

**United Nations Environment Programme**  
**UNEP**

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

**Executive Summary**

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## **EXECUTIVE SUMMARY**

1. By Resolution 2(d) of the ASCOBANS COP 5 held in December 2006 the Parties decided that from 1<sup>st</sup> January 2007 the UNEP/CMS Secretariat shall serve as the secretariat and the Executive Secretary of UNEP/CMS shall be the acting Executive Secretary of ASCOBANS and called on the UNEP Executive Director to undertake an independent evaluation of the new Secretariat arrangements in mid 2008. This evaluation has been carried out pursuant to the above request.
2. Its objective is to review the efficiency and cost-effectiveness of the new secretariat arrangement and to determine if this had resulted in promoting synergies within the CMS family of Agreements and other MEAs, helped to heighten the profile of ASCOBANS and increase the Secretariat's sustainability. It was to be based on a desk study of official documents, responses to questionnaires and interviews where necessary.
3. A list of documents consulted has been annexed as is the questionnaire sent to 38 individuals closely associated with the activities of ASCOBANS including its previous Executive Secretary and the current Acting Executive Secretary. Nineteen (19) responses were received of which, 14 were individual responses. The list of those to whom the questionnaire was sent and those who responded is provided in Annex 5 of the Report. As could be expected, the responses contained a mix of opinions and information. In general, some expressed views against the merger while a majority were either noncommittal or supportive of the new arrangement. The views of the former Executive Secretary were sought in the interest of fairness and transparency for the Evaluators to get a better understanding of the background and reasons behind the merger as he was involved in that process. His response to the questionnaire has not been used for purposes of analysis of the post-merger efficacy of the secretariat, as he had not been part of the work or activities undertaken following the merger, except for a very short transition period.
4. Discussions were also held with senior staff members of UNEP, the CMS-ASCOBANS Secretariat and others. Telephone interviews were also held with some of the members of the ASCOBANS Advisory Committee. The evaluation is based not on any one segment of the evidence elicited either written or spoken, but by weighing the totality of evidence on each issue. In particular, great care was taken not to take at face-value, the opinions expressed by the respondents, particularly the negative opinions, but to weigh them against available

evidence and determine objectively and independently, the weight to be attached to such opinions.

5. The following fundamental findings are relevant to the evaluation, namely:
  - a. The merger of the ASCOBANS and CMS secretariats has resulted in the Executive Secretary of CMS being responsible to the Parties for both the internal administration of the ASCOBANS secretariat as well as the Agreement's programmatic matters.
  - b. The sudden turn of events that led to adoption of ASCOBANS MOP Resolution 2(d), including the financial problems within ASCOBANS, the adjournment of MOP 5 in September 2006, its reconvening three months later and operationalizing the merger decision three weeks later, from 1 January 2007, has obvious implications for evaluating the efficacy of the new management arrangement in a realistic manner. In these circumstances, there must be expected, and indeed there has been, considerable disruption in the implementation of the ASCOBANS work programme. It must also be assumed that, in taking this decision, the Parties could not have been unaware that such disruption would be inevitable.
6. The following is a summary of the findings on the evaluation.
  - a. **Secretariat staff-** The current staffing arrangement for the ASCOBANS-CMS secretariat was agreed to at MOP 5 under considerable urgency, both content-wise, because of the necessity to find a solution for the financial problems of ASCOBANS within the budgetary constraints, and time-wise, because there was a need for a decision to be taken before 31 December 2006. However, with the benefit of experience gained over the past 18-20 months of the working of the new secretariat arrangement, it seems evident that the staffing arrangements agreed at MOP5, may not be sufficient for carrying out the increasing functions of the secretariat effectively. However, if the efficiency of the current Secretariat is improved, it may still be able to carry the operational functions for the Agreement. Section 5 of the report presents several options that the parties may wish to consider to rectify this situation.
  - b. **Leadership** –The current leadership of the CMS-ASCOBANS secretariat has come in for some harsh criticism in a significant number of responses to the questionnaire. However, the record of activities carried out by a small secretariat since January 2001 must also speak to considerable extent to the quality of leadership of the Secretariat. From a closer examination of the criticisms, it appears they are not so much about the institutional leadership role, but rather about relations between key players. This is a

matter that needs to be addressed with some urgency in the interests of good relations between the Secretariat and the Parties which are essential for the realisation of the objectives of the Agreement.

