



# Agreement on the Conservation of Gorillas and their Habitats of the Convention on Migratory Species

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Agenda Item 17

## INSTITUTIONAL ARRANGEMENTS FOR THE AGREEMENT *(Prepared by the Interim Secretariat)*

### **Background**

1. Article V of the Gorilla Agreement provides at paragraph 7 (b) that at its first session, “the Meeting of Parties shall establish an Agreement Secretariat within the Convention Secretariat to perform the secretariat functions listed in Article VII of this Agreement”.
2. At the Meeting to Negotiate an Agreement on the Conservation of Gorillas and Their Habitats under the Convention on Migratory Species (CMS), held in Paris in October 2007, the participating Range States [requested](#) “the Standing Committee of CMS, at its meeting in November 2007, to mandate the UNEP Secretariat of the Convention to provide interim secretariat services to the Gorilla Agreement, in close co-operation with the UNEP/UNESCO/GRASP Secretariat and other institutions of GRASP”. The Agreement entered into force on 1 June 2008. Subsequently at its 32<sup>nd</sup> Meeting, the Standing Committee agreed to give the Secretariat the required mandate<sup>1</sup>.
3. The CMS Interim Secretariat called for the First Meeting of Parties in November 2008 in Rome, where Parties [agreed](#) “to recommend to the Conference of the Parties (COP) that the CMS Secretariat should continue to act as secretariat for the Agreement, and that the role of GRASP in providing secretariat services should be explicitly mentioned in the recommendation.” At the 9<sup>th</sup> COP, CMS Parties acknowledged the leading role of GRASP in the preparation of the Gorilla Agreement through [Resolution 9.2](#). The COP did not, however, specify a role for GRASP in providing secretariat services.
4. The CMS Secretariat acted as Interim Secretariat in the period before the Second Meeting of Parties, held in October 2011 in Bergen, at which Parties to the Agreement requested by Resolution 2.3 that the CMS Secretariat continue acting as the Interim Secretariat for the next triennium. This mandate was renewed through [Resolution 12.2](#) of the CMS COP (Manila, 2017), which confirmed that the CMS Secretariat would continue to provide secretariat services to the Gorilla Agreement in the next triennium. As of 1 April 2019, the CMS Secretariat continues to serve as the Interim Secretariat.
5. At the Second Meeting of the Parties, the Parties to the Gorilla Agreement further instructed the Interim Secretariat by [Resolution 2.3](#) “to investigate future options for the administrative arrangements for the Gorilla Agreement Secretariat, including, but not limited to the following:

<sup>1</sup> Paragraph 103 of the Report of the 32nd Meeting of the CMS Standing Committee (CMS/StC34/Inf. 1)

- a. A Party hosting the Permanent Secretariat.
  - b. Another institution or organization, such as UNEP or GRASP taking on the role of permanent Secretariat.
  - c. The CMS Secretariat remaining as the Interim Secretariat, while seeking formal or informal arrangements with other institutions to provide support and secretariat services to the Agreement.
  - d. The CMS Secretariat acting as the Permanent Secretariat, while looking for synergies with other institutions in the implementation of the Agreement's activities, for example, in holding joint meetings, or undertaking joint activities.
6. The Parties further instructed the Interim Secretariat to prepare a formal proposal for consideration and possible adoption at the Third Meeting of the Parties (MOP3).
  7. After providing an overview of funding requirements for the Secretariat, this paper sets out the possible arrangements as requested by [Resolution 2.3](#) by referencing the experience of existing administrative arrangements for sister agreements of the Gorilla Agreement under CMS and by drawing attention to the impacts of each option for the Gorilla Agreement.

### **Funding Requirements for the Operation of the Secretariat of the Gorilla Agreement**

8. The interim secretariat assessed funds required to maintain the basic secretariat services. Details of the discussion are presented in document UNEP/GA/MOP.3/Doc.18.

### **Analysis of Future Options**

9. This document should be read and discussed in conjunction with documents UNEP/GA/MOP3/Doc.15 on *Enhanced cooperation with the Great Apes Survival Partnership (GRASP)* and UNEP/GA/MOP3/Doc.18 on *Programme of work and budget (2019-2021) of the Gorilla Agreement*.
10. As requested by MOP2 in [Resolution 2.3](#), the Secretariat analysed four possible options of running the Gorilla Agreement Secretariat:
  - a. A Party hosting the Permanent Secretariat**
11. What it means: When a Party agrees to host a CMS Agreement Secretariat, it is expected to provide office facilities, equipment, and staff and sometimes to cover the running costs of the Secretariat.
12. Existing cases: Two of the CMS Agreements are hosted by Parties.
  - *Agreement on the Conservation of Cetaceans in the Black Sea Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS)*: The Secretariat is hosted by the Government of Monaco, which provides staff, facilities and office equipment at its own expense. The Executive Secretary and a full-time Assistant of ACCOBAMS are paid in accordance with the pay-scale of the Monacan public service. Resources for additional staff are provided by the Parties of ACCOBAMS. No costs incurred by ACCOBAMS are charged to CMS Parties.
  - *Agreement on the Conservation of Albatrosses and Petrels (ACAP)*: The ACAP Secretariat is hosted by the Government of Australia covering the costs of an Executive Secretary and Assistant at the pay-level of the Tasmanian public service, as well as providing office accommodation and related services and facilities.

