

## **Exploring the options of trust funds to ensure the continuity of resources**

**Prepared by the Implementation Support Unit at the request of Thailand in its capacity as the Co-Chair of the Standing Committee on Resources Cooperation and Assistance**

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**For discussion on 25 May 2012 by  
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### **Background**

In April 2009, the European Union, through a “Joint Action” implemented by the Implementation Support Unit (ISU), supported Thailand in convening the Bangkok Workshop on Achieving a Mine-Free Southeast Asia. At this workshop, the idea was raised that the States Parties should consider exploring options that will ensure the continuity of resources, such as the establishment of a trust fund. At the June 2011 inaugural meeting of the Standing Committee on Resources, Cooperation and Assistance, Thailand highlighted that it would welcome the further development of this idea, including through the preparation of a concept paper by the ISU.

The ISU was subsequently requested by Thailand in its capacity as the Co-Chair of the Standing Committee on Resources, Cooperation and Assistance to prepare a background paper that “provides an overview of existing funding models, including a variety of trust funds already in existence” and highlights “options for States Parties to consider regarding the pros and cons of existing or possible new funding mechanisms.”

### **Existing funding models**

The Convention states that those States Parties in a position to provide assistance may do so through a variety of means, including “through the United Nations system, international or regional organizations or institutions, or on a bilateral basis.” For victim assistance, “the International Committee of the Red Cross, national Red Cross and Red Crescent Societies and their International Federation” are specifically named, as is “the United Nations Voluntary Trust Fund for Assistance in Mine Clearance” for mine clearance and related activities. What follows is an overview of the origins, purpose and status of a variety of funding mechanisms which have been or could be means for both States Parties to direct assistance and others to obtain assistance. This is certainly not an exhaustive list of existing funding models.

#### *The United Nations Voluntary Trust Fund for Assistance in Mine Action*

In 1993, the United Nations General Assembly (UNGA) requested that the United Nations Secretary General (UNSG) produce a report in advance of the 1994 49<sup>th</sup> session of the UNGA in which the UNSG inter alia would “include in his report consideration of the financial aspects of activities related to mine clearance and, in this context, of the advisability of establishing a voluntary trust fund to finance, in particular, information and training programmes related to mine clearance and to facilitate the launching of mine-clearance operations.”<sup>1</sup> In the UNSG’s subsequent report, the UNSG recorded a number of Member States expressing their support for the establishment of such a trust fund. The United Nations then established the United Nations Voluntary Trust Fund for Mine Clearance in 1994.

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<sup>1</sup> United Nations General Assembly Resolution 48/7, adopted 19 October 1993.

The trust fund was originally managed by the then United Nations Department for Humanitarian Affairs (UNDHA) “to assist mine clearance and mine-related issues.” At the time, donors were funding individual mine clearance projects, but there was no guaranteed source of funds to cover any shortfall or to bridge gaps in funding. The original aims of this trust fund were:

- To provide “seed money, or start-up funds (...) for such activities as the establishment of field-level coordination mechanisms, the creation of a systematic capacity to gather and collate mine information, mine surveys, the establishment of a training school, the early procurement of mine-clearance equipment, mine-awareness programmes, key clearance operations and rehabilitation activities.”
- For “assessment missions, bridging of funding delays during implementation of a programme, public awareness campaigns, headquarters support and the expansion of existing programmes.”<sup>2</sup>

In 1997, United Nations Mine Action Service (UNMAS) was established within the United Nations Department for Peace Keeping Operations to serve as the UN focal point for mine action and the management of the trust fund. The trust fund was subsequently renamed the United Nations Voluntary Trust Fund for Assistance in Mine Action (VTF). Since its inception, the UNVTF has received nearly US\$ 750 million in voluntary contributions.

According to “eMine”, the activities funded by the UNVTF include, “but (are) not limited to:

- Assessment missions to evaluate the scope of a mine/ERW problem;
- Emergency mine action where rapid intervention is required;
- Coordination and operational activities in UN-managed mine action programmes and the quality oversight of Landmine Impact Surveys (LIS);
- Coordination, policy development and implementation, public outreach and advocacy initiatives of the United Nations Mine Action Service;
- Development of International Mine Action Standards;
- Mine action activities of other UN Mine Action Team members.”<sup>3</sup>

In 2011, funds from the UNVTF made up 46 percent of the revenue obtained by UNMAS for its country and thematic programmes and its operations. On a few rare occasions some donors specifically earmark contributions to activities and programmes supported by other UN Mine Action Team members. In 2009-2010, funds from the UNVTF were divided as follows: UNMAS headquarters, 5 percent; UNDP & UNICEF, 3 percent; direct grants, 4 percent; and, UNOPS (for UNMAS country programmes), 88 percent. Of the funds directed to UNOPS, 48 percent were channelled to non-governmental organizations, 18 percent were channelled to commercial companies and 34 percent were used for support and coordination.<sup>4</sup>

During the period 1 January 2007 to 31 March 2012, 19 States Parties (in addition to a number of other donors) made contributions to the VTF with many of these providing a contribution each year. Five donors – Australia, Canada, the European Union, Japan and the Netherlands – provided over 93 percent of all contributions during this time span totalling US\$ 483 million. Also during this time span, Brazil, Colombia and Romania contributed to the UNVTF for the first time.

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<sup>2</sup> Assistance in Mine Clearance”, Report of the United Nations Secretary General to the General Assembly, A/50/408.

<sup>3</sup> United Nations Mine Action Service website “eMine” accessed 30 April 2012:  
[http://www.mineaction.org/section.asp?s=who\\_pays\\_for\\_it](http://www.mineaction.org/section.asp?s=who_pays_for_it)

<sup>4</sup> Justin Brady, Acting UNMAS Director, “Ensuring efficiency in cooperation and assistance: Voluntary Trust Fund for Assistance in Mine Action,” Presentation to the Standing Committee on Resources, Cooperation and Assistance, 24 June 2011.

