
**Executive Committee of the
High Commissioner's Programme**

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Proposed revision of UNHCR's financial rules concerning the programme budget

Summary

UNHCR has embarked on a transformative initiative to enhance its capacity to deliver and report on results. At its core is the move to multi-year and multi-partner planning that facilitates long-term strategic thinking and strengthens the engagement of country operations with national and United Nations inter-agency development processes, which are normally of a multi-year nature.

Since operations will be aligning their multi-year strategies to the specific national and United Nations inter-agency processes, not all operations will have the same planning cycle. Therefore, aggregating budgets for a specific biennium will become challenging and not add value. For this reason, this paper proposes to amend the financial rules to delete references to this specific duration of the budget period. However, the High Commissioner will continue to submit the Office's programme budget to the Executive Committee on an annual basis. The proposal is to present the first annual programme budget for the financial year 2022 to the seventy-second plenary session of ExCom for approval in October 2021 and to continue to present programme budgets on an annual basis.

In addition, to strengthen the focus of UNHCR's budget on the impact achieved by the organization's activities, this paper proposes to replace the pillars currently provided in the financial rules by impact areas as the basis for the budget structure.

The proposed revision of the related financial rules is included as Annex I of this paper, while a draft decision on this revision is included as Annex II for consideration of the Standing Committee at its seventy-ninth meeting. As UNHCR continues to advance through its transformative initiative, further changes to the financial rules may be deemed necessary and they will be brought to the attention of the Committee.

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I. Introduction

1. Per its statute,¹ UNHCR is subject to the United Nations Financial Regulations (ST/SGB/2013/4). Based on paragraph 8 of General Assembly resolution 1166 (XII) dated 26 November 1957, the Office has established its own financial rules in accordance with the United Nations Financial Regulations. UNHCR's financial rules may be amended by the High Commissioner in consultation with the Executive Committee in a manner consistent with the Financial Regulations of the United Nations.
2. Unless provided otherwise by the General Assembly or the Executive Committee of the High Commissioner's Programme (ExCom), UNHCR's financial rules govern all financial activities pertaining to UNHCR's voluntary funds, while remaining consistent with the United Nations Financial Regulations.
3. The purpose of this paper is to propose amendments to the financial rules that govern the definitions and the establishment of funds for the purpose of managing and approval of programmes. Concretely, it proposes to eliminate the reference to a specific duration of the budget period.
4. It also proposes to replace the concept of pillars with the concept of impact areas as the basis for the budget structure.
5. Annex I with draft revision 11 of UNHCR's financial rules also reflects UNHCR's proposal to change the articles related to the operational reserve and the discontinuation of the "new or additional activities – mandate- related reserve" (NAM), considered and approved by Standing Committee at its seventy-seventh meeting in March 2020 (EC/71/SC/CRP.5).
6. Subject to the endorsement by ExCom, the revised financial rules will be promulgated by the High Commissioner and will become effective 1 January 2022 for the budget cycle of the financial year 2022. The budget period to be presented to ExCom will be one year as of 2022. The endorsement of the revised financial rules and the budget period of one year will be sought at its seventy-first plenary session in October 2020 to allow the Office to prepare an annual programme budget fully integrating the revised rules to become applicable to the programme budget for 2022, which will be submitted for approval to ExCom at its seventy-second plenary session in 2021.

II. Proposed revision of the financial rules on the programme budget

A. Background and analysis

7. In recent years, UNHCR has invested considerably in a set of reforms to transform the organization, making it more agile, balanced and better equipped to help achieve the objectives of the Global Compact on Refugees. Central to these reforms is a new planning and operations management system that will allow UNHCR to deliver results in a more effective and efficient manner. It also aims to enhance the organization's capacity to report and demonstrate how its programmes make a difference in the lives of displaced populations. This change has also been driven by the need for UNHCR to strengthen links with development and peacebuilding work. The 2030 Agenda for Sustainable Development and the commitment to "leave no one behind" provide a powerful basis for the inclusion of refugees, internally displaced persons (IDPs) and stateless people in economic development planning.

¹ See General Assembly Resolution 428 (v), 14 December 1950.

8. UNHCR organized two briefings for ExCom member States and Standing Committee observers, on 22 November 2019 and 20 July 2020, to present the key elements of this new planning and operations management approach and seek their views.

Annual budgets within multi-year and multi-partner programmes

9. In line with the Global Compact on Refugees, the “grand bargain”, and the 2030 Agenda for Sustainable Development, there is a growing need to integrate UNHCR’s activities for refugees and other persons of concern into national plans and programmes, United Nation Sustainable Development Cooperation Frameworks (UNSDCF) and country and regional humanitarian response plans. However, UNHCR’s current annual planning cycle makes it difficult for country operations to engage and contribute to national development plans and inter-agency processes, which are normally of a multi-year nature. Furthermore, this truncated planning approach discourages longer-term strategic thinking towards sustainable solutions, limits the Office’s ability to measure outcomes and impact, and constrains its reporting, including on its commitment to the Global Compact on Refugees and the Sustainable Development Goals.

10. At the core of UNHCR’s new planning and operations management system is therefore the move to a multi-year and multi-partner approach aligned with national plans and United Nations processes. To develop multi-year strategies, UNHCR will convene government partners, the UN country team, non-governmental organizations (NGOs), persons and communities of concern, and development and peacebuilding actors to identify opportunities for and analyse obstacles to strengthening protection and solutions for persons of concern, as well as bolstering support to local communities. Through this consultative process, the key changes to be pursued will be identified and UNHCR’s contribution will be defined.

