

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

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## Proposed revision of the Financial Rules

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## **I. Introduction**

1. The United Nations General Assembly has approved the adoption of the International Public Sector Accounting Standards (IPSAS) as the accounting standard for all United Nations organizations in replacement of the United Nations System Accounting Standards (UNSAS). UNHCR has committed itself to full implementation of IPSAS as of 1 January 2012, therefore UNHCR's Financial Rules need to be aligned with IPSAS before that date. The proposed revision is presented in Annex I for decision by the Standing Committee at its fifty-second meeting.

## **II. Process**

2. A draft of the proposed revised Financial Rules was sent to the United Nations Board of Auditors and the Office of Internal Oversight Services (OIOS) in June 2011 for comment. Informal consultative meetings of the Standing Committee held on 14 June 2011 and 7 July 2011 enabled Executive Committee (ExCom) members to review and discuss proposed changes. The comments received from ExCom members at these two meetings have been incorporated into the present draft of the proposed revised Financial Rules, as set out in Annex I.

3. This revision is also being submitted in early September 2011 to the Advisory Committee on Administrative and Budgetary Questions (ACABQ), whose comments will be available for consideration at the fifty-second meeting of the Standing Committee. On the understanding that any amendments proposed by the ACABQ will be incorporated into the revised text, the Standing Committee is asked to adopt a decision on the proposed revision, on the basis of the draft decision presented in Annex II. This decision would then permit the High Commissioner to seek endorsement of the revision by the Executive Committee at its sixty-second session in order to allow IPSAS-compliant Financial Rules to be in place by 1 January 2012.

4. In light of the fact that the United Nations Financial Regulations and Rules have not yet been fully revised in line with IPSAS, UNHCR has requested approval from the General Assembly through the ACABQ to continue to apply UNSAS-compliant United Nations financial regulations and rules, *mutatis mutandis*, in a manner that allows UNHCR to be IPSAS-compliant, until such time as the United Nations Secretariat has also adopted IPSAS-compliant Financial Regulations and Rules.

## **III Proposed amendments to the Financial Rules**

5. In addition to the IPSAS-related changes, UNHCR is also proposing two other amendments, as follows:

(a) changes to the terminology regarding internal audit correspond to anticipated structural changes in the organization of internal audit at UNHCR. Following recent discussions with the Under-Secretary-General for the Office of Internal Oversight Services, exploratory transitional plans will be jointly pursued;

(b) as recommended by the Board of Auditors in their comments on the proposed revisions, article 11.2 in respect of loan operations has been deleted following the closure of the loan operations fund some years ago.

#### **IV. Conclusion**

6. This paper therefore presents, in Annex I, a draft of 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.9)*. The proposed changes are shown in ~~strikeout~~ and **bold**.
7. Annex II contains a draft decision corresponding to this amendment.

## Annex I

### DRAFT REVISION 10

#### FINANCIAL RULES FOR VOLUNTARY FUNDS ADMINISTERED BY THE HIGH COMMISSIONER FOR REFUGEES (A/AC.96/503/REV.9)

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## 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<sup>1</sup> of the United Nations.
- 1.3 These rules shall not apply to the subsequent administration of moneys, ~~or~~ **supplies or other items** allocated by the High Commissioner under agreements with ~~Governments, governmental agencies, local authorities or 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) ~~The~~ **“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:**

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<sup>1</sup> UNHCR has submitted a request through the ACABQ for approval to use transitional measures by continuing to apply UNSAS-compliant Financial Regulations and Rules as required, *mutatis mutandis*, until implementation of IPSAS within the United Nations Secretariat.