Seventeen (17) States Parties were beneficiaries of VTF support during the period 2007-2011: Afghanistan, Angola, Burundi, Cambodia, Chad, Colombia, Cyprus, Democratic Republic of the Congo, Eritrea, Guinea-Bissau, Iraq, Mauritania, Mozambique, Senegal, South Sudan, Sudan and Tajikistan. One of these States Parties, (Afghanistan) accounted for 65 percent of all funds attributed to beneficiaries during the period 2009-2012, with Sudan accounting for a further 12 percent during this period.

The 2011 report of the UN's Joint Inspection Unit on the United Nations in mine action, while noting implementing partners' concerns about the operations of the UNVTF, highlighted that UNMAS has undertaken "several important measures to improve the financial management of the UNVTF" with these resulting in "improvements in the Fund's financial performance and the UNMAS management of fund assets." The Joint Inspection Unit also suggested a number of steps that could be taken with a view to enhancing the operation of the UNVTF.<sup>5</sup>

#### *United Nations Development Programme Thematic Trust Fund for Crisis Prevention and Recovery*

In March 2000, the United Nations Development Programme (UNDP) established the Thematic Trust Fund for Crisis Prevention and Recovery (CPR TTF). The CPR TTF is designed for quick action following a natural disaster or violent conflict, or when a unique opportunity arises to reduce disaster risk or prevent conflict.

Since its inception, the Fund has mobilized more than US\$ 1 billion and benefited more than 100 countries. UNDP's Bureau for Crisis Prevention and Recovery (BCPR or the Bureau) serves as the Fund manager, responsible for both its fiduciary oversight and programmatic results.

In addition to offering rapid receipt and allocation of funds to UNDP country offices, the CPR TTF provides the flexibility to refocus funding in response to evolving crisis prevention and recovery needs. The Fund also ensures that the Bureau's high-quality integrated technical expertise and programmatic support are mobilized towards the delivery of the funds.<sup>6</sup>

The Fund is structured to accept non-earmarked contributions, earmarked contributions benefiting individual programme countries, and earmarked contributions for the outcome areas of conflict, disaster, early recovery and gender equality. In 2010 (the most recent year for which an annual report is available), the CPR TTF received contributions totaling US\$ 105.1 million. Almost 48 percent of this was provided by four donors: Sweden, the United Kingdom, Norway and the Netherlands. Other significant donors included Canada, Australia, Denmark, Germany Japan and Brazil.<sup>7</sup>

The Final Report of the Second Review Conference recorded that, between 2004 and 2008, the CPR TTF disbursed over US\$ 112 million for mine action, with beneficiaries including 28 States Parties.<sup>8</sup> The CPR TTF's 2010 annual report states that the "UNDP continued to work with nationally led mine action programmes in 40 countries to strengthen capacities of national authorities to manage, coordinate, and plan mine action activities and speed up the clearance of mines and (other) explosive remnants of war."

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<sup>5</sup> Evaluation of the scope, organization, effectiveness and approach of the work of the United Nations in mine action, JIU/REP/2011/11.

<sup>6</sup> UNDP Crisis Prevention and Recovery website, accessed 10 May 2012: [http://www.undp.org/content/undp/en/home/ourwork/crisispreventionandrecovery/crisis\\_preventionandrecoverythematictrustfund/](http://www.undp.org/content/undp/en/home/ourwork/crisispreventionandrecovery/crisis_preventionandrecoverythematictrustfund/)

<sup>7</sup> UNDP Bureau for Crisis Prevention and Recovery 2010 Annual Report.

<sup>8</sup> The Final Report of the Second Review Conference of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, Part II, Appendix VIII.

Funds for mine action from the CPR TTF flow from its “conflict prevent and recovery” window, which, at US\$ 71.7 million, in 2010 accounted for more than half of the CPR TTF’s expenditures. Of this amount, the CPR TTF’s annual report does not provide a breakdown of the amount specifically attributed to Convention-related activities.

#### *UNICEF Thematic Funds for Child Protection, including mine action*

The vast majority of UNICEF funds for mine action – focused on mine/ERW risk education (MRE) and victim assistance – are received as earmarked contributions specifically for that purpose. These are contributed as thematic funds for Child Protection, through UNICEF’s Emergencies Fund or can be channeled directly to Country Offices by donors. In emergencies such as the recent one in Congo Brazzaville or in Mali, UNICEF applies for and receives funding for mine action through the UN’s Central Emergency Revolving Fund (CERF) managed by OCHA. On a few occasions donors also have elected to channel funding through the UNVTF earmarked for UNICEF whereby it is transferred by UNMAS through individual agreements to the aforementioned funding mechanisms. To support its mine action work on victim assistance in one State not party, Sri Lanka, UNICEF also received funding through the UN Peacebuilding Support Fund.

#### *ITF Enhancing Human Security*

The International Trust Fund (ITF) was established by the Government of Slovenia in March 1998 to assist Bosnia and Herzegovina in implementing the Dayton Agreement of December 1995 by raising funds, providing services and managing mine action projects. Since its inception, the ITF has focused its fundraising activities and support on humanitarian mine action in South Eastern Europe. It later expanded operations to other mine-affected regions and countries including Cyprus, the South Caucasus, Central Asia, Latin America and Middle East.

Through its 2009-2013 strategy, the ITF has set to address other challenges, including security sector reform (SSR), disarmament, demobilization and reintegration (DDR), and problems associated with small arms and light weapons (SALW). As such, its mission has broadened to be “a world free of the threat from post-conflict and disruptive challenges, including landmines, explosive remnants of war (ERW) and the illicit ownership and use of small arms and light weapons (SALW), and where the security of individuals and communities is assured.”<sup>9</sup>

The ITF aims to do the following:

- Raise and manage funds from a wide range of donors;
- Identify and manage projects on behalf of national authorities and donors; and,
- Develop national and regional capacities to manage programmes and projects more effectively and efficiently.

