

Agenda Item 8.1

Administrative and Budgetary Issues

Evaluation of the New Arrangements for the
ASCOBANS Secretariat (2007-2009)

Document 8-01
(restricted)

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

Action Requested

- Take note of the report
- Consider its implications for future Secretariat arrangements of ASCOBANS

Submitted by

UNEP



NOTE:
**IN THE INTERESTS OF ECONOMY, DELEGATES ARE KINDLY REMINDED TO BRING THEIR
OWN COPIES OF DOCUMENTS TO THE MEETING**

United Nations Environment Programme
UNEP

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

Final Report

By
Priyalal Kurukulasuriya
Jessica Kitakule-Mukungu

Evaluation and Oversight Unit

November 2008

Contents

ABBREVIATIONS AND ACRONYMS.....	3
EXECUTIVE SUMMARY	5
I INTRODUCTION.....	11
1.1 BACKGROUND.....	11
1.2 HISTORY OF THE ASCOBANS SECRETARIAT	11
II THE STUDY	15
2.1 TERMS OF REFERENCE	15
2.2 APPROACH	15
III. STUDY FINDINGS	17
3.1 SECRETARIAT’S STAFFING	18
3.2 ATTAINMENT OF OBJECTIVES AND RESULTS	22
3.2.1 Output of the Secretariat	22
3.2.2 Support to the Parties	23
3.2.3 Awareness-raising, public information activities and the ASCOBANS website	24
3.2.4 Profile of the ASCOBANS Secretariat.....	24
3.3 EFFICIENCY, EFFECTIVENESS AND FLEXIBILITY OF NEW INSTITUTIONAL ARRANGEMENTS.....	26
3.3.1 Efficiency of the operations of the ASCOBANS secretariat	26
3.3.2 Effectiveness of the operations of the ASCOBANS secretariat	26
3.4 PARTNERSHIP WITH OTHER CMS RELATED AGREEMENTS AND OTHER MULTILATERAL ENVIRONMENTAL AGREEMENTS	31
3.5 BENEFITS RESULTING FROM THE MERGER.....	33
3.6 COST EFFECTIVENESS	34
3.7 SUSTAINABILITY OF THE NEW ADMINISTRATIVE ARRANGEMENT FOR MANAGING THE ASCOBANS SECRETARIAT.	37
IV. CONCLUSIONS.....	39
V. RECOMMENDATIONS AND LESSON LEARNED.....	44
5.1 RECOMMENDATIONS.....	44
5.2 LESSONS LEARNED.....	48
ANNEXES.....	49
ANNEX 1: 5 TH MEETING OF THE PARTIES TO ASCOBANS	49
ANNEX 2: TERMS OF REFERENCE.....	52
ANNEX 3: LIST OF REPORTS AND DOCUMENTS PREPARED BY THE CMS/ASCOBANS SECRETARIAT	59
ANNEX 4: PERSONS INTERVIEWED.....	61
ANNEX 5: LIST OF PERSONS TO WHOM THE QUESTIONNAIRE WAS SENT	62
ANNEX 6: QUESTIONNAIRE.....	63
ANNEX 7: ASCOBANS TRIENNIUM WORK PLAN 2007-2009	64
ANNEX 8: FINAL LIST OF DOCUMENTS	75
ANNEX 9: MEETINGS SINCE JANUARY 2007	77
ANNEX 10: CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS	79
ANNEX 11: ASCOBANS WEBSITE	84

Abbreviations and Acronyms

ASCOBANS	Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas
AC	Advisory Committee
ACCOBAMS	The Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and contiguous Atlantic area
AFMU	Administrative and Fund Management Unit for all financial processes
CBD	Convention on Biological Diversity
CMS	Convention on Migratory Species
COP	Conference of Parties
EC	European Commission
ES	Executive Secretary
ES/CMS	Executive Secretary of Convention on Migratory Species
EUROBATS	The Agreement on the Conservation of Populations of European Bats
FAO	Food and Agriculture Organization
GS	General Service
HELCOM	Helsinki Commission
IMIS	Integrated Management Information Systems
IMO	International Maritime Organization
IWC	International Whaling Commission
MEAs	Multilateral Environmental Agreements
MOP	Member of Parties
MOU	Memorandum of Understanding
NAMMCO	The North Atlantic Marine Mammal Commission
NGOs	Non-Governmental Organizations
OIOS	Office of Internal Oversight Services
OSPAR	Oslo and Paris Commissions

SPREP	South Pacific Regional Environment Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and cultural Organisation
WDCS	Whale and Dolphin Conservation Society

EXECUTIVE SUMMARY

1. By Resolution 2(d) of the ASCOBANS COP 5 held in December 2006 the Parties decided that from 1st 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 5th 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.

I Introduction

1.1 Background

7. This report discusses the results of the management study of the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS) secretariat undertaken from September- October 2008 at the request of the Meeting of the Parties (MOP) at their meeting of 12 December 2006. At that meeting it was agreed to change the organisational arrangement of ASCOBANS, the Secretariat of the Convention on Migratory Species (UNEP/CMS) would serve as the secretariat of ASCOBANS for a trial period of three years and an independent review of the new arrangement would be held in 2008 and its results made available to CMS COP 9 in 2008, and to ASCOBANS MOP 6 in 2009 prior to the CMS COP 9.
8. The objective of the study was to review the efficiency and cost-effectiveness of the new arrangement for the ASCOBANS Secretariat. The study would determine if the merger had promoted synergies within the CMS family of Agreements and other MEAs, helped to heighten the profile of ASCOBANS and increased the secretariat's sustainability

1.2 History of the ASCOBANS Secretariat

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

10. Originally only covering the North and Baltic Sea, the ASCOBANS Area, as of 3 February 2008, has been extended to cover the marine environment of the Baltic and North Seas and contiguous area of the North East Atlantic, as delimited by the shores of the Gulfs of Bothnia and Finland. Ten countries are Parties to the Agreement. They are: Belgium, Denmark, Finland, France, Germany, Lithuania, The Netherlands, Poland, Sweden and United Kingdom.
11. 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. The Secretariat was to remain there for a triennium and that arrangement was 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.
12. During MOP2 in 1997, the Parties decided that from 1 January 1998, a Secretariat would be established in Bonn administered by the German Federal Agency for Nature Conservation. The German Government was 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.
13. In 2000, a Resolution (1) came out of MOP 3 to integrate the ASCOBANS Secretariat into the Agreements Unit of UNEP/CMS. Resolution 1 states that “Executive Secretaries to the Agreements will report to the Executive Secretary to CMS for internal administrative matters and communication with UNEP. They will report to the Parties as well as to the competent bodies of the Agreements on their work programme. The competent bodies of the Agreements shall contribute to the annual performance appraisal of an Agreement's Executive Secretary.”
14. Resolution (1) of 2000 also states “Expecting that the political and institutional weight of the agreement will increase considerably through the integration into the UNEP/CMS framework and that this will facilitate the accession of other Range States to the agreement; Expecting also that mutual benefit will derive from the establishment of the agreements unit through the pooling of resources and by strengthening the organisational and administrative potentials

and increasing the efficiency of the secretariats in implementing the aims of the Agreements. Guided by a common will to maintain the independent and autonomous functioning of each secretariat according to the instructions of their relevant bodies”

15. At the 13th meeting of the ASCOBANS Advisory Committee (Tampere, Finland, 25 – 27 April 2006) parties expressed concern about the over expenditure in ASCOBANS budget lines 1101 (Executive Secretary) and 1301 (General Services) in the triennium and about the substantial increase in these budget lines as reflected in the draft budget for 2007 – 2009 submitted to the Advisory Committee by the Secretary on 20th April 2006. The Advisory committee requested UNEP to undertake an audit of the ASCOBANS Secretariat.
16. An audit which focussed on the process for creation of the 2004 – 2006 and 2007 – 2009 budget was carried out by the office of internal oversight services (OIOS), Nairobi from 24 – 28 July 2006. The Audit report of 24 August 2006 concluded that the root cause of the budgetary problems experienced was a failure on the part of UNEP to address, in a timely manner, the weaknesses in the arrangement for the administration of the conventions. It also concluded that the lack of clarity resulted in the ASCOBANS employing a flawed budgeting method (best guess based on costs of the incumbent and usage) which was not spotted and rectified before 2004 – 2006 budget was exhausted and an inappropriate budget for 2007-2009 was presented to the parties.
17. The conclusions of the Audit report were discussed in the 5th MOP of 22- 26 September and noting ASCOBANS’ financial crisis, the Parties concluded that a solution for the financial crises needed to be developed within the existing financial framework. Since there was no room for a substantial growth of the budget, and because maintaining an independent secretariat was not a viable option, the Parties requested the president of the 5th MOP to write to the Executive Director UNEP asking him to draft detailed proposals of how to guarantee the maintenance of the ASCOBANS secretariat for the next triennium or quadrennial addressing at least two options: the merger of ASCOBANS with CMS and an independent secretariat.
18. It should be noted that although ASCOBANS was having problems with management of its budget, at the same meeting some speakers commended the work of ASCOBANS secretariat and supported its continuation as a stand alone secretariat. The report of MOP 5 leaves no

doubt that the meeting was sharply divided on the issue whether to continue with the stand alone arrangement of the secretariat or to merge it with the CMS secretariat.

19. At its reconvened 5th MOP on 6 December 2006 the options presented by UNEP were discussed. . Having recognized institutional and sustainability problems that ASCOBANS had been facing, a solution was proposed that would not result in an unsupportable increase in the contribution for a party, the only change was the organisation of the secretariat. UNEP/CMS was to serve as the ASCOBANS Secretariat. There would be a permanent focal point for ASCOBANS issues in the CMS Secretariat.
20. It was envisaged that the larger unit for the secretariat would give better delivery for the same amount of contributions, using synergies and the flexibility of the CMS secretariat for more efficiency and effective delivery of the Agreement goals. This would, it was thought, make available more resources for application towards the delivery of conservation activities for the cetaceans in the Baltic and North Seas.
21. For a trial period it was therefore 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 1** for the full Resolution no. 2d). It was also decided that these arrangements were to be implemented for a provisional three year period. There would be an independent review of the arrangement after two years. This study fulfils that requirement.

II The study

2.1 Terms of reference

22. The terms of reference for this study (**Annex 2**) were drafted by UNEP's Evaluation and Oversight Unit (EOU) in consultation with the ASCOBANS Advisory committee working group and the Division of Environmental Law and Conventions UNEP. The study covered the period from January 2007 to September 2008 with an aim of assessing the efficiency, effectiveness and sustainability of the new organisational arrangement of the ASCOBANS Secretariat. The study focussed on four main questions:

23. To what extent have the new arrangements improved efficiency of the operations of the activities of the ASCOBANS Secretariat? Are the new arrangements more cost-effective than a stand alone Secretariat? Which options for improvement or change of arrangements can be identified?

Have the new arrangements promoted synergy? If so, how and if not, what arrangements are recommended?

To what extent have the new arrangements positively or negatively affected the profile and standing of ASCOBANS vis-à-vis other CMS related agreements specifically and other multilateral environmental agreements in general?

Is the new administrative arrangement for managing the ASCOBANS Secretariat sustainable? If not, why and how can this be amended?

2.2 Approach

24. The decision to merge ASCOBANS and CMS secretariats ostensibly followed a rather acrimonious discussion by the parties at the 5th Meeting of the Parties. The decision was supported by eight of the members with two abstaining from the voting. With that background it was important that the study obtains the views on the functioning of the new

arrangements from as many stakeholders as possible. Therefore the study used a number of methods:

- a) A review of publicly available documents including minutes and reports of COP meetings and Meetings of Parties of CMS and ASCOBANS as well as the ASCOBANS Advisory Committee, resolutions, e-mail exchanges, and budgets. The list of key documents reviewed is provided in **Annex 3**.
- b) Telephone interviews with representatives of the parties; a sample of six representatives to the ASCOBANS MOPs were interviewed by phone.
- c) Mission - The team visited the ASCOBANS offices in Bonn (18- 19 September 2008), after a tour of the secretariat facilities, the team held interviews with ASCOBANS and CMS staff including the Executive Secretary of CMS, Financial Officer, and interns. Interviews were also held with the Executive Secretary of EUROBATS, a sister agreement also under the common administrative structure in Bonn.
- d) Questionnaire - A questionnaire was sent to all parties, NGOs, meeting observers and ASCOBANS staff and observers. Of the thirty eight (38) persons to whom the questionnaire was sent, 19 responded, either individually or collectively. Of the 19 responses, 14 were individual responses while the rest were collective. The list of those to whom the questionnaire was sent and those who responded is at 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 either were non-committal 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.
- e) The list of staff at the CMS/ ASCOBANS secretariat and other offices in Bonn interviewed is at **Annex 4** while the list of those who were sent the questionnaire and who sent responses is at **Annex 5**. The questionnaire used is at **Annex 6**.
- f) *It must be emphasised that the study is based not on any one segment of the evidence, written or spoken, but on the totality of evidence that the evaluators*

found from all the sources mentioned above. Every effort has been made to ensure a balanced, impersonal, unbiased and objective approach in drawing conclusions based on the totality of the evidence before them.