- c. **Cost-effectiveness-** Given the financial and human resources made available to the Secretariat, it seems, all things considered, that the new secretariat arrangement has been as cost-effective as could be expected. We also think that the cost-effectiveness of the new secretariat arrangement would increase substantially if trust between Parties and the Secretariat were strengthened. The Parties and the Secretariat would then focus on the effective implementation of the work programme as well as their vision for the future of the ASCOBANS Agreement. The new arrangement provides a platform for the ASCOBANS to be much more integrated into the network of agreements for the realisation of their shared objectives. This has not been achieved yet, but there are early indications especially in relations with other Agreements, MEAs and intergovernmental organisations that initiatives are being taken in this regard.
- d. **Efficiency-** The extensive work plan of the Agreement including its meetings, workshops, communications including a website, research programmes and national and regional activities that the small secretariat has been mandated to carry out by the parties and the circumstances relating to the transition from a stand-alone secretariat to a merged secretariat has resulted in shortcomings in the performance of the secretariat. However, overall, the record of activities carried out since January 2007 is quite considerable and impressive. It would not be fair to expect excellent delivery when the resources provided are clearly inadequate. The efficiency of the secretariat can be expected to improve when adequate staffing arrangements are made.
- e. **Profile of the ASCOBANS Secretariat-** The soured relations among parties and between parties and the secretariat that resulted from the decision to merge the secretariats has, it appears, resulted in affecting the profile and standing of the ASCOBANS secretariat. However, that is only one dimension of the totality of considerations that influence the profile of the Agreement and its institutions. Other actions taken to promote cooperation with several UN agencies such as UNEP, IMO, FAO, as well as with the European Commission and the IWC and the action taken under the Year of the Dolphin, have helped to sustain, if not enhance, the image and profile of ASCOBANS.

- f. **Benefits resulting from the merger** – Responses to the questionnaire were unanimous in the view that the benefits of the merger have not been realised. However, when this is viewed against the record of the activities carried out by the secretariat since January 2007, while the substantive criticisms could be justified as evident short comings in the functioning of the new secretariat arrangement, it is not possible to completely deny that there have been benefits of the merger especially in the area of promoting mutually beneficial relations with the UN family, MEAs, Intergovernmental organisations and governments. However, there is a feeling that the full potential of the merger has not yet been realized. This would need earnest attention to matters relating to the implementation of the current work programme and consideration of other matters referred to at (c) above.
- g. **Cost effectiveness-** While the financial costs of the secretariats before and after the merger show that the current arrangements are somewhat cheaper, this should not be the sole criterion. Cost effectiveness is “value- for-money”; the relationship between monetary inputs for staff and other related costs and the impact of their output on the expected outcome. The central problem with the current arrangement is related to the most efficient deployment of staff to handle ASCOBANS matters within the new arrangement. It would be most regrettable and counter productive to view effectiveness and efficiency of the secretariat and its ability to deliver on the expectations of the contracting parties and other stakeholders exclusively from a fiscal standpoint.
- h. **Sustainability-** This too can not be judged purely in terms of the financial inputs of the secretariat and its output. It is a broader, more holistic concept that encompasses the totality of circumstances in which a MEA is implemented and the impact of the outputs of the secretariat and other institutions of the Agreement on the attainment of its goals and purposes. There is no reason to conclude that the current secretariat arrangement is not sustainable, if Parties and the Secretariat invest in re-establishing trust amongst each-other and work together in a spirit of close cooperation on both the implementation of its current programme of work and its future orientation. In this context, it is also necessary to review and take appropriate action in regard to staffing requirements with the benefit of the experience gained over a period of some 20 months since the new secretariat arrangement came into effect.

## 7. Recommendations

- a. The Meeting of Parties may wish to set up an arrangement to discuss the options suggested for improving the performance of the Agreement, including the Secretariat in a dispassionate manner guided by an independent mediator and to make a decision on the best option so that there is buy-in from all parties to mitigate the acrimony that has characterized the operations of the Agreement in recent times. The report has provided five (5) possible staffing scenarios for the consideration of the parties. It will be seen from the figures provided that while the cost of the current staffing arrangement for 2009, is US \$ 175,450, effecting improvements in the staffing arrangements under scenarios 1-4 would cost as follows: Scenario 1- US \$ 298,121; Scenario 2- US \$ 231,264; Scenario 3- US \$ 291,219 ; Scenario 4- US\$ 215, 720. The 5<sup>th</sup> scenario is the retention of the current level of funding and shifting the percentages of time allocated to the four staff members, the main change being in the increase of the Coordinator's time and a corresponding reduction in the time allocated to the P4 Senior Adviser. Since the ASCOBANS budget is prepared in Euros, these figures may be converted to Euros for better appreciation of their budgetary implications. In this connection further consideration should also be given to findings ways of staying within the existing budgetary allocation for staff and improving productivity through better apportionment of time among the various staff members, at least as an interim measure, until such time as the ASCOBANS MOP could take an appropriate decision with the necessary budgetary implications.
- b. ASCOBANS secretariat may wish to consider developing a strategy and implementation plan for strengthening its cooperation with other cetacean-agreements and activities within CMS, such as ACCOBAMS and the Watch-initiative as well as follow up on decisions, if any, of the next CMS Conference of Parties to be held in December 2008, regarding the implications for ASCOBANS of the Inter-sessional process for the future shape of CMS. Furthermore the ASCOBANS secretariat may also consider developing a strategy for co-operation with and involvement of the European Commission departments in regard to the ASCOBANS programme of work, to be presented, if possible, to the next Advisory Committee.
- c. A conscious effort needs to be made by all concerned to cast side the soured relations that have resulted from the events that led to and followed the decisions of the Parties

at MOP 5 to merge the ASCOBANS secretariat with that of CMS and to focus with renewed resolve on the implementation of the Agreement's programme work.

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