The ITF focuses its efforts on projects in South Eastern Europe, although it indicates that “high impact projects in other post-conflict countries will be supported by the ITF only to meet clearly defined needs, at the invitation of national authorities, and with financial support of international donors.”<sup>10</sup> The ITF uses a formal tender process for its projects, with participation, as indicated in the most recent document available, “open on equal terms for commercial companies and non-

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<sup>9</sup> International Trust Fund – Enhancing Human Security website, accessed 30 April 2012: [http://www.itf-fund.si/Documents/About\\_ITF/Vision\\_and\\_Mission\\_9.aspx](http://www.itf-fund.si/Documents/About_ITF/Vision_and_Mission_9.aspx)

<sup>10</sup> International Trust Fund – Enhancing Human Security website, accessed 30 April 2012: [http://www.itf-fund.si/Documents/About\\_ITF/Vision\\_and\\_Mission\\_9.aspx](http://www.itf-fund.si/Documents/About_ITF/Vision_and_Mission_9.aspx)

governmental organizations, international and national, which possess the accreditation for humanitarian demining and technical survey in (the country in question).”<sup>11</sup>

In terms of contributors to the ITF, it should be noted that, since its inception, the USA has provided funds to the ITF to match other donor contributions, thus, in the words of the US State Department, “effectively doubling funding available for humanitarian mine action projects executed by the international donor community through the ITF.” According to the USA, “without the United States matching funds as a draw for other international donors, humanitarian mine action in the Balkans would be drastically reduced with significant negative consequences for mine and unexploded ordnance casualty rates, economic development and regional security.”<sup>12</sup> According to a Government of Slovenia website, “the system of matching the funds donated by the USA is (...) unique in the international arena” and that “through this type of support from the inception of the ITF onwards, the USA has been the pillar of the ITF’s donation sources.”<sup>13</sup>

Donors to the ITF can either make an earmarked contribution for a chosen country, activity, minefield, or implementing agency, or make a non-earmarked contribution. With respect to the latter, such funds are used to finance the highest ranked projects on an established priority list. In 2010-2011, the following States Parties provided donations to the ITF: Austria, Belgium, Bosnia and Herzegovina, Cyprus, the Czech Republic, Germany, Ireland, Japan, Monaco, Norway, Slovenia and Switzerland. The ITF received donations in 2011 totalling just over US\$ 18 million with approximately 50 percent of all donations having been provided by the USA and approximately 18 percent having been provided by Norway. The ITF also has a large number of sub-national governments that have provided contributions along with a number of private sector entities.

In 2011, the following States Parties in the process of implementing Article 5 or which have reported the responsibility for significant numbers of survivors were beneficiaries of ITF programmes: Albania, Bosnia and Herzegovina, Colombia and Croatia. In addition, the ITF has been the implementing partner for the Organisation for Security and Cooperation in Europe’s “Facilitation of Regional Cooperation in Central Asia” project, which in part is intended to assist two States Parties: Afghanistan and Tajikistan. In addition, other States Parties have been beneficiaries of the ITF’s SSR, DDR and SALW programmes.

#### *United Nations Trust Fund for Human Security*

The United Nations Trust Fund for Human Security (UNTFHS) was founded in 1999 by Japan and the United Nations Secretariat under the Office of the United Nations Controller. At the outset, the majority of the funds were directed to the areas of health, education, agriculture, and small-scale infrastructure development. In response to the United Nations Millennium Summit in 2000, which called upon the international community to promote “freedom from want” and “freedom from fear,” new priorities were set out for the UNTFHS. These included producing concrete and sustainable benefits to specific target populations, using the “protection and empowerment” framework, addressing the multi-sectoral demands of people in situations of insecurity, integrating responses by the international community, working together with civil society organizations, and avoiding duplication with existing initiatives.<sup>14</sup>

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<sup>11</sup> works procurement notice for execution of demining (dem) and technical survey (ts) works, Publication reference ITF-01-02/12-DEM/TS-BH-UNDP, accessed on the ITF website on 30 April 2012: <http://www.itf-fund.si/Tenders/Invitation%20UNDP%202012.pdf>

<sup>12</sup> US State Department website, accessed 30 April 2012: <http://www.state.gov/t/pm/65536.htm>

<sup>13</sup> Your gateway to information on Slovenia website, accessed 30 April 2012: <http://www.slovenia.si/en/slovenia/state/slovenia-in-the-world/international-humanitarian-assistance/international-trust-fund-for-deminind-and-mine-victims-assistance/>

<sup>14</sup> United Nations Trust Fund for Human Security website, accessed 30 April 2012:

In 2004, management of the fund was shifted to the Office for the Coordination of Humanitarian Affairs (OCHA) and the Human Security Unit (HSU) was created in OCHA. The HSU's objective is therefore to manage the UNTFHS and to promote the human security concept. With respect to the definition of this concept, a UNTFHS publication references a 2005 Member States' decision recognising that "all individuals, in particular vulnerable people, are entitled to freedom from fear and freedom from want, with an equal opportunity to enjoy all their rights and fully develop their human potential".<sup>15</sup>

According to the Government of Japan, the UNTFHS can inter alia be used to address the problems caused by landmines:

The purpose of the fund is to finance activities carried out by UN organizations or designated non-UN organizations that translate the human security concept into practical actions, in particular those at the field level to demonstrate its added-value in view of promoting and disseminating the concept, through projects that address poverty, environmental degradation, conflicts, landmines, refugee problems, illicit drugs and infectious diseases such as HIV/AIDS, thus to secure people's lives, livelihoods and dignity in the real world.<sup>16</sup>

As noted, the UNTFHS finances activities carried out by UN organizations or designated non-UN organisations. Non-UN organisations are designated "on an exceptional basis and when appropriate."<sup>17</sup> Projects funded through the UNTFHS must meet the following criteria:

- Providing concrete and sustainable benefits to vulnerable people and communities threatened in their survival, livelihood and dignity.
- Implementing the "Protection and Empowerment" framework by comprehensively including both top-down protection and bottom-up empowerment measures.
- Promoting partnerships with civil society groups, NGOs, and other local entities and encouraging implementation by these entities.
- Advancing multi-sectoral integrated approaches that take into account the people-centered, comprehensive, context-specific and prevention-oriented aspects of the human security concept.
- Promoting, to the extent possible and necessary, inter-agency cooperation based on the comparative advantage of the applying organizations so as to advance the operational impact of the project.
- Concentrating on those areas of human insecurity that are currently neglected and avoiding duplication with existing programmes and activities.
- Having a pilot and innovative nature which could be replicated in other regions or countries through other sources of funding.
- Including a component designated specifically for the dissemination of the concept of human security.