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 Budget against which commitments may be entered into and expenses incurred for those purposes up to the amounts so approved;**

(e) **“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;**

(g) **“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;**

(h) **“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;**

(i) **“The Controller” shall mean the Controller or his/her authorized delegate;**

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

(k) **“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;**

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

(m) **“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;**

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

(o) **“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;**

(p) **“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;**

(q) **“~~The four p~~Pillars” refer to 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;

(r) “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;

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

(t) **“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;**

(u) “Supplementary budgets” shall mean such budgetary increases as may be approved by the High Commissioner, pursuant to Article 7.5, to meet new needs under any 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**

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

## Article 2 – FINANCIAL ~~YEAR~~ PERIOD

2.1 The financial **year period** shall be the period from 1 January to 31 December.

## 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 or project, 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 ~~6.12~~ **6.15** and ~~6.13~~ **6.16**, 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 ~~6.12~~ **6.15** and ~~6.13~~ **6.16**.

- 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 ~~market~~ value as estimated by the High Commissioner.

#### Article 4 – OTHER ~~INCOME~~ 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 ~~expenditure expense~~ relating to revenue-producing activities shall be incurred against the gross ~~income 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 ~~expenditure expense as well as net revenue~~ 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, equipment or other assets~~ purchased from voluntary funds, shall be credited as miscellaneous ~~income revenue~~ to the current financial ~~year period~~ of the Annual Programme Fund, unless otherwise directed by the Executive Committee.
- 4.5 Adjustments of prior years' ~~expenditure expenses~~ (refunds, cancellations and additional charges) shall be applied to the current financial ~~year 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 ~~expenditure was 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 **obligation 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:

(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 **income 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.

#### Pillar 3: **Global** Reintegration Projects Fund

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.

#### Pillar 4: **Global** Internally Displaced Persons Projects Fund

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

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

- (a) **income 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 **income revenue**, including exchange gains and losses, as well as the **net income gross revenue** of revenue-producing activities unless the Executive Committee has directed otherwise on the use of **income revenue** from those activities.

6.6 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 **obligations 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, **obligations commitments** incurred under the Annual Budget, including the Operational Reserve, pending the receipt of anticipated contributions, on the condition that the level of **obligations 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 Budget. However, this funding facility shall only be used to the extent that:
  - (i) at the end of a given year, **obligations commitments** thus funded do not exceed 3 per cent of that year's level of the Annual 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 6.5 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 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 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 6.5; and
- (h) for any other purpose that the Executive Committee may authorize.

### Staff Benefits Fund

- 6.7 There shall be established a Staff Benefits Fund to records transactions relating to staff end-of-service and post-retirement benefits.
- 6.8 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.
- 6.9 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

- 6.10 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 **expenditure 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 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 Budget.
- 6.11 An Operational Reserve shall be constituted at an amount equivalent to 10 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.
- 6.12 The High Commissioner may make transfers of appropriations from the Operational Reserve to other parts of the Annual Budget for the purposes set out in Article 6.710 provided that the amount made available for any one programme or project shall not exceed \$10 million in any one financial **year period**.

- 6.13 The High Commissioner may make allocations from the Operational Reserve to other parts of the Annual Budget for the purposes set out in Article ~~6.7~~ **6.10**, provided that the amount made available for any one programme or project shall not exceed \$10 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 **obligated committed** at the end of a given year.
- 6.14 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

- 6.15 Subject to the provisions of Article ~~6.13~~ **6.16** below, the High Commissioner may establish trust fund, reserve and special accounts for moneys becoming available to him/her for purposes of the Annual Budget and for other purposes that are consistent with the policies, aims and activities of UNHCR.
- 6.16 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 ~~year~~ **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 four pillars, including the Reserves.
- 7.2 The High Commissioner may submit to the Executive Committee for approval a revised Biennial Programme Budget.

- 7.3 The approval by the Executive Committee of the Biennial Programme Budget constitutes an authorization to the High Commissioner to incur **obligations commitments** and make payments up to the amounts approved, subject to the provisions of Article 8.2 below.
- 7.4 The High Commissioner may effect transfers and such adjustments between appropriations 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 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 pillar, with such adjustments being reported to each subsequent meeting of the Standing Committee for consideration.
- 7.6 The approved level of the Annual Budget in a given year may be allowed to increase by up to 2 per cent if, in accordance with the provisions of Article 6.6 (g), the Working Capital and Guarantee Fund was used to compensate for budgetary increases under the Headquarters component of the Annual 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 **year period**.