III. Study Findings

25. It is important at the very outset to analyze Resolution 2 (d) of the fifth Meeting of the Parties to ASCOBANS held in the Netherlands on 18-20 September and 12 December 2006, entitled *Joining the forces of ASCOBANS and CMS for improved management and operation of the ASCOBANS Secretariat*.
26. There are two principal objectives of the Resolution. The first is to maintain the ASCOBANS Agreement as an autonomous agreement of CMS under the immediate auspices of UNEP/CMS. The second is that as from 1 January 2007, the UNEP/CMS Secretariat would serve as the secretariat of the ASCOBANS, pursuant to Article 4.4 of the Agreement, until ASCOBANS MOP 6 in 2009, when an appropriate decision would be taken on the best organizational solution for ASCOBANS.
27. Outlined in the decision are: the maintenance of the conservation efforts of ASCOBANS in particular the harbour porpoises in the Baltic Sea; making optimal use of the resources at the disposal of the Agreement to increase the Secretariat's output, efficiency and cost effectiveness; achieving a better and closer interrelation with the mother convention CMS and in the wider context of improving international environmental governance.
28. Reference should also be made to Resolution 1 of the Third Meeting of the Parties to ASCOBANS held in Bristol on 26-28 July 2000 entitled *'Integration of the ASCOBANS Secretariat into the Agreements Unit of UNEP/CMS'*, which specified in the attached Terms of Reference that the 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 United Nations Office of Internal Oversight Services and Internal Audit Division in its Audit Report of the budget arrangements for ASCOBANS and the

EUROBATS agreements dated 24 August 2006, has at paragraph 11, “interpreted this to mean that there was a responsibility for the Agreements to liaise with CMS on administrative matters.” The Report also points out that the Service Level Agreement that was concluded by the Executive Secretary of CMS with the heads of the CMS Agreements was silent on who is responsible for the issuance of budget guidelines, on approval of budgets before they are presented to the MOP, and on monitoring and control of expenditure. OIOS has urged that this matter be addressed urgently.

29. Be that as it may, it is evident that the merger of the two secretariats by Resolution 2 (d) has resulted in the Executive Secretary of CMS being responsible for both internal administration of the ASCOBANS secretariat and the programmatic matters of the Agreement. The legal standing of both ASCOBANS and CMS agreements however, are not affected by this change.
30. The financial problems within ASCOBANS and the sudden turn of events that led to adoption of ASCOBANS MOP Resolution 2(d), including the adjournment of MOP 5 in September 2006, its reconvening three months later on 12 December at which the above Resolution was adopted, and its operationalization 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, it was to be expected, and indeed there has been, considerable disruption in the implementation of the ASCOBANS work programme.

3.1 Secretariat’s staffing

31. Before the merger, the staffing of the independent ASCOBANS Secretariat consisted of two permanent staff: an Executive Secretary (P3/P4) and an Administrative Assistant (G5).
32. At the fourth Meeting of the Parties (August 2003), a decision was made to upgrade the two posts to P4 and G5 (originally G4), respectively. The Deputy Executive Director of UNEP approved the appointment of the Executive Secretary at P4 but this appointment was not implemented. The Secretariat also hired consultants on a short-term basis and used interns as a stop gap solution to assist in the execution/ implementation of the secretariat’s programme of work.

33. After the merger, the Executive Secretary of CMS became the acting Executive Secretary of ASCOBANS. ASCOBANS MOP5 estimated 3% of his time to be devoted to ASCOBANS matters. The CMS Scientific and Technical Support Officer (P4) would also serve as Senior ASCOBANS Advisor, with the main task of supervising the day to day running of the Secretariat. ASCOBANS MOP5 estimated a 15% of his time to be devoted to ASCOBANS matters during 2007-2008, and made budgetary provision to cover the related costs of both posts.
34. ASCOBANS MOP5 also provided for a new position of ASCOBANS coordinator (P2), covered through a consultancy for the period 2007-2008. Seventy five (75) per cent of the consultant's time was scheduled for ASCOBANS matters to be covered out of the ASCOBANS budget, while Twenty five (25) percent was expected to be dedicated to other CMS marine mammals work in a capacity as CMS Marine Mammals Officer, and covered by CMS budget.
35. ASCOBANS MOP5 confirmed a full time position of ASCOBANS Administrative Assistant, for the year 2007. In 2008, it is a fifty (50) percent consultancy position.
36. In addition, there is usually one intern at a time supporting the Secretariat but the interns working with CMS assist ASCOBANS whenever need.
37. The study found that:
 - a) The Coordinator's previous experience of two years on short-term contracts with the CMS Secretariat allowed her a smoother transition into her new duties than would have been possible for someone without that experience. However, she has to cover a large proportion of the GS5 work because the GS5 post is part time. She is the 'point of call' for parties on ASCOBANS matters and only seeks guidance from CMS staff when necessary.
 - b) The Coordinator's responsibilities include functioning as focal point for the day-to-day conservation work of the CMS/ASCOBANS Secretariat, including representing ASCOBANS with Agreement focal points in Party States and at technical meetings. The functions also include offering advice to Parties on the day-to-day implementation of the Agreement, identifying problems and facilitating their solution in consultation with senior CMS officers, Range States and concerned other bodies.

The Coordinator has carried out these functions since assuming duties in April 2007. In her absence from office, the Administrative Assistant under the supervision of the Senior Advisor carries out the focal point functions.

- c) The evaluators had extensive discussions with the Coordinator during the mission to the CMS/ASCOBANS Secretariat in September 2008, at which she displayed a thorough knowledge of all aspects of the ASCOBANS work programme as well as the evolution of its management arrangements since the Agreement was concluded in 1991. She was found to be competent in her job and committed to doing all she can, within the limited human and financial resources available to her to fulfil the expectations of the parties and other stakeholders in regard to the ASCOBANS Agreement. Several of the respondents to the questionnaire have complimented the Coordinator for her efficient and courteous service to them. According to the survey, however, about ten (10) percent of the respondents thought the Coordinator lacked efficiency and was not “pro-active”, giving an impression of just being another “Secretary” or lower P-level staff: A situation, which we think, is because of the part time administrative support and low-delegated authority of a P2 post in UNEP.
- d) The administrative assistant although capable of handling most administrative and budgetary issues, depends on the CMS Administrative and Fund Management Unit (AFMU) for all financial processes, which she may well be able to handle. The decision by ASCOBANS Parties to employ both the Coordinator and the Secretary on a consultancy basis has meant they have no direct access to the UNEP-IMIS accounting system to perform relatively simple tasks such as overview of the balance of a budget line .
- e) The Acting Executive Secretary (3%) and the Scientific Advisor (15%) it appears, are spending more time on ASCOBANS than is reflected in the budget. However, the fact that CMS and ASCOBANS now have the same Executive Secretary ensures better collaboration with CMS staff. Nevertheless, it has been pointed out by some of the respondents that the collaboration between the Secretariat and the UNEP office in Nairobi needs improvement, in order to provide a more precise follow up of the Agreements budget. The UNEP Administrative and Fund management Officer who has assumed duties at the Bonn secretariat recently should, we think take care of this matter.
- f) Of the nineteen respondents to the question of whether the need existed for a fulltime staff member devoted exclusively to the implementation of the ASCOBANS

Agreement, seventy three (73) percent said yes. The proposals for the fulltime-dedicated officer to ASCOBANS varied from junior research officer to a high-ranking staff member. Those who were opposed to the idea of a fulltime staff member thought the work of the Coordinator varied through the year and thus the allocated time was sufficient. However, this kind of argument does not take into account all the roles of the Secretariat including research projects and awareness raising tasks, which are all year round. One respondent was of the view that the advantages of the merger have yet to be fully realised and this was necessary before discussing the necessity of an increase in staff.

- g) Leadership –Many of the respondents to the questionnaire held strong negative views about the current leadership of the Secretariat. Some of the views expressed were that:
 - i) The current leadership had failed to address successfully the main issues facing ASCOBANS, which is the distrust amongst Parties, and between Parties and the Secretariat. They thought this required strong leadership, which was lacking;
 - ii) Very few initiatives for the future implementation and development of ASCOBANS had emanated from the current Secretariat; and
 - iii) The Executive Secretary on occasions had shown a lack of the necessary commitment and interest in the issues discussed on ASCOBANS e.g. at the ASCOBANS AC 15.
38. However, some of the respondents expressly recognised the value of the leadership provided by the secretariat in advancing the objectives and purposes of the Agreement especially in the area of international cooperation. A closer examination of the substance of the negative comments leaves a strong suspicion that some of the comments at least are rooted in the soured relations between some of the representatives of the parties and the Acting Executive Secretary. All in all, taking into account the impressive record of work that has been carried out by a small number of staff at the CMS/ASCOBANS secretariat, under what appears to be rather difficult circumstances since the merger in January 2007, could not have been achieved without the leadership of the Acting Executive Secretary and senior staff of the Secretariat.

3.2 Attainment of objectives and Results

39. The main roles of the ASCOBANS secretariat as stipulated in the 1992 agreement are:

- a) promote and co-ordinate the ASCOBANS activities;
- b) provide advice and support to the Parties and their Coordinating Authorities;
- c) facilitate the exchange of information
- d) assist with the coordination of monitoring and research among Parties and between the Parties and international organizations;
- e) organize meetings
- f) coordinate and circulate proposals for amendments to the agreement and its Annex;
- g) present the Coordinating Authorities, each year no later than 30 June, a summary of the Party reports submitted in accordance with Article 2.5, and a secretariat progress report and a financial report.

3.2.1 Output of the Secretariat

40. The secretariat triennial work plan (2007 – 2009) was adopted at the fifth Meeting of Parties in December 2006. The Work Plan covers all areas of the Agreement's work, as laid out in the Conservation and Management Plan. The work plan and progress is detailed in **Annex 7**. In summary, the Secretariat implemented the following:

41. a) Meetings : The Secretariat organised six meetings in 2007 of which four were workshops and two meetings in 2008 (**Annex 9**)
- b) Reports: The Secretariat prepared 18 out of the 28 documents presented to the 14th Advisory Committee meeting held in Bonn on 19-21 April 2007. For the 15th Meeting of the AC held on 31 March to 3 April 2008, the Secretariat prepared 23 out of the 46 documents (**Annex 8**)

42. About forty six (46) percent of the respondents to the questionnaire highlighted the late delivery of documents for the AC meetings, slower processing of documents in particular the terms of reference for a consultant and some apparent confusion in the budget documents presented to AC 14 & AC 15. This situation, however, should be viewed against the fact that the secretariat was at that time seriously handicapped with lack of staff, and with the new Coordinator coming on board just before AC 14, in April 2007.

43. Another factor that needs to be taken into account in this regard is the request from Parties to further investigate the financial past of the secretariat. This request had placed an added burden on the small staff of the secretariat. . However, at the same time it can be argued that more timely and adequate responses from the Secretariat would have probably gone a considerable way towards restoring trust and good relations between the secretariat and the representatives of the parties.

3.2.2 Support to the Parties

44. The extensive work plan of the Agreement including its meetings, workshops, research programmes and national and regional activities makes the secretariat the hub of continuing exchange of information through email, phone calls and personal meetings. The Coordinator handles these with the assistance of the administrative assistant and the support of the Senior Advisor and on occasion, the Acting Executive Secretary, where necessary.

45. In a vast majority of these instances, the Secretariat responses have been both complete and expeditious and have often elicited a note of appreciation. One exception referred to by the Secretariat and alluded to in one of the responses to the questionnaire, related to a delayed response to a question raised by a member of the Advisory Committee on budget discrepancies. According to the Secretariat, the delay was due to the complex nature of the investigation into budgetary matters in progress at the time.

46. The communications with parties and other stakeholders it appears, take a disproportionate amount of time of the Coordinator and the Administrative Assistant and, to a lesser extent, the Senior Advisor and the Acting Executive Secretary. The two officers, one giving 75% of her time and the other just 50%, have been able to respond to literally thousands of emails, telephone calls and personal meetings each year, with few complaints. The detailed account of the work carried out by the Secretariat in support of the parties is set out in the Progress Report of the Triennium Work Plan dated 17 September 2008 (**Annex 7**). The statements made therein were confirmed by a random examination of supporting documents.

47. Some responses to the questionnaire show that the Secretariat has been unresponsive to Parties' requests and instructions and even seem to obstruct actively and that the relationship was more one of command than service, carried out at times, with a degree of arrogance

which they objected to. On the other hand there was also praise for the secretariat staff for the efforts they have made to keep NGOs – an important constituency of the ASCOBANS plan of work- involved and the openness of the secretariats to their ideas and inputs.

3.2.3 Awareness-raising, public information activities and the ASCOBANS website (www.ascobans.org)

48. Documents AC14/Doc.8 and AC15/Doc.26 prepared by the Secretariat entitled '*Report of the Secretariat on Outreach and Publicity Activities including the Year of the Dolphin*' provide an insight into the very significant awareness-raising and public information activities that were being carried out by the Secretariat. These include: preparation and dissemination of newsletters, brochures, banners, posters and post cards; an outreach tent at the CBD Conference of Parties; and promotional activities at the 21st Annual Conference of the European Cetacean Society in San Sebastián. In addition, highly successful events connected with the International Day of the Baltic Harbour Porpoise and the Year of the Dolphin were organized. The evaluators had the opportunity to examine many of these materials as well as photographic evidence of the events.

49. ASCOBANS website (www.ascobans.org) is maintained by an external company, which has created the design and makes any changes requested for a reasonable discounted price. When the Secretariat wants a change to the site or a document or article uploaded, an email is request is made and the change is implemented promptly, often within a few hours. The information updated on the website since January 2007 is included in **Annex 11**.

