functions of the AFB as laid down in the decisions of the CMP, if the AFB decides to take its seat in Germany. Germany has already conferred the required legal capacity to the Secretariat of the United Nations Framework Convention on Climate Change (UNFCCC).

Bonn has already hosted the AFB and serves as the seat of the Secretariat of the UNFCCC and the Secretariat of the Kyoto Protocol. Furthermore, Bonn is regularly



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hosting meetings of the Parties to the UNFCCC and the Kyoto Protocol and its subsidiary bodies and, as a UN city, can provide all the facilities and attributes mentioned in the attachment to your letter.

Germany would take the necessary steps for the legal implementation of Decision 1/CMP.4 in order to secure legal capacity to the AFB and the fulfilment of its functions in Germany. With regard to the modalities and facilities cited in the annex to your letter, Germany assumes that the existing modalities and regulations relating to the AFB meetings in Bonn, in particular the amended Headquarters Agreement for the Climate Secretariat, already may be applied and that the AFB is making extensive use of them for its tasks. Other legal details for an agreement, which would confer legal capacity within German jurisdiction to the AFB, if appropriate in the form of a host country agreement, can be clarified with the AFB in due course. After it has been signed by the German government, such an agreement to establish legal capacity must be confirmed by the German Parliament in a legislative process. This process takes roughly one year. The German government would start this process once the pertinent agreement has been concluded.

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 to the AFB and taking all steps necessary to do so.

Yours sincerely,

Frank Fass-Metz
Head of Division

Climate policy and climate financing

Annex II: Submission from Barbados

ANNEX I

FAO ◇ ILO ◇ ITU ◇ PAHO/WHO
UNAIDS ◇ UNDP ◇ UN/ECLAC
UNEP ◇ UNESCO ◇ UNFPA
UNIC ◇ UNICEF ◇ UNIFEM
UNODC ◇ UPU



Office of the
United Nations
Resident Coordinator

22 April 2009

Dear Mr. Allman,

The United Nations System in Barbados is pleased to learn of your Government's desire to bid for the Climate Change Adaptation Fund Secretariat to be established in Barbados. We support your effort and compliment you on your visionary move. Locating the Climate Change Adaptation Fund Secretariat in the UN House could allow for synergies in our expanding regional climate change portfolio and progress in initial discussions with the Governments of Barbados and the OECS regarding UNDP support for climate change and development, and other "green economy" initiatives. The Secretariat will also highlight the vulnerabilities in our region, and will help to focus the attention of the international community to advance the climate change agenda globally with specific focus to the region.

In response to your query about the possibility of space availability in UN House for the Secretariat, I am pleased to advise that currently space is available to accommodate a Secretariat of twelve people. I must indicate, however, that the availability of space is constantly reviewed and is contingent upon the expansion/contraction plans of UN Agencies currently occupying the building and projections for the accrediting of additional UN Agencies in Barbados. At this point, I am aware that your Government is holding discussions with the United Nations Organization on Drugs and Crime (UNODC) on the future return of this organization to Barbados. Their return may require us to accommodate them within UN House which would place some constraints on space availability.

We, therefore, welcome further deliberations on your request – timing, specific floor plan and office requirements, administrative and IT services etc., which would enable a more detailed response. We look forward to holding further discussions with you as you concretize your plans to host the Secretariat.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Michelle Gyles-McDonnough".

Michelle Gyles-McDonnough
UN Resident Coordinator

Mr. Hughland Allman
Chief of Protocol
Ministry of Foreign Affairs and Foreign Trade
Culloden Road
St. Michael

Annex III: Submission from Greece + Withdrawal

24/04 2009 13:05 FAX 202 2651562

GREEK EMBASSY WAS

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HELLENIC REPUBLIC
MINISTRY OF FOREIGN AFFAIRS

No 170.2/47/181

URGENT

VERBAL NOTE

The Ministry of Foreign Affairs of the Hellenic Republic presents its compliments to the Adaptation Fund Board and has the honor to communicate the following:

The Hellenic Republic would like to submit an offer to host the Adaptation Fund Board. The Ministry of Foreign Affairs of the Hellenic Republic would gladly discuss with the Board additional details, in order to actively support the further promotion of the Fund's purposes.

Greece is already promoting an active policy of supporting adaptation to climate change in Developing Countries. It is offering sustained funding for concrete adaptation projects in Developing Countries in Africa and the Caribbean, through signed agreements with the African Union and CARICOM and is in the process of approving several relevant projects in these regions. Furthermore, the Hellenic Republic is planning to offer the same support to the Alliance of Small Island States.

Moreover, the Greek Chairmanship of Human Security Network adopted as its main theme the impact of climate change on human security and, particularly, on vulnerable population groups, such as women, children and people fleeing their homes due to climate change, having organized a number of international events during 2008 and financing a research program on the relevant issues, implemented mainly by international institutions like UNICEF, IOM and the UN University.

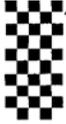
Greece has also mainstreamed climate change across all its new bilateral development programs and projects.

The Ministry of Foreign Affairs of the Hellenic Republic avails itself of this opportunity to renew to the Adaptation Fund Board the assurance of its highest consideration.

Athens, April 24, 2009

The Adaptation Fund Board
Washington DC

A handwritten signature in black ink, consisting of a stylized 'A' followed by a vertical line and a horizontal crossbar.



EMBASSY OF GREECE
WASHINGTON, D.C.

VERBAL NOTE

No 3714/19/1603

The Embassy of Greece presents its compliments to the Adaptation Fund Board and with regard to Verbal Note no 170.2/47/181 dated April 24, 2009 has the honour to inform that following due consideration, the Government of the Hellenic Republic has decided to withdraw its proposal to host the Adaptation Fund Board.

The Embassy of Greece would like to reiterate to the Adaptation Fund Board that the Hellenic Government greatly values its purpose and its role in assisting the developing countries that are particularly vulnerable to the adverse effects of climate change and will continue to work towards the same goal, throughout the promotion of adaptation projects in the developing world.

The Embassy of Greece avails itself of this opportunity to express to the Adaptation Fund Board the assurances of its highest consideration.

Washington, D.C., May 5, 2009

The Adaptation Fund Board
Washington, D.C.