11. Under the new approach, UNHCR operations will develop three to five-year multi-year strategies encompassing the full spectrum of the organization’s operational engagement, including humanitarian response, advocacy and capacity development, inclusion and transition toward solutions. Each operation will determine the duration and timing of their strategies in consultation with key stakeholders, including host governments, and taking into consideration the cycles of national and system-wide planning processes, such as the UNSDCF, the Humanitarian Response Plan and the Refugee Response Plan.

12. UNHCR intends to introduce the new multi-year planning process in a phased manner over a three-year period, starting in 2022. All operations will have transitioned to multi-year cycles by 2024. This staggered approach will allow the scaling up of support and quality assurance capacities and will facilitate the alignment of operations’ programming cycles with national and system-wide planning processes.

13. As national and system-wide development cycles vary from country to country, UNHCR operations will no longer have the same planning cycle. This means that it will be unrepresentative to aggregate budgets for a specific biennium. For any given biennium, there will always be operations starting their planning cycle in the middle of the biennium, entailing two different programmatic frameworks for a single biennium budget.

14. Consequently, this paper proposes to remove from UNHCR’s financial rules any reference to the biennial programme budget and introduce the generic concept of “budget period” with a duration that is not defined in these rules. As a result, ExCom would review and decide upon the exact duration of a future programme budget, and any change of that period, during the submission of the programme budget document of the prior budget period. This approach is consistent with that of other United Nations agencies. It introduces flexibility and facilitates a better distinction between the financial period determined for the preparation of financial statements that are compliant with International Public Sector Accounting Standards (IPSAS), as opposed to budget periods determined for the purpose of programme planning and budget cycles.

15. For the year 2022, UNHCR intends to present to ExCom a budget prepared on the basis of an annual budget period. This is in line with the United Nations annual programme and budget process, which started in 2020 and is currently in a trial phase. With this reform, the United Nations aims to increase the agility of the organization to respond to a rapidly evolving context. Furthermore, for UNHCR, a budgeting process focusing on one year at a time would represent a sizeable simplification compared to a biennial process that still

required the separate costing of needs for each of the two years. Thus, the shift to an annual budget would streamline planning and budgeting processes at all levels of the organization – operations, regions and Headquarters, as well as in its work with operational and implementing partners. Together with the revised financial rules, UNHCR will also submit the proposal to apply a 12-month duration corresponding to the calendar year for the budget period starting with year 2022 for approval to the seventy-first session of ExCom (annex II).

A programme and budget structured around impact areas

16. The current pillar-based programme and budget structure forces operations working with several population groups (refugees, IDPs and returnees) to “artificially” develop parallel programmes for each group, making it difficult for operations to focus on long-term results and solutions, including for host communities. Furthermore, the current pillar structure does not facilitate UNHCR’s engagement across humanitarian and development systems, whose programmes are usually articulated around results areas.

17. For those reasons, UNHCR is restructuring its programme around results or impact areas. The impact areas translate UNHCR’s mandate in programmatic terms and capture the main changes in the lives of persons of concern to which UNHCR contributes. UNHCR will be articulating its programme and reports around four impact areas, namely: i) attaining favourable protection environments; ii) realizing basic rights in safe environments; iii) empowering communities and achieving gender equality; and iv) securing solutions.

18. To allow for coherent aggregation of data on results and financial information, and to enable closer links between the tracking of results and programmatic and financial decision making, UNHCR would need its budget structure to be aligned accordingly, replacing the pillars with impact areas as the basis for the budget structure. The impact areas will thereby provide a common structure to organize plans, budgets and programmatic reports. Information gathered through impact monitoring will help the organization demonstrate better how it is making a difference in the lives of persons of concern to UNHCR and allow it to make programmatic and financial decisions to improve effectiveness and efficiency.

19. The proposed changes will not affect UNHCR’s ability to report on which population group benefits from its intervention. On the contrary, through a more specific definition of the populations targeted through the different programmes, as well as through strengthened disaggregation of indicators, UNHCR will improve its capacity to gather information and report on results achieved for the different populations it serves.

B. Proposed changes

20. UNHCR proposes an amendment to specific financial rules as listed below. The proposed revisions are included in draft revision 11 of the Financial Rules for Voluntary Funds administered by the High Commissioner for Refugees (A/AC.96/503/Rev.11), together with the changes endorsed at the seventy-seventh meeting of the Standing Committee in March 2020, which is attached in the Annex I of this paper.

- Financial rule 2.2 has been added to clarify the concept of budget period.
- Financial rules 1.6 (b) and 1.6 (c) has been deleted to remove the reference to a specific budget period.
- Financial rule 7.2 has been deleted as the High Commissioner will no longer be required to submit a revised biennial programme budget for approval.
- Financial rules 6.1(b), 6. 1 (c), 6.3 and 6.4 has been deleted as pillars will be replaced with impact areas.
- Financial rules 1.6, 3.2, 6.10, 6.12, 6.13, 7.1, 7.4, 8.1-8.5, 8.7 and 8.8 are amended to remove reference to “projects” which refer to pillars 1 and 3, based on the deletion of Rule 1.6 (c) as mentioned above.
- Financial rules 1.6, 3.2, 6.1, 6.2, 6.5, 6.10-13, 6.15, 7.1-7.5, 8.1, 8.2, and 10.4 are amended to remove the reference to a specific budget period.

