



Convention on the Conservation of Migratory Species of Wild Animals

Secretariat provided by the United Nations Environment Programme



Extraordinary Meeting of the Standing Committee

Bonn, 22 September 2008, 14.00 German Time

Planned duration of meeting 2 hours (max 2.5 hours)

CMS/StC33/4
Agenda Item 4c(iv)

UNEP REVIEW OF CMS & ASCOBANS SECRETARIAT MERGER

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Management Study of the “New Arrangements for the ASCOBANS Secretariat (2007-2009)”

1. BACKGROUND

The Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS) was concluded in 1991 under the auspices of the Convention on Migratory Species (CMS or Bonn Convention) and entered into force in 1994. The Secretary General of the United Nations has assumed the functions of Depository of the Agreement. ASCOBANS is open for accession by all Range States (i.e. any state that exercises jurisdiction over any part of the range of a species covered by the Agreement or whose flag vessels engage in operations adversely affecting small cetaceans in the Agreement area) and by regional economic integration organisations.

Originally only covering the North and Baltic Sea, the ASCOBANS Area, as of 3 February 2008, has been extended to cover the areas described below:

"... the marine environment of the Baltic and North Seas and contiguous area of the North East Atlantic, as delimited by the shores of the Gulfs of Bothnia and Finland; to the south-east by latitude 36°N, where this line of latitude meets the line joining the lighthouses of Cape St. Vincent (Portugal) and Casablanca (Morocco); to the south-west by latitude 36°N and longitude 15°W; to the north-west by longitude 15° and a line drawn through the following points: latitude 59°N/longitude 15°W, latitude 60°N/longitude 05°W, latitude, 61°N/longitude 4W;latitude 62N/ longitude 3W; to the north by latitude 62°N; and including the Kattegat and the Sound and Belt passages.

Ten countries are Parties to the Agreement. They are: Belgium, Denmark, Finland, France, Germany, Lithuania, The Netherlands, Poland, Sweden and United Kingdom.

All non-Party Range States are encouraged to join the ASCOBANS Parties in their efforts to conserve the small cetacean species they share with other countries in the ASCOBANS Area, conscious that the management of threats to their existence, such as bycatch, habitat deterioration and other anthropogenic disturbance, requires concerted and coordinated responses.

History of ASCOBANS Secretariat

In the first Meeting of Parties (MOP1) in 1994, the Parties decided to establish a permanent Secretariat at the Sea Mammal Research Unit in the United Kingdom; that the Secretariat to remain there for a triennium; and that arrangement to be reviewed at the next ordinary Meeting of the Parties, taking into account Resolution 4.4 of the Conference of the Parties to the CMS (Nairobi, 7-11 June 1994) as well as further developments with regard to other agreements.

During MOP2 in 1997, the Parties decided that from 1 January 1998, a Secretariat be established in Bonn administered by the German Federal Agency for Nature Conservation, and the German Government to enter into negotiations with the appropriate UN authorities, with a view to securing formal agreement and terms for the ASCOBANS Secretariat to be located in the UN premises in Bonn on an interim basis pending its full integration in the UNEP/CMS Secretariat from 1 January 2001.

In 2000, a Resolution (1) came out of MOP 3 to integrate the ASCOBANS Secretariat into the Agreements Unit of UNEP/CMS. Resolution 1 states that “Executive Secretaries to the Agreements will report to the Executive Secretary to CMS for internal administrative matters and communication with UNEP. They will report to the Parties as well as to the competent bodies of the Agreements on their work programme. The competent bodies of the Agreements shall contribute to the annual performance appraisal of an Agreement’s Executive Secretary.”

At the 5th Meeting of the Parties of ASCOBANS (held from 18-20 September and a resumed session on 12 December 2006) and having recognized institutional and sustainable problems that ASCOBANS had been

facing, it was decided that “from 1st January 2007 the UNEP/CMS Secretariat shall serve as the secretariat pursuant to provision No.4 of the ASCOBANS Agreement; and the Executive Secretary of UNEP/CMS shall be the acting Executive Secretary of ASCOBANS” (See Annex I for the full Resolution no. 2d). It was also decided that these arrangements were to be implemented for a provisional three year period.

The Parties have now requested the UNEP Executive Director to undertake an independent evaluation of the new Secretariat arrangements in mid 2008. The results and outcome of the evaluation will be considered by the Conference of the Parties (COP) of CMS scheduled for December, 2008, followed in due time by the MOP of ASCOBANS in 2009, with the aim of identifying the best organizational solutions for ASCOBANS.

At its 15th meeting the ASCOBANS Advisory Committee decided to create a Working Group, to assist UNEP to select an appropriate consultant, and to review whether the draft report fulfilled the objectives of the evaluation. The ASCOBANS Advisory Committee expressed the need to conduct the evaluation in close consultation with this working group.

