

**CONVENTION ON  
MIGRATORY  
SPECIES**

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EXTRAORDINARY MEETING  
OF THE STANDING COMMITTEE  
Geneva, 8 June 2009

**EXTRAORDINARY MEETING OF THE STANDING COMMITTEE OF THE  
CONVENTION ON MIGRATORY SPECIES,  
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**MEETING REPORT**

1. Mr. Mohammad Sulayem (Saudi Arabia), Chairman of the Standing Committee, opened the meeting at 11:05 am on Monday 8 June 2009. He welcomed the members and other participants to the meeting and appreciated the time they had taken to head to his invitation and come to attend the meeting at such a short notice. He also appreciated and acknowledged the presence of Mr. Achim Steiner, Executive Director of UNEP, who had convened the meeting and come to brief the members on the management of the CMS Secretariat following the transfer of the current Executive Secretary to Nairobi to take up new functions. The list of participants is attached as **Annex 1**.

Adoption of the Rules of Procedure:

2. The Chairman proposed, and members agreed that the Rules of Procedure of the Standing Committee which were approved at the 35<sup>th</sup> meeting of the CMS Standing Committee (the Rules of Procedure as contained in document UNEP/CMS/StC35/4 dated 5 December 2008 are reproduced in **Annex 2**) be adopted and used to guide this Extraordinary Meeting of the Standing Committee.

Adoption of the Agenda:

3. Furthermore, the Chairman proposed, and members agreed, on the adoption of the Provisional Agenda circulated by the Chairman before the meeting with no changes (See: document UNEP/CMS/ExStC/1 dated 5 June 2009). The Provisional Agenda is attached as **Annex 3**.

Proposed arrangement for the management of the CMS Secretariat:

4. With regards to this item number 3 of the Agenda, the Chairman invited the Executive Director (ED) of UNEP to brief the members on the rationale behind the decision he had taken to transfer Mr. Robert Hepworth, the current Executive Secretary of the CMS Secretariat, to the UNEP headquarters in Nairobi.

5. In that respect, the ED confirmed to the members of the Standing Committee the importance he attached to the Convention and the work of the Standing Committee, including this extraordinary meeting, hence his personal attendance to brief the participants on three key points, namely: his managerial decision to transfer the Executive Secretary to Nairobi: the future management of the Secretariat after the departure of the current head: and the management of the Secretariat during the transitional period pending the recruitment of a new Executive Secretary.

6. In this regard, the ED informed the members of the Standing Committee of the division of labour between the Secretariat and the COP, or through it the Standing Committee, as clearly set out in the text of the Convention. Article IX (2) designated the Executive Director of UNEP to provide the Secretariat for the Convention which also meant that the COP accepted that the Secretariat would operate in accordance with the UN rules and regulations. He emphasized that while he managed the Secretariat and its personnel, the parties through the COP and the Standing Committee guided the Secretariat in the substantive implementation of the Convention through its work programme.

7. Consequently, the ED confirmed and underlined to the members that he was fully responsible and accountable for the personnel management, financial management, and procurement, etc for the Secretariat and that he had exercised that authority as fully delegated to him by the Secretary-General of the United Nations and in accordance with the UN rules and regulations. He further confirmed that this authority was neither questionable nor debatable and that the transfer of personnel was a routine management decision. The ED stated that there was no ambiguity between the powers of the COP which had a role to oversee the implementation of the Convention, and the role of UNEP which provided the Secretariat to their Convention.

8. The ED further underscored the timing of his decision to transfer the Executive Secretary both within the ambit of the CMS processes as well as the broader framework of the biodiversity governance leading to major event and outcomes in the year 2010 and beyond. In this regard, he brought to the attention of the members that there were several Multilateral Environmental Agreements (MEAs) entrusted to UNEP with over a thousand staff to manage which included their deployment. In this respect, the ED highlighted to the members why he considered the timing of his decision to be appropriate. Although there would never be a “best time”, he considered the timing to be appropriate, since the CMS has just adopted and established at its COP a Working Group to review the future shape of CMS which marked a new beginning, and had also adopted a new work programme. Since the Executive Secretary would retire at the beginning of 2012, it would not make sense from a managerial point of view to have a transition at a later stage, but rather at the beginning of these new processes.