- Financial rules 6.11 to 6.14 are amended to change the level of the operational reserve and the amount that can be made available to any programme, as presented in document EC/71/SC/CRP.5 endorsed by the Standing Committee at its seventy-seventh meeting in March 2020.
- Financial rules 6.17 and 6.18 are deleted, leading to discontinuation of NAM reserve, as presented in document EC/71/SC/CRP. 5, endorsed by the Standing Committee at its seventy-seventh meeting in March 2020. This type of reserve will not be included in the budget of 2022.

III. Conclusion

21. As a result of the significant transformation process it has undertaken, UNHCR has identified the need to update its financial rules to allow for more flexible mechanisms for annual budgeting and establishing the reserves, as well as a reoriented focus on impacts rather than pillars. This paper presents in Annex I the proposed revision of the current version of the Financial Rules for Voluntary Funds administered by the High Commissioner for Refugees (A/AC.96/503/Rev.11). The proposed changes are shown in ~~strikeout~~ and **bold**. In order to provide a comprehensive overview of the proposed changes to UNHCR's financial rules for the Executive Committee's endorsement at its seventy-first plenary session, Annex I includes the revisions proposed in this document along with those proposed in EC/71/SC/CRP.5 of 3 March 2020.

22. Annex II contains a draft decision acknowledging this amendment for consideration of the Standing Committee at its seventy-ninth meeting. If endorsed, these changes will take effect as of 1 January 2022.

Annex I

Draft revision 11

Financial Rules for Voluntary Funds Administered by the High Commissioner for Refugees (A/AC.96/503/Rev.11)

Article 1 – Applicability

Authority and applicability

1.1 These rules, which comply with International Public Sector Accounting Standards (IPSAS), are based on the provisions of the Financial Regulations of the United Nations, and are established in accordance with paragraph 8 of General Assembly resolution 1166 (XII) and the subsequent directives of the Executive Committee of the High Commissioner's Programme. Except as may otherwise be provided by the General Assembly or the Executive Committee, these rules shall govern all financial activities of the United Nations High Commissioner for Refugees other than the administration of his/her regular budget.

1.2 Exceptions to these rules may only be made by specific decision of the High Commissioner, in a manner consistent with the Financial Regulations of the United Nations.

1.3 These rules shall not apply to the subsequent administration of moneys, supplies or other items allocated by the High Commissioner under agreements with implementing partners or other agencies, provided that those agreements contain appropriate provisions to ensure, in the opinion of the High Commissioner, that these moneys, or supplies or other items will be so utilized as to provide the maximum benefit for the purpose of the allocation, and subject to the provision of Article 12 regarding audit.

1.4 The Controller shall be responsible for the application of these rules on behalf of the High Commissioner.

1.5 These rules may be amended by the High Commissioner in consultation with the Executive Committee in a manner consistent with the Financial Regulations of the United Nations.

Definitions

1.6 For the purpose of these rules, the following definitions, listed in alphabetical order, shall apply:

(a) "Allocation" shall mean financial authorization issued to enter into commitments and incur expenses for specific purposes, within specified limits and during a specified period;

(b) "Budget period" shall mean the period for which a Programme Budget is prepared;

~~(b) "Annual Budget" shall mean a budget for one year, corresponding to the breakdown of the Biennial Programme Budget into each of the two years of the biennium;~~

~~(c) "Annual Programme Budget" shall mean the combined budget for Pillar 1: Global Refugee Programme, including the Reserves, and Pillar 2: Global Stateless Programme, which form part of the Biennial Programme Budget;~~

~~(d) "Appropriation" shall mean the total amount approved by the Executive Committee in the current Annual Programme Budget against which commitments may be entered into and expenses incurred for those purposes up to the amounts so approved;~~

(ed) “Asset” shall mean resources controlled by UNHCR as a result of past events and from which future economic benefits or service potential are expected to flow to UNHCR;

~~(f) “Biennial Programme Budget” shall mean the comprehensive budget for the programmes and projects to be implemented under the four pillars which are approved biennially by the Executive Committee, as well as the Operational and the “New or Additional Activities – Mandate related” Reserves;~~

(ge) “Commitment” shall mean an engagement, such as a contract or agreement, that has been entered into for the current year or for one or more years;

(hf) “Contribution” shall mean future economic benefits or service potential that have been contributed to UNHCR by parties external to UNHCR, other than those that result in liabilities of UNHCR;

(ig) “Controller” shall mean the Controller or his/her authorized delegate;

(jh) “Executive Committee” shall mean the Executive Committee of the High Commissioner’s Programme;

(ki) “Expense” shall mean a decrease in economic benefits or service potential during the reporting period, in the form of outflows or consumption of assets or incurrence of liabilities that result in decreases in net assets/equity;

(lj) “Fair value” shall mean the amount for which an asset could be exchanged, or a liability settled, between knowledgeable parties;

~~(mk) “Financial statements” shall mean the statutory reports of UNHCR’s financial information showing the revenue and expenses for a financial period and assets and liabilities at the end of the financial period, including notes which form an integral part thereof;~~

(nl) “High Commissioner” shall mean the High Commissioner or his/her authorized delegate;

(om) “Implementing partner” shall mean an entity to which UNHCR has entrusted the implementation of programmes and projects specified in a signed document, along with the assumption of full responsibility and accountability for the effective use of resources and the delivery of outputs as set forth in such a document. The entity could be a governmental, intergovernmental or non-governmental body, a United Nations organization, or another non-profit organization;

(pn) “Moneys” shall mean funds that are in the form of cash or can easily be converted to cash. These include cash on hand, money in bank accounts, time and savings deposits, investments capable of being quickly converted into cash, and account receivables;

