



CONVENTION ON MIGRATORY SPECIES

Distr: General

UNEP/CMS/AEBOP/Report
Annex 4

Original: English

MEETING TO CONCLUDE THE MEMORANDUM OF
UNDERSTANDING ON THE CONSERVATION OF
MIGRATORY BIRDS OF PREY UNDER THE
CONVENTION ON MIGRATORY SPECIES
Abu Dhabi, United Arab Emirates, 20-22 October 2008

REPORT OF THE INTERSESSIONAL WORKING GROUP IN ADMINISTRATIVE AND FINANCIAL MATTERS *(Submitted to the CMS Secretariat)*

INTERSESSIONAL WORKING GROUP IN FINANCIAL MATTERS – PROPOSED MOU ON THE CONSERVATION OF AFRICAN-EURASIAN RAPTORS

Report to the CMS Secretariat

Summary of Recommendations:

1. The working group (WG) considers that it would be appropriate for level of staffing for the Co-Ordination unit (CU) to consist of 1 Programme Officer and 1 Assistant. However, this nucleus should preferably be a part of a larger team or organisation, so that the work of the CU is not impacted at times of staff absence.
2. The WG recommends that the CU is located in an establishment where the provision of suitable administrative support can be provided by the host organisation.
3. The CU must be located within one of the range states of the proposed agreement.
4. The WG considers that an indicative level of contributions should be agreed at the first meeting of the Signatories after the MoU comes into force. This could be based on a methodology linked to the UN Scale of Assessments.
5. The WG recommends that “co-operating partners” (i.e. signatories to the MoU that are not range states) indicate the type contribution, whether financial or other, they will make to the implementation of the MoU when signing the agreement.
6. The WG considers that the issues concerning the location of the CU are of primary importance and issues regarding the overall funding of the CU should be agreed once that decision is made.
7. The WG is recommends that any decision on the long term location and the administrative/organisational structure of the MoU should take account of any future developments on the shape of CMS and its daughter agreements.
8. The WG considers that it would be advantageous for the funding of the CU to be made in the local currency of the country where the CU is located.
9. The WG requests that the action plan is reviewed to identify areas where co-operation with other agreements or organisations will reduce the costs of implementation.
10. The WG considers that the use of in-kind contributions as a substitute for financial payments should be considered.

Background

1. Meeting to identify and elaborate an option for international co-operation on African-Migratory Raptors under the Convention on Migratory Species (CMS) was held at the Cameron House Hotel, Loch Lomond, Scotland from 22 - 25 October 2007. It was co-hosted by the Governments of the United Kingdom (UK) and the United Arab Emirates (UAE). The meeting concluded that an agreement, in the form of a Memorandum of Understanding for the

conservation of migratory raptors in the African-Eurasian was desirable and provisionally agreed on the text of a draft MoU and associated action plan. The agreement would be subject to further discussion, in particular on the financial and administrative arrangements that were not covered in the Loch Lomond meeting, and hopefully agreement at a 2nd inter-Governmental meeting in Abu Dhabi, UAE in October 2008.

2. The meeting agreed that the issues concerning the finance and administration for the proposed agreement should be subject to discussion before the next inter-Governmental meeting, and an inter-sessional working group was established to underpin this work. The terms of reference for this working group are at Annex A.

3. At the meeting the following countries agreed to participate in the working group: Senegal and Ghana for Africa; UAE and Pakistan for Asia; and Germany for Europe. Subsequently BirdLife International and the UK agreed to participate in the working group. Later, the UK was accepted as Chair of the working group.

4. On 23 June, the Chair of the Working Group wrote to all identified members requesting their views on the issues to be undertaken, specifically the size and responsibilities of the coordinating unit, the location of the unit and funding mechanisms. Comments were received from Germany, UAE, Senegal and BirdLife International. From these comments a 1st draft report was circulated to the working group on the 14 July. Comments on this draft were received from Germany and the UAE. A final draft was circulated for comments on 9 September. This report builds upon on the comments provided. It should be noted that the recommendations contained in this report do not necessarily reflect the views of the Organisations of the working group members.