9. Furthermore, the ED was of the view that the Executive Secretary would add important value to his institutional capacity at UNEP headquarters as a Senior Advisor on Biodiversity, taking into account his vast experience and expertise in the biodiversity issues related to the good work of CMS to which he had contributed tremendously. The ED went on to give examples of important upcoming biodiversity-related issues including the preparations for the assessment of the achievements of the 2010 Biodiversity targets, on-going negotiations for the international regime on access and benefit sharing process and coherence process in the international environmental governance debate, to mention but a few, all of which would benefit from the expertise and experience of the Executive Secretary. Consequently, his routine managerial deployment of staff was in no way intended to undermine the work of the CMS team in Bonn nor was taken on an ad hoc basis but he took these broader factors into consideration. Therefore, the transfer of the Executive Secretary would be an overarching commitment not only to the CMS Secretariat, but to all other MEAs.

10. To provide an avenue for exchanges of views and experiences in the implementation of Conventions which were managed by UNEP, the ED had established an MEA Management Team which met quarterly through telephone and/or video conferences to address such common issues and promote better understanding of the roles of each partner in this relationship between UNEP and its Conventions. To CMS, the ED indicated that the investment in capital already provided in support of the Convention was huge of which the members might not have been aware and should not be underestimated.

11. Regarding the position of the Deputy Executive Secretary, the ED confirmed his agreement in principle for his transfer to Abu Dhabi to head the new CMS office being established there, to manage the implementation of two MOUs including the MOU on the Conservation of Migratory Birds of Prey in Africa and Eurasia. The ED was, however, surprised to learn that the Deputy Executive Secretary was already on his way to Abu Dhabi. His transfer papers were still in the ED's office awaiting clarifications on the issues he had raised with the Executive Secretary before he signed them. Furthermore, host arrangements including the agreement with the host country to establish the office formally were still not completed and the staff could not move before these documents were finalized and signed, otherwise security, among other issues, could not be guaranteed.

12. Consequently, the ED confirmed to the members that he had made provisions for continuity and maintenance of momentum on the work of the Convention by ensuring the presence of a full team of staff in Bonn. In this respect, he said that the Deputy Executive Secretary would remain in Bonn as Officer-in-Charge when the current Executive Secretary relocated to Nairobi and until all arrangements with the Government of United Arab Emirates for the establishment of the office in Abu Dhabi were completed. In addition, if he saw that more support was required, he would assign a senior staff at D-1 level to join the team for a few months pending the taking up of the position by the new Executive Secretary.

13. Furthermore, the ED emphasized to the members that their Convention was continuously evolving and COP9 recognized that fact. In this regard, he explained the two-tier movement encompassing the future shape for CMS process and the work of

the Working Group, the 2010 Biodiversity process which combined the management of ecosystems and species. Both these processes would emerge with lessons learned for the future and hence one process could not ignore the other as each would have an impact on the work and outcome of the other. CMS COP 9, for instance, questioned the increasing number of CMS-related agreements, MOUs and action plans resulting in the decision on the future shape of CMS and the establishment of the Working Group to spearhead this process. The ED confirmed his promise to the members that he would continue to support and work with the parties to fulfil this future process which would be central in the biodiversity process, and how the same would be linked to climate change and the on-going debate for which the role to be played by Mr. Hepworth would be vital in this broader picture. This was in addition to the ED's continued support for the implementation of the work programme as approved by the Parties at the last COP.

14. Subsequently, Mr. Robert Hepworth, Executive Secretary, was given the opportunity to address the meeting. He confirmed that his commitment to the Convention went back many years when he was working at national level as the chair of one of the COPs as well as the Standing Committee at different intervals, and later as a staff member at UNEP headquarters and currently as Executive Secretary at the Secretariat. He considered his early years at the CMS Secretariat as difficult, but over the years and as a result of human perseverance, he built CMS to what it was today. He gave examples of the increasing number of CMS parties (up by 30%, to a total of 111 parties), doubling the number of species agreements, redirecting capacity building initiatives, attracting projects, receiving major donor contributions, and developing new partnerships from different bodies. Other achievements included the development and deployment of young people as interns at the Secretariat, promotion of outreach campaigns including yearly species campaigns (e.g., Year of the Dolphins and Year of the Gorilla) as well as establishment of a new office in Abu Dhabi. All these had provided opportunities to engage stakeholders in the regions. Additionally, the number of CMS staff had been increased by 10% at COP9.

15. Mr. Hepworth, however, acknowledged that many tasks still needed to be accomplished, which he thought he should be given an opportunity to complete before he retired: for instance, to work further on the recent cooperation modalities with the new US administration which had led to the establishment of a small CMS office hosted at the US Fish and Wildlife Service. This development and good relations, he hoped, might lead to the US acceding to the CMS Convention hence his wish to continue at the Secretariat to build on this momentum. He had also established links with the Russian Federation, China and Brazil in the hope of encouraging them to join the Convention. He had succeeded with Mozambique which would officially become a CMS party in August 2009. The future shape of the CMS process was yet another task he would like to accomplish and leave the implementation of the outcome of that process to his successor which would only happen after the next COP

16. The Executive Secretary also reminded the members that CMS was a treaty dealing with the conservation of animal species and hence it was about animals, and not economics, as was seen now in many other instances. He would have, therefore, appreciated being allowed to maintain and leave behind a historic legacy in which the CMS record could have spoken for itself taking into account that CMS was unique for wildlife conservation and this status might be weakened if managed from outside.