3.2.4 Profile of the ASCOBANS Secretariat

50. The profile of the ASCOBANS Agreement will be negatively or positively affected depending on the success of its work programme. The Secretariat does play an important role in steering the work of the agreement and maintaining contacts with the outside world and, to that extent, does contribute to the formation of public opinion on the efficacy of the agreement as an instrument for international cooperation. Among factors that contribute to enhancing the profile of the Agreement is recognition by Governments and institutions that deal with cetacean conservation. This includes recognition by the academic and scientific community, the media and the public that the Secretariat and the parties could be relied upon to carry out their mandate in a spirit of cooperation and with the necessary resolve to achieve

tangible results in regard to the conservation of cetaceans. It would appear, judging by the events leading up to and following MOP 5 and as reflected in most of the responses to the questionnaire that there has been a conspicuous absence of such a spirit of cooperation and resolve.

51. Over eighty (80) percent of the respondents felt that despite the growth of the Agreement, its visibility does not appear to have increased and that the new arrangement has led to a loss of identity and a decrease in visibility of the Agreement. Some of the reasons adduced for this are lack of clarity about who represents ASCOBANS and the lack of qualified sufficiently high-ranking, full-time, and knowledgeable representation by the present Secretariat. One of the respondents thought that the present Secretariat seems to reduce the promotion of the ASCOBANS agreement to the promotion of CMS itself. The record of secretariat activities since January 2007 examined by the evaluators does not seem to entirely justify such an extreme position.
52. Furthermore, that is only one dimension of the totality of considerations that influence the profile of the Agreement and its institutions. In this regard, it must be noted that an impressive body of work has been carried out by the Secretariat as outlined in this report and as reflected in the reports of the 14th and 15th Meetings of the ASCOBANS Advisory Committee. This includes cooperation with Intergovernmental Organisations such as HELCOM, OSPAR, ACCOBAMS and NGOs such as WDCS and CCB. These activities must be taken to have affected positively on the profile of the Agreement and its institutions.
53. Cognizance must also be taken in this regard of the action taken by the Executive Secretary of CMS and his staff in promoting closer 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 which brought the issue of the conservation of cetaceans to a global level, must also be taken to have contributed to enhancing the profile of ASCOBANS and its institutions.
54. In evaluating the impact of the profile of the Agreement following the new Secretariat arrangement, account should also be taken of the conclusion of new MOUs for cooperation in West Africa and Micronesia as well as the extension of the Agreement area to the Irish Sea

and the Southern North Atlantic as of 3 February 2008. Such far-reaching actions taken by States provide evidence of an enhanced profile of the Agreement in recent times.

55. The profile of an organisation also depends on its representation at various important meetings and consultations with governments and international organisations and indeed, the high level of representation provided by the CMS Executive Secretary was one of the positive aspects of the merger. The study reveals that over the period between 2007 and 2008, ASCOBANS Secretariat was represented at nine meetings (**Annex 9**). The Coordinator was the representative at all these meetings except for the ACCOBAMS meeting attended by the Scientific Advisor and at the 32nd Meeting of the Standing Committee of CMS and the 9th Conference of Parties to the CBD, which the Coordinator attended together with the Acting Executive Secretary and the Scientific Advisor.

3.3 Efficiency, Effectiveness and Flexibility of New Institutional Arrangements

3.3.1 Efficiency of the operations of the ASCOBANS secretariat

56. A majority of the respondents think the efficiency of the merged Secretariat is just the same or worse than the independent secretariat and the rest think it is only slightly better. In summary, the view is that:

57. The disadvantages of the merger arrangement seem to be greater than the benefits perceived so far. The cooperation with the higher level of the CMS secretariat is not always working in the best possible way. It is difficult to approach the Secretariat with different inquiries and concerns. Perhaps more importantly, the quality of some of the documents produced by the Secretariat is not satisfactory and the Secretariat does not show a willingness to take on tasks that one could normally expect a Secretariat to do.

58. However, the other view is that it has not yet been proven that the new arrangement is more efficient than the previous arrangement.

3.3.2 Effectiveness of the operations of the ASCOBANS secretariat

59. The new arrangement provides a platform for the ASCOBANS to be a much more integrated into the network of agreements for the realisation of their shared objectives. This is, of course, essentially a long term objective and it would be unrealistic to expect that significant

progress could have been achieved in a span of some eighteen months. However, the activities relating to the Year of the Dolphin, the geographical extension of the Agreement and the recently concluded MOU for the conservation of small cetaceans and manatees in Western Africa and Micronesia, as well as consultations that have been initiated with the European Commission on harmonizing the work of ASCOBANS and the EC on the conservation of small cetaceans are promising signals of future possibilities.

60. Cognizance must also be taken of the merger of the secretariats being generally in line with the broad United Nations policy, enshrined in Chapter 38 of Agenda 21 of the United Nations Conference of Environment and Development of 1992, on reducing institutional expenses and focusing on the realization of the substantive environmental goals of multilateral environmental agreements through, inter alia, enhancing the synergies and interlinkages among them. In addition, the merger could also facilitate closer examination of synergies between CMS and ASCOBANS in the inter-sessional process within CMS, to explore possibilities for the future shape of CMS, which may be decided on at the next Conference of the Parties of CMS.
61. The challenge is to achieve this goal through creative administrative and management arrangements that will not seriously undermine the effective functioning of the secretariats. It appears that, while the merger of the ASCOBANS secretariat with that of its parent Convention, the CMS could be said to enhance the potential for the ASCOBANS secretariat to benefit from the wider range of competences and experience resting with the CMS secretariat, there are still several matters that need to be addressed to realize its full potential, not the least being finding an acceptable equilibrium in the sharing of staff of the two secretariats in a manner that would not negatively impact on either secretariat. It appears that there are several options that might be considered in this regard which are alluded to in Section 5 of the report.
62. Even through the impact of the soured relations among parties and between the parties and the secretariat caused by the events that led to the ASCOBANS MOP 5 decision on the merger of the ASCOBANS and CMS secretariats seem to be on the wane, it is crucially important for the future success of the ASCOBANS agreement that all concerned redouble their efforts to put those concerns to rest and focus on the expanding ASCOBANS programme for the conservation of small cetaceans, in regard to which there are many issues

awaiting the urgent attention of parties. These issues are by-catch and other threats such as pollution, sound, shipping, military activities, offshore energy production, extractive activities and other forms of disturbance affecting small cetaceans. Other important areas of work that may have been affected on account of excessive attention on administrative matters include strengthening international cooperation including with the sister agreement ACCOBAMS, the IWC and UN agencies such as International Maritime Organization and UNEP, the development of further regional initiatives and controversial but important issue of including other cetaceans within the scope of the ASCOBANS. Evidence that some progress is being made in this direction is discernible from the documents perused as well as the responses to the questionnaire.

63. The expanding areas of substantive work of ASCOBANS referred to above also highlight the wide range and scope of work that the parties have thought it fit to entrust, in real terms, to just one professional staff member- the Coordinator- whose duties include almost all the related substantive, procedural and administrative work. That Coordinator, at the lowest United Nations staff level P2, is supported by a secretary- who also gives only 50% of her time- and is supervised, advised and guided by a senior adviser(15% of time) and the Acting Executive Secretary (3% of time). There is strong evidence to suggest, however, that this should not be considered sufficient for the parties to feel comfortable in the adequacy of the secretariat arrangements that they have provided for. Clearly, there is a need to revisit and probably revise the arrangements they have made relating to the Coordinator and secretary, in order to ensure the effectiveness and efficiency of the ASCOBANS secretariat, as an integral part of the UNEP-CMS Secretariat
64. Sharing staff time between the CMS and ASCOBANS secretariats appears to have implications for achieving effective and efficient delivery of their respective programmes of work. For one thing, in the absence of a “clocking mechanism” that is used in private firms for billing clients, it seems impractical to actually expect the work of individuals to be carried out strictly in accordance with the allocated percentages of time. It appears that these time allocations in reality constitute nothing more than a convenient accounting procedure to make appropriate budgetary allocations, and that in practical terms these staff members give much more of their time to ASCOBANS matters when occasion demands.

65. Work loads of each institution are on the rise and alternate between high and low density work periods. The clash of high density work periods in the two secretariat, as must be expected, result in low efficiency and productivity and affect good human relations which is essential for the successful functioning of the secretariat. This is evident in the pressures that are being experienced, especially during such high density work periods by the relatively small staff of the joint CMS/ ASCOBANS secretariat. This pressure felt by all its staff is probably, particularly daunting on its Acting Executive Secretary who has to bear the brunt of the collective responsibility for the further development and implementation of the entire CMS family of agreements.
66. This could, and evidence suggests that on occasion has, had negative impacts on output as well as good relations between the secretariat and its stakeholders. The unsatisfactory relations between the secretariat and the parties and among some parties, is a thread that seems to run through most of the responses to the questionnaire. Clearly, everyone concerned has a responsibility to address this matter and restore trust and confidence in each other. Polite, civil communications might be a good place to start, as after all, it is possible to disagree without being disagreeable.
67. On the other hand, as pointed out above, the high level representation made possible by a senior level the Acting Executive Secretary (who himself acts on behalf of the Executive Director of UNEP), as opposed to a relatively junior level staff member who headed the secretariat earlier, must be taken to contribute to the more effective implementation of the ASCOBANS Agreement and the advancement of the Agreement's objectives and purposes. This is evidenced by the Acting Executive Secretary's interactions on behalf of the ASCOBANS agreement since January 2007, with the International Whaling Commission, the European Commission, Governments in regard to the geographical extension of the Agreement to the Irish Sea and the Northern Atlantic and the negotiation of MOUs. The capacity to integrate ASCOBANS more effectively among the CMS family of Agreements and other MEAs through, inter alia, the new consultative mechanism that the Executive Director of UNEP has initiated with Heads of MEAs would also contribute to the future success of the ASCOBANS Agreement.
68. The work done by the Scientific Adviser (P4), the Coordinator and the secretary over the past one and half years is by all accounts quite impressive and seems to have been achieved

by working well beyond the expected work hours and certainly beyond the 15%, 75% and 50 % of their time allocated to this share of work. Evidence of this is found in the number of documents that have been prepared for, during, and after the 14th and 15th meetings of the Advisory Committee and several other meetings organised and/or facilitated by the secretariat as well as those in which the coordinator has represented the secretariat, notwithstanding the complaints about late delivery of documents and the quality of some of them. The innumerable written, telephonic and personal communications made with parties and other stakeholders, the appreciative comments about their work made in some of the responses to the questionnaire; the further development and regular updating of the ASCOBANS website, action taken to safeguard the Agreement's logo and so on, which have been enumerated in the report are further evidence of the effectiveness of their work.

69. It appears that the three officers are quite stretched and the Parties may benefit from considering relief through a more equitable and realistic division of their time between the two Secretariats, taking into account the actual range of functions that they perform and the related timelines. A few suggestions in this regard have been made in Section 4 of the Report, which the Parties may wish to consider.
70. There is also evidence that the Coordinator and secretary of the ASCOBANS secretariat have settled down well in to their functions with the experience gained over the past eighteen months. They seem now to be able to approach their functions with greater facility and efficiency, ably supported by the Senior Scientific and Technical Adviser who has played a crucial role in providing advice and guidance to them in carrying out their day-to-day functions.
71. Another matter to be borne in mind in this regard is the fact that the Coordinator and secretary hold their positions in the secretariat as "consultants" which imposes serious functional drawbacks as they are denied access, as consultants, to the UN computerised accounting and management system IMIS as well as denied other work-related UN immunities and privileges. In this regard, the redeeming factor is the recent arrival at the Bonn Secretariat of a senior UNEP Administrative and Fund Management Officer, whose presence is likely to significantly improve the administration and the preparation and implementation of budgets of the ASCOBANS and other secretariats in Bonn. Furthermore, the budget has provided for a Coordinator at P2 level for 2009.

3.4 Partnership with other CMS related agreements and other multilateral environmental agreements

72. The CMS and its family of Agreements, including ASCOBANS and Memoranda of Understanding constitute a network mechanism for the conservation of cetaceans by addressing issues such as, threat reduction, habitat protection and the establishment of migratory corridors, research and monitoring and regional capacity building. It also serves as a regional focal point for coordination and cooperation with other regional and global conservation related instruments.
73. Such mechanisms include the two cetacean Agreements **ASCOBANS** (Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas) and **ACCOBAMS** (Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Areas) and the **Pacific Cetaceans MoU** (Memorandum of Understanding for the Conservation of Cetaceans and their Habitats in the Pacific Islands Region). A fourth agreement for the Eastern Atlantic and West Africa, including Micronesia, has been negotiated recently.
74. Together these agreements and their associated action plans cover the South Pacific, Eastern Atlantic and Micronesia, and the Baltic, Black, Irish, Mediterranean and North Seas. ACCOBAMS has an independent secretariat based in Monaco with close links to CMS and the United Nations Environment Programme (UNEP). UNEP/CMS is the permanent Secretariat to the **Pacific Cetaceans MoU** working collaboratively with the Pacific Regional Environment Programme (SPREP). These linkages provide a sound basis for promoting synergies between ASCOBANS and the CMS family of agreements and other related MEAs, such as the Biodiversity Convention.
75. Since 2007, the Acting Executive Secretary has intensified contacts with the IWC on matters of interest to CMS and the ASCOBANS agreement relating to the conservation of cetaceans through meetings held in the UK, Japan and the USA.
76. The CMS Secretariat and Scientific Council have developed a programme of work to implement CMS Resolution 8.22 (2005) on Human-induced Impacts on Cetaceans, which has significant potential for enhancing the synergies between the programmes of work of CMS

and ASCOBANS. A review is being undertaken in collaboration with the scientific advisory bodies of CMS cetacean-related agreements.

