



Convention on the Conservation of Migratory Species of Wild Animals

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Item 15a of the provisional agenda

INSTITUTIONAL ARRANGEMENTS: CO-LOCATION OF AGREEMENT SECRETARIATS (A proposal of the CMS Standing Committee for integration of European Agreement secretariats within the UNEP/CMS Secretariat)

Prepared by the Secretariat

Background

1. The 13th and 14th meetings of the Standing Committee considered the question of institutional arrangements for secretariats of CMS Agreements having exclusively or, to a large extent, a European focus. Central to the discussion were action points 18 and 19 contained in Resolution 4.4, adopted by the fourth meeting of the Conference of the Parties (Nairobi, June 1994), which read as follows:

"18. Parties to Agreements should be invited to consider consolidating secretariat functions for one or more Agreements in regional centres which would facilitate links to the CMS Secretariat."

"19. The Parties to the Agreement on the Conservation of Bats in Europe, the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS) and other European Agreements under the Convention should be invited to consolidate secretariat functions in a special Agreements Unit co-located with the Secretariat of the Convention."

2. There was insufficient time for the Conference of the Parties to consider this matter in Nairobi in June 1994. In March 1995, the 13th Standing Committee set up a small working group (comprising Germany, the Netherlands and the United Kingdom) to consider the issue in greater depth and report back to the Standing Committee. The Committee also agreed that the general view of UNEP on this matter should be consulted.

3. The Working Group concluded in August 1995 that, of the three models it had considered for consolidating the secretariats of European-based Agreements, full integration within the parent UNEP/CMS Secretariat would be the most efficient arrangement, provided problems with recruitment and administrative matters could be resolved and that the secretariat services could be provided at a competitive price. The main conclusions of the Working Group, including a description of the various models, are attached at Annex 1. The Working Group recommended that the Chairman of the Standing Committee request the Executive Director of UNEP to submit to the Committee a proposal that provides for the incorporation of Agreement secretariats according to the "Model I" approach; and to seek from UNEP an indication of its willingness to provide secretariat services, together with assurances as to

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standards and costs of services to be provided.

4. The Chairman of the Standing Committee met the UNEP Executive Director in November 1995, and subsequently wrote to her formally to seek her views (copy of letter at Annex 2). In her reply (copy of letter at Annex 3), the Executive Director endorsed the concept of fully integrating the existing and proposed Agreement secretariats within the secretariat of the parent Convention, and assumed that the UNEP/CMS Secretariat would develop a proposal along these lines.

5. At the 14th CMS Standing Committee meeting (Bonn, February 1996), the Committee instructed the Secretariat to develop this proposal further, liaising with UNEP, and to produce a further paper for the next Standing Committee meeting. The Working Group met again in early October 1996 before the full meeting of the Committee to review a draft of the paper once the Secretariat had concluded its consultations with UNEP.

6. Since the proposal for consolidating Agreement secretariats was first tabled in June 1994, there have been a number of important developments with respect to several of the European Agreements:

- The Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA), which was concluded in June 1995, provides for the eventual establishment of a permanent secretariat within the UNEP/CMS Secretariat. The Netherlands is providing an interim secretariat from 1996 to the end of 1998.
- The Parties to the Agreement on the Conservation of Bats in Europe (the so-called Eurobats Agreement) decided at their first meeting (Bristol, July 1995) to establish a secretariat for that AGREEMENT in Bonn, co-located with the UNEP/CMS Secretariat. (The interim secretariat had been provided by the Government of the United Kingdom since 1992.) The arrangements for the AGREEMENT secretariat are to be reviewed by the Meeting of the Parties at its next session, which will take place in 1998. The staff of the secretariat – comprising an executive secretary and an administrative assistant, both working half-time – are under contract to the German Agency for Nature Protection through the end of 1998.
- In 1992, the United Kingdom established an interim secretariat for the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS) within the Sea Mammal Research Unit in Cambridge, UK. The first Meeting of the Parties to ASCOBANS (Stockholm, September 1994) decided to keep the secretariat in the UK and to review the location at its second meeting (tentatively scheduled to be held in the third trimester of 1997). The Sea Mammal Research Unit will itself be relocated to Scotland during the course of 1996; however the ASCOBANS Secretariat is expected to remain in Cambridge at least until the 1997 meeting of the Parties.
- The Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS) – concluded in November 1996 – calls for the UNEP/CMS Secretariat to provide secretariat services for the Agreement, subject to the approval of the Conference of the Parties. As this agreement is expected to enter into force during the course of 1997, and the first session of the Meeting of the Parties convened by the Depositary within one year of that date, arrangements for the ACCOBAMS secretariat should be incorporated in the short- to medium-term plan.
- The UNEP/CMS Secretariat has been providing secretariat services of a limited nature for the two Memoranda of Understanding concluded under the auspices of CMS, concerning the endangered Siberian crane and Slender-billed curlew. This practice will continue for the foreseeable future, and will not affect nor be affected by the integration proposal.

