



Convention on the Conservation of Migratory Species of Wild Animals

Secretariat provided by the United Nations Environment Programme



32nd Meeting of the Standing Committee

Bonn, 8-9 November 2007

CMS/StC32/8
Agenda Item 8.b

MERGER OF CMS AND ASCOBANS SECRETARIATS: PROGRESS

Organisational Arrangements of the joint CMS/ASCOBANS Secretariat

1. In line with the Decision of the 31st meeting of the CMS Standing Committee on the Proposed Conditions and Parameters for an Interim Merger of UNEP/ASCOBANS Secretariat with UNEP/CMS Secretariat (CMS/StC31/CRP2/Rev.2), agreed upon in the closed session, and of the 5th Meeting of the Parties to ASCOBANS (The Netherlands, December 2006) as of 1 January 2007 the CMS and ASCOBANS Secretariats were merged for an interim period of two years.
2. The institutional arrangements were designed to ensure long-term security for an independent ASCOBANS Agreement within UNEP. Accordingly, only the organisation of the Secretariat has been changed, not the legal standing of either ASCOBANS or CMS. The UNEP/CMS Secretariat now serves as the UNEP/ASCOBANS Secretariat, and the Executive Secretary of CMS is the acting Executive Secretary of ASCOBANS. ASCOBANS MOP5 estimated a 3% of his time to be devoted to ASCOBANS matters, and made budgetary provision to cover the related costs.
3. In order to ensure that the additional workload stemming from the servicing of the ASCOBANS Agreement could be dealt by the CMS Secretariat to no detriment to its other tasks, the budget approved by ASCOBANS MOP5 provides for a new position of ASCOBANS coordinator, to be covered through a consultancy for the period 2007-2008. In line with the decisions of ASCOBANS MOP5, the requirements for this consultancy position has been made comparable to those of a P2 post in the UN system. 75% of the consultant's time is scheduled for ASCOBANS matters, and is to be covered out of the ASCOBANS budget, while 25% is expected to be dedicated to other CMS marine mammals work in a capacity as CMS marine mammals officer, and is to be covered out of CMS budget.
4. A position of ASCOBANS Administrative Assistant, already existing in the ASCOBANS complement of staff prior to the merger, was confirmed by ASCOBANS MOP5 as a full-time UN post for the year 2007, and is due to become a 50% consultancy position in 2008.
5. The CMS Scientific and Technical Support Officer now also serves as Senior ASCOBANS Advisor, with the main task of supervising the day to day running of the Secretariat. ASCOBANS MOP5 estimated a 15% of his time to be devoted to ASCOBANS matters during 2007-2008, and made budgetary provision to cover the related costs. However, on the basis of an assessment of time use during the first months after the merger, and considering the junior level of the ASCOBANS co-ordinator, the Secretariat proposed to the 14th meeting of the ASCOBANS Advisory Committee (San Sebastian, April 2007) to rectify the time estimate to 20% at least for the year 2007. In 2008, when the junior ASCOBANS Coordinator has gained more experience, his involvement should be reduced to 10% of his working time. This new arrangement was agreed by the Committee.
6. The recruitment of the ASCOBANS Coordinator took substantial parts of the first few months after the merger took effect. The selected candidate, Ms Heidrun Frisch (Germany), joined the team in April 2007.

Her previous experience of two years on short-term contracts with the CMS Secretariat allowed her a smooth transition into her new duties and high productivity from the outset.

7. As part of the CMS Marine Mammal duties of the consultant, she is serving as the Secretariat Focal Point for ACCOBAMS, the CMS Pacific Islands Cetaceans MoU and other relevant organisations. Also, she has coordinated the WATCH (Western African Talks on Cetaceans and their Habitats) meeting in October in Tenerife, which endeavoured to negotiate a new marine mammal agreement and small cetacean action plan for the African Eastern Atlantic Basin and Macaronesia.

8. With effect from early July, the previous ASCOBANS assistant left for another position. In a rapid recruitment effort, a new secretary therefore had to be found. Bearing in mind that from January 2008 on the post will be part-time and on a consultancy basis, it was decided to advertise it as such already, in order to draw applications of people who would be interested in continuing throughout 2008. After careful review of all applications, Ms Tine Lindberg (Norway) was chosen as the new member of the ASCOBANS team.

9. Administrative and budgetary issues continue to be handled through the CMS Administrative and Fund Management Unit (AFMU), as was the case before the merger. However, it needs to be noted that the decision by ASCOBANS Parties to employ both the Coordinator and the Secretary on a consultancy basis means that neither has direct access to the IMIS system. Therefore, all financial processes and even a simple overview of the balance of a budget line have to be requested from the CMS AFMU, which increases their workload more than originally foreseen.