~~(qo) “Pillars Impact Areas” shall mean the highest level of the comprehensive results-based budget and accounting structure and comprise: Pillar 1 Global Refugee Programme; Pillar 2 Global Stateless Programme; Pillar 3 Global Reintegration Projects; and Pillar 4 Global Internally Displaced Persons Projects;~~

~~(fp) “Biennial Programme Budget” shall mean the comprehensive budget for the programmes and projects to be implemented under the four pillars impact areas which are approved biennially by the Executive Committee, as well as the Operational and the “New or Additional Activities – Mandate related” Reserves;~~

(rq) “Pledges” shall mean formal promises made in writing, at pledging conferences or otherwise, to make voluntary contributions in cash or in kind to a UNHCR programme or project;

(sr) “Representative” shall mean the officer-in-charge of a UNHCR regional or country office, or of a UNHCR operation;

(ts) “Revenue” shall mean the gross inflow of economic benefits or service potential during the reporting period when those inflows result in an increase in net

assets/equity, other than increases relating to contributions from owners. Contributions constitute the main source of revenue;

(~~ut~~) “Supplementary budgets” shall mean such budgetary increases as may be approved by the High Commissioner, pursuant to Article 7.45, to meet new needs under any **impact area pillar**, that arise after the approval of the ~~Biennial Programme Budget~~ and before the approval of the next ~~Biennial Programme Budget~~, and which cannot be fully met from the Reserves. Supplementary budgets are considered increases to the ~~Biennial Programme Budget~~. They will be funded through contributions in response to special appeals; and

(~~vu~~) “UNHCR” shall mean the Office of the United Nations High Commissioner for Refugees.

Article 2 – Financial and budget periods

2.1 The financial period **for the purpose of accounting for expenses incurred and for preparing financial statements requested under Article 11** shall be the period from 1 January to 31 December.

2.2 **For the purpose of allocating financial resources against the Programme Budget, the budget period shall be agreed with the Executive Committee.**

Article 3 – Contributions

3.1 The High Commissioner may accept contributions offered in cash, kind or service, including contributions from sources other than Governments, which can be utilized for the purposes of carrying out the functions laid upon him/her by the General Assembly or directives given to him/her by the Executive Committee. He/she may reject any offers which he/she does not consider appropriate or which cannot be utilized for the above purposes. The High Commissioner shall report to the Executive Committee all offers accepted.

3.2 The value of all contributions accepted for carrying out the above purposes shall normally be credited to the ~~appropriate~~ programme, provided that contributions for purposes falling outside the ~~Biennial Programme Budget~~ including its Reserves shall be credited to the Working Capital and Guarantee Fund or other funds, pursuant to Articles 6.153 and 6.164, as appropriate. When the purpose of a contribution is not restricted or otherwise designated by the donor, the High Commissioner shall determine how the contribution will be used. When the arrangement with the donor is such that UNHCR may start implementation of activities only after receipt of the funds, the contribution shall be treated as a trust fund under Articles 6.153 and 6.164.

3.3 An official receipt shall be issued in respect of all contributions received. Contributions in kind or in services will be recorded in the appropriate account only when the goods and/or services are received, at fair value as estimated by the High Commissioner.

Article 4 – Other revenue

Revenue-producing activities

4.1 All revenue-producing activities shall be subject to the same financial controls as are applied to other activities.

4.2 No expense relating to revenue-producing activities shall be incurred against the gross revenue deriving from such activities without the written authorization of the Controller, except to the extent specifically provided in the contractual arrangements, as approved in writing by the Controller, for the activity.

4.3 Information showing gross revenue and expense from each such activity shall be reported to the Executive Committee.

Miscellaneous income revenue

4.4 Moneys received as a result of the sale or other disposal of assets or supplies, purchased from voluntary funds, shall be credited as miscellaneous revenue to the current financial period of the Annual Programme Fund, unless otherwise directed by the Executive Committee.

4.5 Adjustments of prior years' expenses (refunds, cancellations and additional charges) shall be applied to the current financial period of the appropriate fund, unless otherwise agreed with the donor. For trust fund accounts, adjustments shall be applied to the account from which the expenses were incurred.

Article 5 – Custody of funds

Bank Accounts

5.1 The Controller shall designate the banks in which the voluntary funds of UNHCR shall be kept. He/she shall establish such official bank accounts as may be required and designate signatories to operate the accounts.

5.2 Bank accounts established for UNHCR field offices shall be maintained by remittances from UNHCR Headquarters. Where appropriate and to the extent authorized by the Controller, remittances may be made from other UNHCR offices and through cheque drawings on bank accounts maintained by UNHCR Headquarters.

5.3 An official receipt shall be issued in respect of all moneys received.

5.4 All moneys received shall be deposited in an official UNHCR bank account not later than the business day following the date of receipt.

5.5 Officers responsible for the operation of UNHCR bank accounts shall not exchange one currency for another except to the extent necessary for the transaction of official business.

Payments

5.6 Only Representatives and such other approving officers designated by the Controller in writing may approve payments on behalf of UNHCR. Approving officers are responsible for reviewing the legality of payments and exercising all appropriate financial controls.

5.7 Payment shall be made on the basis of supporting vouchers and other documents which indicate that the goods or services have been received in accordance with the documents establishing the commitment, that payment has not previously been made, and that the payment is properly due. Progress payments may be made when the Controller deems it to be in the interest of UNHCR.

5.8 Payments in advance of the delivery of goods or performance of contractual services may be made if generally accepted commercial practice or the essential interest of UNHCR so demand. Whenever such an advance payment is requested, the reasons therefore shall be recorded by the certifying officer.