Size and Responsibilities of the Co-ordinating Unit

5. The key tasks in the early years of the establishment of a new conservation agreement can be summarised as:

- a) Raising awareness of the agreement amongst range states at all levels (Governmental, NGO, wider public awareness etc.) to increase the number of signatories to the agreement;
- b) Assisting and encouraging signatories and other range states to implement measures outlined in the agreement and associated action plan in order to improve the conservation of migratory birds of prey;
- c) Seeking regular funding through appropriate funding mechanisms to ensure that the aims and objectives of the agreements are fulfilled; and
- d) Ensuring a high degree of cooperation with other national, regional and international bodies to reduce duplication of effort and maximise complementary working.

6. To effectively undertake these tasks with reference to the Raptor agreement, examples can be drawn from the early years of existing agreements. It is also essential to draw the distinction between those officers directly involved with the delivery of the agreement from those involved primarily in administrative support functions (important as these are). For comparison purposes the following agreements were considered to be the most relevant, the African-Eurasian Waterbird Agreement (AEWA), the Agreement for the Conservation of Albatross and Petrels (ACAP) and the Memorandum of Understanding on the Conservation

and Management of Marine Turtles and their Habitats of the Indian Ocean and South-East Asia (IOSEA).

7. AEWAs are well developed Agreements, with a large degree of commonality in range with the proposed raptor agreement. The initial staff levels for the Agreement secretariat following the 1st Meeting of Parties (MoP) in 1999 were 1 Professional Officer and 1 General Staff. After the 2nd MoP, the size of the Secretariat grew to encompass 4, as illustrated by Annex B. It should be noted that from 2000 onwards the AEWAs Secretariat was supported by the Administration and Fund Management Unit, funded by UNEP.

8. ACAP is a new Agreement encompassing numerous Range States covering a large Agreement area. The Secretariat for the Agreement, which is hosted by the Government of Australia, consists of one full time Executive Secretary and 0.5 of a Technical/Support Officer. It should be noted that the Government of Australia provides auditing and accounting support.

9. IOSEA is currently one of the largest MoUs, in terms of range, concluded under the auspices of the CMS and became effective on 1 September 2001. A small regional secretariat was established in April 2003, initially through voluntary funding, to coordinate activities under the MoU. The IOSEA Marine Turtle MoU Secretariat is co-located with the UNEP Regional Office for Asia and the Pacific (UNEP/ROAP), in Bangkok, Thailand which provides office space and administrative support, as an in-kind contribution to the MoU. IOSEA is staffed with an Executive Secretary (who also carries out some CMS duties) and a team Assistant.

10. From the examples given above, and in light of the responsibilities that will fall to the coordination unit during the initial years of the Raptor MoU, **the WG considers that it would be appropriate for level of staffing for the CU to consist of 1 Programme Officer and 1 Assistant. However, this nucleus should preferably be a part of a larger team or organisation, so that the work of the CU is not impacted at times of staff absence.**

Location

11. The size of the CU and the costs incurred are also influenced by the assistance provided to the coordination unit by the host organisation. There is no doubt that the unit will function to the benefit of the agreement where issues concerning administrative, accounting and auditing are carried out in support of, but not by the unit. For example, the support provided by UNEP/CMS to AEWAs agreement illustrates that a stand alone secretariat/coordination unit would not provide the proper focus for delivery of the agreement aims if the administrative issues occupied a disproportionate amount of time for the core unit staff. For this reason **the WG recommends that the CU is located in an establishment where the provision of suitable administrative support can be provided by the host organisation.**

12. **The CU must be located within one of the range states of the proposed agreement.** In terms of finance, cost of salaries would be greater in Western Europe than in the rest of the agreement area, and there is a question whether the unit should be placed in closer proximity to those areas where the focus of assistance in undertaking implementation will take place. However, the WG does not consider that salaries should be the only determining factor for the unit, but salaries paid should be at an appropriate level for location where the CU will be located to ensure suitably qualified staff are recruited.

