# Convention on the Conservation of Migratory Species of Wild Animals

## Status report on the establishment of a secretariat to service the

### *Memorandum of Understanding on the Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South-East Asia*

REVISION OF 3 NOVEMBER 2001

## Background

The *Memorandum of Understanding on the Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South-East Asia* was finalized in June 2001, following the elaboration and adoption of an associated Conservation and Management Plan. Twenty-one States were represented at the negotiation session held in Manila from 19-23 June 2001. The Memorandum of Understanding puts in place a framework through which States of the region -- as well as other concerned States -- can work together to conserve and replenish depleted marine turtle populations for which they share responsibility. It acknowledges a wide range of threats to marine turtles, including habitat destruction, direct harvesting and trade, fisheries by-catch, pollution and other man-induced sources of mortality.

The MoU entered into force on 1 September 2001. The signatory States, currently numbering nine[1], are expected to hold their first formal meeting in the second quarter of 2002. The Memorandum of Understanding has a potential membership of at least 40 countries, covering the entire Indian Ocean and South-East Asia. Activities may also be co-ordinated through sub-regional mechanisms in South-East Asia, as well as in the northern, northwestern and western Indian Ocean.

The Manila conference approved a proposal to establish a small secretariat to help co-ordinate activities under the MoU. The proposal and terms of reference for the secretariat are attached hereto. The secretariat is to be co-located with the UNEP Regional Office for Asia and Pacific, based in Bangkok, and is expected to be operational early next year. Voluntary contributions need to be secured to ensure the establishment and operation of the secretariat, initially for at least 2-3 years, at the critical stage of the Memorandum's development. The Governments of the United States and Australia, as well as the United Nations Environment Programme, all pledged financial support at the time of the Manila conference.

## Present status

Informal consultations in the weeks following the meeting suggest that a total of about USD 144,000 would be made available for running the secretariat, spread over three years. This is well short of the estimated average *annual* budget requirement of about USD 120-130,000. The latter figure includes services and facilities provided at no cost by the host institution (UNEP/ROAP), but excludes UNEP overhead charges and the cost of organizing MoU-related meetings, which will also need to be met from (additional) voluntary contributions.

## Analysis

While the current circumstances do not provide a basis for UNEP to proceed with the establishment of a secretariat, it must be said that the contacts to date have only been of an informal nature and that goodwill was expressed by a number of interested parties to explore the possibility of increasing their voluntary contributions,

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[1] Australia, Comoros, Islamic Republic of Iran, Myanmar, Philippines, Sri Lanka, United Republic of Tanzania, United States of America, and Viet Nam.

though no specific commitments were made in this regard.  Additionally, there are a few interested players that either have not been contacted or have not yet confirmed their intentions.  These include France and the United Kingdom (both represented in Manila), Denmark (which apparently has made a political commitment to support CMS in South-East Asia), and the European Union.

A job description for the Co-ordinator post has been drafted and can be submitted for classification as soon as the Executive Director of UNEP gives his approval to establish the post (which, as noted above, is linked to there being a guarantee of sufficient funds to cover the secretariat's costs for at least two years).  On the other hand, it will take some months to classify, advertise and fill the post, and unless adequate funding can be secured early in the 4th quarter of this year, there is a real danger that the secretariat will not be operational before mid-2002.  This would certainly delay the convening of the first Meeting of Signatory States and, in so doing, would result in a loss of momentum at a time when marine turtle conservation issues are being brought to the fore.  Political commitment to the initiative would be questioned if it were to be delayed on account of a shortfall of some tens of thousands of dollars.

**Follow-up**

The CMS Secretariat has already sent a letter to concerned parties reminding them of the entry into force of the Memorandum of Understanding on 1 September, and inviting them to confirm their pledges of support.  Further avenues will be explored, including contacting other potential sponsors as well as those that might be encouraged to increase their pledges to get the initiative off the ground.  Countries/organizations that have already pledged funds over *three* years might be requested to consider applying the same (or ideally, increased) amounts over *two* years.

If this still were not sufficient, there remains an option of requesting support from CMS itself, on the grounds that it is in the Convention's interest to advance the development of a pioneering instrument in a region that is largely constituted by developing countries.  Support from the CMS Trust Fund might, for example, be offered in exchange for advisory services to CMS from the MoU Co-ordinator, amounting to perhaps up to 20% of his/her work time.  This deficit financing should be seen as a last resort however, since the CMS Standing Committee, which would have to decide on the matter, meets only in mid-December 2001 and would otherwise have to take a decision intersessionally.

Two hypothetical funding scenarios are presented below illustrating, first, the present situation and, second, a "best-case" scenario, assuming support from CMS and one or more other donors. (All amounts are given in USD.)

**Scenario I (allocation of funding as originally pledged, over 3 years):**

| Contributor | Pledged voluntary contribution | | | |
|---|---|---|---|---|
| | Year 1 2002 | Year 2 2003 | Year 3 2004 | Total |
| United States | 49,000 | 20,000 | 20,000 | 89,000 |
| Australia | 10,000 | 10,000 | 10,000 | 30,000 |
| UNEP/DEC | 10,000 | 10,000 | 5,000 | 25,000 |
| UNEP/ROAP | in-kind | in-kind | in-kind | in-kind |
| Shortfall (without taking into account UNEP programme support costs) | ca. 60,000 | ca. 68,000 | ca. 70,000 | |

**Scenario II (hypothetical allocation of funding, where possible, over 2 years instead of 3; with support from CMS Trust Fund and at least one other donor)**

| Contributor | Pledged voluntary contribution | | | |
|---|---|---|---|---|
| | Year 1 2002 | Year 2 2003 | Year 3 2004 | Total |
| United States | 49,000 | 20,000 | 20,000 | 89,000 |
| Australia | 15,000 | 15,000 | ? | 30,000 |
| UNEP/DEC | 15,000 | 10,000 | ? | 25,000 |
| UNEP/ROAP | in-kind | in-kind | in-kind | |
| CMS Trust Fund | 25,000 | 25,000 | 25,000 | 75,000 |
| Other contributions awaiting confirmation | 25,000 | 25,000 15,000 | 25,000 ? | |
| Total available | 129,000 | 110,000 | 70,000 | |

For the years 2002 and 2003, if the other contributions awaiting confirmation are secured, the funding available would just be sufficient to cover the minimum operating costs of the MoU secretariat, but would not cover the UNON 13% programme support costs, averaging about USD 15,000 per annum. Suggestions on how this modest shortfall could be covered, either through additional contributions or a temporary favourable arrangement with UNON, would be welcomed.


**Theoretical timetable (as at November 2001)**

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|---|---|
| End of August 2001 | Circulate status report to actual / potential donors |
| Early December | Confirmation of sufficient pledges from donors |
| Mid-January | UNEP ED approval to establish Coordinator post |
| Mid February | Classification of post finalized |
| End February | Advertisement issued |
| End March | Closing date for advertisement |
| End April | Interviews, submission of panel (interview) report |
| Late May- Early June | Confirmation of Appointment and Promotion Board |
| July-August 2002 | Entry on duty / establishment of MoU secretariat |