At its fifteenth meeting (Bonn, January 1997), the Standing Committee endorsed the proposal that

follows, with only minor amendments.

Detailed proposal

7. The basic premise underlying the present proposal for integration is that the efficiency of delivery of secretariat services – both to the Convention as a whole and to the European Agreements concluded under its auspices – should be enhanced by economies of scale and a pooling of resources. The proposal would affect some 40 CMS Parties in Africa and Eurasia which are currently eligible for membership in one or more of the above-mentioned Agreements, as well as future Parties to the Convention from these regions and States which join one of the Agreements without becoming a member of the parent Convention. Therefore, it is of relevance to the vast majority of the membership of CMS, which is served by the UNEP/CMS Secretariat from Bonn.

8. Among the issues that need to be addressed in any proposal for integration are:

- legal and institutional aspects
- personnel issues and reporting arrangements
- financial arrangements
- Trust Fund contributions
- provision of administrative services
- establishment of the Agreements Unit and its possible expansion.

Legal and institutional aspects

9. The present proposal is being put before the Conference of the Parties for formal endorsement at this meeting (see draft Resolution 5.5). Thereafter, the respective Meetings of the Parties of each of the Agreements concerned (AEWA, Eurobats, and ASCOBANS) would be invited to endorse the proposed secretariat arrangements in a similar manner. While the individual Agreements would continue to have separate identities, with their own constituencies, the juridical personality of their integrated secretariats would be bound to that of the UNEP/CMS Secretariat (which itself represents the juridical personality of the United Nations, through UNEP). With regard to any other European Agreements developed in the future, secretariat arrangements would be considered on a case by case basis.

Personnel issues and reporting arrangements

10. An Agreements Unit established within the UNEP/CMS Secretariat may comprise, for the foreseeable future, two to three Programme Officers/Senior Programme Officers reporting to the Co-ordinator for internal administrative matters, as well as temporal co-ordination of the work programme, and communication with UNEP. These officers would serve as the executive officers to the respective Agreements. Initially, one to two full-time support staff (perhaps increasing to a maximum of three by the end of 1999) would provide common secretarial services for all of the Agreements. A provisional organization chart is attached at Annex 4.

11. The executive officer of each Agreement would report to his/her respective Meeting of the Parties, as is presently the case, and therefore the Agreements Unit would be expected to operate with a large measure of autonomy. For the most part, the staff members of the parent Convention Secretariat would function independently of the Agreements Unit, however in times of need reciprocal staff assistance might be accommodated for short periods of time. This qualified independence is necessary to make it clear that the contributions to the parent Convention from Parties of regions having no direct interest in the Agreements Unit were not being used to fund its operations.

12. Recruitment of all staff members would be carried out by the United Nations Environment Programme, as is the case for CMS, on the basis of job descriptions prepared under the direction of the Co-ordinator. In order to expedite recruitment of professional and support staff, the classification of all Agreements Unit posts up to the level of P-4 would be carried out by the Human Resource Management

Service (HRMS) of the United Nations Office at Nairobi (UNON), and would not require the direct involvement of any comparable UN body in New York. Appointments would be limited to service in the UNEP/CMS Secretariat. The UNON administration – specifically, the HRMS and Finance Section – has given assurances that they would have no difficulties, in principle, in classifying, advertising, recruiting and administering the Agreements Unit staff as proposed; and that there would be no undue delay in the process of establishing the Agreements Unit. The Standing Committee recommended that the advertisement for any executive officer post for a given Agreement, as well as the subsequent appointment of a candidate, normally be limited to the Contracting Parties to the Agreement concerned. Additionally, secondment of staff members from Governments should be encouraged, subject to mutually acceptable arrangements between UNEP and the Government concerned.