77. Reference may also be made here to the representation of ASCOBANS interests in the consultations that the Executive Secretary of the CMS made (also in his capacity as Acting ES of ASCOBANS) with senior officials of the European Commission. These consultations related to the impact on the ASCOBANS work programme on the 2007 EU guidelines for the establishment of Special Areas of Conservation in coastal and marine regions.
78. The first fully global CMS 'Year of...' campaign was the Year of the Dolphin in 2007. This campaign was launched and managed by a partnership led by the UNEP-CMS Secretariat and comprising two CMS agreements (ACCOBAMS and ASCOBANS, an NGO (Whale and Dolphin Conservation Society) and the global tourism group TUI AG. All major strategic decisions were coordinated between these five partners. The United Nations Environment Programme (UNEP) and the United Nations Educational, Scientific and Cultural Organisation (UNESCO) fully supported the Year of the Dolphin programme. Given its educational mandate, the Year of the Dolphin was selected as an official activity of the UN Decade on Education for Sustainable Development, a UNESCO-administered initiative covering the period 2005-2014.
79. Finally, the participation of the Acting Executive Secretary of ASCOBANS in his capacity as the Executive Secretary of CMS in the MEA Management Team (MMT) established by the Executive Director of UNEP provides a unique opportunity for him to represent the interests and concerns of ASCOBANS and integrate ASCOBANS programmes in the wider UN-wide cooperation among MEAs, based on institutional linkages and the substantive synergies and interlinkages among them.
80. Having regard to the above it could be said with some confidence that the new Secretariat arrangement has laid the foundation for the more effective promotion of synergies between ASCOBANS and the CMS family of Agreements as well as beyond, with related MEAs and UN institutions and bodies, such as the IMO and UNEP as well as concerned scientific bodies and NGOs. The responses to the questionnaire also generally support this conclusion. This area of work is also well reflected in the ASCOBANS work plan for 2007-2009.

3.5 Benefits resulting from the merger

81. Almost no respondents to the questionnaire thought that the decision to merge the ASCOBANS and CMS Secretariat had been the best or that the last two years had yielded the expected benefits.

82. According to the respondents

“The option of the merger of Secretariats was presented as a way to control expenditures and the cost for the Secretariat is no doubt lower at present with the joint CMS/ASCOBANS secretariat but they did not have the confidence that there was good value for money with the new arrangements. The need for economies of scale should not be done at the expense of the small cetaceans ASCOBANS. It would appear that since the beginning of 2007 the assumption that the inherent systemic disadvantages of the merger approach might take a toll on the performance of the Secretariat had been borne out.”

“ASCOBANS had not moved forward at all in the past two years and the likelihood of forward movement had deteriorated as a consequence of the current arrangements and possibly discontinuing the merger could prove to be a good way forward. This is because the loss of an independent Secretariat, fully dedicated to the agreement, had reduced the ability of effective collaboration of Parties for the protection of small whales. “

“The ASCOBANS Secretariat and the CMS Secretariat are already overworked now and it is not understandable why the work of a well-functioning regional agreement should be assigned to five different staff members of the mother convention who have no previous experience of ASCOBANS work. It is hard to imagine that a successful symbiosis could be derived from an arrangement where the Executive Secretary (CMS) is expected to devote a mere 3% of his time to ASCOBANS. Rather, the merger could be the beginning of the end of what is, in fact, a remarkable Convention. Already, the new arrangement has caused a decline in efficiency and some problems for ASCOBANS and for the Convention”.

“It is unrealistic to expect one and the same Secretariat to be fully aware of all the issues surrounding various regional agreements. Other Parties, represented by delegates with a strong scientific background and a stronger focus on the local activities of the Agreement itself, strongly opposed the merger but were unable to come forward with a viable alternative”.

“The benefits we find in the merger of the Secretariats relate mainly to the raised public awareness of the ASCOBANS Agreement. For instance, the celebration of the Year of the Dolphin got lots of publicity under the auspices of the CMS secretariat. The higher level of PR activity is a positive outcome of the merger and it will be interesting to see if the Secretariat can keep this high level after the end of the CMS campaign Year of the Dolphin”

“Advantages are the higher cost effectiveness, the increased synergies with CMS contents and CMS personnel, the increased international visibility of the agreement, e.g. as the Executive Secretary of UNEP/CMS represents ASCOBANS as the acting Executive Secretary of ASCOBANS”

83. When the above mentioned views are evaluated against the record of the activities carried out by the secretariat since January 2007, the conclusion is inescapable that, while the substantive criticisms could be explained as evident short comings in the functioning of the new secretariat arrangement with its present level of staffing, the merger, by its very nature, is not something that could be expected, rationally, to produce tangible results in a short time of 18 months. On the other hand, it seems very evident that to realise the full potential of the merger in the future, Parties need to revisit and examine objectively and rationally, the actual work load of the secretariat and the adequacy of the staff provided to carry out this work.

3.6 Cost effectiveness

The actual cost debited to the ASCOBANS Trust Fund under Personnel Component for **2006**, is as follows:

• Executive Secretary-(P3)	\$ 104,520
• Consultancies	\$ 4,348
• Secretary	\$ 71,910
Total	\$ 180,778

84. The following are the actual costs debited to the ASCOBANS Trust Fund (in US \$) under personnel costs for **2007** is as follows:

• Executive Secretary D1(3%)	\$ 7,287
• Senior adviser P4 (15%)	\$23,735
• P staff P3 (One month)	\$ 10,837
• Consultant(2007-08) 75%	\$ 40,574
• GS/ G5 100% (2007)	\$ 76,166
• One time payment	\$ 5,144
• Consultancies	\$ 4,150
Total	\$ 167,891 (compared with the budget approved in ASCOBANS COP: USD 191,439 (inclusive of termination cost))

85. The above figures in US \$ of the actual expenses incurred under personnel component is not without its infirmities, as exchange rate fluctuations need to be taken into account. Furthermore, additional payment to meet the cost of the Executive Secretary is also included in the figures for 2007. However, these figures could provide a useful basis for comparison of the costs incurred by the secretariat to carry out its functions in the years immediately before and after the merger.

86. It must be emphasized that the above figures only speak to the financial costs incurred and not to cost-effectiveness, which is a broader concept in which the figures relating to the cost play only a part, though an important one. To evaluate the cost effectiveness one has to look at “value-for-money”; the relationship between monetary inputs for staff costs, the delivery of their outputs and their contribution to the expected outcomes. A cost effectiveness analysis would involve examination of the cost and the outcomes of the alternative means of accomplishing an objective, in order to select the one with the highest effectiveness relative to its cost.

87. From the analysis carried out in the section on the efficiency of the new arrangement, we have concluded that besides the issue of personnel costs, there are many advantages that accrue to the ASCOBANS Agreement from the merger of its secretariat with the CMS secretariat, including closer integration with the CMS family of Agreements and other related

MEAs, access to a wider range of competences and experience available at the UNEP-CMS Secretariat and the high level representation of ASCOBANS interests at international negotiations and consultations through its Acting Executive Secretary.

88. The central problem with the current arrangement in our view is related to the most efficient deployment of staff to handle ASCOBANS matters within the new arrangement. This of course, could have budgetary implications, if not now, in the future. But this must be seen in the context of an expanding agreement, including expanding membership, increased contributions and an ever-rising work load. 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.
89. The deficiencies of the current personnel arrangements are firstly, that it involves two layers of supervision: by the Acting Executive Secretary (3%) and the Scientific Advisor (15%) and the absence of a staff member who gives, if not 100% of his/her time, at least close to that, for work related exclusively to the ASCOBANS agreement. In this connection, it must be pointed out that a potentially serious situation could arise if the current incumbent in the post of Coordinator should leave the Secretariat for some reason. A part of the successful transition from the stand-alone arrangement of the Secretariat to the current one it appears is due to the fact that the Coordinator had worked at the UNEP-CMS Secretariat in cetacean related matters for some time before her appointment. She therefore had the ability to acquire proficiency in ASCOBANS work in a relatively short period. The incumbent holds this post at the equivalent of P 2 level, the lowest level in the UN staff grading system. It is probably unlikely, given the current and possible future expansion of the programme of work, that a successor to the incumbent, in such a situation, could be recruited at P2 level. The job description of the coordinator, who will become a UN professional staff member in 2009 should be classified under the UN job classification system, given the representational, planning, implementation and other important functions that are expected to be performed with minimal supervision, taking into account that CMS is a UNEP Convention.
90. A number of the respondents to the evaluation questionnaire have expressed themselves as follows on this matter in their responses to the questionnaire.

- "All things considered the merger has not been beneficial to ASCOBANS. The only discernible advantage, the comparatively low budget increase associated with the merger, is outweighed by the disadvantages it entails."
- "It is difficult to evaluate at this stage. At each AC meeting, the Secretariat announced that more work force was needed because running ASCOBANS is more time consuming than expected and ASCOBANS has been donated free work force."
- "A positive aspect of the merger is that for the time being the contributions from the Parties are kept on the present level and there has even been money on the budget for conservation purposes. "
- "Because of the loss of energy, not all agreed results are met in time. Therefore we expect that the cost-effectiveness is not as high as it could be."

3.7 Sustainability of the new administrative arrangement for managing the ASCOBANS secretariat.

91. Sustainability cannot 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.
92. Sustainability needs to be judged against the objectives and purposes of the Agreement, practical, realistic and achievable programmes of work, availability of sufficient public interest and governmental support, availability of financial resources and the institutional machinery and dedicated staff to steer the programme of work, effectively and efficiently, towards the realisation of tangible results.
93. However, it is plainly evident that the secretariat arrangements decided at ASCOBANS MOP 5 under considerable stress, 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 before 31 December 2006. . It appears that with the benefit of nearly two years of experience in carrying out secretariat functions under the new arrangement, these could be significantly improved if trust between Parties and the

Secretariat would be higher, Parties and the Secretariat would focus on a future perspective (in stead of focussing on the past, e.g. the further investigation of developments in the past like the financial status), and if the parties make the necessary adjustments to the staffing arrangement of the Secretariat, to provide for more focused, consistent and sustained attention to ASCOBANS matters within the CMS/ ASCOBANS secretariat.

94. Some suggestions for the consideration of the parties are contained in Section 5 of the Report.

IV. Conclusions

95. Resolution 2 (d) of ASCOBANS MOP 5 succinctly sets out the expected advantages of the decision that from 1 January 2007 the UNEP/CMS Secretariat shall serve as the secretariat pursuant to provision Article 4 of the ASCOBANS Agreement, and the Executive Secretary of UNEP/CMS shall be the acting Executive Secretary for ASCOBANS. They include:
- i) Stronger and more stable and more cost-effective working arrangements.
 - ii) Better and closer interrelation with the mother Convention on small cetaceans.
 - iii) Economy of scale and more effective delivery of environmental goals.
 - iv) An increased profile and representation at other international meetings and agreements, including the European Commission, OSPAR, HELCOM, ICES, ACCOBAMS, CBD and IWC.
96. The Resolution also points to the Parties having recognized that the merger could result in loss of momentum and results as well as continuity and instructed the Acting Executive Secretary to take a series of action to avoid or at least minimize these consequences including maintaining the current cycle of ASCOBANS meetings and to implement tasks, programmes and strategies as agreed by the MOP and appointing a focal point.
97. Generally, the survey responses tended to the view that the new arrangement was comparable to the functioning of the old stand-alone secretariat and that access to a larger team with a wider area of expertise within the CMS- ASCOBANS secretariats is an advantage when dealing with substantive as well as budgetary and administrative issues. As pointed out in the Report, several responses vigorously denied that the current arrangements are as efficient as the former.
98. On balance, it could be said that while the new secretariat arrangement has not been able to live up to expectations of the Parties, it has performed (going by the record of the activities that it has performed) as efficiently as it could reasonably be expected to perform. This is in the context of the sudden transition, the available staff resources, the time it takes for the new staff to get fully oriented to their tasks while continuing to service the requirements of parties and other stakeholders and regrettably, a financial crisis and a soured environment created by

the process to develop a solution for this in the frame of MOP 5 Resolution 2 (d), which seem to have affected friendly cooperation among all concerned.

