



Convention on the Conservation of Migratory Species of Wild Animals

Secretariat provided by the United Nations Environment Programme



32nd Meeting of the Standing Committee

Bonn, 8-9 November 2007

CMS/StC32/7
Agenda Item 8.a

“TOWARDS THE FUTURE SHAPE OF CMS”

A Discussion Paper by the Executive Secretary

SUMMARY

CMS could achieve its objectives including delivery of species/habitat conservation under regional species agreements more cost-effectively through a realignment of responsibilities between HQ and capacity building nodes in Latin America, Africa, Asia and Oceania, which the Secretariat proposes are established from 2009. A coherent CMS Group uniting all agreements wishing to join would be developed in the period 2009-12, delivering conservation under five main species areas or “Initiatives”. At HQ, the paper recommends clustering functions from 2009 on information, media and fundraising to service both CMS and the co-located agreements, to work alongside a strengthened administrative and finance unit operating under a formal delegation agreement with UNEP. HQ capacities on specific topics, including the impact of climate change on migratory species, should also be strengthened in 2009. The successful use of interns and short-term consultancies at CMS should continue. A Working Group should advise on the shape and organisation of CMS prior to a decision at CoP9 in December 2008.

Background - CMS Strategic Plan and Budget

1. **CMS has a sound Strategic Plan, which Parties agreed at the last CoP after a rigorous review (COP8 Resolution 8.2).** The strategy lasts until 2011, and will fall to be revised at CoP10 in Nov-Dec 2011. A continuing challenge facing the Secretariat (and Parties) is a mismatch between the conservation objectives set by the Plan and the financial and manpower resources needed to deliver them. This paper examines options to narrow this “implementation gap” in order to identify a model which is both practicable and affordable for Parties, as well as being consistent with wider conservation and governance objectives.

2. CMS budget and staff complement are set at each CoP. The last CoP agreed a substantial percentage increase in the CMS triennial budget (43%), but this was largely required to maintain CMS staffing at the same level set in 2002 following the devaluation of the US dollar against the Euro. The overall budget for 2006-8 was significantly below the level required to implement the Strategic Plan in full. **The gap between the CMS Budget and the Strategic Plan’s estimated requirements was €2.35m (or 26% of the Strategic Plan requirement.) The number and broad disposition of UN posts (13 in CMS financed by the Trust Fund, including just 5 P level posts - were left unchanged in 2005.** Then the last CoP passed several resolutions and recommendations – for example on aridland mammals, cetaceans, sharks and turtles - which added to the Workplan already foreseen in the Strategic Plan, and thus **increased the “implementation gap” still further, perhaps to between 40 and 50% (€3.6m – 4.5m).**

3. Parties agreed at the last CoP to attempt to cover this gap through voluntary contributions of manpower (funded Junior Professional Posts) and project funds. **On funds there has been a positive response – since the last CoP, about €1.3m has been received in donations or pledges from Governments, mostly earmarked for specific projects under the Strategic Plan.** The five Parties donating most to CMS in the current triennium to date are the UK, Australia, Germany, Italy, and France. In addition the EC has made substantial financial assistance available for Sahelo-Saharan antelopes. The donors meeting organised by the Executive Secretary in September 2006 and a series of bilateral discussions helped to gather this support in 2006-7. The offer made by Italy to host the next CoP and support several CMS projects is particularly noteworthy. **In addition, a sum equivalent to about €1m has been raised through partnerships with the private and voluntary sector and other bodies,** particularly TUI for Year of the Dolphin, staffing support from the Whale and Dolphin Conservation Society and project support from *Freunde der Bonner Konvention* (Friends of CMS).

4. On the other hand, **success in raising project funds (as well as fundraising work itself) places ever-greater demands on a small secretariat.** No Parties have yet been able to offer Junior Professional Posts for conservation work in CMS, despite clear understandings reached at the last three CoPs and in several bilateral discussions that this support would be forthcoming. UNEP have also been unable so far to deliver their agreement made in early 2005, when an administrative JPO at CMS funded by Germany was relocated to Nairobi after a few months at UNEP's request, that they would provide conservation JPO in the CMS Secretariat. Even if JPO posts were available, the Secretariat as it stands would be over-burdened to the detriment of CMS.