13. Primary screening of candidates for the executive officer posts would be conducted by senior UNEP/CMS staff, and the formal interviews conducted by a panel including officers from United Nations agencies based in Bonn. By taking advantage of the presence of other local UN bodies, the current practice of forming a panel of UNEP staff based in Geneva – which is both costly and time-consuming – would be avoided. Preliminary screening of general service staff applications and interviews would be organized by the responsible executive officer(s), in consultation with senior UNEP/CMS staff. Current staff of the respective Agreements would, of course, be eligible to compete for the available posts. Recommendations of short-listed candidates for professional and general service staff posts would be submitted to UNEP through the Co-ordinator.

14. Careful consideration will have to be given to the timing of the recruitment procedure for Agreements Unit staff in order to avoid burdening the UNEP/CMS Secretariat with the work of the Agreements while posts remain to be filled. Job descriptions should be prepared as soon as possible after acceptance of the present proposal by the Conference of the Parties, with a view to having all of the posts classified by UNEP. Thereafter, the respective Meetings of the Parties should be prepared to allow sufficient time (i.e. a minimum of 6 to 8 months) for the staff of the Agreements Unit to be recruited and take up their posts before terminating the existing arrangements for personnel. Depending on the timing of the session of the Meeting of the Parties, this may require that some contracts be extended for an interim period under the existing arrangements.

Financial arrangements

15. A separate budget would continue to be adopted for each Agreement and for CMS, by the respective Meeting of the Parties (MOP) or Conference of the Parties (COP), as appropriate. One option is that these budgets would become sub-projects under the CMS Trust Fund in order to facilitate UNEP administration. Appropriate recording systems would be established within UNEP/CMS to account, as closely as possible, for the real costs associated with each Agreement. The Co-ordinator would continue to be responsible for the overall CMS budget, while the executive officers within the Agreements Unit would exercise control over the budgets agreed by the respective Meetings of the Parties. A second option, having no impact on the overall overhead costs, favoured by the UNEP Fund Programme Management Branch, would be to create separate trust funds for each Agreement and to have separate audited financial accounts, with a view to providing more transparency and convenience.

16. It is difficult to make direct comparisons of expenditures under the current secretariat arrangements or to make projections under a UN-based system, since the existing Agreement secretariats are currently attached to governmental or quasi-governmental institutions, and the ASCOBANS secretariat is in a different country altogether. The largest single element of each Agreement's budget is personnel-related costs. Under the UN system, these depend on the level at which a given post is graded and a number of other factors related to the particular individual filling the post. Most of the other operating costs (e.g., telephone usage, postage, photocopying, special printing costs, travel etc.) could be computed and budgeted separately for each of the constituent Agreements. Where it would be impractical to compute actual costs separately (e.g. for common office supplies), the Meetings of the Parties to the Agreements would be expected to agree a contributory figure to the overall costs for these items in their triennial budgets, in order to offset the expenditures borne by the UNEP/CMS Secretariat,

and to take account of the economies of scale from which the Agreements Unit would benefit.

17. Increased efficiency and economies of scale could be expected to produce some savings in the provision of secretarial services, such as common photocopying services, receipt and dispatch of correspondence, use of common services for meetings of Convention/Agreement bodies, common banking facilities, standardized staff reporting arrangements, reciprocal staff assistance etc. In addition, the Co-ordinator and the executive officers in the Agreements Unit would seek to ensure that MOPs/COPs and other meetings of the Agreements and CMS were timed in such a way as to maximise efficiency and minimise the occurrence of peaks and troughs in workload.

18. UNEP would continue to oversee all expenditures to ensure that these do not exceed a level which Parties to the Convention/Agreements have agreed. UNEP would ensure that financial statements are made available on a timely basis for circulation by the UNEP/CMS Secretariat (acting also on behalf of the Agreements) to the CMS Parties, and to the Parties to each of the Agreements where these have agreed a budget to fund a secretariat and its activities. The statements would be produced upon request of the UNEP/CMS Secretariat (which will give UNEP at least four months' written notice) to coincide with meetings of Standing/Advisory Committees or Meetings/Conferences of the Parties, and will detail the actual expenditures under each budget line for the respective Agreements and for the UNEP/CMS Secretariat.