2. EVALUATION PARAMETERS

2.1. Objective and Scope of the Evaluation

The objective of this evaluation is to review the effectiveness, efficiency, synergy and the cost-effectiveness of the new arrangements for the ASCOBANS Secretariat with respect to the following elements, and if necessary formulate options for improvement or change of arrangements.

The evaluation should answer the following key questions:

1. To what extent have the new arrangements improved efficiency of the operations of the activities of the ASCOBANS Secretariat? Are the new arrangements more cost-effective than a stand alone Secretariat? Which options for improvement or change of arrangements can be identified?
2. Have the new arrangements promoted synergy? If so, how and if not, what arrangements are recommended?
3. To what extent have the new arrangements positively or negatively affected the profile and standing of ASCOBANS vis-à-vis other CMS related agreements specifically and other multilateral environmental agreements in general?
4. Is the new administrative arrangement for managing the ASCOBANS Secretariat sustainable? If not, why and how can this be amended?

Specifically, the evaluation will review the following issues:

- Output of the Secretariat (as regards the cycle of the meetings, tasks, programmes and strategies agreed by the MOP, and reports prepared by the Secretariat).
- Provision of support to the Parties (as regards the cycle of the meetings, tasks, programmes and strategies agreed by the MOP, and reports prepared by the Parties).
- Functioning of the Secretariat focal point and website for the ASCOBANS Agreement.
- Communication with Parties, Range States, NGOs and international organizations.
- Awareness-raising, public information activities and the ASCOBANS website (www.ascobans.org).
- Profile of the ASCOBANS Secretariat, including representation at an adequate level at meetings of other relevant agreements and conventions, with the remit established by Parties.
- Continuity, transparency and quality in the administrative and budgetary management and functioning of ASCOBANS.
- Specific benefits (or disadvantages) resulting from functioning as a joint Secretariat with CMS since January 2007.
- Costs incurred under the new arrangements, including a comparison of cost-effectiveness of current and previous arrangements.

- Manpower used in the CMS Secretariat as regards to ASCOBANS tasks; evaluation of the available/spent manpower in relation to the tasks of the Secretariat as regards to ASCOBANS.

2.2. Methods

This evaluation will be conducted as an in-depth study using a participatory approach whereby the representatives of, the Division of Environmental Law and Conventions (DELIC), the UNEP/CMS and ASCOBANS Secretariat, the ASCOBANS working group and other relevant staff are kept informed and regularly consulted throughout the evaluation. The consultant will liaise with UNEP Evaluation & Oversight Unit (EOU) on any logistic and/or methodological issues to properly conduct the review in an as independent a way as possible, given the circumstances and resources offered. The draft report will be circulated to the Secretariat and the ASCOBANS working group via UNEP/EOU. Any comments or responses to the draft report will be sent to UNEP/EOU for collation and the consultant will be advised of any necessary revisions.

The findings of the evaluation will be based on the following:

- Desk research and evaluation of the output and communication-activities of the ASCOBANS Secretariat.
- Desk research and evaluation of the administrative and budgetary effectiveness and efficiency of the Secretariat.
- Written inquiries and interviews, if necessary, regarding the cooperation between the Secretariat and Parties, Range States, NGOs, other agreements and conventions.
- Written inquiries and interviews, if necessary, regarding the satisfaction of Parties, Range States, NGOs, other agreements and conventions with respect to the effectiveness and efficiency of the new Secretariat arrangements.
- Review of minutes of COP meetings and Meetings of Parties of CMS and ASCOBANS respectively, as well as minutes of ASCOBANS Advisory Committees.

2.3. Evaluation report format and review procedures

The report should be brief, to the point and easy to understand. It must explain: the purpose of the evaluation, exactly what was evaluated and the methods used. The report must highlight any methodological limitations, identify key concerns and present evidence-based findings, consequent conclusions, recommendations and lessons. The report should provide information on when the evaluation took place, the places visited, who was involved and be presented in a way that makes the information accessible and comprehensible. The report should include an executive summary that encapsulates the essence of the information contained in the report to facilitate dissemination and distillation of lessons.