Recent Developments in CMS

5. Key developments since 2005 include:

- (i) negotiations of further regional agreements, the majority of which are outside Europe (Saiga antelope, South Pacific cetaceans, South American grassland birds, South American ruddy-headed goose, Andean Highlands flamingos, West African marine mammals, C/W/E African gorillas, Indian Ocean and Pacific dugongs, and Afro Eurasian birds of prey), and the expansion or revitalisation of existing non-European agreements (e.g. W African turtles, IOSEA) and programmes (notably SSAP).
- (ii) the continued growth in the number of CMS Parties which has risen from 93 at the time of the last CoP in November 2005, to 104, with several more in the pipeline as a result of the active and targeted membership campaign by the Secretariat. The majority of new Parties are drawn from Asia, the Americas, Africa and Oceania.
- (iii) the establishment of working Partnerships with NGOs operating from local bases around the globe, including the Wildlife Conservation Society, the Whale and Dolphin Conservation Society, and IFAW, and the creation of an alliance between CMS and the major travel and transport multinational, TUI, initially focussed on the wildlife watching industry and Year of the Dolphin.
- (iv) the merger of the CMS and ASCOBANS Secretariats in January 2007, which increased total CMS/ASCOBANS staff numbers from 18 to 19.5 posts. The new L-2 project post for SSAP (established in September 2007) brings the total of current approved posts in Bonn to 20.5.
- (v) significant growth in CMS' role in relation to marine mammals – e.g. the merger with the ASCOBANS secretariat; the successful initiation of the new CMS Agreement for Pacific Islands cetaceans; the new MoUs on monk seals and dugongs; the negotiations under way on an agreement for cetaceans and manatees in West Africa; the ground-breaking Year of the Dolphin initiative and the continued development of scientific activities have moved CMS to

the point where we can now genuinely claim to be the “*global convention for marine mammals*”.

- (vi) improvements in information technology increasing the opportunity for networks of staff to inter-connect internationally at reasonable cost. This has been demonstrated through the successful work of the CMS-led Scientific Task Force on Avian Influenza, which has held 9 teleconferences linking members in four continents since August 2005.
- (vii) the continued development of positive relations with several policy divisions and Regional Offices in UNEP exemplified by the 2006 joint seminar with UNEP/DEWA on avian influenza, the partnerships with UNEP/GRASP on a new CMS gorilla agreement and the invitation from UNEP/ROA to the 2006 meeting of African Environment Ministers in Brazzaville. The financial support received from the UNEP Division of Environmental Law and Conventions (DELIC) – for example in funding the forthcoming CMS Implementation Guide and the West African Turtle Agreement is also noteworthy.

CMS Staffing

6. Since the last CoP in November 2005, CMS staffing has remained stable, with all posts filled (or covered by contract staff). Since July 2007, 3 of our professional staff have moved on. A tribute to their achievements at CMS can be found in CMS/StC32/Inf. 12. **The new UN(EP) personnel policy requiring the mobility of staff played a significant part in all 3 of these departures.** The implications of this policy will be reported separately to the Committee.

7. **A positive development has been the introduction of a successful internship scheme in the CMS Family HQ in Bonn.** This became possible after our transfer to the Langer Eugen in June 2006, where we have sufficient office space provided by Germany as the host country to allow several interns to be working with the Secretariat at any one time. Since the introduction of the new scheme, 39 interns have taken up positions within the Secretariat, working for an average period of 4 months. The majority of interns (60%) are from the host country, but we have also attracted interns from Bangladesh, Belgium, Canada, Italy, India, Kenya, Spain, Switzerland, Ukraine and USA, and the scheme is advertised internationally on our website.

8. In parallel with the Intern scheme, the CMS Secretariat has been employing increased numbers of short term consultants, a significant proportion (70 %) of whom are former interns who have demonstrated the ability and desire to follow up their learning period at CMS with a short contract. **This is allowing us to increase our output significantly, particularly on publications, species campaigns, fundraising, partnership-building, events, websites, and demanding tasks such as servicing the avian influenza task force, conducting a review of alien species and CMS, organising the series of new Species agreement negotiation meetings in October 2007 and preparing the flyway policy review paper** being considered for this meeting of the Standing Committee (CMS/StC32/Doc. 16). All CMS consultancies are transparently and globally advertised on our website. It is essential that we continue to make use of them as our current output would be drastically cut without this resource. However if CMS’ permanent manpower is increased as proposed later in this paper, the need for consultancies will be reduced in future. While the use of consultancies has proven to be beneficial, their use should not be regarded as a cornerstone of CMS longer term strategic planning.

Developing CMS as a Global Convention

9. CMS is no longer by composition a European and W/C African Convention with ‘outposts’ in a few other countries as it was until the late 1990s. The Convention now has 104 Parties spread globally with 6 more in the immediate pipeline (Afghanistan, Estonia, Haiti, Iran, Mozambique and Palau). Several other countries including Brazil, China, Cuba, Korea, Russia and UAE are showing strong interest in early accession. **The ambitious targets set in the Strategic Plan to increase the number of Parties from 93 in 2005 to 113 by COP9 in December 2008, and 123 by 2011 are attainable.**

10. A further 30 countries are Parties/members of CMS Regional Species agreements, but have not (yet) acceded to the Parent Convention. This is an issue that needs to be addressed as the current structure is against the original intention of the Convention and leads to financial inequities and places too great a burden on those developed countries who are Parties to the Convention.