All costs incurred are divided among ACAP Parties according to an adjusted form of the UN Scale of Assessment.

13. Impacts: A Party to the Gorilla Agreement would need to offer to host the Agreement and would be expected to cover personnel costs, office space and running expenses subject to negotiations with the other Parties, which might make contributions. In addition to the costs of running the Secretariat, the Parties would be required to cover the costs of the MOP and subsidiary bodies. It would further be up to the Secretariat to raise voluntary funds for meetings of the MOP and subsidiary bodies.
- b. Another institution or organization, such as UNEP or GRASP taking on the role of permanent Secretariat**
14. What it means: When another institution or organization hosts an Agreement, various forms of support are provided, ranging from the payment of staff, facilities and office equipment to the mere provision of services, such as support to communications, human resource, procurement, etc. services.
15. Existing cases: There are three different examples of this type in the CMS family.
- *Agreement on the Conservation of Seals in the Wadden Sea:* Secretariat services to the Agreement are provided by the Common Wadden Sea Secretariat, a tripartite cooperation between Denmark, Germany and the Netherlands, based in Wilhelmshaven, Germany. Staff are paid according to the scale of payment for German public servants. All costs are fully covered by the three Parties of the Agreement.
  - *Agreement on the Conservation of Populations of European Bats (EUROBATS):* The Secretariat is integrated in the UNEP structure and shares its Administrative and Fund Management Unit with the CMS Secretariat. This means that all financial and HR-related tasks are being handled within the joint CMS/UNEP structure. To cover these services, EUROBATS Parties pay 13 per cent Programme Support Costs to UNEP on all funds received. While the German Government provides office facilities to the EUROBATS Secretariat, all staff, meeting and running costs etc. are covered through Parties' contributions, which are based on an agreed scale of assessment.
  - *Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA):* The Secretariat is co-located with the CMS Secretariat in Bonn and integrated into UNEP. Like EUROBATS, it is provided office facilities by Germany and shares the Administrative and Fund Management services of CMS, subject to the payment of 13 per cent Programme Support Costs to UNEP on all funds received. Unlike EUROBATS, AEWA also shares Communication and Information Services with the CMS Secretariat. All of its staff are funded by its Parties, as well as meeting and running costs, etc.
16. Impacts: The Parties to the Agreement jointly bear the costs of running the Secretariat, being hosted by, for example, UNEP or GRASP. Personnel, office space and specific services might be borne by UNEP or GRASP. The organization of the MOP and meetings of its subsidiary bodies would need to be covered by the Parties or raised by the Secretariat through voluntary contributions.

**c. The CMS Secretariat remaining as the Interim Secretariat, while seeking formal or informal arrangements with other institutions to provide support and secretariat services to the Agreement**

17. What it means: When an Agreement Secretariat is hosted by the CMS Secretariat, its staff is partially provided by the CMS Secretariat, with Parties to the Agreement contributing to the staff costs, office equipment, communications, web hosting, etc.
18. Existing cases: The Gorilla Agreement.
19. Impacts: Personnel and running costs have been covered by the CMS Secretariat. By being embedded in the CMS Secretariat, the Agreement Secretariat can, however, benefit from the office arrangements of the CMS Secretariat, including personnel. By acting as the Interim Secretariat, secretariat arrangements can be reviewed more easily and adapted as necessary.

**d. The CMS Secretariat acting as the permanent Secretariat, while looking for synergies with other institutions in the implementation of the Agreement's activities, for example, in holding joint meetings, or undertaking joint activities**

20. What it means: When an Agreement Secretariat is hosted by the CMS Secretariat, Parties to the Agreement are expected to provide core staff costs. The CMS Secretariat could cover remaining costs including other personnel costs for supporting staff, office equipment, communications, web hosting, etc
21. Existing cases: Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS): The CMS Secretariat serves as the Secretariat for ASCOBANS with the Executive Secretary of CMS acting as the Executive Secretary of ASCOBANS. The ASCOBANS Secretariat is served by a part-time General Services staff member and one Professional staff member dedicating 75 per cent of his or her time to ASCOBANS work, as well as the CMS Executive Secretary dedicating 3 per cent of his time to representational duties relating to ASCOBANS. All staff expenses are covered by ASCOBANS Parties.
22. Impacts: By being embedded in the CMS Secretariat, the Agreement Secretariat can benefit from the office arrangements of the CMS Secretariat, including personnel.
23. **Table 1** below presents an overview of the options presented above.