An "Advisory Board on Human Security" (ABHS) was established in 2003 and tasked in part to advise the UNSG on "methods to increase the impact of projects and activities funded by the UNTFHS." The ABHS is an independent body composed of 13 distinguished members known for their breadth of knowledge and their deep commitment to human security. One of these individuals is the President-Designate of the Twelfth Meeting of the States Parties, Ambassador Matjaž Kovacic of Slovenia.

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<http://ochaonline.un.org/trustfund/tabid/2107/default.aspx>

<sup>15</sup> Guidelines for the United Nations Human Security Trust Fund, 6<sup>th</sup> revision, 17 June 2011.

<sup>16</sup> [http://www.mofa.go.jp/policy/human\\_secu/t\\_fund21.pdf](http://www.mofa.go.jp/policy/human_secu/t_fund21.pdf)

<sup>17</sup> Guidelines for the United Nations Human Security Trust Fund, 6<sup>th</sup> revision, 17 June 2011.

As of September 2011, the total cumulative contributions received by the fund had totalled US\$ 370 million with US\$ 10.3 million contributed during the one year period from October 2010 to September 2011.<sup>18</sup> To date, the UNTFHS has received contributions from Greece, Japan, Mexico, Slovenia and Thailand. Any party that agrees to the terms provided in the Guidelines for the UNTFHS is eligible to become a donor. The UNTFHS is not open to earmarked contributions. However, donors may express their geographical and sectoral interests with regard to the funding of projects.<sup>19</sup>

In terms of acquiring funds, any organization(s) within the United Nations system that seeks support from the UNTFHS should submit a concept note to the HSU/OCHA for initial assessment. The HSU/OCHA will inform the applying organization(s) of the outcome of its review and if positive will encourage the applying organization(s) to formulate a full project proposal. In line with the Guidelines of the UNTFHS, the full project proposal should define the details of the proposed activities and should be in line with the UN Financial Regulations and Rules. Proposals that satisfy the review process will be submitted to the Executive Office of the Secretary-General for further review and approval. Upon approval from the Executive Office of the Secretary-General, the Controller of the United Nations will authorize expenditures in accordance with the UN Financial Regulations and Rules.

Between 1999 and 2012, the UNTFHS supported 203 projects in over 80 countries. With respect to the implementation of the Convention, on 12 June 2006, the Government of Japan and the United Nations announced that they had decided to extend assistance totalling US\$ 1,679,729 to a project entitled "Crossing the Bridge of Peace: Victim Assistance and Mine Risk Education for Human Security in Sudan" to be implemented by UNMAS, the United Nations Office for Project Services (UNOPS), the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF).<sup>20</sup> The aim of this project was to "(establish) a basis for community-based initiatives to address the threats posed by landmines and explosive remnants of war" through "workshops to develop a national strategy and work plan for victim assistance involving relevant stakeholders such as government officials, NGOs and landmine survivors; conducting needs assessment of landmine victims in order to provide community based vocational training; providing mine risk education for individuals and communities to minimize the risk of landmines; and, organizing a photography exhibition in Khartoum to raise public awareness of mine action activities."<sup>21</sup>

#### *UN Partnership to promote the Rights of Persons with Disabilities Multi-Donor Trust Fund*

The UN Partnership to promote the Rights of Persons with Disabilities Multi-Donor Trust Fund (UNPRPD MDTF) was launched by the UN Partnership to Promote the Rights of Persons with Disabilities (UNPRPD) in December 2011. It aims to generate and manage resources to develop the capacities of national stakeholders, particularly governments and organizations of persons with disabilities, for the effective implementation of the Convention on the Rights of Persons with Disabilities (CRPD), including through promoting disability-inclusive internationally agreed development goals.

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<sup>18</sup> Progress Report to the Advisory Board On Human Security, October 2010 To September 2011.

<sup>19</sup> Guidelines for the United Nations Human Security Trust Fund, 6<sup>th</sup> revision, 17 June 2011.

<sup>20</sup> Also in 2006, a project entitled "Social & Economic Empowerment of Mine-Affected communities: Removing the Threat of landmines and UXO's and Promoting Post De-mining Rehabilitation in South Lebanon" was funded. It was implemented by UNMAS, UNOPS and UNDP for a total budget of US\$ 2,885,683.

<sup>21</sup> Assistance for "Crossing the Bridge of Peace: Victim Assistance and Mine Risk Education for Human Security in Sudan" Project. Ministry of Foreign Affairs of Japan website, accessed 30 April 2012, <http://www.mofa.go.jp/announce/announce/2006/6/0612.html>.

The UNPRPD MDTF was established in response to the need to provide support to States in implementing provisions of the CRPD. The CRPD, adopted in 2011, acknowledges the widespread discrimination, exclusion, and marginalisation of persons with disabilities and recognizes the need for a paradigm shift towards a human rights-based approach to disability. The CRPD places an obligation upon States Parties to take all appropriate measures to promote, protect, respect and fulfill the rights of persons with disabilities in accordance with its provisions. Given that the CRPD, the overarching international normative framework on disability, sets a high standard for States to achieve, the purpose of the fund is to assist States Parties in achieving this standard and thus fulfilling its obligations under the CRPD.