#### Article 8 – IMPLEMENTATION OF PROGRAMMES AND PROJECTS

- 8.1 The High Commissioner may **obligate 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 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 **obligations 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 **obligations commitments** up to one-half of the total amount of firm pledges from organizations of established repute. Furthermore, the High Commissioner may enter into **obligations 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 6.6 (f) and 6.6 (g). This authority is subject to the following conditions:
- (a) at the end of each year, all **obligations 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 6.6 (f) and 6.6 (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 **agencies partners, e.g. governmental, intergovernmental or non-governmental bodies**, 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 **agency or agencies 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

(c) 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 **expenditure 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 ~~agency or agencies~~ **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 **Income 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 6.5 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 ~~obligations~~ **commitments and expenditures** 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 ~~expenditures~~ expenses

- 10.2 Before any ~~expenditure~~ expense is actually incurred, every ~~obligation~~ commitment or proposal for incurring ~~expenditure~~ expense shall require certification by an officer designated for the purpose, provided that the Controller shall have the authority to certify ~~obligations~~ commitments and ~~expenditures~~ 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 ~~obligation or expenditure~~ 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 Budget for the following 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 ~~annual accounts~~ 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 ~~annual accounts~~ 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 **property 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 **equipment and supplies assets**

10.8 An Assets Management Board shall be established at UNHCR Headquarters to advise the High Commissioner on questions arising from the management of **equipment and supplies purchased out of assets acquired from** UNHCR voluntary funds, and the ownership of which is vested in UNHCR. The High Commissioner is authorized to establish Assets 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 **equipment and supplies 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 **property assets** which ~~has~~ 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.

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Article 11 – ~~ACCOUNTS FINANCIAL STATEMENTS~~

11.1 The High Commissioner shall submit annual ~~accounts financial statements prepared in accordance with the International Public Sector Accounting Standards (IPSAS), which will include:~~

~~(a) — A Balance Sheet showing separately:~~

- ~~(i) cash and term deposits,~~
- ~~(ii) accounts receivable and other assets,~~
- ~~(iii) liabilities,~~
- ~~(iv) reserves and fund balances,~~
- ~~(v) the surplus and balances resulting from the year's operations;~~

~~(b) — A statement of Income and Expenditure showing under the current and prior year's programmes and projects and the various funds and accounts:~~

- ~~(i) contributions and other income received during the year,~~
- ~~(ii) prior years' adjustments made,~~
- ~~(iii) expenditures incurred,~~
- ~~(iv) the surplus and balances resulting from the year's operations;~~

~~(c) — A Status of Obligations showing the liquidation of all obligations under the current and prior year's programmes and projects and the various funds and accounts;~~

~~(d) — Supporting schedules showing:~~

- ~~(i) in respect of governmental contributions, the contributions paid and pledged by each Government and intergovernmental institution, and the fund to which they have been credited,~~
- ~~(ii) in respect of non-governmental and private contributions, the fund to which they have been credited,~~
- ~~(iii) other pertinent accounts data as considered useful or necessary by the High Commissioner.~~

~~11.1 The schedule in respect of loan operations shall be shown on an annual and cumulative basis, and shall report on the loan transactions without distinction as to the programme or fund from which the loan was granted.~~

~~11.3 The accounts of all voluntary funds shall be maintained in United States dollars. 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.~~

- 11.2 The High Commissioner shall submit annual ~~accounts~~ **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 ~~year~~ **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 the UNHCR Audit Section of the Office of Internal Oversight Services~~ 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 2012. 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.9)*, as set out in Annex I of conference room paper EC/62/SC.CRP.28,

*Takes note* that comments from the Advisory Committee on Administrative and Budgetary Questions (ACABQ) on the proposed revisions will be incorporated in the proposed revised Financial Rules prior to the sixty-second session of the Executive Committee; and

*Requests* the High Commissioner to submit a final draft of the revised Financial Rules (A/AC.96/503/Rev.10) to the sixty-second session of the Executive Committee for endorsement, and for subsequent promulgation by the High Commissioner with effect from 1 January 2012.

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