11. Since 2004-5, six new regional species Agreements or equivalent instruments under Article IV of the Convention have been negotiated and a further 7 are in the immediate pipeline (i.e. likely to be completed by the end of 2008). **11 of these 13 newer regional agreements are for species outside Europe, and the remaining two (African-Eurasian raptors and the Atlantic Monk Seal) have a substantial non-European component. This is likely to be the continuing pattern in 2009-11** as longstanding COP resolutions for (e.g.) the Central Asian Flyway, the Houbara Bustard, Caspian Sturgeons, SE Asia and Indian Ocean Cetaceans, the Mongolian Gazelle and African bats move up the agenda, and are perhaps joined by others such as South and Central American marine mammals, the American Pacific and other America flyways, and the Central Pacific flyway. **CMS Appendix I listings, research and grant programmes – in short everything we do – will need to evolve in a way which reflects our fully global status.**

12. Climate change is now the most potent of the various global threats to migratory species worldwide. **A stronger central focus is needed within CMS to ensure that science-based advice on how to help migratory species to cope with the impacts of climate change can be developed and then disseminated to all Parties and members of the CMS network.** There is also a need to strengthen resources available in the Secretariat to provide practical advice and capacity building where needed, on a range of other challenges including oil pollution, marine debris, marine noise, ship strikes, by-catch, wind turbines, electric transmission lines and towers; all these examples have been taken specifically from Resolutions/Recommendations passed by CMS parties at the two most recent COPs in Bonn and Nairobi.

13. We also need to take stock and then shape CMS’ future in the context of the wider picture for sustainable development, including the global agenda for environmental governance which is beginning to move forward and is dealt with in a separate paper (CMS/StC32/6). Here **CMS needs to ensure that our expanding network of agreements and associated conservation action develops in a way which complements rather than contradicts a high-level political emphasis on organizational streamlining and integration.**

14. A related and recurring issue in CMS is the concern expressed by some Parties about the proliferation of species agreements and fears that they will outstrip resources available to implement them. Early in the Convention’s history, a culture was established in favour of legally binding, highly autonomous species Agreements each with their own Meeting of Parties, intersessional committees, Secretariats, Trust Funds and separate Party Subscriptions (usually on the UN Scale). In more recent years CMS has moved sharply away from this expensive model by supporting non-binding agreements and action plans such as the Siberian Crane, Aquatic Warbler,

African Turtle, Saiga and Pacific Turtle agreements, all of which remain more closely integrated with the parent CMS Secretariat and are operated under partnership agreements which allow cheaper, and where possible, local delivery of conservation, and the engagement of local people at all levels.

15. CMS should build on recent trends to **deliver more integrated conservation programme under a broad umbrella of “CMS Multispecies Initiatives”**. These could embrace a variety of conservation actions by CMS, its Parties and Partners on Appendix I and II species, using a combination of tools including binding Agreements, non-binding MOUs, partnerships, action plans and project grants as needed in each case, *but in a more coherent way assuring that CMS Parties as a whole retain overall oversight including budgetary control in partnership with other actors, including NGOs and regional MEAs*. **CMS Initiatives might be established for five main migratory species groups: (i) Terrestrial Fauna including Bats (ii) Birds (iii) Marine Turtles¹ (iv) Marine Mammals and (v) Fish**. Within each Initiative, activities would be co-ordinated, and any duplication minimised. Existing Agreements wishing to retain their legal and institutional independence would be able to do so but in the medium term incentives might be devised to encourage a more coherent and cost-effective structure. One option might be to establish a fully coherent “CMS Group” with simplified Party subscriptions covering all Group activities, through a Resolution at the CMS CoP in 2012, and underpinned by decisions taken in the individual agreement institutions during the period 2008-12.

Organisational Implications of CMS Global Status

16. The CMS Secretariat needs to modernise in response to these developments and projections. CMS flexibility and capacity for “rapid response” has been a distinctive and positive feature of the Convention’s evolution. Current staff vacancies provide more room for manoeuvre in planning and implementing necessary changes with the support of all current staff. **Above all, the Convention’s mechanisms need to be equally effective in all regions and deliver capacity building services closer to Parties.**

17. The Secretariat has identified three main options for future CMS organisation. **The first would be to centre manpower resources exclusively in Bonn and to appoint officers at HQ who can relate to the regions.** This would be similar to the Ramsar Convention, which has full-time Senior Advisers each backed by Assistants, for four regions – Africa, Asia-Pacific, Europe and the Americas - based at its HQ at IUCN in Switzerland. The Ramsar model also involves partnerships with locally based bodies, some of which have been set up to provide local presence and delivery of (eg) capacity building. While this has some attractions, there are two major objections that probably rule it out. The first is cost: such a structure would be extremely expensive for CMS given the costs of UN staff in Europe (which is higher than IUCN). An initial estimate of the cost of establishing regional offices for CMS in Bonn (on a conservative assumption of 1 P4 officer and 1 P2 assistant for each of the four regions of Africa, Asia, Latin America and Oceania) would be an additional €2.45m during 2009-11 or a CMS budget increase of 37% compared with 2006-8. The costs of co-funding local partner bodies – which are a key element in the Ramsar strategy – would be additional to these figures. The second disadvantage is that CMS is naturally focused on regions – through the Article IV species agreements – in a way that makes it less satisfactory to operate entirely from one HQ without daily regional presence.

¹ Initiatives (iii) and (iv) could be combined as some of the two species groups face common threats, although the Secretariat feel that marine mammals work is such a distinctive and important part of the Convention’s work that it needs its own focus.