13. As highlighted above, there may be advantages in co-locating the unit with an existing agreement secretariat. Co-hosting with similar bodies may increase the efficiency of working and reduce duplication of effort. However, at this stage the WG does not express a preference for the type of host organisation, but illustrates that the AEWA and IOSEA bodies are hosted by UNEP/CMS and ACAP is hosted by a range state Government. However, the CU could be hosted by a suitable NGO/IGO, for example the Ramsar Convention Secretariat is hosted by IUCN.

Funding Mechanisms

14. The effectiveness of the agreement is intrinsically linked to the available finance. Without adequate finance (whether direct funding or contributions in kind), there will be no coordination of activities, actions identified will not be implemented and the agreement will, inevitably, fail. Any funding mechanism must be fair and those who have the ability to pay more should invest more.

15. Funding for AEWA and CMS is based on the basis of an adjusted UN scale of assessments, with no Party responsible for more than 22% of the total agreed budget. The UN scale is based on the Gross National Income (GNI) of states. This system is largely considered fair, as those wealthier countries pay more. However, this system can lead to inequities where rich small countries, pays less than larger poorer countries (for example Monaco has a lower scale of assessment rating than Mali). At its 2nd meeting of Parties ACAP tried to address this issue and introduced a new mechanism, partly based on an adjusted UN scale of assessments (GNI based) and partly based on GNI per capita. It should also be noted that AEWA has recently agreed a minimum contribution of €2000 per annum.

16. As a MoU signatories cannot be obliged to make contributions in the same way as an Agreement (e.g. AEWA). This lack of financial obligation was identified by some as a valid reason for proposing a legally binding Agreement for raptors rather than a MoU. However, the flexibility and the speed at which a MoU can be agreed and implemented meant that a MoU was regarded, at present, to be the best option. **The WG considers that an indicative level of contributions should be agreed at the first meeting of the Signatories after the MoU comes into force. This could be based on a methodology linked to the UN Scale of Assessments.** However, the extent of contributions could be heavily affected by a decision by one or more range states to substantially fund the agreement.

17. The proposed MoU provides the opportunity for non-Governmental Organisations to be co-operating partners. The role of these organisations in helping to implement the agreement cannot be underestimated. Such organisation play a key role in delivering action at a local and regional scale, providing vital information on the status of species and providing expert advice. **The WG recommends that “co-operating partners” (i.e. signatories to the MoU that are not range states) indicate the type contribution, whether financial or other, they will make to the implementation of the MoU when signing the agreement.**

Costs of the Co-ordinating Unit

18. The CMS secretariat prepared an in session document www.cms.int/bodies/meetings/regional/raptors/pdf_docs/Doc_06_Addendum_Estimated_cost_Partner_Organisation_BLI.pdf) outlining the key costs of the action plan and comparative costs for a CU, based on location and whether the unit would be employed under UN staffing

or otherwise. The costs are based on 1 Programme Officer and 1 Assistant. In addition, BirdLife International provided information with respect to the cost of a coordination unit http://www.cms.int/bodies/meetings/regional/raptors/pdf_docs/Doc_06_Addendum_Estimate_d_cost_Partner_Organisation_BLI.pdf.

19. The cost of the CU essentially depends on the choice of location, and the organisation within which the unit is embedded. The WG would draw the attention to the fact that, overall costs reduce outside a Western European base and that overall costs reduce when the unit is not under CMS/UNEP jurisdiction and that the NGO/IGO rates tend to be lower. However, the WG is aware that this is a matter of discretion for the meeting on this issue and does not consider it is adequately placed to make a recommendation concerning the location. **The WG considers that the issues concerning the location of the CU are of primary importance and issues regarding the overall funding of the CU should be agreed once that decision is made.**

20. The WG is aware of the possibility of a resolution being adopted at the forthcoming CMS CoP that will result in a review of the future shape of the CMS and its relationship with its daughter agreements. With this in mind, **the WG recommends that any decision on the long term location and the administrative/organisational structure of the MoU should take account of any future developments on the shape of CMS and its daughter agreements.**

21. **The WG considers that it would be advantageous for the funding of the CU to be made in the local currency of country where the CU is located.**

Costs – Action Plan

22. The draft action plan to the proposed MoU contains a large range of activities that have been identified to support the implementation of the agreement. The WG thanks the Secretariat for its efforts in identifying costs for each activity. What is not clear is the extent to which the CU will be involved in taking forward measures to support implementation of each activity. The WG requests that those developing the action plan clearly indicate the approximate cost for each activity to the CU and/or to indicate, where the participating parties should be ready for respective financing within their national responsibilities or duties.