The UNPRPD MDTF is administered by the Multi-Partner Trust Fund Office (MPTF Office) of the United Nations Development Program (UNDP) in accordance with its financial regulations and rules. The UNPRPD MDTF will primarily support joint programmes at the country-level in which participating UN organizations collaborate around common capacity development goals. Country-level programs will be supported by thematic, regional and global undertakings. Participating UN organizations seeking funding will be invited to develop individual and joint programme documents based on in-country demand, in consultation with governmental institutions, organizations of persons with disabilities and civil society partners, or other partners as relevant (e.g. social partners, academia, etc). Resident Coordinators will play a key role in facilitating the process at the country level and engaging UN Country Teams. The draft joint programme proposal will then be submitted to the technical secretariat for review.

The UNPRPD Management Committee, supported by the technical secretariat, may decide to approve the proposals, approve proposal with modifications/conditions, defer/return with comments for further considerations or reject proposals. The Management Committee draws on feedback received from external partners and recognized experts in the field through the peer review of proposals coordinated by the Technical Secretariat. The decision of the Management Committee has to be signed off by the Chair of the Policy Board in order to become operational.

On receipt of the UNPRPD Policy Board's programme approval, the representatives of country/regional offices of the participating UN organizations will proceed with the signing of the joint program document. On receipt of the UNPRPD Policy Board's approval of a program and a copy of the signed program document accompanied by the program budget, the MPTF Office, acting as Administrative Agent, will pass funds to the Participating UN Organizations. Periodic reviews of joint program management and implementation will be undertaken jointly with the Participating Organizations.

The balance of the UNPRPD MDTF currently stands at US \$ 2,119,190, with contributions having been provided by Australia (US\$ 2,079,200) and Finland (US\$ 39,990).<sup>22</sup> Project funding is due to commence later this year.

#### *UNDP Multi-Partner Trust Funds*

United Nations Multi-Partner Trust Funds (MPTFs) are designed to fit the realities of specific country or global situations but established on common core principles and strategies such as:

- Involve a broad range of stakeholders, including national authorities, Contributors/Partners, Participating UN Organizations in the decision-making process, as appropriate;
- Build on existing frameworks or plans rather than creating new, parallel structures;

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<sup>22</sup> UN Partnership to promote the Rights of Persons with Disabilities Multi-Donor Trust Fund (UNPRPD MDTF), Multi-Donor Trust Fund Gateway website, accessed 2 May 2012. <http://mptf.undp.org/factsheet/fund/RPD00>

- Strengthen aid effectiveness through coordination and harmonization of interventions to ensure increased coherence, efficiency, reduction of management and reporting burdens and associated transaction costs;
- Ensure that the funding, operations and implementation modalities provide for full transparency and accountability; and,
- Focus on expedient delivery with concentrated focus on results.

MPTFs are generally established to support specific country and/or global strategic priorities that are defined in national or global strategic plans such as UN Development Assistance Frameworks (UNDAFs), Delivering-as-One (DaO) and similar strategic documents/frameworks. The objective is to ensure that MPTFs and joint programmes reflect and respond to the needs on the ground as defined by the national government in consultation with UN country teams, contributors/partners and other stakeholders. The objectives and scope of an MPTF are defined to ensure government ownership and alignment with established national priorities and plans.

MPTFs are generally established with a multi-tier governance structure that promotes strong national and UN inter-agency coordination, including peer and technical reviews, and collaboration with national governments and contributors/partners. In order to harmonize and strengthen the fiduciary management oversight of Multi-Partner Trust Funds (MPTFs), an Oversight Framework has been developed by the United Nations Development Group (UNDG).

The UNDP's Multi-Partner Trust Fund Office Gateway lists 49 individual funds with the total value of funds received amounting to over US\$ 5.63 billion between 2004 and May 2012.<sup>23</sup> Of the States Parties that are implementing Article 5 and / or which have reported the responsibility for significant numbers of survivors, there are trust funds for: Iraq, Sudan, South Sudan, the Democratic Republic of the Congo, Mozambique, Albania, Ethiopia and Bhutan. In addition, the United Nations Trust Fund for Human Security and the UN Partnership to promote the Rights of Persons with Disabilities Multi-Donor Trust Fund are both considered to be "Multi-Partner Trust Funds."

#### *Albania One UN Coherence Fund*

The Albania One UN Coherence Fund is an example of a nationally-focused "Multi-Partner Trust Fund."

In January 2007, Albania was selected as one of eight countries around the world to pilot UN efforts to deliver as "One UN" following a request made by the Albanian Government to the United Nations. The goal is "to enhance development results and impact by bringing together the comparative advantages of the UN system within a single strategic programme and to contribute to making a difference in the lives of Albanians:"

The UN system has aligned its support to the European integration and development goals of Albania while complementing the assistance provided by other multilateral and bilateral development partners. Through the One UN Programme, in partnership with the Government and other development stakeholders in civil society and private sector, the UN system delivers focused and value-added results in development assistance as a harmonized organization with unity of purpose, coherence in management and efficiency in operations.<sup>24</sup>

<sup>23</sup> Portfolio of Funds & Joint Programmes, Multi-Donor Trust Fund Gateway website, accessed 2 May 2012.  
<http://mptf.undp.org/portfolio/fund>

<sup>24</sup> Albania One UN Coherence Fund, Multi-Donor Trust Fund Gateway website, accessed 2 May 2012.  
<http://mptf.undp.org/factsheet/fund/AL100>

To accelerate the implementation of the One UN programme, a fund was established “to maximize the effectiveness of the UN system delivery in Albania by pooling resources into a common fund to support Albania's strategic priorities.” To further accelerate coherence, efficiency and delivery at the country level, un-earmarked commitments are called for.