18. **The second model is essentially a confirmation of the *status quo* which might be described as “Organic” or “Evolutionary” Regionalisation.** This reflects the historic pattern, largely dictated by resource constraints, whereby a number of regional agreements have sprung up under ad hoc arrangements everywhere with no set or strong link to CMS or the UN system or even other key conservation bodies like IUCN. They can be cheaper, but many Parties and other stakeholders have expressed doubts as to whether they will in the end prove as effective as agreements with closer ties to CMS. This also needs to be considered in the context of the global environmental governance debate. By creating such a loose, unstructured expanding network of mini MEAs, the Convention is actually flying in the face of what most countries say they want, at least at places like UNGA and UNEP Governing Council. Nor is this what the founding fathers of CMS intended - they always envisaged that regional agreements would retain a formal link to CMS Institutions including the CoP, the ScC and the Secretariat.

19. Rejecting a continuation of this model does not mean attempting to absorb existing autonomous agreements, unless the Parties seek that option. Nor should it deter us from seeking options that are both cheaper and more conservation-oriented outside the UN for delivering some regional species agreements and programmes under broader, and coherent CMS Multispecies Initiatives as suggested earlier. The models set by the successful Siberian Crane and Aquatic Warbler agreements (co-ordinated by NGOs with overall CMS Secretariat supervision), and the revived West African Turtle Agreement (co-ordinated by NEPAD in Senegal under Secretariat supervision) can be replicated in certain circumstances. However the key element is that future agreements need to retain a formal link to the CMS network as a whole. There are several agreements where this is not the case, and a **risk that fragmentation will continue unless the Secretariat is able to respond, at regional level and literally in a language that local countries and conservationists can understand, to the need for future migratory species protection and programmes.**

20. **The third, and in the Secretariat’s view, preferred model is for an “Integrated, Flexible Network” through the establishment of three small regional nodes in Africa, Latin America and Oceania, to join the existing (but under-resourced) node in Asia.** The nodes would prompt flexible responses in each region and co-operation with local Parties, NGOs and other partners to deliver CMS support under strategies developed by the COP and the HQ Secretariat.

Integrated, Flexible Regional Networks – the Right Model ?

21. Under this model, CMS would **transform itself progressively into a networked Convention with regional nodes**, in cooperation with UNEP Regional Offices and other MEAs/IGOs/NGOs, as appropriate to each case. **Capacity building for developing country Parties would be a priority, undertaken in co-operation with UNEP under the “Bali” Strategy endorsed by all Governments.** The nodes would support regional agreements and programmes to deliver CMS Initiatives for endangered migratory wildlife and habitats in the five main categories identified above. Organising CMS work in this way would be less expensive than adding further posts at HQ, because staff costs in most regional locations are generally lower, and in some cases – notably for G-level staff - a fraction of costs in Europe. For example, the average cost of a GS5 officer in Senegal costs about €21,000 compared with €65,000 p.a. for a Bonn equivalent.

22. **A decentralised model like this would also bring CMS closer to grass roots conservation at national and regional level:** at present all five of the global MEAs dealing with biodiversity are located exclusively in developed countries in Western Europe or North America, which actually contain much less of the world’s remaining wildlife resources than developing and transitional countries. Arguably, one of the reasons why it has been so hard to conserve biodiversity

globally is that we have tended to see the problem through the eyes of personally affluent conservationists. Ensuring that the CMS Secretariat is at least partially exposed to the realities of life in developing countries should help to ensure that they more accurately reflect the balance of views amongst CMS Parties in the same way that UNEP's location in Africa gives both credibility and realism to the wider environmental cause in the UN. It would also help us to secure a better geographic balance amongst CMS staff.

23. A more regionally oriented approach would allow us to exploit our blossoming partnerships with the voluntary and private sectors in different countries. **Establishing regional nodes would also offer potential to share some posts and other common costs with UNEP, other MEAs and NGOs.** The Executive Secretary was invited by the UNEP ED in June to explore these potential synergies with UNEP Regional Offices and other MEAs.

Which Regions?

24. CMS is a global convention. The percentage number of eligible countries currently Parties to CMS in each region is:

Europe 76 %

Africa 72 %

Central and South America 51%

Asia 33%

Oceania 29%

North America and Caribbean 6%

25. **CMS HQ** in Bonn already provides a base for three of our regional Agreements covering **Europe** or Europe and adjacent areas: EUROBATS, ASCOBANS and AEW. This beneficial co-location would continue. Later in the paper, further measures are proposed to maximise synergy within the "Bonn cluster" of CMS bodies (see especially para. 37 ff). Some European/North African Agreements (ACCOBAMS, Wadden Sea, and Aquatic Warbler) could choose to continue to be coordinated in other parts of the European region while strengthening connections with the parent Secretariat and other agreements. It will be particularly important to find constructive ways to develop links between (i) ACCOBAMS, whose pioneering role based on strong science is widely recognised (ii) ASCOBANS, whose Parties have already agreed a boundary extension around Northern Iberia and Ireland and are about to consider adding large whales, and (iii) the proposed CMS West African Cetaceans agreement. However such links should respect the different needs of many species over a wide ocean area, as well as legislative and cultural diversity.