Trust Fund contributions

19. Contributions from Parties would continue to be calculated separately for each Agreement and for the parent Convention, and paid annually according to the UN scale of assessment. However, a rationalized system would be developed allowing Parties to the Convention and to one or more of the Agreements concerned to pay subscriptions in a single instalment, giving clear instructions as to how the funds were to be allocated. Requests for payment would continue to be sent by UNEP in the form of an invoice, detailing the contributions to be made towards the Convention and any applicable Agreements. UNEP would administer one or more trust funds which would supply CMS and each of the Agreements concerned, according to contributions received and the overall budgets agreed by the respective MOPs/COP.

20. Every effort should be made by the Parties to ensure adequate and timely contributions. Nevertheless, in the event of insufficient funds for salaries of Agreements Unit staff, the Executive Director of UNEP would be authorized, through a provision in the terms of reference of the CMS Trust Fund, to make special provision to cover these salaries temporarily from the CMS Trust Fund if its resources allowed. UNEP would liaise with the UNEP/CMS Secretariat on such temporary transfers of funds from the parent Convention to any Agreement. Any such movements, however temporary, would be communicated to the respective Standing/Advisory Committee of the Convention and Agreement(s) concerned, and reported upon at the next session of the Meeting/Conference of the Parties.

21. Contributions to the Trust Fund, including those funds destined for the Agreements, would be subject to the same 13% overhead charge approved by the United Nations General Assembly and applied to all trust funds administered by the United Nations. For this, the secretariats and their staff would receive all of the administrative, financial and personnel services enjoyed by the UNEP/CMS Secretariat. At present, the institutions hosting the Agreement secretariats absorb the cost of most of these services, to the extent they are offered; however, the overall UNEP overhead already provides for auditing services which currently represent a 2-3% cost to the Agreement secretariats.

Provision of administrative services

22. Recalling the concerns expressed by the Working Group about delays in recruitment and administrative practices, as well as the capacity within UNEP to deliver the level of service required by CMS (whose staff will number nearly 20 by the time the Agreements Unit, incorporating the Agreements mentioned in paragraph 6 above, is fully functional), it will be essential that a Fund Management /

Administrative Officer based in Bonn provide common administrative support to the Convention Secretariat/Agreements Unit. This officer, familiar with UN rules and procedures, would work with a Finance Assistant on Convention Secretariat and Agreements Unit activities according to an appropriate time-sharing regime. (Creation of such a post was agreed in principle by the Conference of the Parties at its fourth meeting, held in Nairobi in June 1994, subject to the identification of a source of funding other than the core budget. To date, funding for the post has not been forthcoming.) The actual proportion of time allocated for each activity would be reviewed and agreed each year by the Coordinator, in consultation with the executive officers responsible for each of the Agreements.

23. It is the view of the Standing Committee and the UNEP/CMS Secretariat that the annual expenditures of CMS and each of the Agreements would justify that such a dedicated Fund Management/Administrative Officer post be funded from the 13% overhead charged to the Trust Fund (known as "OTL") from 1998 onwards, as is the case in other UNEP out posted offices of similar size. The Finance Assistant post might be funded according to a cost-sharing arrangement between CMS, the Agreements concerned and UNEP. The Fund Programme Management Branch of UNEP notes, however, that apart from the annual expenditures of a secretariat, there are other unspecified considerations UNEP takes into account when deciding whether or not to finance a secretariat's Fund Management/Administrative Officer post from OTL. This is negotiated and is dependent upon the need and circumstances prevailing in the particular secretariat.

Establishment of the Agreements Unit and its possible expansion

24. The process of integration would likely take place progressively, beginning at the earliest in 1998, bearing in mind: (1) the need to consult the Meeting of the Parties of each of the Agreements concerned, (2) the secretariat arrangements already in place, and (3) a realistic timetable for entry into force of future Agreements. The Agreements Unit described above could include, initially, ASCOBANS – perhaps as early as January 1998 – if the Parties to that agreement were to decide to relocate the secretariat when arrangements are reviewed in the latter part of 1997. ACCOBAMS might also be integrated at the same time. The arrangements would apply also to the African-Eurasian Waterbird Agreement (presumably from 1 January 1999) and to the Eurobats Agreement, perhaps from the same date if a suitable accommodation can be reached with its Parties. (The current arrangement for the Eurobats secretariat is subject to review in 1998, and the contract of the current Executive Secretary expires at the end of that year. If the Parties to that Agreement were to seek an earlier integration of the secretariat, this would have to be accomplished through a formal written procedure together with an extraordinary session of the Meeting of the Parties in order to amend the budget.)