99. The loss of energy that several parties have alluded to in their communications probably has more to do with, in our view, transitional difficulties, the lack of trust between parties and the Secretariat, a lack of future focus by both Parties and the Secretariat, a continuing need for resources to be dedicated at figuring out the financial past and limited staffing arrangements agreed to at MOP 5. Parties are urged to regain trust and a future perspective, and possibly revisit and revise, with the benefit of the experience gained over the past 20 months, the staffing arrangements of the Secretariat, with minimal increase in costs, if a significant improvement in the efficiency of the Secretariat functions is to be achieved.
100. On the matter of cost effectiveness of the current secretariat arrangement, it is recognised that the cost of the new arrangement is less than that of the pre-merger stand-alone secretariat. But it must be noted that this has been at the expense of the few staff members who have had to carry out more functions and bear more responsibilities than was originally envisaged. It has been accepted that during its first year, the expenditures of the joint secretariat had stayed within the approved budget, and that it will probably do the same in the second year, from which some have concluded that there is no significant change in regard to cost effectiveness between the new and old arrangements.
101. Given the financial and human resources made available to the Secretariat, it seems to us, 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 the parties strengthen the staffing arrangements.
102. As for the comparative cost effectiveness of the current and previous secretariat arrangements, the principal difference seems to be the consequence of the different staffing arrangements; the availability of a full time P3 executive secretary and a full time secretary obviously must have allowed for more focussed attention to implementation of the previous work programme. However, in terms of the outputs of the secretariats before and after merger, it does not appear to bear out a significant or even discernible difference either way.

103. However, it is our considered opinion, that to achieve the degree of effectiveness and efficiency that Parties expect from the secretariat, it is essential that serious consideration be given to dedicating the work of the Coordinator full time or as close to full time as possible, to ASCOBANS. It is our view that until this is done there will continue to be administrative and communications deficiencies that the Parties will have to put up with arising from the increasing demands being made from the small but highly competent and dedicated staff of the Secretariat. As long as the Parties recognize this fact and are prepared to accept the deficiencies for financial or other reasons, the current status of the staff may be adequate to provide a reasonably satisfactory level of effectiveness and efficiency. However, this will become less viable over time.
104. It is our firm belief that the parties would wish to review and revise the staffing situation under the new secretariat arrangement taking into account the experience gained over a period of nearly two years. The context of the rapidly expanding scope and application of the Agreement and the increasing challenges it will face as it intensifies international cooperation with the CMS family of agreements, international organisations such as the UN agencies and bodies, European Commission and other international organisations and NGOs provide ample justification for this review.
105. In this regard it should be recognised that the financial contributions to the Agreement will increase with the expansion of its membership that is expected with the extension of the geographical scope of the Agreement. Some component of this increased income could justifiably be directed to improving the human resource capabilities of the Secretariat.
106. There is general recognition of the opportunity that the merger has provided for enhancing closer partnership and collaboration between ASCOBANS and the CMS and other CMS-Agreements, as well as with related institutions and MEAs. Promoting synergies between ASCOBANS and other CMS Agreements has always been a crucial plank of the ASCOBANS secretariat's functions. The key difference that the merger brought about in this regard is that it has made possible for a senior UN staff member at the level of D 1, to represent ASCOBANS interests in interactions with the international community, as against a relatively junior P 3 officer under the old arrangement.

107. This is where the positive impact of the merger of the secretariats could be felt most, though it is clear that it has not reached anywhere near its full potential. Conserving small cetaceans in an area that is world-renowned for its intensive fishing activities, shipping, and in more recent times, activities directed at harnessing renewable energy- which can only be expected to grow in the next decade- must, perforce, demand political, institutional and professional partnerships and collaboration founded firmly in friendly cooperation. Such cooperation, partnership and collaboration must be fostered among ASCOBANS institutions, including the MOP, Advisory Committee and the secretariat and Governments in the region, Range states, international organisations within and outside the United Nations systems and related scientific and professional communities.
108. It has also been recognised that ASCOBANS is an instrument that facilitates cooperation between a limited number of European States, mainly of a scientific nature and limited to the small cetaceans. The new secretariat arrangement could provide for more effective representation on various levels, which in turn could promote increase in membership and extension of its territorial scope.
109. High level representation by the Acting Executive Secretary, a senior UNEP staff member (D1), as opposed to a relatively junior staff member at P3 level who headed the Secretariat earlier, is perhaps, one of the areas in which the ASCOBANS Agreement stands to gain most from the new arrangement with the CMS secretariat. Established protocol practices in international relations often make it difficult to achieve real progress at a political level on institutional and financial matters when representation is not at an appropriate level. These new responsibilities place on the Acting Executive Secretary in particular, an onerous duty to do everything in his power to establish trust and confidence between the Secretariat and the parties and other stakeholders and a harmonious working environment.
110. Most of the replies to the questionnaire point towards the absence of such trust and confidence and the future progress of the ASCOBANS Agreement may well turn on the willingness of all concerned to put the events that led to the Resolution 2(b) at MOP 5 held in 2006 behind them and work together to realise the objectives and purposes of the Agreement.
111. The profile of an Agreement is influenced by the success it has in realising its objectives and purposes. To that extent, the profile of ASCOBANS could only be enhanced by the

collective actions of all its institutions, including, of course the Secretariat, in steadily advancing through effective international cooperation towards the realisation of the goal of protecting small cetaceans.

112. There is nothing dramatic that we have found which could lead us to the conclusion that the profile of the Agreement has been significantly affected by the new secretariat arrangement. However, it can not be denied that the merger has offered an opportunity for the secretariat to redouble its efforts in close partnership with the parent Convention, -CMS-and its institutions, to engage in activities especially in the international plane that could contribute more effectively towards the conservation of small cetaceans, and thereby enhance the profile of the Agreement.
113. High level representation of ASCOBANS interests made possible by the merger, must translate to the benefit of the Agreement. These onerous representational functions will likely test the political, diplomatic, communication and persuasive skills and competencies of whoever holds the post of the Acting Executive Secretary of ASCOBANS to the limit.
114. Regrettably, the long shadow of the distrust and displeasure generated during, the 5th MOP of the ASCOBANS seems still to fall on the work of the parties and the secretariat, as is evident from the records, the responses to the questionnaire and interviews. Over two years have now passed since the convening of the ASCOBANS MOP 5, and it is hoped that the air has cleared sufficiently for all stakeholders to now work in a spirit of trust and harmony with the sole objective of advancing the goals of the ASCOBANS agreement within the framework of the arrangements decided upon by the contracting parties through its decision contained in ASCOBANS MOP 2 Resolution 2 (d).
115. The Parties must be taken to have expected serious challenges in implementing their decision to merge the two secretariats within such a short time frame. Some addressees of the questionnaire have alluded to this period of dislocation, which must surely have exacerbated some of the distrust.

V. Recommendations and Lesson Learned

5.1 Recommendations

116. Based to the findings of the study, it is evident that the current annual budget of the ASCOBANS Secretariat needs to be discussed in the light of the effectiveness, so far, of the merger and the expanding role of ASCOBANS. The staffing levels – particularly the situation where no one staff member gives fulltime to the work of ASCOBANS and the work is shared by several staff members, each giving a varying percentage of their time- is probably not the most conducive option for ensuring the effective and efficient functioning of the secretariat. Leaving things as they are certainly would not appear to be a constructive option. Secondly, the views of the members on the appropriateness of the current secretariat structure and staffing are also very divergent across parties.

117. Therefore the issue of the future organisational arrangements of the ASCOBANS Secretariat needs to be addressed so the agreement can move forward and increase its work by reaching a consensus, taking into account the views expressed in the report. The parties should initiate a process of thoroughly discussing the pros and cons of the proposed options for managing the Secretariat. This should be done in a collegial environment with an independent facilitator so the divergent views can be discussed.

118. In giving effect to this recommendation we wish to propose the following options for the future organisation of the ASCOBANS Secretariat. **The figures are derived from the UNON standard costs for salaries for 2009.** Since the secretariat budget is prepared in Euros, these figures may be converted to Euros to facilitate better comparison.

Scenario 1

119. A stand-alone Secretariat working independently with delegated authority from the parties but with guidance from the Executive Secretary of CMS. This would be in the spirit of the original agreement which gives the ASCOBANS Executive Secretary considerable independence with oversight responsibilities from the CMS Executive Secretary.

A. Secretariat staff component	Cost (US \$)
• 1 post P4 100%	188,218
• 1 GS post 100%	103,000

<ul style="list-style-type: none"> • 1 D1 (CMS) (3%) 	6,903
	<u>Total: \$ 298,121</u>

Scenario 2

120. Continue with the current arrangements but with a full time GS Staff to allow the Coordinator to concentrate on the substantive work of the Secretariat. It was evident that the Coordinator is spending more time on administrative issues at the expense of programme activities. The extra support will provide space for networking and supporting members of parties' activities.

Secretariat staff component	Cost (US \$)
1 P2 (75%)	93,131
1 (GS 100%)	103,000
1 D1 (3%)	6,900
1 Advisor P4 (20%)	28,233
	<u>Total: \$ 231,264</u>

Scenario 3

121. A stand alone secretariat similar to the original secretariat but with an Executive Secretary at a P4- as opposed to a P3-level. In this case, the ASCOBANS Secretariat will have a profile in line with other similar agreement secretariats.

Secretariat staff component	Cost (US \$)
<ul style="list-style-type: none"> • 1 post P4 100% 	188,219
<ul style="list-style-type: none"> • 1 GS post 100% 	103,000
	<u>Total: 291,219</u>

Scenario 4

122. Continue with the current arrangement, but consider strengthening the staff position as set out in Scenarios 4 below. This is proposed because 10% of the respondents indicated that it was too early to judge the performance of the merger arrangements. However, the majority

of the members of parties who responded to the questionnaire are discontented with the performance of the new merger arrangement.

Secretariat staff component	Cost
1 P3 (100%)	157,000
1 (GS 50%)	52,000
1 D1 (3%)	6720
	<u>Total: \$215,720</u>

123. **Scenario 5**

The 5th scenario is the retention of the current level of funding and shifting the percentages of time allocated by the four staff members, the main change being in the increase of the Coordinator's time (say, to 90%) and a corresponding reduction in the time allocated to the P4 Senior Adviser (say, to 5%). The justification for such a shift in the percentages of time allocated to the Coordinator and Senior Adviser respectively, could be that the former's uninterrupted engagement in the work of ASCOBANS is essential for effectiveness while the latter, whose services were crucial to the effective implementation of the ASCOBANS work programme in the initial stages of the merger, may now be able to allow much of that work to be done by the Coordinator who has acquired considerable experience in this area of work since the merger.

Secretariat staff component	Costs
• 1 (P2) (90%)	108,632
• 1 GS (50%)	51,500
• 1 D1 (3%)	6720
• 1 P4 (5%)	8867
	<u>Total: \$ 175,718</u>

124. The above scenarios and related costs may be compared with the cost of the staffing arrangement for 2009, as currently planned, which is as follows:.

Secretariat staff component	Costs
• 1 (P2) (75%)	90,527
• 1 GS (50%)	51,500
• 1 D1 (3%)	6720
• 1 P4 (15%)	26,603
	<u>Total: \$ 175,450</u>

It will be seen from the figures above that 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

Scenario 5- US \$175,719

It may also be noted that there could be other scenerios which the Parties may wish to consider in the broader context of the synergies and interlinkages within the wider CMS family of Agreements, which are outside the purview of the terms of reference of this evaluation.

125. The ASCOBANS Secretariat should develop a strategy and implementation plan for strengthening its cooperation with regional bodies such as ACCOBAMS, the Watch-initiative, the European Commission departments, to be presented to the next Advisory Committee.

126. The Advisory Committee may consider taking on an oversight role in regard to the functioning of the Secretariat to avoid problems, such as those that confronted MOP 5, arising without prior warning.

127. The Advisory Committee should elect a Rapporteur for its meetings, who could be supported by secretariat staff, so that the responsibility for ensuring a proper balance and accuracy of the report rests with the Committee.

5.2 Lessons Learned

128. It is clear from all the circumstances which led the ASCOBANS MOP 5 to be adjourned on 20 September 2006 and reconvened some three months later on 12 December 2006 due primarily to problems related to the budget, that the decision to merge the ASCOBANS Secretariat with the CMS Secretariat was taken largely on the grounds that new arrangement would result in some savings on the personnel component of the budget. Since the budget documents were at the centre of the reasons for the MOP decision on the merger of the secretariats, it would probably have been better if the Advisory Committee had organized the process in such a way that these documents could have been scrutinised by the Advisory Committee before being submitted to the MOP. The lesson here is to make sure that in the future, budget/ workplan documents are closely scrutinised by the Advisory Committee and thereafter brought to the MOP for its consideration.
129. The other lesson to be learned is that financial considerations alone, important as they are, should not determine the structure and staffing arrangement of a secretariat. Careful consideration should be given to the overall objectives of the Agreement and the agreed workplan and a realistic appraisal of the minimum staffing arrangements required achieving an acceptable degree of effectiveness and efficiency in the functioning of the secretariat.