17. Members of the Standing Committee thanked both the ED as well as the Executive Secretary for their statements both of which they found informative. They thanked the ED for providing the rationale for his decision and the way forward to maintaining the momentum and support to the work and management of the CMS Secretariat considering the broader framework of the management of the entire biodiversity cluster of issues under his responsibility and the need to rationalize his staff. The Standing Committee members acknowledged the personal commitment of the Executive Secretary in the implementation of the Convention and the positive achievements made during his tenure and in that regard, they noted his readiness to continue those responsibilities to ensure that he completed the on-going activities he had initiated before he retired.

18. Members thanked the Chairman for organizing the extraordinary meeting and the ED for hosting it, as it gave them an opportunity to better understand the rationale of the personnel management decision taken to transfer and relocate the Executive Secretary to UNEP headquarters. In this regard, though the members acknowledged the ED's authority over the environmental conventions he managed, they also took cognizance of the achievements made in the implementation of the Convention attributed by the Executive Secretary's leadership which raised the profile of the Convention. For the Standing Committee, some members were of the view that having this extraordinary meeting to discuss and clarify issues which had reached the public domain was very important. Consequently, the members agreed that they had a duty to determine a "win-win" solution which would ensure the ED remained within his prerogative authority governed by the UN rules and regulations while at the same time recognizing that the Executive Secretary did raise the Convention's profile through the achievements made over the years.

19. Members exchanged views on the prerogative decision taken by the ED on the transfer of the Executive Secretary. In this regard, one of the European region representatives (Netherlands) provided the regional position on the subject. He stated that the region recognized the ED's management authority on the matter and emphasized the great importance of the continuity of the work of the CMS Secretariat in the implementation of the Convention. In this regard, taking into account the need to assist UNEP in appropriately taking such management decisions as well as the broader governance issues, Monaco, supported by a number of other members (Vice-Chair, Ghana, Senegal as well as the Chairman) proposed some ways to identify a "win-win" solution to the matter.

20. The representative member from the African region (Tunisia), who was unable to attend the meeting and though intending to join via teleconference call was unable to do so because of an urgent meeting, sent a written statement on his views regarding the subject matter under discussion related to the transfer and relocation of the current Executive Secretary. He underlined four points, namely,

- (i) The need to transfer the Executive Secretary from his post was not understood as he had enabled a quick development of the Convention and the implementation of ambitious programmes for the conservation of the biodiversity. The Executive Secretary had developed a programme of

“small projects”, the most efficient tool which has raised the profile of the Convention as an action-oriented instrument.

(ii) He acknowledged that Article IX paragraph 2 designated the management of the Secretariat to the Executive Director of UNEP, but the Conference of the Parties (represented between sessions by the Standing Committee) was, according to Article VII, paragraph 1, the decision-making body of the Convention. He considered this to be essential to allow the autonomy of the Convention, a body based on treaties and governed by parties.

(iii) He argued that it was the duty of the COP, represented by the Standing Committee, to ensure that the management of the Secretariat was executed in a way that did not impede the execution of its goals.

(iv) He believed that the presence of Mr. Hepworth at the head of the Secretariat was beneficial to the Convention for it to attain its ambitious objectives. He was convinced that the retention of Mr. Hepworth at the Secretariat until the end of his career, at 62 years old, as per the rules of the United Nations, would allow a smooth succession for the benefit of the Convention.

21. The Representative of the Secretariat's host Government, Germany, associating herself with the European position and supported too by the representative of the CMS COP9 host (Italy) supported the ED's legal authority regarding the management decision taken on the transfer of the Executive Secretary. She asked the ED to fast track the recruitment process of the new Executive Secretary and ensure that the momentum on the work of the secretariat was maintained in the interim period and thereafter ensure smooth transition and hand over to the new head when recruited.

22. The ED planned to deal with CMS management in the broader framework of biodiversity process. Members underlined Mr. Hepworth's achievements in CMS and urged the ED to use those skills when he will take up his new post as Senior Advisor on Biodiversity.