5.9 Payments in excess of \$100 or its equivalent shall be made by cheque or bank transfer unless otherwise authorized by the Controller.

5.10 Disbursements shall be recorded in the accounts as of the date when the disbursement is made, that is, when the cheque or instruction to the bank is issued, or cash is paid out.

5.11 Cheques and instructions to banks shall be signed by two officers from a panel or panels of signatories designated by the Controller provided that signature of cheques by one officer and one other official may be authorized when circumstances so warrant. If exceptional circumstances so warrant, signature of cheques by one officer may be authorized. The authority granted and responsibility assigned to such signatories is a personal one and cannot be delegated.

Article 6 – Funds and reserves

Funds established for the purpose of managing the Biennial Programme Budget

6.1 ~~Transactions pertaining to the Biennial Programme Budget shall consist of budgets covering:~~

(a) ~~for Pillar 1: Global Refugee Programme and Pillar 2: Global Stateless Programme, be recorded in:~~

- (i) the Annual Programme Fund;
- (ii) the Regular Budget Fund;
- (iii) the Junior Professional Officers Fund.

(b) ~~for Pillar 3: Global Reintegration Projects, be recorded in the Pillar 3: Global Reintegration Projects Fund; and~~

(c) ~~for Pillar 4: Global Internally Displaced Persons Projects, be recorded in the Pillar 4: Global Internally Displaced Persons Projects Fund.~~

Annual Programme Fund

6.2 There shall be established an Annual Programme Fund to which unrestricted and restricted contributions, miscellaneous revenue and balances ~~relating to Pillar 1: Global Refugee Programme and Pillar 2: Global Stateless Programme~~ that are not required for the replenishment of the Working Capital and Guarantee Fund shall be credited. Restricted contributions are those subject to externally imposed stipulations which specify the purpose for which the contribution is to be used.

~~Global Reintegration Projects Fund (Pillar 3)~~

6.3 ~~There shall be established a Pillar 3: Global Reintegration Projects Fund, to which unrestricted and restricted contributions and balances relating to Pillar 3: Global Reintegration Projects that are not required for the replenishment of the Working Capital and Guarantee Fund shall be credited.~~

~~Global Internally Displaced Persons Projects Fund (Pillar 4)~~

6.4 ~~There shall be established a Pillar 4: Global Internally Displaced Persons Projects Fund, to which unrestricted and restricted contributions and balances relating to Pillar 4: Global Internally Displaced Persons Projects that are not required for the replenishment of the Working Capital and Guarantee Fund shall be credited.~~

Working Capital and Guarantee Fund

6.53 A Working Capital and Guarantee Fund is established at a ceiling determined by the Executive Committee. The Fund shall be maintained by revenue from the following sources:

- (a) revenue from repayments of loans;
- (b) savings from prior years' Annual Programme Fund, ~~Pillar 3: Global Reintegration Projects Fund, and Pillar 4: Global Internally Displaced Persons Projects Fund~~ unless agreed otherwise with donors in the case of restricted contributions. For trust fund accounts, savings shall be applied to the account where savings were made;
- (c) interest from investments;
- (d) voluntary contributions;
- (e) other miscellaneous revenue, including exchange gains and losses, as well as the gross revenue of revenue-producing activities unless the Executive Committee has directed otherwise on the use of revenue from those activities.

6.64 The Working Capital and Guarantee Fund may be utilized for the following purposes:

- (a) to replenish the Operational Reserve;
- (b) to meet essential payments due for the implementation of programmes ~~and projects~~ pending receipt of contributions pledged;
- (c) to guarantee commitments incurred against governmental pledges or firm pledges from organizations of established repute;
- (d) to guarantee commitments in respect of revenue-producing activities of UNHCR;
- (e) to fund payments for bank charges;
- (f) to fund in the course of a given year, commitments incurred under the ~~Annual~~ **Programme Budget**, including the Operational Reserve, pending the receipt of anticipated contributions, on the condition that the level of commitments so funded does not exceed one-twelfth of the total amount, excluding the amount of the Reserves, approved by the Executive Committee for that ~~year's Annual~~ **Programme Budget**. However, this funding facility shall only be used to the extent that:
 - (i) at the end of a given year, commitments thus funded do not exceed 3 per cent of that year's level of the ~~Annual~~ **Programme Budget**, excluding that of the Reserves, approved by the Executive Committee;
 - (ii) the Working Capital and Guarantee Fund shall be replenished as a matter of priority in the subsequent year according to the provisions of Article 6.53 above, and where appropriate and necessary, from unrestricted contributions to the Annual Programme Fund, ~~the Pillar 3: Global Reintegration Projects Fund, and/or the Pillar 4: Global Internally Displaced Persons Projects Fund;~~
- (g) the Working Capital and Guarantee Fund may be utilized to guarantee budgetary increases under the Headquarters component of the ~~Annual~~ **Programme Budget** that may result directly from exchange rate fluctuations in a given year, provided that such increases do not exceed 2 per cent of the approved ~~Annual~~ **Programme Budget** level (excluding the amount of the Reserves). If recourse is made to the Working Capital and Guarantee Fund for such a purpose, the Fund shall be replenished in the subsequent year in accordance with the provisions of Article 6.53; and
- (h) for any other purpose that the Executive Committee may authorize.

Staff Benefits Fund

6.75 There shall be established a Staff Benefits Fund to records transactions relating to staff end-of-service and post-retirement benefits.