The Albania One UN Coherence Fund is meant to streamline, simplify and increase harmonization and predictability of resources. Donors are encouraged to contribute during the early stages of programme development and implementation and on a multi-year basis to the extent possible. This enhances predictability and helps ensure a strategic programme where funding decisions are driven by the highest national development priorities and strategies as contained in the One UN Programme.

The fund is administered by the UNDP’s Multi-Partner Trust Fund Office. To date, the following have contributed approximately US\$ 25.6 million to the fund: Austria, the European Union, Finland, the Netherlands, Norway, Spain, Sweden and Switzerland.

In terms of its relationship to the Convention, the UN has reported that “with UN assistance Albania has been declared mine free following more than a decade of collaboration among national and international actors, paving the way for local communities to fully utilize their local resources for economic purposes, thus contributing significantly to the development of Kukes, one of the poorest regions of the country. Assistance to mine victims and their re-integration into the socio-economic life of the community continued throughout 2010. An exit strategy was elaborated for re-orienting the capacities developed through mine action assistance to help the government address its new priority on destruction of excess and obsolete ammunition.”<sup>25</sup>

In addition, “the Government of Albania and United Nations Programme of Cooperation 2012-2016” contains various output and outcome statements which, while not explicitly related to the Convention, could be perceived to be. For instance, the intended outcome that “the public, including marginalised groups and communities, better receive equitable, inclusive and accountable decentralised services” is synonymous with the Cartagena Action Plan commitment that States Parties “increase the availability of and accessibility to appropriate services for female and male mine victims, by removing physical, social, cultural, economic, political and other barriers, including by expanding quality services in rural and remote areas and paying particular attention to vulnerable groups.”<sup>26</sup>

*Trust Fund for Support to the Full Implementation of the Convention on Cluster Munitions in the Lao PDR within the Framework of the Vientiane Declaration on Aid Effectiveness*

The Trust Fund for Support to the Full Implementation of the Convention on Cluster Munitions (CCM) in the Lao PDR was established by the Government of the Lao PDR and UNDP on 5 March 2010. Informally called the Cluster Munitions Trust Fund for Lao PDR, the purpose of this fund is to support the operations of the National Regulatory Authority for UXO/Mine Action sector in the Lao PDR (NRA) and UXO Lao victim assistance, clearance, risk education, and any other specific projects. In addition, the Trust Fund provided the main resources required by the Lao PDR for convening the First Meeting of the States Parties to the CCM in Vientiane.

A steering committee has been established to provide advice and recommendations on the operations of the trust fund. It supports coordination and effective prioritisation, and long-term

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<sup>25</sup> United Nations Albania 2010 One UN Programme Annual Report.

<sup>26</sup> Cartagena Action Plan, Action #31.

planning in the UXO sector in 2010-2020 in accordance with MDGs, the UXO Sector Strategy (“The Safe Path Forward II”) and the 7<sup>th</sup> National Socio-Economic Development Plan. The Steering Committee is chaired by the Ministry of Foreign Affairs and co-chaired by the UNDP. The representatives of the Ministries of Planning and Investment, Finance, Labour and Social Welfare, and donors who make a minimum contribution of US\$ 500,000 annually are its members.<sup>27</sup>

As of March 2011, the following States had contributed approximately US\$ 12 million to the trust fund: Australia, Belgium, Canada, France, Germany, Ireland, Luxembourg, New Zealand, and Switzerland.

### *The ICRC’s Special Fund for the Disabled*

The ICRC’s Special Fund for the Disabled (SFD) “supports physical rehabilitation services in low-income countries.” (...) The SFD aims to “(a) promote accessibility of persons with physical disabilities to rehabilitation centres, (b) promote quality of patient services and (c) promote long term functioning of physical rehabilitation centres.”<sup>28</sup> The SFD was established in 1983 further to a 1981 resolution of the Red Cross Movement that recommended that “a special fund be formed for the benefit of the disabled and to promote the implementation of durable projects to aid disabled persons.”<sup>29</sup>

From a legal point of view, since 2001, the SFD has been independent from the ICRC and has the status of a foundation under Swiss law. However the two organizations still have a strong relationship and are interdependent with logistical support provided by the ICRC and common approaches, standards and guidelines being used in the conduct of their respective work. In the work of the SFD, priority is also given to former ICRC projects so that support can continue to be provided during the transition period from ICRC to government supported physical rehabilitation centres.

Physical rehabilitation centres of low-income countries where the ICRC has no permanent presence can submit requests for support to the SFD. These requests can be addressed either directly to the Geneva headquarters or to one of the 3 regional bases (located in Ethiopia, Nicaragua and Vietnam). Each new request is subject to a standardized procedure, involving a questionnaire, consultations between SFD heads of regional projects and ICRC heads of (regional) delegations, a project visit by the SFD, the assessing of the selection criteria, and a project proposal including a budget, addressed to the SFD’s headquarters in Geneva.

One of the main selection criteria is that the physical rehabilitation centre needs to function at an acceptable level of technical and management autonomy, adapted to the local circumstances, and should have a potential for improving mutually identified points. The partner's financial autonomy should be such that the centre does not overly depend on the SFD. It is also very important that the partner organization demonstrate transparency with regard to the way in which it operates. The collaboration between the requesting organization and the SFD is based on mutual trust. The context of the region and project should also be favourable to long-term action.<sup>30</sup>

The SFD is funded solely by voluntary contributions following a yearly appeal. These contributions fund both activities in the fields and at headquarters in Geneva. Donors include governments, Red

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<sup>27</sup> Trust Fund For Support to the Full Implementation of the Convention on Cluster Munitions in the Lao PDR within the Framework of the Vientiane Declaration on Aid Effectiveness Fact Sheet November 2010.

<sup>28</sup> ICRC Special Fund for the Disabled website.

<sup>29</sup> Ibid.

<sup>30</sup> ICRC website.