23. Avoiding any idea to challenge the authority of the ED and in the spirit of compromise in order to find an amicable win-win solution, some members proposed to the ED to reschedule or delay the process and timing of the transfer of Mr Hepworth until the new Executive Secretary would be identified and recruited in order to allow the current Executive Secretary to hand over the Secretariat smoothly (Chairman, Vice-Chairman and Monaco). This proposal was supported by some delegates, but others attending (Australia, France, Germany, Nigeria and Senegal) were wary of setting a precedent and appearing to create an impression of challenging the ED's legal authority. These members insisted that the task of the Standing Committee is to ensure continuity and that the transitional phase will be smooth and effective (irrespective of who performed the functions of the Executive Secretary).

24. Some members were concerned that the Executive Secretary might not have adequate time to prepare for his relocation thus a delayed transfer would be preferable. The ED clarified that he had been in discussion with the Executive Secretary about his impending transfer since the beginning of the year, which constituted an ample period of time. Consequently and taking into account the nature

of the public debate on this matter in the last few weeks, the ED did not see any justification to reschedule or delay the transfer of the Executive Secretary. While underlining his position and authority on the management of the Secretariat, he committed himself to ensure that the interim arrangements would be in place for the transitional period to ensure continuity. In this regard, he promised to ensure effective and smooth transfer with minimal disruption in the work of the Secretariat and the Convention.

25. An issue was raised by some members (Chairman and Vice-Chairman) on whether the transfer of Mr. Lahcen El Kabiri, Deputy Executive Secretary, to the new CMS office in Abu Dhabi had been approved. The ED confirmed that he had approved it in principle pending the completion of necessary documentation including host agreement between UNEP and the Government of United Arab Emirates. However, the ED challenged some of the members to be more transparent, since on one hand, these members wanted him to expedite the transfer of the Deputy Executive Secretary while the post had not even been advertised nor interim arrangements for that post been discussed, while on the other hand they would prefer Mr. Hepworth to remain or his transfer delayed. He wondered whether the matter discussed at hand was really an institutional matter or an individual issue. Nonetheless, he confirmed his commitment to ensure continuity in the Secretariat and pending the completion of the above process and recruitment of the new Executive Secretary by appointing the Deputy Executive Secretary to also serve, during the transitional period, as the Officer in Charge.

26. With regards to the selection of the new Executive Secretary, to underline his commitment to transparency, the ED invited the Chairman of the Standing Committee or his nominee to join the interview panel which would be set up by UNEP to review and interview the short-listed candidates for the position of the Executive Secretary. This invitation was, however, on the understanding that the final decision on the selection of the suitable candidate would remain with the ED. Members welcomed the invitation by the ED. The member representing the Secretariat's host country (Germany) volunteered to assist and participate in the interview panel in the event of the interviews taking place in Bonn.

27. On the nature of the profile the ED was looking for in the new Executive Secretary, he summarized it to include a person who understood well the Convention and how it differed from other Conventions and a person with ability to synthesise the Convention and provide better understanding to the parties. In addition, he emphasized that the person should be politically sensitive to the needs and wishes of the parties and consequently the need to ensure the best talents for the benefit of the Convention would be secured.

28. After a thorough exchange of views and ideas on the issues under the agenda items, the members took note of the authority of the ED to make decisions regarding the management of the Secretariat as well as noted the role of the COP and the Standing Committee in the governance of the Convention. In this respect, the Standing Committee took the following decision in which it:

- (i) Requested the ED to use his best endeavours to ensure that the transition to and the appointment of the new Executive Secretary is effective,

efficient and occurs with minimal disruption to the ongoing work of the Convention;

(ii) Agreed that the Chair of the Standing Committee or his nominee will participate in the deliberations of the Selection Panel that will make recommendations to the Executive Director on the appointment of the new Executive Secretary for the CMS. The full text of the adopted decision is attached as **Annex 4**.

Status of recruitment of the new staff:

29. The ED updated the members on the current status of staffing at the Secretariat including recruitment of new officers. He informed the members that a new staff member had been deployed from Nairobi and reported last week at the CMS Secretariat to take up the position of the Secretariat's Inter-Agency Liaison Officer. Furthermore, all vacant posts had been filled except two which were only approved by the CMS COP 9 late last year. These two (both P2) plus the Executive Secretary post (D1) were advertised and currently running at the UN Galaxy System until 21 July when the review and interview process would begin. The ED also took the opportunity to explain to the members how the UN Galaxy system worked to better understand the recruitment process and lead time it takes to finally appoint persons and have them on board.

Any other business:

30. No point was raised under this Agenda item.

Closure of the meeting:

31. After cordial exchanges of thanks and appreciation, the Extraordinary Meeting of the Standing Committee of the Convention on Migratory Species meeting was closed at 3:35 pm on 8 June 2009.

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