6.86 Financial liabilities associated with accrued end-of-service and post-retirement benefits shall be recorded in the Staff Benefits Fund together with the funding of such liabilities.

6.97 In principle, transfers from the Fund will only be authorized for specific purposes related to staff end-of-service or post-retirement benefits, unless otherwise decided by the Executive Committee.

Operational Reserve

6.408 The Operational Reserve is established to:

- (a) provide assistance to refugees, returnees, and displaced and stateless persons for which there is no provision in the programmes ~~and projects~~ approved by the Executive Committee;
- (b) provide such additional administrative commitments and expenses, for which there is no provision in the programmes ~~and projects~~ approved by the Executive Committee or that is pending action by the General Assembly;
- (c) fund planning of repatriation, especially in regard to the necessary measures to be taken on behalf of returnees in their country of origin;
- (d) fund preparations in the country of asylum for voluntary repatriations not otherwise provided for, and activities related to actual return;
- (e) provide supplementary funding for voluntary repatriations, including initial reintegration needs in the country of origin;
- (f) cover unexpected cost increases in, and/or meet the costs of modifications to, programmes ~~and projects~~ financed from the current or previous years' ~~Annual Programme Budget~~, or from an Operational Reserve allocation made in a current or previous year;
- (g) increase existing allocations to meet priority needs under the current year ~~Annual Programme Budget~~.

6.419 An Operational Reserve shall be constituted at an amount equivalent to ~~540~~ per cent of the proposed programmed activities in the ~~Annual Programme Budget~~ being submitted for approval. The Operational Reserve shall be maintained at not less than \$10 million by replenishments from the Working Capital and Guarantee Fund.

6.4210 The High Commissioner may make transfers of appropriations from the Operational Reserve to other parts of the ~~Annual Programme Budget~~ for the purposes set out in Article 6.408 provided that the amount made available for any one programme ~~or project~~ shall not exceed ~~\$5040~~ million in any one financial period.

6.4311 The High Commissioner may make allocations from the Operational Reserve to other parts of the ~~Annual Programme Budget~~ for the purposes set out in Article 6.408, provided that the amount made available for any one programme ~~or project~~ shall not exceed ~~\$5040~~ million in any one year. An Operational Reserve allocation may be cancelled if sufficient funds are subsequently received in response to a related supplementary appeal (be it by UNHCR, an inter-agency appeal or a Consolidated Appeal), or if the funds, or part thereof, have not been committed at the end of a given year.

6.4412 The High Commissioner shall report to the Executive Committee at each annual session, and at each regular session of its Standing Committee, on the use made of the Operational Reserve.

Trust fund, reserve and special accounts

6.4513 Subject to the provisions of Article 6.4614 below, the High Commissioner may establish trust fund, reserve and special accounts for moneys becoming available to him/her for purposes of the ~~Annual Programme Budget~~ and for other purposes that are consistent with the policies, aims and activities of UNHCR.

6.4614 The purpose and scope of each trust fund shall be defined by agreement between the High Commissioner and the donor. The purpose and limits of each reserve or special account shall be clearly defined by the High Commissioner with the concurrence of the Executive Committee. Such funds and accounts shall be administered in accordance with these financial rules unless otherwise directed by the Executive Committee.

~~The “New or Additional Activities – Mandate-Related” Reserve~~

~~6.17 The “New or Additional Activities – Mandate related” Reserve is established to provide UNHCR with the budgetary capacity to accommodate unbudgeted activities which are consistent with the activities and strategies in the approved Annual Programme Budget and with the Mandate of the Office.~~

~~6.18 The “New or Additional Activities – Mandate related” Reserve shall be constituted at \$50 million for each financial period of the Biennial Programme Budget, or at a different level if so decided by the Executive Committee.~~

Article 7 – Approval of programmes and projects

7.1 The High Commissioner shall submit ~~biennially~~ to the Executive Committee for approval his/her ~~Biennial~~ Programme Budget, which shall include estimates of the cost of programmes and projects under the ~~impact areas~~ pillars, including the Reserves.

~~7.2 The High Commissioner may submit to the Executive Committee for approval a revised Biennial Programme Budget.~~

~~7.3~~2 The approval by the Executive Committee of the ~~Biennial~~ Programme Budget constitutes an authorization to the High Commissioner to incur commitments and make payments up to the amounts approved, subject to the provisions of Article 8.2 below.

~~7.4~~3 The High Commissioner may effect transfers and such adjustments ~~between~~ within the appropriations for within each year of the ~~Biennial~~ Programme Budget as may be required by changes affecting the programmes and projects for which they were planned, provided that the Executive Committee is informed of such adjustments and transfers at its next session.

~~7.5~~4 The High Commissioner may, in the case of new needs that cannot be met fully from the Operational Reserve, approve supplementary budgets under the ~~Biennial~~ Programme Budget and issue special appeals under any ~~impact area~~ pillar, with such adjustments being reported to each subsequent meeting of the Standing Committee for consideration.

~~7.6~~5 The approved level of the ~~Annual~~ Programme Budget in a given year may be allowed to increase by up to 2 per cent if, in accordance with the provisions of Article 6.64 (g), the Working Capital and Guarantee Fund was used to compensate for budgetary increases under the Headquarters component of the ~~Annual~~ Programme Budget that resulted directly from exchange rate fluctuations; in such a case, the subsequent adjustment of the ~~Biennial~~ Programme Budget level and related accounting adjustments would be effected at the end of the relevant financial period.