Cross and Red Crescent National Societies, foundations and private donors. In-kind support such as office space, administrative and logistical support as well as training for the SFD staff working in the field and at headquarters in Geneva is provided by the ICRC.

The SFD's 2011 annual report lists 27 countries that were beneficiaries of SFD support, including the following 6 States Parties which have indicated that they are responsible for significant numbers of survivors: El Salvador, Ethiopia, Nicaragua, Peru, Senegal and Tajikistan. The fund's expenditures in 2011 were approximately CHF 5.1 million.

## **Options for States Parties to consider**

### *Establishing a new trust fund*

The arguments in favour of establishing a new trust fund would appear to be as follows:

- At present, there is no trust fund explicitly intended to support the implementation of the Convention. In contrast, the UN Partnership to promote the Rights of Persons with Disabilities Multi-Donor Trust Fund is an example of a trust fund established explicitly to support the implementation of a particular international convention. Its goal is to develop the capacities of national stakeholders, particularly governments and organizations of persons with disabilities, for the effective implementation of the CRPD, including through promoting disability-inclusive internationally agreed development goals.<sup>31</sup>
- The number of beneficiaries of the trust fund most closely related to the implementation of the Convention, the UNVTF, has been small with the vast majority of support having been earmarked by donors to only two of the States Parties implementing Article 5.
- Another trust fund that historically has been clearly tied to supporting States Parties and others in the pursuit of the Convention's core aims – the ITF Human Security – has seen its focus broaden. Whereas the vision of the ITF at one time was “to make the entire region of South-East Europe free from the impact of mines and unexploded ordnances by 2010”, it is now “a world free of the threat from post-conflict and disruptive challenges, including landmines, explosive remnants of war and the illicit ownership and use of SALW, and where the security of individuals and communities is assured.”

If the States Parties were to pursue the establishment of a new trust fund, existing trust funds – be they UN MPTFs or non-UN funding vehicles such as the ITF Human Security – provide clarity regarding the basic elements required. These include:

- **Policy board:** A policy board would be necessary to set the strategic direction of the trust fund, address major policy issues, review the work of the trust fund and provide programmatic oversight for the allocation of financial resources. Decisions would have to be made regarding the composition such a board, criteria for membership, the selection of members, the length of their terms and working methods.
- **Management Committee:** A management committee would serve as a working level, standing committee of the policy board with the responsibility to review proposals for funding and decide on the allocation of funds. As with the policy board, decisions would have to be made regarding

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<sup>31</sup> UN-Partnership to Promote the Rights of Persons with Disabilities (UNPRPD) and the Multi-Donor Trust Fund (MDTF) Terms of Reference, 3 October 2011.

the composition of such a committee, criteria for membership, the selection of members, the length of their terms and working methods.

- Technical secretariat: A technical secretariat would be required to draft criteria for the selection of projects, to develop guidelines for the preparation and submission of proposals, to review proposals for completeness and consistency with established criteria and guidelines, to make recommendations to the management committee, to transmit approved proposals to the administrative agent for fund disbursement, and, to provide technical assistance to country programmes. Costs for the technical secretariat would need to be covered.
- Administrative agent: An administrative agent would be needed to negotiate administrative arrangements and to conclude agreements, to receive and disburse funds, and to prepare financial reports. A decision would be needed regarding compensation for the administrative agent.
- Implementing partners: Criteria would need to be established to determine eligibility for the receipt of funds.

If a new trust fund were to be established, the States Parties would need to determine whether to seek its establishment in the UN context or to pursue other options, such as a stand-alone entity or seeking an agreement with a non-UN entity regarding the trust fund's establishment. With respect to UN MPTF, certain advantages include:

- Predictable, coordinated and effective support to nationally owned development processes, utilizing within the UN, the specialized expertise and comparative advantages of various UN organizations, as well as the competencies of the UN and the World Bank;
- Improved resource efficiency and effectiveness, reduced transaction costs, particularly in high-risk environments;
- Increased and untied funding for national authorities directed at nationally determined priorities;
- Reduced costs relating to resource mobilization, administration, communication, and coordination for national governments, donors, and UN agencies;
- Interaction between donors and transitional authorities that may have not yet acquired full national legitimacy;
- Coordinated approach to issues facing developing countries; and,
- Complete transparency and accountability.

If a trust fund were to be established as a stand-alone entity, it would need a legal personality in the country in which it is found. In Switzerland an option may be to establish a "foundation", which is a legal entity under Articles 80 to 89 of the Swiss Civil Code, the property of which exists for "a defined purpose." A foundation, created through an authenticated deed before a notary, is established by the attribution of a capital amount to a specific purpose and it must be placed under the supervision of a public law entity (the Swiss confederation, a canton, or a commune), whichever is relevant in the light of its goals. This supervisory body ensures that the resources of the foundation are used for

the intended purpose. To establish a foundation under Swiss law, there is a minimum initial capital requirement and two organs are considered mandatory: a “foundation council” and an audit board.

*Seeking to make good use of existing funding mechanisms*

The arguments in favour of seeking to make good use of existing funding mechanisms would appear to be as follows:

- Establishing a new trust fund may result in a duplication of efforts.
  - While the UNVTF and the UNDP’s CPRTTF are not explicitly vehicles for Convention implementation, implicitly they are given that the activities they may finance are precisely the activities required in order to implement the Convention. Moreover, the United Nations Mine Action Team regularly informs the Convention community of UN-support to implementation, including support that is funded through the UNVTF and the CPRTTF.
  - While the ITF Enhancing Human Security now has a broader mandate, it is likely to remain the main funding channel of choice to support implementation in South Eastern Europe. ITF Enhancing Human Security also, since 2004, has steadily increased its mine action activities outside South Eastern Europe while remaining committed “to support mine action activities in SE Europe until the status of mine free SE Europe is achieved.”<sup>32</sup>
  - ITF Enhancing Human Security has already engaged State Parties and States not parties in South East Asia regarding building upon the ITF’s experiences with respect to regional cooperation. ITF Enhancing Human Security is in process of preparing a concept paper on establishment of regional cooperation in mine action for review by these States.
  - UNPRPD MDTF has not yet disbursed funds, it stands to be the leading funding mechanism on matters that concern disability, which is of central relevance to the application of the victim assistance aspects of the Cartagena Action Plan.