23. The WG also has concerns that the action plan does not identify where activities can be carried out in co-operation with other agreements. The WG considers that a high degree of synergy can be achieved on a number of activities with those being carried out by related agreements, for example, AEWAs. **The WG requests that the action plan is reviewed to identify areas where co-operation with other agreements or organisations will reduce the costs of implementation.**

In-Kind Contributions

24. In-kind contributions are payments made by a method other than direct financial payment. Traditionally payments of contributions to agreements by Governments have been made on a financial basis and in-kind contributions have generally been used as a means of providing voluntary additional payments to meet particular projects. The use of in-kind contribution to fulfil obligatory financial payments is rare. Primarily In-Kind should be considered as an exceptional way of fulfilling the contribution duties.

25. **The WG considers that the use of in-kind contributions as a substitute for financial payments should be considered.** In-kind contributions may include donated equipment, services, and facilities necessary to directly implement the agreement that would otherwise have to be purchased if they were not donated or offering staff for free to work in the secretariat. These may include:

- a. Professional, technical, managerial, and administrative services given by the organization's staff, including personnel provided for training and facilitation purposes;
- b. Equipment, facilities, and other services such as the cost of office space, telephone service, office equipment used in the program, and donated tools and books.

26. The use of in-kind contributions must be agreed by the CU and an appropriate monetary value agreed between the unit and the provider.

Auditing

27. Auditing should be assured by either the respective national authority, where the CU is hosted or in case of an UN-CU-Body by the Office of Internal Oversight Services of UNON.

Further national expenditures

28. Participating states should be aware of their internal costs and/or the respective staff needed to implement the MoU. These might entail in particular:

- staff to implement the actions foreseen in the MoU and action plan
- costs for attendance at regular meetings (e.g. meeting of the signatories and attendance at advisory committees if established)

29. These internal costs have to be evaluated by the participating countries on their own.

2 October 2008

DRAFT TERMS OF REFERENCE FOR THE INTER-SESSIONAL WORKING GROUP IN FINANCIAL MATTERS

Objectives

1. The working group shall produce a paper on options, taking account of information on alternatives already presented in IGM1/6/Rev1 and IGM1/6/add and in the report of the Working Group on administrative matters for funding a coordination unit to service the MoU. This should amongst other things cover location, size and responsibilities. It should also explore possible offers for hosting a secretariat from a government, non-government or inter-governmental organization. The paper shall be made available to range states and interested organizations two months before the meeting to finalise the Memorandum of Understanding on the conservation of Migratory Birds of Prey opens.
2. The working group will identify the costs associated with the activities to be taken forward by the coordinating unit as well as the costs of meetings and other associated activities as foreseen by the Memorandum of Understanding, (including the Action Plan).
3. The working group will consider currency denominations for the potential agreement and provide a recommendation, having regard to the potential location on of the coordinating unit.
4. The working group shall examine mechanisms such as in-kind contributions employed in other sectors involved in international activities, to see if any existing models might be used.

Membership

5. The working group shall contain at least one representative from Africa, one from Asia and one from Europe. One international non-governmental organization may also serve on the group. The group will comprise no more than seven members in total. The group will identify its own chair.
6. Any range state or organization that is represented on the working group will not be bound by the recommendations that emerge from the group.
7. The working group will be serviced by the CMS Secretariat.

Timescale

8. The working group will provide a forecast of expenditure for a three year period starting on 1 January 2009 and a narrative explaining the reasons for the provisions against each budget line activity.
9. The work will be concluded by the end of March 2008.