Article 8 – Implementation of programmes and projects

8.1 The High Commissioner may commit the necessary funds for the implementation of programmes and projects in accordance with:

- (a) the terms of the approval given by the Executive Committee for the ~~Annual~~ Programme Budget; or
- (b) the terms and conditions of the supplementary budgets; or

(c) the conditions governing other funds and accounts.

8.2 The High Commissioner may incur commitments for the implementation of programmes ~~and projects~~ to the extent that moneys and governmental pledges are available in the appropriate fund or account. The High Commissioner may also, pending the receipt of the contributions, enter into commitments up to one-half of the total amount of firm pledges from organizations of established repute. Furthermore, the High Commissioner may enter into commitments under the current year of the ~~Biennial~~ Programme Budget including the Reserves, up to the amount funded from the Working Capital and Guarantee Fund as provided for in Articles 6.64 (f) and 6.64 (g). This authority is subject to the following conditions:

- (a) at the end of each year, all commitments of UNHCR shall be covered by the total of:
 - (i) moneys available,
 - (ii) governmental pledges,
 - (iii) firm pledges made by organizations of established repute and guaranteed by the Working Capital and Guarantee Fund, provided that a memorandum record shall be kept of such pledges, and
 - (iv) funds drawn from the Working Capital and Guarantee Fund as provided for in Articles 6.64 (f) and 6.64 (g);
- (b) at any given time the total amount of moneys available in all UNHCR funds and accounts excluding trust fund accounts shall be sufficient to meet the total payments due at that time.

8.3 Whenever possible and appropriate, the implementation of programmes ~~and projects~~ will be entrusted to implementing partners, private firms or individual experts.

8.4 Programmes ~~and projects~~ will be implemented in accordance with the terms of:

- (a) an agreement or a formal exchange of letters between UNHCR and the implementing partner(s), to be concluded before implementation starts; or
- (b) a Letter of Instruction to the responsible officer(s) or organizational unit(s) of UNHCR and any sub-agreements thereto; or
- (~~b~~) an agreement between UNHCR and a government or United Nations agency for payment of a grant by UNHCR to that party. The terms and conditions of grant agreements shall be in accordance with the related framework to be approved by the Executive Committee.

8.5 Each agreement, sub-agreement or exchange of letters referred to in Article 8.4 (a) and (b) shall:

- (a) define the purpose and objectives of the programme ~~or project~~ and the means of achieving them;
- (b) specify the conditions which are to govern the financing and implementation of the programme ~~or project~~;
- (c) specify the amount of moneys to be made available by the High Commissioner, the currency in which it will be paid and, when applicable, the purposes for which it is to be used;
- (d) specify the termination date of the programme ~~or project~~;
- (e) prescribe the form of the financial statements to be submitted at least annually to the High Commissioner, and the dates on which they shall be submitted;
- (f) provide that the High Commissioner may arrange for such inspections and examinations as he/she deems necessary to ensure the proper implementation of the programme ~~or project~~;

- (g) provide that commitments and expenses made by the agency under the agreement may be audited on behalf of the High Commissioner in accordance with Article 12 of these rules;
- (h) prescribe the submission of audit certificates by the agency;
- (i) prescribe arbitration as the means for settlement of disputes;
- (j) recognize the privileges and immunities enjoyed by UNHCR.

8.6 The High Commissioner will not accept liability for compensation for death, disability or other hazards which may be suffered by employees of the agencies or third parties as a result of their connection with the work financed by UNHCR.

8.7 When programmes ~~and projects~~ are to be implemented a formal Letter of Instruction to the responsible officer(s) or organizational unit(s) shall be issued before implementation starts.

8.8 Letters of Instruction shall define the purpose, objectives, duration and modalities of implementation of the programmes ~~and projects~~ and the maximum amount to be expended. If any part of the programmes ~~and projects~~ covered by a Letter of Instruction is to be implemented by an implementing partner, sub-agreements will be concluded in accordance with Articles 8.4 and 8.5 (a) - (j) above.

Article 9 – Investment of funds

9.1 The Controller may make short-term investments of moneys not immediately required in accordance with the investment policies of the United Nations and in consultation with the Secretary-General where practical. A report on the investment shall be submitted to the Secretary-General at least once a year.

9.2 The Controller shall report annually on such investments to the Executive Committee.

9.3 Revenue from investments shall be credited to the Annual Programme Fund, except for the replenishment of the Working Capital and Guarantee Fund as provided in Article 6.53 above and revenue from the Staff Benefits Fund, and unless otherwise directed by the Executive Committee.

Article 10 – Internal control

10.1 The Controller is responsible to the High Commissioner for establishing internal controls to ensure:

- (a) the regularity of receipt, custody and disposal of all assets entrusted to him/her;
- (b) the conformity of commitments and expenses with the directives of the Executive Committee or, as appropriate, with the purpose and conditions of the funds or accounts referred to under Article 6 above.

Control of expenses

10.2 Before any expense is actually incurred, every commitment or proposal for incurring expense shall require certification by an officer designated for the purpose, provided that the Controller shall have the authority to certify commitments and expenses under all accounts.

10.3 Certifying officers shall be designated by the Controller and shall be responsible for the specific accounts assigned to them. Alternates may be designated by the Controller to act in the absence of the certifying officers. Certifying officers shall be responsible for ensuring that the proposed commitment or expense:

- (a) is in accordance with the existing regulations, rules and instructions;

(b) conforms to the terms of the relevant authorizations from the Executive Committee or to the purpose and conditions of the relevant fund or account.

The authority granted and responsibility assigned to such officers is a personal one and cannot be delegated.