Annexes

ANNEX 1: 5TH MEETING OF THE PARTIES TO ASCOBANS

Corrigendum/26.2.2007

5th MEETING OF THE PARTIES TO ASCOBANS The Netherlands, 18-20 September and 12 December 2006

Resolution No. 2d

Joining the forces of ASCOBANS and CMS for improved management and operation of the ASCOBANS Secretariat

Conscious of the need to guarantee the maintenance of the conservation efforts of ASCOBANS;

Recognizing the need to maintain a strong focus on the conservation of the most threatened populations of small cetaceans, in particular the harbour porpoises in the Baltic Sea;

Acknowledging the need to make optimal use of the resources at the disposal of the Agreement;

Recalling Resolution 1 of the Third Meeting of the Parties to ASCOBANS (MOP3, Bristol, 26-28 July 2000) *Integration of the ASCOBANS Secretariat into the Agreements Unit of UNEP/CMS*;

Aware of the necessity to reach an increase of efficiency and output of the limited financial means and in awareness of the need to strengthen the power of the Agreement;

Underlining the political will to reach a stronger, stable and more cost efficient agreement prepared for forthcoming challenges and for a better and closer interrelation with the mother convention CMS on small cetaceans issues;

Mindful of the report from the United Nations' Office of Internal Oversight Services (OIOS), Internal Audit Division, dated 24 August 2006 which found a lack of clarity in the roles and responsibility for the administration of budgetary preparations and management contributed to a sizeable overspend against provision in the triennium 2004-2006;

Welcoming the recommendations in the OIOS report that budget guidelines should be prepared by UNEP covering roles and responsibilities for budget preparation;

Recognizing that in the wider context of improving international environmental governance, there is a need to be open to synergistic arrangements which can help secure economies of scale and more effective delivery of environmental goals;

The Meeting of the Parties to ASCOBANS *Agrees* to maintain the ASCOBANS Agreement as an autonomous agreement of CMS under the immediate auspices of UNEP/CMS;

Decides that from 1 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 for ASCOBANS;

Agrees that the Executive Secretary of CMS, in his capacity of the acting Executive Secretary of ASCOBANS, should adopt for a provisional three year period the responsibility for managing the ASCOBANS Secretariat, acting as the Executive Secretary; requests the Executive Director of UNEP to undertake an independent evaluation of the new Secretariat arrangements in mid 2008; and further requests the results of this evaluation to be considered by the Conference of the Parties (COP) of CMS in 2008, followed in due time by the MOP of ASCOBANS in 2009, with the aim of identifying the best organizational solutions for ASCOBANS;

Instructs the Executive Secretary of CMS, in his capacity as the acting Executive Secretary of ASCOBANS, to ensure that:

- . • the current cycle of ASCOBANS meetings is maintained with papers circulated a month in advance of each meeting (in accordance with the relevant rules of procedure);
- . • tasks, programmes and strategies agreed by the MOP pursuant to Annex I of the Agreement will be implemented, including the Jastarnia Plan (for the protection of the harbour porpoises in the Baltic Sea), the future development of a Conservation Plan for harbour porpoises in the North Sea, and the geographic extension of the Agreement expected to enter into force in 2007;
- . • an adequate focal point and website for the ASCOBANS Agreement area will be available for the Parties;
- . • reports are provided to future Meetings of Parties and Advisory Committee Meetings, including their subgroups on scientific or technical issues and including 6 monthly overviews of the state of affairs on administrative and budgetary issues and the delivery of these tasks;
- . • they continue and improve effective communication with Parties, Range States, non governmental organisations and international organisations, such as the European Commission, OSPAR, HELCOM, ICES, ACCOBAMS, CBD and IWC;
- . • awareness-raising and public information activities, including through the 2007 Year of the Dolphin, are maintained and enhanced for species under the Agreement;
- . • there is an increased profile and a proper representation at an adequate level at meetings of other relevant agreements and conventions;
- . • there is no loss of continuity in the administration and functioning of ASCOBANS during the transition period;
- . • the budget for the next triennium is provided for consideration by the Advisory Committee at least six months prior to the next Meeting of the Parties;

Agrees to fund through an independent budget the operational costs of the Secretariat, including provisions for the CMS Executive Secretary, in his capacity as the acting Executive Secretary of ASCOBANS, and any other staff resources which are allocated to the running of the Secretariat, as set out in Resolution 2c on Financial, Budgetary and Administrative issues of ASCOBANS

MOP5;

Encourages close co-operation, exchange of information as well as expertise between the Advisory Committee of ASCOBANS and the Standing Committee and Scientific Council of CMS;

Reaffirms the autonomy of the Meeting of the Parties as the decision making body of the Agreement;

Agrees that, for the administration of the ASCOBANS Secretariat within the UNEP/CMS Agreements Unit, the Terms of Reference annexed to Resolution 3.1 (ASCOBANS MOP3) shall continue to apply.

ANNEX 2: TERMS OF REFERENCE

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

1. BACKGROUND

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

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

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

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

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

History of ASCOBANS Secretariat

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

During MOP2 in 1997, the Parties decided that from 1 January 1998, a Secretariat be established in Bonn administered by the German Federal Agency for Nature Conservation, and the German

Government to enter into negotiations with the appropriate UN authorities, with a view to securing formal agreement and terms for the ASCOBANS Secretariat to be located in the UN premises in Bonn on an interim basis pending its full integration in the UNEP/CMS Secretariat from 1 January 2001.

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

At the 5th Meeting of the Parties of ASCOBANS (held from 18-20 September and a resumed session on 12 December 2006) and having recognized institutional and sustainable problems that ASCOBANS had been facing, it was decided that “*from 1st January 2007 the UNEP/CMS Secretariat shall serve as the secretariat pursuant to provision No.4 of the ASCOBANS Agreement; and the Executive Secretary of UNEP/CMS shall be the acting Executive Secretary of ASCOBANS*” (See Annex I for the full Resolution no. 2d). It was also decided that these arrangements were to be implemented for a provisional three year period.

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

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

2. EVALUATION PARAMETERS

2.1. Objective and Scope of the Evaluation

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

The evaluation should answer the following key questions:

1. To what extent have the new arrangements improved efficiency of the operations of the activities of the ASCOBANS Secretariat? Are the new arrangements more cost-effective than a stand alone Secretariat? Which options for improvement or change of arrangements can be identified?
2. Have the new arrangements promoted synergy? If so, how and if not, what arrangements are recommended?

3. To what extent have the new arrangements positively or negatively affected the profile and standing of ASCOBANS vis-à-vis other CMS related agreements specifically and other multilateral environmental agreements in general?
4. Is the new administrative arrangement for managing the ASCOBANS Secretariat sustainable? If not, why and how can this be amended?

Specifically, the evaluation will review the following issues:

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

2.2. Methods

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

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

- Desk research and evaluation of the output and communication-activities of the ASCOBANS Secretariat.
- Desk research and evaluation of the administrative and budgetary effectiveness and efficiency of the Secretariat.
- Written inquiries and interviews, if necessary, regarding the cooperation between the Secretariat and Parties, Range States, NGOs, other agreements and conventions.

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

2.3. Evaluation report format and review procedures

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

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

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

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

A high quality recommendation is an actionable proposal that is:

1. Feasible to implement within resources available

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

Review of the Draft Evaluation Report

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

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

2.4. Submission of Final Report.

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

Segbedzi Norgbey, Chief,
UNEP Evaluation and Oversight Unit
P.O. Box 30552-00100
Nairobi, Kenya
Tel.: (254-20) 7623387
Fax: (254-20) 7623158
Email: segbedzi.norgbey@unep.org

With a copy to:

Bakary Kante
Director
Division of Environmental Law and Conventions
UNEP, P.O. Box 30752
Nairobi 00100 Kenya
Telephone: (254-20) 762-4011
Email: bakary.kante@unep.org

Robert Hepworth, Executive Secretary
Convention on Migratory Species
UNEP/CMS/ASCOBANS Secretariat
Hermann-Ehlers-Str 10
53113 Bonn, Germany
Tel: +31-70-3500462
E-mail: rhepworth@cms.int

Martin Lok
Willem Witsenplein 6
PO Box 20401
2500 The Hague,
Netherlands
Telephone +31-70-3500462
m.c.lok@minlnv.nl

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

2.5. Resources and schedule of the evaluation

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

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

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

2.6. Schedule of Payment

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

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

ANNEX 3: List of reports and documents prepared by the CMS/ASCOBANS Secretariat

Since 1 January 2007

- AC14/Doc.1
- AC14/Doc.2
- AC14/Doc.3
- AC14/Doc.4
- AC14/Doc.5
- AC14/Doc.6
- AC14/Doc.7
- AC14/Doc.8
- AC14/Doc.11
- AC14/Doc.20
- AC14 Report
- AC15/Doc.1
- AC15/Doc.2
- AC15/Doc.3
- AC15/Doc.4
- AC15/Doc.6
- AC15/Doc.7
- AC15/Doc.8
- AC15/Doc.9
- AC15/Doc.11
- AC15/Doc.12
- AC15/Doc.26
- AC15/Doc.27
- AC15/Doc.32
- AC15/Doc.36
- AC15 Report

All these documents can be downloaded from the ASCOBANS website (<http://www.ascobans.org/index0502.html>). The ones requiring a password are attached for your convenience.

- Jastarnia Group 3 Report
- Jastarnia Group 4 Report
These documents can be downloaded from the ASCOBANS website (<http://www.ascobans.org/index0503.html>)
- CMS/STC32/8
- CMS/StC32/Inf.10.07
These documents can be downloaded from the CMS website (http://www.cms.int/bodies/StC/32_stc_meeting/32_stc_documents.htm)
- Progress Report to IWC 59
- Progress Report to IWC 60
These documents are attached

New Report required under Resolution 2d of MOP5:

- ➔ Mid-term Report on Administrative and Budgetary Issues 2007 (*attached*)
- ➔ Mid-term Report on Administrative and Budgetary Issues 2008 (*attached*)

ANNEX 4: PERSONS INTERVIEWED

1. Mr. Robert Hepworth, Executive Secretary ASCOBANS
2. Ms. Heidrun Frisch, Coordinator, ASCOBANS
3. Mr. Marco Barbeiri, Scientific Advisor
4. Ms. Mona Ahmed, Intern
5. Mr. Christian Marx – FMO
6. Mr. Gerald Kafeero – FMO
7. Mr. Joerg Weich, Chief, Recruitment and Classification
8. Mr. Bakary Kante, Director, DELC
9. Mr Andreas Streit - Executive Secretary Eurobats

ANNEX 5: LIST OF PERSONS TO WHOM THE QUESTIONNAIRE WAS SENT

(The names of those who sent responses individually or collectively to the questionnaire have been highlighted)

- 1. Paulus TAK**
- 2. Maj MUNK**
- 3. Penina BLANKETT**
4. Martine BIGAN
- 5. Oliver SCHALL**
6. Laura JANULAITIENE
7. Maaïke MOOLHUIJSEN
- 8. Monika LESZ**
- 9. Christina RAPPE**
- 10. Jim GRAY**
11. Jan HAELTERS
- 12. Elsa NICKEL**
- 13. Martin LOK**
- 14. Iwona KUKLIK**
- 15. Krzysztof SKÓRA**
- 16. Trevor PERFECT**
- 17. Petra Deimer- SCHUETTE**
18. Robert KLESS
19. Kim Cornelius DETLOFF
20. Veronica FRANK
21. Peter EVANS
22. Lissa GOODWIN
- 23. Mark SIMMONDS**
24. Karsten BRENSING
25. Ali ROSS
26. Simon BERROW
27. Barbara CLASIE
28. Helen Mc LACHMAN
29. Richard CADDELL
30. Piotr GRUSZKA
- 31. Rudigur STREMPPEL**
32. Stefan BRAEGER
- 33. Mark TASKER**
34. Peter REIJNDERS
35. Andrew McNEE
- 36. Robert HEPWORTH**
- 37. Marco BARBIERI**
- 38. Heidrun FRISCH**

ANNEX 6: QUESTIONNAIRE

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

2. BACKGROUND

At the 5th Meeting of the Parties of ASCOBANS (held from 18-20 September and a resumed session on 12 December 2006) and having recognized institutional and sustainable problems that ASCOBANS had been facing, it was decided that “*from 1st January 2007 the UNEP/CMS Secretariat shall serve as the secretariat pursuant to provision No.4 of the ASCOBANS Agreement; and the Executive Secretary of UNEP/CMS shall be the acting Executive Secretary of ASCOBANS*” (See Annex I for the full Resolution no. 2d). It was also decided that these arrangements were to be implemented for a provisional three-year period.

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

To assist in this evaluation, we would appreciate your response to the questions below. The questions are based on the evaluation parameters as stated in the Terms of Reference.

2. QUESTIONS

1. In your view, what are the advantages and disadvantages of the merger of ASCOBANS Secretariat with the CMS Secretariat? (In examining this issue, we would be grateful if you would focus on **efficiency; cost effectiveness; leadership; capacity to collaborate with CMS staff; partnership with other CMS related agreements and other multilateral environmental agreements; cooperation between the Secretariat and the parties, Range States, and NGOs; and the profile of ASCOBANS**).
2. Currently ASCOBANS Secretariat’s staff consists of a Coordinator (75%) and a Secretary (50 %), with varying support from other CMS Secretariat staff including the Executive Secretary (3%) and the Scientific Officer (15%). Do you see the need for a fulltime staff member devoted exclusively to the implementation of the ASCOBANS Agreement?
3. What do you see as the future requirements of the ASCOBANS Secretariat in the context of the expanding scope of the Agreement (geographical, membership and partnership) and its activities? What would be the related budgetary implications?