Benefits and shortcomings of the merger as at October 2007

10. In the Secretariat's view, the merger has strengthened the links and improved synergies between CMS and ASCOBANS, what was undoubtedly one of its main objectives. Improved synergies have particularly been evident in the joint representation of the two treaties by the unified Secretariat in relevant meetings and fora, in the development of collaboration with relevant Intergovernmental and Non-governmental Organizations on marine mammal issues in the ASCOBANS area, and in progress in joint initiatives. Among the joint initiatives, a special mention deserves the campaign 'Year of the Dolphin 2007', of which CMS and ASCOBANS are founding partners. Main features and achievements of the campaigns are reported in a separate document.

11. The availability of a dedicated officer for marine mammal issues has allowed also to make very significant progress on marine mammal related initiatives under CMS outside of the ASCOBANS area, within the 25% of her time devoted to CMS marine mammal work. In her capacity of CMS marine mammals officer, Ms. Frisch played a pivotal role in the successful organization and servicing of the WATCH event, held in Adeje, Canary Islands, on 16-20 October 2007. The event consisted of a two-days open symposium on cetacean conservation in the African Eastern Atlantic Basin, followed by a three-days intergovernmental meeting aimed at negotiating a new CMS instrument on the conservation of aquatic mammals in Western Africa and Macaronesia, and other associated events. Ms. Frisch has also so far provided significant input to the 'Year of the Dolphin 2007' campaign, and taken the lead in developing cooperation with relevant organizations. It is to be noted that the services of the CMS marine mammals officer do not constitute a burden to the CMS budget, as costs to CMS related to the 25% of her time devoted to CMS issues are offset by the compensation of CMS staff time provided by ASCOBANS. The balance of the ASCOBANS compensation is expected to be used to support further CMS marine mammal-related work.

12. As a counterpoint to the benefits outlined above, the merger has however had also some shortcomings. Time devoted by CMS staff to deal with ASCOBANS matters has turned out to be significantly higher than estimated by ASCOBANS MOP5. In particular, according to conservative estimates the Executive Secretary has already spent 10 working days on ASCOBANS at the time this document was finalized, which already significantly exceeds the foreseen 3% of annual working time, corresponding to approximately 7 days/year. A conservative projection to the end of the year accounts for about 12 working days.

13. In the period in which he has been fully acting as ASCOBANS senior advisor (from 20 March to present), the CMS Scientific and Technical Support Officer has also significantly exceeded the estimated 20% working time foreseen to be devoted to ASCOBANS, by an additional 5-10 % according to

conservative estimates. This estimate does not account for the time spent by the same officer in the period 1 January – 20 March, and by the CMS Inter-Agency Liaison Officer in the initial transition phase.

14. Part of the higher time consumption of CMS staff can certainly be accounted for by the need to become familiar with the new task in the initial transition period, which turned out to be more difficult than expected as a consequence of the lack of proper hand-over. Besides that however, a significant amount of time had to be devoted by senior CMS staff to deal with issues unforeseen when the merger was decided. Such issues include in particular a revision of 2005 and 2006 ASCOBANS accounts generated by a request from the 14th meeting of the ASCOBANS Advisory Committee, which turned out to be particularly complex and time consuming, and turbulence generated mainly by NGOs critical of the merger. More information on these issues can be provided to the Standing Committee at the meeting.

15. In the perception of the Secretariat, it has appeared evident throughout the period since the merger that, despite the fact that the change in the Secretariat arrangements has been decided by the ASCOBANS MOP with the explicit agreement of a majority of the Parties (with *nem con*), a significant component of the ASCOBANS constituency has regarded, and to some extent is still regarding the new arrangements with suspicion, when it is not openly opposing them. This has likely had some negative repercussion also on the public image of CMS and CMS-led initiatives (e.g. the YoD campaign) within that same constituency.

16. There are however indications that the difficulties outlined above, while not overcome yet, are being gradually solved, and the Secretariat expects to come closer to the working time estimates for all officers in 2008, with the possible exception of the Senior ASCOBANS advisor, for which a use of 20% of the time appears more realistic at this stage than the 10% foreseen at the time of the 14th meeting of the ASCOBANS Advisory Committee.

17. A detailed report on the financial and operational aspects of the merger will be presented to the 9th Meeting of the Conference of Parties to CMS in 2008, which will decide on the continuation of the merger, in consultation with the Parties to ASCOBANS. The Government of the Netherlands has agreed to finance an independent review of the new arrangements, to be carried out in mid-2008, which will serve as a basis for decision by the Parties of the two MEAs.

Action requested:

The Standing Committee may wish to:

- (a) Take note of the developments concerning the merger of CMS and ASCOBANS Secretariats;
- (b) Express continued support to the merged CMS/ASCOBANS Secretariat in undertaking the tasks assigned by ASCOBANS MOP5;
- (c) Express appreciation for the work of the marine mammals officer in relation to CMS initiatives;
- (d) Express appreciation to the Government of the Netherlands for their generous offer to finance an independent review of the new arrangements, to be carried out in mid-2008 ;
- (e) Request ASCOBANS Parties not to make further demands on the Secretariat in relation to events prior to the merger in January 2007.