26. In **Asia**, CMS already helps support a regional node in Bangkok through its contribution to the IOSEA Secretariat, which also acts as the CMS advisory office for Asia. This office could be strengthened to provide stronger support to Asia. Bangkok is a suitable venue from which to cover CMS interests in the new Agreement on dugongs, our membership of the East Asian-Australasian Flyway partnership and other possible agreements including cetaceans in the Indian Ocean. However it is less suitable for covering the Agreements on Siberian Cranes and Saiga antelope, and the proposed agreements on the Central Asian Flyway and Houbara Bustards. Parties will also wish to consider alternative locations in the region, from amongst Party States, given Thailand's status as a non-Party to CMS.

27. Within **Africa**, CMS (with financial support from UNEP/DELCO) already supports a co-ordinating unit in Senegal for the East Atlantic Turtle agreement, operated through the NEPAD office. There is also a close partnership with IUCN on support for the West African Elephant Agreement, which is centred in the IUCN office in Burkina Faso. North West Africa is the focus for the largest single project under CMS: the France/EC funded Concerted Action for Sahelo-Saharan antelopes. New agreements in the region are being negotiated for West African marine mammals, and W/C/E African gorillas. The new MoU on the Eastern Atlantic populations of the monk seal could be administered here or from a European location. The number of African Parties, agreements and projects points towards a significant node, probably located in West Africa. The model under investigation would comprise a small CMS/AEWA team of five, headed by a senior officer (P5) as CMS African Director, working in partnership with NEPAD in Senegal (Dakar). One of the posts would be shared with AEWA to provide an “African arm” for this major CMS Agreement. The L-2 project post for SSAP would also be stationed there. The Director would also have responsibility for CMS work in West Asia, depending on the final venue of the CMS node for Asia.

28. CMS has a growing number of Parties in **Latin America**, where there are two new CMS agreements (Ruddy-headed Goose and Grassland Birds) and others under negotiation (Andean Highlands Flamingos) or in prospect (cetaceans and turtles). There would be obvious advantages for CMS in exploiting the geography and infrastructure of Panama in establishing a regional node. Beside its central position on two Ocean coasts, the “City of Knowledge” in Panama already hosts the UNEP Regional Office and an increasing number of other UN and international bodies operating in the region. Ramsar already has a regional centre for training and research in the City. Preliminary discussions with the UNEP Regional Director indicate that UNEP would be able to host a small unit. The model under investigation would propose to locate a CMS team of 2 there. Work on developing an Americas flyway agreement (see CMS/StC32/Doc. 15) would be co-ordinated here using L or consultancy officers subject to further fundraising. UNEP would be asked to provide some co-funding for the unit, to support its work on promoting joint implementation of all the biodiversity-related agreements in the region. We would also approach CBD, CITES, Ramsar and the UNEP Cartagena Convention to explore the possibilities of cost and task sharing.

29. In **Oceania** CMS is already benefiting from an innovative partnership with WDCS, agreed in July 2007, under which WDCS are providing 50% of the time of a WDCS officer based in Adelaide, Australia *gratis* to support CMS work on cetaceans and related marine conservation issues regionally and globally. Negotiations are also under way with another CMS partner, SPREP, to provide manpower resources to co-ordinate implementation of the South Pacific Islands Cetacean Agreement, which may attract support from regional donor states. Different models are available here for a small unit perhaps of 2 staff, based in one of the donor Parties, possibly co-located with SPREP in Samoa (as our financial projections assume) or with the CMS Albatross Agreement Secretariat in Tasmania, depending on financial support and logistics. Work on a Pacific Flyway Agreement (see StC32/Doc. 15) would be co-ordinated by a team from HQ and the Oceania office.

What would the Regional Nodes Do?

30. Under a decentralised network, each regional node would take the lead in day to day matters relating to the Convention’s work in the regional area, and would liaise directly with the relevant Standing Committee and Scientific Councillors and local partners. Existing regional species agreements would normally be implemented or overseen from the relevant regional node. A joint HQ-Regional team established to meet the circumstances of each case would normally negotiate new species agreements. **Each regional node would be responsible for devising and delivering capacity building and training for Parties in its region, in co-operation with CMS HQ and partners including UNEP and other MEAs.** The nodes would also lead on approaches to non-

Parties in their regions in order to secure further accessions, supported by the focal point in HQ. Administration, finance and fundraising services would continue to be provided by HQ, but each regional node would be expected to spend at least 10% of its time seeking new resources in its area for CMS programmes. Other CMS programmes, including science, overall policy, advice on climate change, data systems, and small grants, publications, websites, and relations with international agencies, would continue to be led from HQ but with inputs and support from the regional nodes.