September 2008

ANNEX 7: ASCOBANS Triennium Work Plan 2007-2009

Overview of Progress as at 17 September 2008

ACTIVITY TRIENNIUM WORK PLAN	ACTION REQUIRED OF	INTERVAL/TIME LINE	PROGRESS MADE	FURTHER ACTION REQUIRED	LINKAGES TO CMP (ANNEXED)
Entire ASCOBANS Area					
1. Review, on an annual basis, and as far as possible in conjunction with EU, ICES and IWC, new information on by catch and make recommendations to Parties and other relevant authorities for further action. This should include information provided by Parties and Range States on the implementation, efficacy and impacts of measures introduced to reduce by catch, and on effort in relevant fisheries	Advisory Committee	Annually	Secretariat sent reminders on reporting to Parties and non-Party states before AC meetings. Secretariat compiled information received and submitted to AC14 and AC15. Drafting Groups at AC14 (AC14Doc.25 + 26).	Secretariat to send timely reminders for yearly submissions, compile report to AC16. Review of by catch of migratory species in fisheries to be prepared by the CMS Scientific Council. Mark Tasker to lead discussion on coordinating by catch data and effort assessments through ICES.	2c. Surveys and research. 3. Use of by catches and stranding.
2. Provide a clear format for the information to be provided by Parties and Range States on static gillnet and tangle net effort	Advisory Committee	AC16	Document prepared by AC14 (AC15/Doc.17) as basis for further discussion.	Secretariat to collate all reporting formats and suggest improvement with outside technical advice, where required. AC16 to agree on final format.	2c. Surveys and research. 3. Use of by catches and stranding

ACTIVITY TRIENNIAL WORK PLAN	ACTION REQUIRED OF	INTERVAL/TIME LINE	PROGRESS MADE	FURTHER ACTION REQUIRED	LINKAGES TO CMP (ANNEXED)
Continue to review, on an annual basis, new information on pollution (including the IWC programme POLLUTION 2000+) and its effects on small cetaceans which occur in the ASCOBANS area and, on the basis of this review, provide recommendations to Parties and other relevant authorities	Advisory Committee	Annually	Working Group presented report to AC 14 (Annex 9 of Report) and AC15 (Annex 8 of Report).	AC to review at each meeting. Mark Simmonds (WDCS) to chair Working Group.	2c. Surveys and research
4. Continue to review the extent of negative effects of sound, vessels and other forms of disturbance on small cetaceans and to review relevant technological developments with a view to providing recommendations to Parties, by the 6 th Meeting of the Parties, on possible ways to mitigate those negative effects	Advisory Committee, Secretariat	By MOP6 (recommendations)	Joint ASCOBANS/ECS Wind Farm Workshop held in April 2007. Proceedings available. Secretariat invited NATO to AC15.	Secretariat to collate all reporting formats and suggest improvement with outside technical advice, where required. Parties to submit progress report as part of their Annual Reports.	2c. Surveys and research
5. Organise a one day workshop to establish criteria and guidelines for the identification of sites of importance for small cetaceans	Secretariat	Spring 2007	Joint ASCOBANS/ECS/ACCOBAMS Workshop held in April 2007. Proceedings available.	Outcome to be officially submitted to MOP6.	2b. Surveys and research

ACTIVITY TRIENNium WORK PLAN	ACTION REQUIRED OF	INTERVAL/TIME LINE	PROGRESS MADE	FURTHER ACTION REQUIRED	LINKAGES TO CMP (ANNEXED)
6. Organise a three-day workshop on population structure of [small cetaceans and] the harbour porpoise in the ASCOBANS area, including one day dedicated to the Baltic Sea harbour porpoises	Secretariat	October 2007	Workshops held in Bonn (8-10 Oct. 2007).	Report from scientific conveners and agreed output to be delivered to Secretariat. AC16 to consider results and consider submission to MOP6.	2a. Surveys and research
7. Review new information on cetacean population size, distribution, structure, and causes of mortality in the ASCOBANS area and based on implications for conservation to make appropriate recommendations to Parties and other relevant authorities	Advisory Committee	Annually	Draft reporting format prepared for AC15 (AC15/Doc.23).	Secretariat to collate all reporting formats and suggest improvement with outside technical advice, where required. Parties to submit progress report as part of their Annual Reports.	2a. Surveys and research
8. Continue to step up activities to raise awareness of issues related to cetacean conservation in the Agreement Area	Secretariat	Throughout the triennium	ASCOBANS as main partner in Year of the Dolphin (YoD). See outreach reports (AC14/Doc.8, AC15/Doc.26).	Develop [Secretariat] Communication, Education and Public Awareness (CEPA) plan for ASCOBANS area.	5. Information and education
9. Continue to translate ASCOBANS information	Secretariat	Throughout the triennium	ASCOBANS leaflet available as PDF in	Consultation with Parties on revised text for	5. Information

ACTIVITY TRIENNium WORK PLAN	ACTION REQUIRED OF	INTERVAL/TIME LINE	PROGRESS MADE	FURTHER ACTION REQUIRED	LINKAGES TO CMP (ANNEXED)
material and to undertake promotional activities in both Party and non-party Range States*			<p>Russian. Translations of updated versions of leaflets finalised/contracted for all languages.</p> <p>Dolphin Manual as PDF available in Portuguese.</p> <p>CCB Baltic Harbour Porpoise brochure available in German.</p> <p>See also AC15/Doc.26.</p>	<p>ASCOBANS leaflet through email consultation ongoing.</p> <p>Parties to provide funding for printing.</p>	and education
10. Continue to develop the ASCOBANS web site, aiming to meet the needs of a wide range of target audiences and including educational material*	Secretariat	Throughout the triennium	<p>ASCOBANS website linked to new features of YoD. Regular additions to News made. Updates of other sections as required. Document base increased (e.g. all AC documents since AC6)</p> <p>Contract for re-design of existing webpage signed.</p> <p>See also outreach reports (AC14/Doc.8, AC15/Doc.26).</p>	<p>Information on biology and ecology of small cetaceans in the ASCOBANS Area to be included as additional feature on the website.</p> <p>Re-design of existing webpage to be undertaken when technical problems solved with UNV – ongoing.</p>	5. Information and education
11. Clearly define the role of the Secretariat in working together with the EU, CMS,	Secretariat	Throughout the triennium	Initial consultations with HELCOM and EC undertaken.	Propose role in Communication, Education and Public	5. Information and education

ACTIVITY TRIENNium WORK PLAN	ACTION REQUIRED OF	INTERVAL/TIME LINE	PROGRESS MADE	FURTHER ACTION REQUIRED	LINKAGES TO CMP (ANNEXED)
OSPAR, HELCOM and ACCOBAMS in order to synchronize joint actions in educational and promotional activities, and create synergy to provide added value while avoiding duplication of effort				Awareness (CEPA) plan to AC16. Continue and intensify liaison with all organisations.	
12. Take appropriate advice, produce targeted information material on conservation issues facing small cetaceans in the region, and in particular in consultation with appropriate [international] fishermen's organisations, RACs and others, develop material to distribute to fishermen, especially with respect to by catch issues	Secretariat Parties to contact national organisations	Throughout the triennium	Secretariat wrote to contacts in Parties and Range States to gather available material. EC DG Mare expressed interest in co-production/-funding of leaflet. See also outreach report (AC15/Doc.26).	Continue collection of available material, identify further needs and develop leaflet as appropriate.	5. Information and education
Baltic Sea Sub-Region					
13. Continue to produce information material in the languages of the Baltic Sea region *	Secretariat	Throughout the triennium	CCB Baltic Harbour Porpoise brochure available in German (Finnish, Polish and Swedish without Secretariat involvement).	Continue ongoing activities. Final text for ASCOBANS leaflet to be decided by Parties. Secretariat to facilitate production.	5. Information and education

ACTIVITY TRIENNIAL WORK PLAN	ACTION REQUIRED OF	INTERVAL/TIME LINE	PROGRESS MADE	FURTHER ACTION REQUIRED	LINKAGES TO CMP (ANNEXED)
14. Review the implementation of the ASCOBANS Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan) (Document MoP4/Doc.23) and continue efforts to further its implementation	Advisory Committee, Jastarnia Group	Annually	3 rd (Denmark, 2007) and 4 th (Sweden, 2008) Meeting of Jastarnia Group. Review of Jastarnia Plan undertaken by JG4. ToR for consultant for revision circulated and posted on the web.	Consultant for Jastarnia Plan revision to be chosen. Draft revised Jastarnia Plan to be redrafted in line with recommendations of AC15. Jastarnia Group to prepare progress report.	1. Habitat Conservation and Management
15. Liaise with Parties and others to find funding for the continuation, beyond the year 2007, of the web-based, international database on opportunistic sightings, strandings and by catch*	Secretariat		General fundraising efforts ongoing. HELCOM offered to host database; Secretariat put in touch with current provider. BfN offered assistance for map production.	Secretariat to continue facilitating communication between HELCOM and current database provider.	N/A Fundraising
North Sea Sub-Region					
16. Develop a conservation plan for the North Sea Harbour Porpoise*	AC Chair, Vice-chair, Secretariat	By AC16	New draft prepared by Working Group for AC15 (AC15/Doc.14). AC15 decided on process for finalisation of document. Secretariat in frequent	Decision of the Netherlands to allow Peter Reijnders to continue his work on this pending. Draft to be finalised by AC16 and to be adopted by MOP6.	1. Habitat Conservation and Management

ACTIVITY TRIENNIUM WORK PLAN	ACTION REQUIRED OF	INTERVAL/TIME LINE	PROGRESS MADE	FURTHER ACTION REQUIRED	LINKAGES TO CMP (ANNEXED)
			contact with Peter Reijnders (chair of the drafting group).		
17. Review, once it is in place, the implementation of the Conservation Plan for Harbour Porpoises in the North Sea and continue efforts to further its implementation	Advisory Committee	Annually	None.	Agree on regular mechanism for review of implementation. Discuss ToR for Coordinator with Peter Reijnders to use USD 5,000 from UNEP for 2008.	1. Habitat Conservation and Management
North Atlantic Sub-Region (Extension Area)					
18. Continue to consider how the work of ASCOBANS should be extended to take account of the new Agreement Area, which includes areas beyond national jurisdiction	Advisory Committee, Secretariat	Throughout the triennium	Extension came into force on 3 February 2008.		N/A
Institutional Issues					
19. Make Resolution 2b of MOP5 (Operating Procedures of the Agreement 2007-2009) operational for ASCOBANS	Advisory Committee		AC divided in technical and scientific part. AC14 established Administration and Finance Working Group chaired by P. Tak.		N/A

ACTIVITY TRIENNium WORK PLAN	ACTION REQUIRED OF	INTERVAL/TIME LINE	PROGRESS MADE	FURTHER ACTION REQUIRED	LINKAGES TO CMP (ANNEXED)
			Arrangement continued at AC15.		
20. Continue to invite the intergovernmental bodies such as IWC, ICES, CMS, HELCOM, NAMMCO, OSPAR, ACCOBAMS and the European Commission and relevant international organizations such as ECS, to send representatives to Advisory Committee meetings	Advisory Committee, Secretariat	Throughout the triennium	Secretariat has sent invitations and reminders to all organisations.	Continue efforts to establish or renew working relationship and invite for AC16. Consider representation of ASCOBANS at their meetings.	N/A
21. Explore the possibilities of further developing positive relationships with other stakeholders, especially the fishing industry and Regional Advisory Councils	Advisory Committee, Secretariat	Throughout the triennium	Secretariat has sent invitations and reminders to all relevant RACs.	Mark Tasker to prepare paper on ASCOBANS/RAC interaction.	N/A
22. Improve co-operation, exchange of information as well as expertise between the Advisory Committee of ASCOBANS and the Standing Committee and the Scientific Council of CMS	Advisory Committee	Throughout the triennium	AC Chair and CMS StC Chair joined in strategy meeting convened by Host Country in November 2007. CMS ScC and StC Chairs invited to AC meetings.	Secretariat to continue inviting CMS ScC and StC Chairs to AC meetings with a view to extending collaboration.	N/A

ACTIVITY TRIENNIAL WORK PLAN	ACTION REQUIRED OF	INTERVAL/TIME LINE	PROGRESS MADE	FURTHER ACTION REQUIRED	LINKAGES TO CMP (ANNEXED)
23. Continue to review at each meeting a list of international meetings, compiled by the Secretariat, at which the aims of ASCOBANS might most usefully be promoted, and recommend which meetings should be attended, by whom and with what objective and to review the outcomes of meetings attended	Advisory Committee, Secretariat	Annually	Reports of representation as agreed at AC14 available as AC15/Doc.36. AC15 decided on representation as indicated in AC15 Report Annex 9.	Representatives at meetings to report back to Secretariat in writing in time for AC16.	N/A
24. Review, before MOP6, the formal structures and processes of the Agreement to determine whether other mechanisms would be more effective in achieving the conservation objectives of ASCOBANS*	Advisory Committee, Secretariat	By CMS COP9 and ASCOBANS MOP6	Draft Terms of Reference prepared by NL, available as AC15/Doc.10. AC15 recommended preferred evaluation process to UNEP. Consultant chosen by UNEP, evaluation to be undertaken 9-11/2008.	ASCOBANS to go through an independent evaluation in mid-2008, NL to support with € 30,000 donation.	N/A
25. Explore ways in which ASCOBANS can better liaise and work with the EC on issues of mutual interest*	Advisory Committee, Secretariat	Throughout the triennium	Acting Executive Secretary undertook mission to Brussels, discussion points <i>inter alia</i> based on AC14 advice.	Secretariat to maintain contact with the Commission. Collaborate with DG Fish on Fishermen's Leaflet. Explore options of holding future AC	N/A

ACTIVITY TRIENNium WORK PLAN	ACTION REQUIRED OF	INTERVAL/TIME LINE	PROGRESS MADE	FURTHER ACTION REQUIRED	LINKAGES TO CMP (ANNEXED)
			SAMBAH project promoted in Brussels. Possibilities for joint production of Fisherman's Leaflet (see 12.) discussed. DG Mare expressed interest in co-funding.	meeting in Brussels and invite EC for specific Agenda Items of interest to their work. Parties to support ASCOBANS' interests through their representatives. AC16 to discuss further.	
26. Promote the Agreement and its aims in Parties, Range States and with other relevant players	Secretariat	Throughout the triennium	Bilaterals with governments. Presentations in relevant meetings.	Continuation of ongoing activities and drafting CEPA.	5. Information and education
27. Promote accession of non-Party Range States to the Agreement	Secretariat, Parties	Throughout the triennium	Ongoing. Letters sent to Estonia and Ireland, missions to follow up undertaken.	Bilaterals where possible. Send recruitment letters to remaining Range States.	5. Information and education
28. Consider, in 2009, the possible amendment of the ASCOBANS Agreement to include all cetacean species	Advisory Committee	By AC16	AC15/Doc.28 (ECS) + AC15/Doc.30 (WDCS) Upon request of the Secretariat, ACCOBAMS provided expert opinion (AC15/Doc.29).	Discussion to be continued at AC16 and MOP6.	N/A
29. Support Parties, Range States and Agreement bodies	Secretariat	Throughout the triennium	Ongoing	Secretariat to produce regular updates of this	N/A

ACTIVITY TRIENNium WORK PLAN	ACTION REQUIRED OF	INTERVAL/TIME LINE	PROGRESS MADE	FURTHER ACTION REQUIRED	LINKAGES TO CMP (ANNEXED)
in implementing the above Work Plan, in so far as primary responsibility does not lie with the Secretariat				plan for review by AC.	
Other actions from AC13					
30. Two workshops to assist in the development of the bottlenose dolphin project [and follow-up] *	UK lead	End of 2006 and 2008	First workshop completed. LoA amended to take into account current situation.	Research proposal to be developed and submitted to EC in 2009.	