25. The joining of further secretariats to the Unit would depend on the concurrence of the Meetings of the Parties to the respective Agreements as well as the agreement of UNEP to assume the secretariat responsibilities involved. Parties to an Agreement whose secretariat services are provided by the Agreements Unit would have to agree in full to the application of conditions in effect at that time.

Possible timetable for integration of Agreement secretariats

Agreement	1998	1999
ASCOBANS	January?	
ACCOBAMS	Possibly in 1998 depending on modalities for signature of the Agreement (meanwhile, an interim secretariat might be provided by an interested Government)	
Eurobats		January?

AEWA		Depending on date of entry into force; the Netherlands' commitment ends in 1998
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Conclusions of the CMS Standing Committee Working Group examining arrangements for European Agreement secretariats

Working Group members:

Gerhard Adams, Astrid Thyssen, Germany (Depositary)
Gerard Boere, Netherlands (Europe)
Robert Hepworth (ex-Chairman, CMS Standing Committee)

Secretariat: Douglas Hykle, Deputy Co-ordinator

Bonn, 10 August 1995

The Working Group considered three possible models for secretariat arrangements:

Model I: Full integration of the existing and proposed Agreement secretariats within the secretariat of the parent Convention (UNEP/CMS Secretariat) - i.e. UNEP-administered staff providing secretariat services to CMS and several Agreements, and reporting to the UNEP/CMS Co-ordinator, who would have flexibility in the assignment of tasks.

- the Agreements would continue to have separate budgets, but consideration could be given to amalgamating trust fund arrangements in the future, in order to simplify payment of contributions. The UNEP/CMS Co-ordinator, as senior officer, would be responsible to the Meetings of the Parties of the respective Agreements.
- Advantages: easy to deploy staff and reassign tasks across the range of work, according to needs; economies of scale
- Disadvantages: dissatisfaction with current UNEP recruitment practices; inadequate value for present overhead costs; possible conflicts of priorities between various Agreements.

The Working Group considered that full integration could be the most efficient model, provided problems with recruitment and administrative matters can be overcome and that the secretariat services can be provided at a competitive price. If so, it would make sense for the African-Eurasian Waterbird Agreement (AEWA)- a semi-global agreement - to be fully integrated after the commitment of the Government of the Netherlands expires (end of 1998). The June 1995 decision of the Meeting of the Parties to that Agreement to establish the agreement secretariat within the Secretariat of the Convention is consistent with this model.

Model II: Secretariat services for several CMS Agreements co-located with and operating in parallel with the Secretariat of the Convention.

Under such a model, UNEP would recruit and administer the staff of the Agreement secretariats. However, the Agreement secretariats would receive independent policy direction from the Meeting of the Parties to the respective Agreements. Such a model could be made more attractive if authority for personnel and finance-related matters within the organization could be delegated, for example, to the senior UN officer in Bonn or to the Co-ordinator of UNEP/CMS (cf. arrangement proposed between Secretary-General of the United Nations and the Climate Change secretariat in Document FCCC/CP/1995/5/Add.4, of 6 April 1995, prepared for the first meeting of the Conference of the Parties to the Framework Convention on Climate Change). A variant of this model would be for the Agreement secretariats to be collectively administered by some independent legal entity under German law.

- Advantages: clearer lines of responsibility with respect to the Meeting of the Parties; some economies of scale through common services provided by UNEP
- Disadvantage: not as cost efficient as Model I, since flexibility in assignment of tasks between staff is lost. Greater scope for internal conflicts between the semi-autonomous Agreement secretariats.

Model III: Agreement secretariats operating as independent entities (e.g. administered by the German government), but in co-location with the Convention secretariat.

- Advantages: clearest lines of responsibility to the Meetings of the Parties, no overhead charges; potentially more flexible recruitment procedures than in Model I
- Disadvantages: does not achieve the cost effectiveness of the other models; longer-term costs may be higher due to fewer economies of scale, loss of synergy, and potential for weak control of resources.