31. A decentralized network wherein nodes have the primary responsibility for agreement implementation is the most cost-effective approach to delivering fully on the four main objectives in the CMS Strategic Plan. Getting the right information to the right people at the right time, optimizing the benefit of conservation measures, broadening, capacity, awareness and engagement of stakeholders and reinforcing in the regions the value added by CMS in unifying conservation efforts can never be as fully realized from HQ as it can be from a dedicated regional node. A regional approach will generally be richer in the intangibles that can spell the difference between achieving and not achieving the desired outputs - language and cultural familiarity, hands on coordination, face-to-face engagement, first hand knowledge of conservation issues, and timely response that avoids lost opportunities. Preliminary financial analysis by the Secretariat suggests that the establishment of nodes will allow the CMS Strategic Plan – and the likely additional work programme that Parties add at successive COPs – to be fully implemented. This is on the assumption that earmarked contributions continue to cover the gap in the Convention’s activities budget (see para 2)

Streamlining HQ – Administrative and Financial Services

32. CMS and the three co-located agreements (ASCOBANS, AEWA and EUROBATS) have shared a common administrative support office (AFMU) since mid 2000. In 2003-4 the complement of the AFMU was set at 5 posts (Head of Unit (AFMO) + 2 Finance Assistants + 2 Admin Assistants). The AFMU has not been strengthened since 2004, although the number of Parties and separate Trust Funds has increased substantially in the last 3 years. The Standing Committee recognised this in its decision at the StC meeting in September 2006 to seek reclassification of the AFMO to P4 level, which would bring the post to the standard level for such responsibilities of similar posts in other UNEP MEAs and Regional offices. Progress on achieving this objective will be reported separately to the Committee, as will issues concerning the standard of financial and personnel services provided by UNEP and above all by UNON to the CMS family.

33. All the salary costs of the unit are met by UNEP out of the 13% standard UN overheads (OTL). In 2006 these costs amounted to USD 431,773 (equivalent to €346,282 using average UN 2006 rate 0.802). The upgrading of the AFMO post to P4 would increase these to €365,282. This should be compared with the actual sum of USD532,318 (equivalent to €426,919) paid in overheads by CMS and the 3 co-located agreements in the same year (2006).

34. **At a special meeting with MEAs in August 2007, the Executive Director of UNEP has indicated that he would be prepared to delegate more responsibilities to the Chief Officers of MEAs (including the CMS Family) provided there were clear and agreed targets and benchmarks against which the results of each organisation could be assessed. The CMS, ASCOBANS, AEWA and EUROBATS Secretariats support this.** For example, the ED suggested that responsibility for the recruitment of all GS staff should be delegated to the Chief Officers of MEAs rather than be subject to the time-consuming processes currently applied by UNON in Nairobi.

35. As a result of the ED's approach there is now an opportunity **to seek much more flexible arrangements with UNEP under a written delegation agreement which previous audit reports have recommended, in order to bring financial and personnel services closer to modern norms. This would involve greater delegation to the CMS Secretariats under a framework agreed with the Executive Director, and the transfer of routine personnel and financial work (and if necessary staff) from Nairobi to Bonn.** In addition to the 5 existing OTL-funded posts, and any additional ones transferred from Nairobi, the GS 3 Clerk post currently funded by CMS, would be transferred to the AFMU, so that services such as registration of documents and control of supplies are provided on a common basis for the entire CMS Family. Depending on the increase in OTL payments, the Secretariat would seek a professional IT officer to be added to the unit when resources permit.

Clustering and Developing Substantive Functions in CMS HQ

36. All members of the CMS Family agree that there is major scope to improve our effectiveness by **pooling and "clustering" resources for information, capacity building, fundraising, media and publications.** At present CMS has an Information and Capacity Building Officer (P4) supported by a Senior Information Assistant (GS7) and a 50% GS (who also handles accession work). AEWA has an Information officer (P2) with a small amount of GS support. EUROBATS has no designated staff for information work, but does have a budget and carries out such work as part of its general duties. ASCOBANS is similarly placed and has a budget for an outside contract to manage its website.

37. It is proposed to create a CMS Family **Information, central Capacity Building and Fundraising Unit (FICFU)** comprising the four current officers engaged in this work (1 x P4 (financed by CMS), 1 x P2 (financed by AEWA), 1 x GS7 and 1.5 x GS (both financed by CMS) and 0.5 x GS (financed by AEWA). Financial resources for the unit would be contributed by ASCOBANS and EUROBATS (in place of a staff contribution) and existing information and capacity building budgets of the 4 agencies would also be available. The unit as a whole would report to the ES, but existing reporting lines and responsibilities, including the direct reporting line for the P2 to the AEWA ES, would continue. The Unit would manage all information to Parties, CMS Family/Group websites, publications, press and media announcements, and the implementation of Species years, World Migratory Bird Day, and other events. FICFU would co-ordinate CMS' capacity building efforts, ensuring that regional programmes, which would be a key responsibility of the regional nodes, is carried out in a consistent and effective manner. It would be in charge of central fundraising for the CMS Family/Group as a whole, and for relations with "Friends of CMS", the HQ Host Country and UNEP. It would also manage all accession work for the four Bonn Family members, ensuring that all approaches to Governments from Bonn and the regional nodes were comprehensive and co-ordinated. Training and implementation guides (including updating of the CMS guide due for publication later in 2007) would be prepared, in co-operation with the regional nodes. **It is estimated that clustering resources for information, capacity building co-ordination, fundraising, media and publications in a FICFU would lead to annual cost savings of €50,000 compared with the status quo.**