Evidence, findings, conclusions and recommendations should be presented in a complete and balanced manner. The evaluation report shall be written in English, be of no more than 40 pages (excluding annexes), use numbered paragraphs and include:

- i) An **executive summary** (no more than 3 pages) providing a brief overview of the main conclusions and recommendations of the evaluation;
- ii) **Introduction and background** giving a brief overview of the Agreement and the functioning and current status of the Secretariat;
- iii) **Scope, objective and methods** presenting the evaluation's purpose, the evaluation criteria used and questions to be addressed;
- iv) **Performance and Impact** providing factual evidence relevant to the questions asked by the evaluator and interpretations of such evidence. This is the main substantive section of the report and should provide a commentary on all evaluation aspects above.
- v) **Conclusions** provide the evaluator's concluding assessments from the evaluation. The conclusions should provide definitive answers to whether the decision to create a one Secretariat is well advised and whether the results are considered positive or negative;
- vi) **Lessons learned** presenting general conclusions, based on established good practices that have the potential for wider application and use. Lessons may also be derived from problems and mistakes. The context in which lessons may be applied should be clearly specified, and

- lessons should always state or imply some prescriptive action. A lesson should be written such that experiences derived from the undertaking could be applied in similar situations;
- vii) **Recommendations** suggesting *actionable* proposals for improvement of the current administrative arrangements.

Prior to each recommendation, the issue(s) or problem(s) to be addressed by the recommendation should be clearly stated.

A high quality recommendation is an actionable proposal that is:

1. Feasible to implement within resources available
 2. Commensurate with the available capacities of UNEP headquarters, the UNEP/CMS Secretariat and partners or other relevant organisations with respect to the recommendation
 3. Specific in terms of who would do what and when
 4. Contains results-based language (i.e. a measurable performance target)
 5. Includes a trade-off analysis, when its implementation may require utilizing significant resources that would otherwise be used for other purposes.
- viii) **Annexes** include Terms of Reference, list of interviewees, documents reviewed, brief summary of the expertise of the evaluator / evaluation team, a summary of co-finance information etc. Dissident views or management responses to the evaluation findings will be appended in an annex.

Review of the Draft Evaluation Report

Draft reports submitted to UNEP EOU are shared with the Secretariat, the ASCOBANS working group and DELC for initial review and consultation. They may provide feedback on any errors of fact and may highlight the significance of such errors in any conclusions. The consultation also seeks agreement on the findings and recommendations, or, if that remains impossible, an agreement to disagree at certain specific points. UNEP EOU collates the review comments and provides them to the Secretariat and the ASCOBANS working group, as well as to the evaluators for their consideration in preparing the final version of the report.

All UNEP Evaluation Reports are subject to quality assessments by UNEP EOU. These incorporate evaluation quality assessment criteria and are used as a tool for providing structured feedback to the evaluator (see Annex II).

2.4. Submission of Final Report.

The final report shall be submitted in electronic form in MS Word format and should be sent to the following persons:

Segbedzi Norgbey, Chief,
UNEP Evaluation and Oversight Unit
P.O. Box 30552-00100
Nairobi, Kenya
Tel.: (254-20) 7623387
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With a copy to:

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The final evaluation report will be printed in hard copy and published on the Evaluation and Oversight Unit's web-site www.unep.org/eou.

2.4. Resources and schedule of the evaluation

This evaluation will be undertaken by an international evaluator contracted by the Evaluation and Oversight Unit, UNEP. The contract for the evaluator will begin on 25 August 2008 and end on 24 November 2008 (2 months). After an initial telephone briefing by EOU and DELC, the evaluator will travel to Bonn. The evaluator will submit a draft report on 29 September 2008 to UNEP/EOU. After a first review from EOU, it will be forwarded to the DELC, CMS Secretariat. Any comments or responses to the draft report will be sent to UNEP / EOU for collation and the consultant will be advised of any necessary revisions. Comments on the final draft report will be sent to the consultant by 10 November 2008 after which, the consultant will submit the final report no later than 24 November 2008.

In accordance with UNEP policy, all UNEP activities are evaluated by independent evaluators contracted as consultants by the EOU. The evaluator should have the following qualifications:

The evaluator should not have been associated with the design and implementation of the Agreement. The evaluator will work under the overall supervision of the Chief, Evaluation and Oversight Unit, UNEP. The evaluator should be an international expert in International Environmental Law/Policy. The consultant should have the following minimum qualifications: (i) experience international environmental policies; (ii) experience with Multilateral Environmental Agreements; (iii) experience with project/programme evaluation. Knowledge of UNEP programmes. Fluency in oral and written English is a must.

2.6. Schedule of Payment

The evaluator will receive a first payment of 40% of the total amount due upon submission of draft report. Final payment of 60% will be made upon satisfactory completion of work. The fee is payable under the individual SSA of the evaluator and is NOT inclusive of all expenses such as travel, accommodation and incidental expenses. Ticket and DSA will be paid separately by UNEP.

In case, the evaluator cannot provide the products in accordance with the TORs, the timeframe agreed, or his products are substandard, the payment to the evaluator could be withheld, until such a time the products are modified to meet UNEP's standard. In case the evaluator fails to submit a satisfactory final product to UNEP, the product prepared by the evaluator may not constitute the evaluation report.

August 2008