**Table 1: Overview of options for institutional arrangements of the Gorilla Agreement Secretariat**

<b>Options</b>	<b>a.: A Party hosting the permanent Secretariat.</b>	<b>b.: Another institution or organization, such as UNEP or GRASP taking on the role of permanent Secretariat.</b>	<b>c.: The CMS Secretariat remaining as the Interim Secretariat, while seeking formal or informal arrangements with other institutions</b>	<b>d.: The CMS Secretariat acting as the permanent Secretariat, while looking for synergies with other institutions</b>
<b>Features</b>	A Party will host the Agreement Secretariat.	An existing organization will host the Agreement Secretariat.	The CMS Secretariat remains as the Interim Secretariat.	The CMS Secretariat becomes the Permanent Secretariat
<b>Financial implication</b>	A Host Government is expected to cover personnel and operational costs. The Parties' contribution may cover remaining personnel and operational costs as well as activities.	The host organization is expected to provide at least personnel costs as well as required office space and supplies. The Parties' contributions could cover remaining personnel and operational costs as well as necessary office supplies.	In principle, Parties are expected to pay for the personnel and operational costs as well as for the activities. As the Interim Secretariat, the CMS Secretariat could continue providing staff time and existing office supplies as in-kind contribution (see Doc.18) as a temporary solution to improve the financial status of the Agreement.	In principle, Parties are expected to pay for the personnel and operational costs as well as for the activities. As the Permanent Secretariat, the CMS Secretariat could offer to provide staff time and existing office supplies as in-kind contribution (see Doc.18) as a temporary solution to improve the financial status of the Agreement.
<b>Institutional implication</b>	The Secretariat would be institutionally independent of the CMS Secretariat.	The Secretariat would be institutionally independent from the CMS Secretariat if it is an independent organization. If it is UNEP or GRASP, institutional linkages may remain with the CMS Secretariat.	The Agreement Secretariat would be hosted by the CMS Secretariat. It may benefit from closer linkages with the Secretariats of other CMS instruments.	The Agreement Secretariat would be hosted by the CMS Secretariat. It may benefit from closer linkages with the Secretariats of other CMS instruments.
<b>Required process</b>	At least one offer from a Host Government is required. Based on the offer, MOP may decide to accept it or not. Once the offer is accepted, the Host Government would need to ensure personnel and operational costs are met.	Parties would identify and request another organization to host the Secretariat through a Resolution. The organization's decision-making body would need to accept the request.	MOP would need to renew the mandate of the Interim Secretariat through a Resolution until it decides on a permanent solution.	MOP would need to renew the mandate of the Interim Secretariat through a Resolution until permission is obtained from CMS COP to establish the CMS Secretariat as the permanent Secretariat of the Gorilla Agreement.

**Recommended actions**

24. Parties are invited to:
- a) Consider the options presented in this document;
  - b) Decide on an institutional arrangement in the best way forward for the conservation of Gorillas;
  - c) Adopt the draft Resolution in Annex I of this document.

### Draft Resolution 3.X

*Recalling* that Article V of the Gorilla Agreement provides at paragraph 7 (b) that at its first session, “the Meeting of Parties shall establish an Agreement Secretariat within the Convention Secretariat to perform the secretariat functions listed in Article VII of this Agreement”;

*Further recalling* that the Meeting to negotiate the Gorilla Agreement in October 2007, requested the CMS Standing Committee to mandate the CMS Secretariat to provide interim secretariat services to the Agreement in close cooperation with the UNEP Great Apes Survival Partnership (GRASP) Secretariat and other institutions of GRASP;

*Also recalling* that MOP1 considered the establishment of a secretariat for the Agreement and agreed that the CMS Secretariat should continue to act as Interim Secretariat for the Agreement, and that the role of GRASP in providing secretariat services should be explicitly mentioned;

*Appreciating* the decision of CMS COP10 that the CMS Secretariat continue to provide interim secretariat services to the Gorilla Agreement for the next triennium;

*Noting with concern* that the Gorilla Agreement is unique among the CMS Agreements, in that it does not have its own independent secretariat, and is not able to fund one from Party contributions alone; and

*Realizing* that this situation puts the Gorilla Agreement in a vulnerable position, where any reduction in funding to the CMS Secretariat, or increases in mandate, from new agreements, for example, could mean a reduction in resources available to be allocated to the Gorilla Agreement;

*The Meeting of the Parties to the  
Agreement on the Conservation of Gorillas and their Habitats*

1. *Requests* the Secretariat of the Convention on Migratory Species to [become/remain] the [Permanent/Interim] Secretariat of the Agreement;
2. *Instructs* the Interim Secretariat to submit this request for secretariat services for the consideration of the 13<sup>th</sup> Conference of the Parties to the Convention on Migratory Species.