38. Elsewhere the current posts of Deputy Executive Secretary (P5), and Inter Agency Affairs Officer (P4) would be discontinued in their current form. The P5 post and incumbent would transfer to head the proposed new office in West Africa as CMS Africa [and West Asia] Director. The job descriptions of the current Scientific and Technical Officer (P4) and Agreement Development Officer (P4) would be adjusted to absorb work currently undertaken by the IALO and their units strengthened with one new junior P2 post in each case. Two remodelled central units would report, alongside the remodelled Family Information and Capacity Building Unit, and the AFMU, to the ES, and would have the following responsibilities:

- (i) **Science, Data and Marine Unit (SDMU)**. This would deal with the Scientific Council, reporting, conservation data management and IT applications, conservation projects and grants, concerted and cooperative species actions, action plans for CMS Agreements, new cetacean agreements, scientific publications, ASCOBANS, protected areas, effects of climate change on species and habitats, pollution, avian influenza, alien species and marine issues. They would have lead responsibility for four CMS Initiative areas: Birds, Marine Turtles, Marine Mammals, and Fish. The complement would be 1 x P4, 1 x P2 (new post), 1 x P2 (ASCOBANS/Marine Mammals), 1.5 x GS.
- (ii) **Policy, Agreements and Partnerships Unit (PAPU)**. This would cover CoPs and Standing Committee, development of new CMS Agreements except cetaceans (in partnership with regional nodes and SDMU for action plans), development and review of CMS policies, global partnerships with IGOs, NGOs and the private sector, and general co-ordination with the regional Nodes. They would have lead responsibility for the CMS Initiative on Terrestrial Fauna. The complement would be 1 x P4, 1 x P2 (new post), 1.5 x GS.

Executive Secretary's Office and Climate Change

39. It is proposed to establish a new P2 post, reporting direct to the Executive Secretary, to act as the focal point for all climate change work in CMS. The postholder would be able to liaise direct with the UNFCCC Secretariat in Bonn, and with a range of other institutions in the host country, which it is hoped would be willing to partner CMS in making these key linkages between global warming and biodiversity.

40. In addition to the Climate Change post, the Executive Secretary's office would be increased by one post to three, through a P3 policy assistant working alongside the existing PA. This would help the Chief Officer to deal with the demands of a growing network, including the regional nodes. The grading of the post of ES (unchanged since March 2000) needs to be reviewed separately.

CMS Representation in New York and North America

41. At present CMS has little opportunity to take part in the regular UN meetings that take place in New York, for example dealing with marine issues, environmental governance and UN Staffing and resource control policies. An opportunity has arisen whereby CMS may be able to buy a one-third share of an existing P post in New York shared by UNEP/CBD and UNCCD, but currently vacant. The Secretariat believe this would be a cost-effective way of increasing the Convention's reach, and would assist in presenting a factually accurate picture of the work of the CMS Family in contrast to the general lack of knowledge which has been demonstrated in the current governance debate (see StC Paper CMS/StC32/6).

42. In USA one of the Federal government agencies has recently offered to provide *gratis* office space for CMS in Washington. The Secretariat hopes to take this up on a temporary and experimental basis with a contractor, in order to follow up the new opportunities for closer work with US in the light of the successful seminar held in the Smithsonian in May 2007 and the ES's visits to key US Departments in August 2007. The contractor would also work closely with CMS partner NGOS and with the UNEP Regional Office for North America who are supporting CMS efforts to engage with US, Canada and Mexico. There are no major cost implications at this stage.

TABLE 1: Conversion of Existing and New Posts

	<u>CURRENT STAFF</u>	<u>NEW SCENARIO</u>
<u>Bonn HQ</u>	1 x D1 1 x P5 4 x P4 1 x P3 (AFMO)	1 x D1 3 x P4 1 x P4 (AFMO) 1 x P3 (ES Ass't) 1 x P2 (Climate Change)
	2x P2 (1 AEWA) 1 x L2 (SSAP) 8 x GS (0.5 AEWA) 4 x GS (AFMU) <i>Total 22.0</i>	4 x P2 (1 AEWA) 7 x GS 5 x GS (AFMU) <i>Total 23.0</i>
<u>Asia Node</u>	1 x P5 (80% IOSEA) 1 x GS <i>Total 2.0</i>	1 x P5 (80% IOSEA) 1 x P2 1 x GS <i>Total 3.0</i>
<u>Africa Node</u>		1 x P5 1 x P3 (50% AEWA) 1 x L2 (SSAP) 2 x GS <i>Total 5.0</i>
<u>Latin America Node</u>		1 x P4 1 x GS <i>Total 2.0</i>
<u>Oceania Node</u>		1 x P3 1 x GS <i>Total 2.0</i>
UN HQ New York		0.33 x P4 (shared) <i>Total 0.33</i>
GRAND TOTALS	24 (20.7 CMS/ASCOBANS)	35.33 (31.55 CMS/ASCOBANS)

Manpower Resources in Comparable MEAs

43. At present, the five biodiversity-related Conventions have the following membership and staffing levels (including administrative, (L) project or equivalent posts):

TABLE 2

	CBD	CITES	CMS	Ramsar	WHC
No. of Parties	190	172	104 + 30 AIV	156	184
No. of Staff	83	32	20.5	28	90
Future Proposal			31.5		

Sources: CBD (current list on website), CITES (organogram at COP14), Ramsar (current list on website), WHC (current list on website), CMS (current/proposed staff financed by CMS)

Delivery and Estimated Costs

44. As mentioned in para 31 above, initial analysis by the Secretariat suggests that lower staff costs through regional nodes will release substantial resources, allowing full implementation of the Strategic Plan. This would result in the Plan being fully implemented, including a margin for additional work commissioned by Parties at future CoPs.