10.4 Commitments against the approved ~~Annual~~ **Programme** Budget for the following **budget period year** may be made when they are necessary and in the interest of UNHCR. A memorandum record of all such commitments shall be maintained.

Ex-gratia payments

10.5 The Controller may personally approve ex-gratia payments where, although no legal liability on UNHCR exists, the moral obligation is, in his/her opinion, such as to make payment desirable in the interest of UNHCR. Ex-gratia payments to staff members of UNHCR or another agency of the United Nations system as well as ex-gratia payments in excess of \$5,000 shall require the personal approval of the High Commissioner. A statement of any ex-gratia payments made shall be submitted to the United Nations Board of Auditors and to the Executive Committee with the financial statements.

Writing-off of losses

10.6 (a) The Controller may, after full investigation in each case, authorize the writing off of losses of cash and the book value of accounts receivable and notes receivable, including conversion of loans into grants, except that the writing-off of amounts in excess of \$10,000 shall require the approval of the High Commissioner. A statement of all amounts written off shall be submitted to the Board of Auditors with the financial statements;

(b) The investigation shall in each case indicate the responsibility, if any, attaching to any official of UNHCR for the loss. Such official may be required to reimburse the loss either partially or in full.

10.7 (a) The Controller may, after full investigation in each case, authorize the writing-off of losses of UNHCR assets or such other adjustment of the records as will bring the balance shown by the records into conformity with the actual quantities;

(b) The investigation shall in each case indicate the responsibility, if any, attaching to any official of UNHCR or others for the loss. Final determination as to all surcharges to be made against officials of UNHCR or others as the result of losses will be made by the Controller.

Management of assets

10.8 An Asset Management Board shall be established at UNHCR Headquarters to advise the High Commissioner on questions arising from the management of assets owned by UNHCR. The High Commissioner is authorized to establish Asset Management Boards at the regional and the local level. The High Commissioner will issue rules and procedures of the Boards defining in particular the composition, the authority and the responsibility of the Boards.

10.9 Subject to the provisions contained in Article 1.3 above, the Boards will advise the High Commissioner and Representatives, respectively, on the steps to be taken to ensure that:

(a) such assets are the subject of up-to-date and detailed records;

(b) they are utilized for the purpose for which they were purchased and in accordance with the terms of the pertinent implementing instrument;

(c) at the time of disposal (through sale, gift, exchange or destruction) of such assets which have become surplus to operating requirements, the interests of UNHCR are fully protected.

Contracts and purchases

10.10 The High Commissioner will establish a Committee on Contracts at UNHCR Headquarters. The High Commissioner is authorized to establish Committees on Contracts at the regional and the local level. The Committees will review the award of contracts by UNHCR and involving major financial amounts. Rules and procedures of the Committees defining in particular the composition, the authority and the responsibility of the Committees will be issued by the High Commissioner.

Article 11 – Financial statements

11.1 The High Commissioner shall submit annual financial statements prepared in accordance with the International Public Sector Accounting Standards (IPSAS).

11.2 The functional and reporting currency of UNHCR shall be the United States dollar, provided that the accounts of field offices may be maintained in the national currency of the country concerned.

11.3 The High Commissioner shall submit annual financial statements certified by the Controller and approved by himself/herself to:

(a) the United Nations Board of Auditors within three months after the close of each financial period; and

(b) the Executive Committee at its next session. He/she shall also submit to the Executive Committee the audit certificate, the report of the Board of Auditors and the report of the Advisory Committee on Administrative and Budgetary Questions thereon.

Article 12 – Audit

12.1. All financial transactions and related activities covered by these rules shall be subject to audit by internal auditors and the United Nations Board of Auditors. Additional external auditors will be engaged by UNHCR to audit the accounts of implementing partners.

Article 13 – General provisions

13.1. Every official of UNHCR is responsible to the High Commissioner for the regularity of the actions taken by him/her in the course of his/her official duties. Any official who takes any action contrary to these rules, or to the administrative instructions issued in connection therewith, may be held personally and financially liable for the consequences of his/her action.

13.2. In the High Commissioner's absence, the Deputy High Commissioner is in charge of the Office of UNHCR and disposes of all powers vested in the High Commissioner by these rules. Similarly, in the absence of a UNHCR officer in whom powers have been vested by these rules, these powers will be exercised by his/her deputy or the officer-in-charge of the organizational unit concerned. The High Commissioner will issue rules and procedures defining the delegation of authority and responsibility in UNHCR.

13.3. Where no specific provision is made in these rules, the Financial Regulations and Rules of the United Nations shall apply.

13.4 These rules supersede all previous rules relating to the High Commissioner's voluntary funds.

13.5 These rules come into effect as of 1 January 2014~~22~~. Any financial policies and procedures in effect on that date, except when they are in conflict with these rules, shall remain in force until cancelled, amended or replaced by the High Commissioner.

Annex II

Draft decision on a proposed revision of the financial rules

The Standing Committee,

Having considered the proposed revision of the financial rules for voluntary funds administered by the High Commissioner for Refugees (A/AC.96/503/Rev.11), as set out in annex I of conference room paper EC/71/SC.CRP.22,

Requests the High Commissioner to submit a final draft of the revised financial rules (A/AC.96/503/Rev.11) to the seventy-first session of the Executive Committee for endorsement, and for subsequent promulgation by the High Commissioner with effect from 1 January 2022;

Requests the High Commissioner to submit to the seventy-first session of the Executive Committee for endorsement the proposal to apply a budget period duration of 12 months corresponding to the calendar year starting with the budget for 2022.
