



Convention on the Conservation of Migratory Species of Wild Animals

Secretariat provided by the United Nations Environment Programme



36th Meeting of the Standing Committee

Bonn, 2-3 December 2009

CMS/StC36/12/Rev.1

Agenda Item 8.b

SECRETARIAT ARRANGEMENTS FOR THE ASCOBANS AGREEMENT

History of the ASCOBANS Secretariat

1. 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.
2. 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.
3. In 2000, MOP3 defined the terms of the co-location of the ASCOBANS Secretariat with the UNEP/CMS Secretariat and the Secretariats of other European-based Agreements. 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.*"
4. 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 31st meeting of the CMS Standing Committee (September 2006) had cleared the way for this solution (see CMS/StC31/CRP2/Rev.2).
5. As of 1 January 2007, the Executive Secretary of UNEP/CMS fulfils the function of Acting Executive Secretary for ASCOBANS. ASCOBANS MOP5 Resolution 2c estimated and budgeted 3% of the UNEP/CMS Executive Secretary's time to be devoted to ASCOBANS matters.
6. The CMS Scientific and Technical Support Officer also serves as Senior ASCOBANS Advisor, with the main task of supervising the day to day running of the Secretariat. ASCOBANS MOP5 estimated 15% of his time to be devoted to ASCOBANS matters, and made budgetary provision to cover the related costs.
7. In order to ensure that the additional workload stemming from the servicing of the ASCOBANS Agreement could be dealt with by the CMS Secretariat without detriment to its other

tasks, the budget approved by ASCOBANS MOP5 provides for a new position of ASCOBANS Coordinator at P2 level. 75% of the Coordinator's time is scheduled for ASCOBANS matters and is to be covered out of the ASCOBANS budget, while 25% has been dedicated to other CMS marine mammals work in a capacity as CMS Marine Mammals Officer and is covered out of the CMS budget. The ASCOBANS team is further supported by a part-time administrative assistant at GS5 level.

8. In fact, the Executive Secretary as well as the Scientific and Technical Officer and the rest of the team have often put more time than the budgeted percentage into the ASCOBANS activities to ensure their completion as planned.

Review of the Merger Arrangement in 2008 and Decision of CMS COP9

9. Parties requested the Executive Director of UNEP to undertake an independent evaluation of the new Secretariat arrangements in mid-2008. The Netherlands kindly provided the funds for this review. The Executive Director gave the responsibility for the study to the UNEP Evaluation and Oversight Unit. The Final Evaluation Report is available as ASCOBANS/MOP6/Doc.8-01.

10. The CMS Standing Committee at its 33rd and 34th meetings in September and November 2008 discussed progress in implementing and reviewing the merger of the Secretariats. After taking account of the views expressed by the Executive Director of UNEP the Committee recommended to the CMS Conference of the Parties that ASCOBANS Parties should be given the first opportunity to consider the results of the independent evaluation during the next intersessional period (i.e. 2009-11) and report their findings to the CMS Standing Committee.

11. The United Nations Environment Programme (UNEP) gave a progress report on the review at the 9th Meeting of the CMS COP (1-5 December 2008). In the interim, the experimental merger was set to continue until the end of the trial period in December 2009, for which there were no budgetary implications in addition to those already accounted for when the merger was agreed.

12. The Financial and Administrative Resolution (CMS Resolution 9.14) passed by the COP on 5 December 2008 states as follows:

“The CoP ... confirms the willingness that the CMS Secretariat continues to provide Secretariat services to ASCOBANS in the next triennium, and:

Invites the Meeting of the Parties of ASCOBANS to discuss the final draft review document in 2009, to decide on the best organizational solutions for ASCOBANS to be implemented from 1 January 2010, and to report their conclusions to the Standing Committee of CMS and to the Working Group for the Future Shape of CMS;

Instructs the Standing Committee to finalize in 2009, in consultation with the ASCOBANS Parties, the organizational arrangements for 2010 and onwards, taking into account that CMS will not bear any additional costs arising in connection with a definitive organizational solution for ASCOBANS;”

Decision Taken at 6th Meeting of the Parties to ASCOBANS, September 2009

13. The 6th Meeting of the Parties to ASCOBANS was held from 16-18 September 2009 in Bonn, Germany. The Secretariat arrangement and budget for the next triennium (2010-2012) was discussed in-depth by an Administrative Working Group. Parties attempted to strike a balance between the resources required by the Secretariat to be able to do its work and the financial restraints to which they were subject. After due consideration, Parties decided that the merger should continue with the same staff complement but be evaluated again at the next MOP, taking into account also the Future Shape process of CMS. The Advisory Committee should carry out the review in 2011.

14. The ASCOBANS MOP6 Resolution No.5 on Financial, Budgetary and Administrative Matters 2010-2012 is attached as Annex 1.

Action requested:

The Standing Committee is called upon to:

- (a) Take note of the developments concerning the merger of CMS and ASCOBANS Secretariats, in particular of Resolution No.5 of the 6th Meeting of Parties to ASCOBANS (Bonn, 2009);
- (b) Confirm the organizational arrangements for the joint CMS/ASCOBANS Secretariat for 2010 and onwards;
- (c) Request the Working Group on the Future Shape of CMS to be aware that a permanent decision regarding the future of the ASCOBANS Secretariat is on hold pending the outcome of its work.