45. The probable distribution of work is illustrated in the CMS Work Plan 2007 (CMS/StC32/Inf.9), where we have added a column to the existing Workplan for 2007 (itself a tool to implement the approved Strategic Plan) showing how tasks would be distributed under the networked, decentralised system advocated in this paper.

46. **These proposals have been drawn up rigorously as the most effective way of utilising UN resources, in partnerships with other bodies including NGOs, to create an effective CMS global network**, allowing us to support migratory species conservation, including the growing number of regional agreements, at HQ and 4 regional locations, and at a net addition of 11 posts, of which 7 would be new P posts, almost all at working level (P2 or P3). Posts at this level are not only more economic for Parties; they also create a more balanced structure allowing a natural progression through internships, temporary appointments, lower level professional posts and senior professionals.

47. The changes would be phased during 2009: the new HQ posts would be recruited from 1 May 2009; the regional nodes for Panama, Africa and Oceania would open on 1 May 2009, 1 July 2009 and 1 September 2009, respectively.

48. During the next 12 months the Secretariat would negotiate with UNEP, individual Parties, other MEAs, CMS partners and sponsors to obtain contributions in cash or kind, or cost and benefit sharing arrangements towards the cost of these proposals, particularly in the case of the regional nodes.

49. **The additional costs of the package are estimated at €206,027, or about 3% of the existing baseline CMS budget for 2009-11 in the Medium Term Plan agreed at CoP8 (see Resolution 8.3 Annex III) or an increase of €872,319 (13%) on the CMS budget for 2006-8 agreed in the same Resolution.** This estimate includes €228,240 for estimated additional costs for removals, recruitment and travel.

50. All estimates assume that Parties will continue to make earmarked contributions at about the level achieved in 2006-8 (see para 3). The activities budget in the Trust Fund is assumed to be held at current (ie 2006-8) approved levels + 5% for inflation. All % budget increases given above will generally translate into lower % increases in individual Parties' subscriptions, because the number of Parties has risen since the latest COP (from 93 to 104 with more in the pipeline).

Preparatory/Transitional Steps

51. Consultations with the Standing Committee, donor Parties and other potential contributors (e.g. UNEP) on the future CMS structure will take some time. **The objective should be to agree a new structure at CoP 9 in December 2008.** It is suggested that the Standing Committee should establish a Working Group to provide advice on the future Shape and Organisation of CMS to the Committee, the CoP and the Secretariat. The composition of the group might be balanced between 2-3 StC members, 2-3 ScC members, and 2-3 other individuals agreed by the Committee to be well qualified to offer informed advice. The Secretariat would assist the Group. **If donors made**

resources available, such a group could meet in the period March-May 2008. Otherwise discussions would be by teleconference.

52. On current vacancies, recruitment for a permanent replacement for the AFMO is ready to start subject to approval by Nairobi. The existing ADSO post is being advertised but with a “health warning” that the job description could change to that of the Head of the proposed PAPU. The current IALO vacancy will be covered by consultancies pending the merger of its function into the new units.

53. Maintaining staff morale is particularly important during any period of organisational change. It is vital in the view of all the CMS Family Chief Officers to guarantee to Parties the maximum degree of continuity in delivering key CMS and Agreement programmes. **These proposals have therefore been carefully designed to ensure all existing CMS Family staff in Bonn and Bangkok would have a post at their current grading within the new structure and that future workloads are more reasonable than those currently being experienced by most CMS staff.**

Action requested

The Standing Committee may wish to

- (a) consider this paper, and provide comments and advice which can be incorporated into a revised version for ultimate submission to COP9 in December 2008;
- (b) transmit the paper (as amended) for formal consideration by the relevant subsidiary bodies of AEW, ASCOBANS and EUROBATS and request the Executive Secretary to consult other non-UNEP members of the CMS Family about the proposals;
- (c) establish a Working Group to provide advice on the future shape and organisation of CMS, as suggested in paragraph 51 of this paper;
- (d) confirm their support for the flexible use of interns and short-term consultancies as set out in paragraphs 7-8 of the paper;
- (e) instruct the Executive Secretary to seek a full, written delegation of financial, personnel and related responsibilities from UNEP as set out in paragraphs 34- 35 of the paper;
- (f) write to the Executive Director of UNEP seeking his full co-operation and engagement and, where appropriate, financial support in creating regional nodes for CMS in partnership with UNEP Regional Offices, concluding HQ agreements with host governments in the regions, and finalising within 6 months a UNEP delegation agreement with CMS on finance, personnel and related issues;
- (g) endorse the transitional steps described in paragraphs 51 - 53 of the paper.