The challenge may be to see that these existing funding mechanisms maintain or enhance funding activities that concern the implementation of Article 5 and the application of the States Parties agreed understandings on victim assistance. This could be done in part, for example, by the States Parties providing the UNVTF with the non-earmarked funding required to support a wider range of country cases and by expressing preferences regarding the use of non-earmarked funds. This direction could come from the States Parties, which together comprise the vast majority of the UN Member States, contributing to such direction being contained in the biennial UNGA resolution on assistance in mine action.

In addition, it is reasonable to expect that this new approach favouring non-earmarked funding and their administration would be examined in the context of the United Nations review of the newly issued report of the Joint Inspection Unit (JIU) on “the scope, organization, effectiveness, and approach of the work of the United Nations in mine action”. Indeed, after the JIU’s latest round of consultations with UN Member States, all concerned UN entities are in the process of identifying the best ways to enhance their performance, including in discussing, with experts, the Terms of Reference of the UNVTF.<sup>33</sup> Given that States Parties are UN Member States, the JIU report has pointed to a path for State Party input into ways to improve the UNVTF with the

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<sup>32</sup> Email from Iztok Hocevar, Advisor for International Relations, ITF Enhancing Human Security, 11 May 2012.

<sup>33</sup> Email from Maria Vardis, United Nations Mine Action Service, 15 May 2012.

report stating that a UN working group should be established “to make clear recommendations for revision of the VTF” and that it “should take into account the views of member States, in particular of mine affected countries and donors.”<sup>34</sup>

- That the vast majority of States Parties requiring assistance have not, in recent years, been beneficiaries of existing trust funds appears to be a result of the majority of funds being earmarked for a small number of country cases.
  - Preliminary information for 2011 indicates that donors earmarked 92.4 percent of funds totalling US\$ 77.5 million in voluntary contributions to the UNVTF. In addition, in 2010, of the total contributions of US \$63.5 million, US \$41.5 million (65.3 percent) was earmarked for Afghanistan and US \$8 million (12.6 percent) for Sudan.<sup>35</sup> Funds for headquarters coordination and non-earmarked funds amounted to US \$4 million, 6.4 percent of total VTF resources.<sup>36</sup>
- Instead of establishing a trust fund for the Convention as a whole, individual States Parties may wish to seek the establishment of a nationally-focused UN MPTF. Following the example of the Lao PDR, States Parties requiring assistance could engage in a discussion with the UNDP and existing or potential funding partners to determine if the establishment of a country trust fund could enhance resource mobilisation and lead to a more secure funding stream.
- Individual States Parties may wish to see how existing national trust funds could be used or better used to support Convention implementation. The Cartagena Action Plan sees that the States Parties have committed “to promote the inclusion of mine action activities into ongoing development programmes, bearing in mind the international aid effectiveness agenda, and to promote the identification of mine action as a priority in local, national and international development actions (...).”<sup>37</sup> In this context, those States Parties with a country MPTF or a “One UN Fund” may wish to see cooperation programmes agreed to with the UN include outputs and outcomes that relate to Article 5 implementation and victim assistance.
- There is untapped potential with respect to some existing trust funds which conceivably be used extensively to support Convention implementation. For example, of the almost 200 projects supported by the United Nations Trust Fund for Human Security, only one appears to be directly related to the Convention. This is perhaps surprising given that the Convention and the human security agenda originally were perceived to be synonymous. Perhaps awareness raising on the part of those who initiate and review projects could be accomplished in part by the fact that the President-Designate plays a leading role on one of the UNTFHS’s main organs.

## Conclusions

A year after the oldest of the trust funds mentioned in this paper – the UNVTF – was established, the UNSG reported that “the value of the trust fund cannot be overestimated. As the number of mine-clearance programmes will continue to grow over the coming years and as those already in operation will require funds for a long time, it is most important to sustain this tool through enduring financial support from the international community.”<sup>38</sup> That is, the need for “enduring financial support” was recognised almost two decades ago and this need remains to this day.

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<sup>34</sup> Evaluation of the scope, organization, effectiveness and approach of the work of the United Nations in mine action, JIU/REP/2011/11.

<sup>35</sup> Email from Maria Vardis, United Nations Mine Action Service, 15 May 2012.

<sup>36</sup> United Nations Mine Action Service. Annual Report 2010.

<sup>37</sup> Cartagena Action Plan, Action #50.

<sup>38</sup> “Assistance in Mine Clearance.” Report of the United Nations Secretary General, 6 September 1997, A/50/408.

Whether or not the States Parties pursue the establishment of a new funding vehicle or aim to make better use of existing mechanisms, implementation will be impeded if financial support, channelled through any means, does not endure.

The States Parties should certainly not rule out any options, while keeping in mind the value of time and money that would go into deliberations on any particular mechanism should be calibrated according to the expected results of such considerations. Whatever options are pursued, however, should not ignore that a great deal of potential exists with respect to mechanisms that are already in place or that could easily come into being at a national level. The States Parties to this Convention, are, but with a couple exceptions, all Member States of the United Nations and have the opportunity to voice their preferences with regard to existing UN mechanisms. States Parties to this Convention make up a majority of States Parties to the Convention on the Rights of Persons with Disabilities and therefore could help ensure that a sound link is made between these instruments once the UN Partnership to promote the Rights of Persons with Disabilities Multi-Donor Trust Fund becomes operational. In addition, the international community as a whole has largely embraced the international aid effectiveness agenda and could do what it can to relate demining and victim assistance with national development strategies and cooperation programmes, and the funds established to implement them.