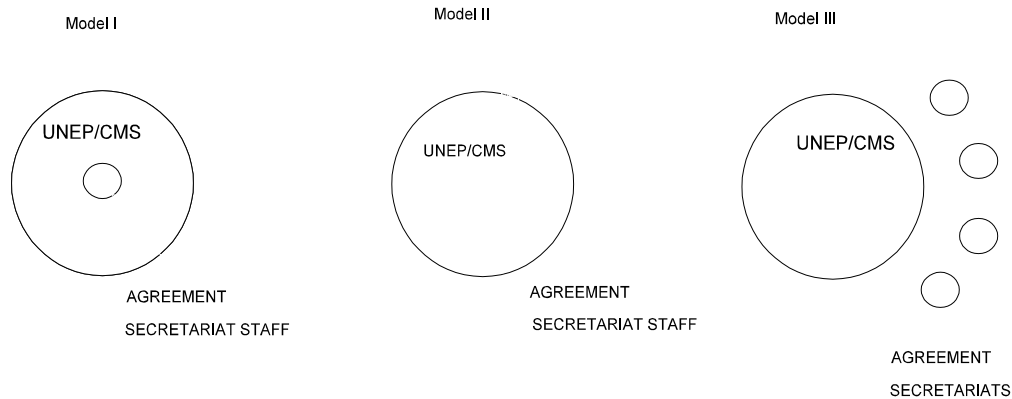
The European Bats Agreement has adopted this model, subject to future review. The Working Group considered that it may be desirable in the future to adopt the Model I approach for this agreement, but only if there is an assurance that standard of administrative service provided by UNEP has improved.

Conclusion: The Working Group recommended that the Chairman of Standing Committee request the Executive Director of UNEP to submit to the Committee a proposal that provides for the incorporation of Agreement secretariats according to the Model I scenario. The proposal should be received well in advance of the next meeting of the Standing Committee, scheduled for the first quarter of 1996. An indication should be sought from UNEP as to its willingness to provide secretariat services, together with assurances as to standards and costs of services to be provided. UNEP should be asked whether it would be prepared to negotiate a “service level agreement” with the Parties concerned.

Key dates for decision-making

3rd quarter 1995:	Negotiation meeting on the proposed <i>Agreement on the Conservation of [Small] Cetaceans of the Mediterranean and Black Seas</i> (ASCOMABS)
1st quarter 1996:	Meeting of the CMS Standing Committee
1st quarter 1997:	Meeting of the Conference of the Parties to CMS
3rd quarter 1997:	Meeting of the Parties to the <i>Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas</i> (ASCOBANS)
2nd quarter 1998:	Meeting of the Parties to the <i>Agreement on the Conservation of Bats in Europe</i>
3rd quarter 1998:	Expiry of Netherland's commitment for AEWA interim secretariat

Pictorial representation of Models I - III



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Executive secretary (EUROBATS: 1/2 time; ASCOBANS: full-time)	41,981	65,289	56,000	37,838
Clerical/Admin. Assistant (EUROBATS: 1/2 time; ASCOBANS: full-time)	14,543	22,617	34,000	22,973
Total staff	56,524	87,907	90,000	60,811
Fax usage	868	1,350	7,000	4,730
Phone usage	868	1,350	9,000	6,081
Mailing	1,158	1,801	3,000	2,027
Office supplies	1,447	2,250	5,000	3,378
Total equipment	4,341	6,751	24,000	16,216
Travel Secretariat's staff	6,000	9,331	5,000	3,378
Other travel	6,000	9,331	2,500	1,689
Total travel	12,000	18,663	7,500	5,068
Meeting of the Parties	7,500	11,664	30,000	20,270
Other working groups	2,205	3,429	5,000	3,378
Total meetings	9,705	15,093	35,000	23,649
Publishing/Doc. costs	1,661	2,583	5,000	3,378
Total Publishing	1,661	2,583	5,000	3,378
Rental of equipment	4,586	7,132	0	0
Maintenance	1,600	2,488	0	0
Hospitality	551	857	1,000	676
Audit charges	2,205	3,429	5,000	3,378
Total Miscellaneous	8,942	13,907	6,000	4,054
Grand Total	93,173	144,904	167,500	113,176

Note: using the German-based Eurobats Agreement staff costs for comparison, the above-mentioned executive secretary and administrative assistant posts would be roughly comparable, in salary terms, under the UN system to a professional (P-2/3) post and a general service (G-4) post.