ANNEX 8: FINAL LIST OF DOCUMENTS

ASCOBANS
14th Advisory Committee Meeting
San Sebastian, Spain, 19-21 April 2007

Document AC14/Doc.3(S) Final
Dist.:21 April 2007

Final List of Documents

No.	Agenda Item	Document Title	Submitted by	Distributed
Doc.1	3	Agenda (Rev.2)	Secretariat	19.04.2007
Doc. 2	3	Draft Annotated Agenda	Secretariat	17.04.2007
Doc. 3	-	List of Documents (Final)	Secretariat	21.04.2007
Doc. 4	-	List of Documents by Agenda Item (Final)	Secretariat	21.04.2007
Doc. 5	2	Rules of Procedure for the ASCOBANS Advisory Committee	Secretariat	17/04/2007
Doc. 6	14.1	ASCOBANS Resources. Report by the Acting Executive Secretary	Secretariat	28.03.2007
Doc. 7	6	ASCOBANS Triennium Work Plan for 2007-2009	Secretariat	30.03.2007
Doc. 8	8.2.2	Report on Educational and Promotional Activities (1/2007)	Secretariat	04.04.2007
Doc. 9	8.1	Annual National Reports for 2005 submitted to the Secretariat as of 13 April 2007 (Rev.2)	Secretariat	17.04.2007
Doc. 10	5.1.2	Recommendations of the Third Meeting of the Jastarnia Group (Copenhagen, 19-21 February 2007) to AC14	Jastarnia Group	20.04.2007
Doc. 11	8.4	Dates of Interest to ASCOBANS in 2007/2008	Secretariat	10.04.2007
Doc. 12	6.5	IWC Ship Strikes Working Group. First Progress Report to the Conservation Committee, May 2006	Secretariat	13.03.2007
Doc. 13	5	Proceedings of the 5 th Meeting of the Parties to ASCOBANS, Netherlands, September and December 2006	Secretariat	13.03.2007
Doc. 14	6.3	Reports from Parties and Range States on implementation of Council Regulations (EC) No 812/2004	Secretariat	10.04.2007
Doc. 15	8.1.1	Information submitted by Parties in response to post-mortem research questionnaire	Secretariat	11.04.2007
Doc. 16	6.5.1	High-speed Ferries: Update of Information	Secretariat	11.04.2007
Doc. 17	6.3.	Fisheries Statistics: Data Submitted to the Secretariat	Secretariat	11.04.2007
Doc. 18	6.3.1	Evaluating the bycatch of small cetaceans in the ASCOBANS area	AC Chair	12.04.2007
Doc. 19	8.1	Annual National Report for 2006 submitted by Belgium	Belgium	10.04.2007
Doc. 20	8.2.3	International Day of the Baltic Harbour Porpoise 2007	Secretariat	13.04.2007
Doc. 21	9.1	CMS COP8 Resolution 8.22: Adverse human induced impacts on cetaceans	Secretariat	16.04.2007
Doc. 22	8.1.1	Cetacean stranding along the French coasts in 2005	France	16.04.2007
Doc. 23	8.1.2	Stakes representation of the French marine space	France	17.04.2007
Doc. 24	6.4	Joint Cetacean Protocol. An information paper for ASCOBANS	United Kingdom	19.04.2007
Doc. 25	6.3.1	Collection and provision of fishing effort data	WDCS/The Marine Connection	19.04.2007
Doc. 26	6.3	Fulfilting the pinger provisions of Regulation (EC)812/2004. Problems encountered and progress required to reduce harbour porpoise by catch	WDCS/The Marine Connection	19.04.2007
Doc. 27	6.5.2	Mitigating the impact of detonating unexploded ordinance in the Baltic Sea – an example from the	GSM	19.04.2007

		'marine area of the eastern Kiel Bight' protected under the EC Habitats Directive		
Doc. 28	6.5.2	Baltic Time Bomb – Ticking Away	GSM	20.04.2007

ANNEX 9: MEETINGS SINCE JANUARY 2007

A. Organisation by the Secretariat

2007

- 3rd Meeting of the Jastarnia Group, 19-21 February 2007, Copenhagen, Denmark
- 14th Meeting of the Advisory Committee, 19-21 April 2007, San Sebastián, Spain
- Workshop on Selection Criteria for Marine Protected Areas for Cetaceans, 22 April 2007, San Sebastián, Spain (co-organised)
- Workshop on Wind Farms and Marine Mammals, 21 April 2007, San Sebastián, Spain (co-organised)
- Workshop on Small Cetacean Population Structure in the ASCOBANS Area, 8-9 October 2007, Bonn, Germany
- Workshop on Genetics and Population Structure of the Harbour Porpoise in the Baltic, 10 October 2007, Bonn, Germany

2008

- 4th Meeting of the Jastarnia Group, 25-27 February 2008, Kolmården, Sweden
- 15th Meeting of the Advisory Committee, 31 March - 3 April 2008, Bonn, Germany

2009

- 5th Meeting of the Jastarnia Group, 23-25 February 2009, Finland
- 16th Meeting of the Advisory Committee, 20-25 April 2009 (3-4 days, exact time slot still to be determined), Galway, Ireland
- Workshop on Acoustic Disturbance of Cetaceans, April 2009 (back-to-back with AC16), Galway, Ireland (tentative; co-organisation with CMS and ACCOBAMS)

B. Attendance (also) on behalf of ASCOBANS

2007

- 21st Annual Conference of the European Cetacean Society, 22-26 April 2007, San Sebastián, Spain (H. Frisch)
- Conference: The Wadden Sea and Climate Change/20th Anniversary of the Common Wadden Sea Secretariat, 30 August 2007, Wilhelmshaven, Germany (H. Frisch)
- 3rd Meeting of the Contracting Parties to ACCOBAMS, 22-25 October 2007, Dubrovnik, Croatia (H. Frisch)
- Conference: "Year of the Dolphin in Europe - Conservation of Small Cetaceans and Marine Protected Areas", 29 October - 1 November 2007, Stralsund, Germany (H. Frisch)
- 32nd Meeting of the CMS Standing Committee, 8-9 November 2007, Bonn, Germany (R. Hepworth, M. Barbieri, H. Frisch)

2008

- 22nd Annual Conference of the European Cetacean Society (ECS), 8-12 March 2008, Egmond aan Zee, Netherlands (H. Frisch)
- 5th Meeting of the Scientific Committee of ACCOBAMS, 17-19 April 2008, Rome, Italy (M. Barbieri)

- 9th Meeting of the Conference of the Parties to CBD, 19-30 May 2008, Bonn, Germany (R. Hepworth, M. Barbieri, H. Frisch)
- 58th Session of the IMO Marine Environment Protection Committee, 6-10 October 2008, London, UK (H. Frisch)
- CMS COP 9, 1-5 December 2008, Rome, Italy (R. Hepworth, M. Barbieri, H. Frisch)

ANNEX 10: Convention on the Conservation of Migratory Species of Wild Animals



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/StC32/8
Agenda Item 8.b

MERGER OF CMS AND ASCOBANS SECRETARIATS: PROGRESS

Organisational Arrangements of the joint CMS/ASCOBANS Secretariat

1. In line with the Decision of the 31st meeting of the CMS Standing Committee on the Proposed Conditions and Parameters for an Interim Merger of UNEP/ASCOBANS Secretariat with UNEP/CMS Secretariat (CMS/StC31/CRP2/Rev.2), agreed upon in the closed session, and of the 5th Meeting of the Parties to ASCOBANS (The Netherlands, December 2006) as of 1 January 2007 the CMS and ASCOBANS Secretariats were merged for an interim period of two years.
2. The institutional arrangements were designed to ensure long-term security for an independent ASCOBANS Agreement within UNEP. Accordingly, only the organisation of the Secretariat has been changed, not the legal standing of either ASCOBANS or CMS. The UNEP/CMS Secretariat now serves as the

- UNEP/ASCOBANS Secretariat, and the Executive Secretary of CMS is the acting Executive Secretary of ASCOBANS. ASCOBANS MOP5 estimated a 3% of his time to be devoted to ASCOBANS matters, and made budgetary provision to cover the related costs.
3. In order to ensure that the additional workload stemming from the servicing of the ASCOBANS Agreement could be dealt by the CMS Secretariat to no detriment to its other tasks, the budget approved by ASCOBANS MOP5 provides for a new position of ASCOBANS coordinator, to be covered through a consultancy for the period 2007-2008. In line with the decisions of ASCOBANS MOP5, the requirements for this consultancy position has been made comparable to those of a P2 post in the UN system. 75% of the consultant's time is scheduled for ASCOBANS matters, and is to be covered out of the ASCOBANS budget, while 25% is expected to be dedicated to other CMS marine mammals work in a capacity as CMS marine mammals officer, and is to be covered out of CMS budget.
 4. A position of ASCOBANS Administrative Assistant, already existing in the ASCOBANS complement of staff prior to the merger, was confirmed by ASCOBANS MOP5 as a full-time UN post for the year 2007, and is due to become a 50% consultancy position in 2008.
 5. The CMS Scientific and Technical Support Officer now also serves as Senior ASCOBANS Advisor, with the main task of supervising the day to day running of the Secretariat. ASCOBANS MOP5 estimated a 15% of his time to be devoted to ASCOBANS matters during 2007-2008, and made budgetary provision to cover the related costs. However, on the basis of an assessment of time use during the first months after the merger, and considering the junior level of the ASCOBANS co-ordinator, the Secretariat proposed to the 14 meeting of the ASCOBANS Advisory Committee (San Sebastian, April 2007) to rectify the time estimate to 20% at least for the year 2007. In 2008, when the junior ASCOBANS Coordinator has gained more experience, his involvement should be reduced to 10% of his working time. This new arrangement was agreed by the Committee.
 6. The recruitment of the ASCOBANS Coordinator took substantial parts of the first few months after the merger took effect. The selected candidate, Ms Heidrun Frisch (Germany), joined the team in April 2007. Her previous experience of two years on short-term contracts with the CMS Secretariat allowed her a smooth transition into her new duties and high productivity from the outset.
 7. As part of the CMS Marine Mammal duties of the consultant, she is serving as the Secretariat Focal Point for ACCOBAMS, the CMS Pacific Islands Cetaceans MoU and other relevant organisations. Also, she has coordinated the WATCH (Western African Talks on Cetaceans and their Habitats) meeting in October in Tenerife, which endeavoured to negotiate a new marine mammal agreement and small cetacean action plan for the African Eastern Atlantic Basin and

Macaronesia.

8. With effect from early July, the previous ASCOBANS assistant left for another position. In a rapid recruitment effort, a new secretary therefore had to be found. Bearing in mind that from January 2008 on the post will be part-time and on a consultancy basis, it was decided to advertise it as such already, in order to draw applications of people who would be interested in continuing throughout 2008. After careful review of all applications, Ms Tine Lindberg (Norway) was chosen as the new member of the ASCOBANS team.
9. Administrative and budgetary issues continue to be handled through the CMS Administrative and Fund Management Unit (AFMU), as was the case before the merger. However, it needs to be noted that the decision by ASCOBANS Parties to employ both the Coordinator and the Secretary on a consultancy basis means that neither has direct access to the IMIS system. Therefore, all financial processes and even a simple overview of the balance of a budget line have to be requested from the CMS AFMU, which increases their workload more than originally foreseen.

*For reasons of economy, this document is printed in a limited number, and will not be distributed at the meeting.
Delegates are kindly requested to bring their copy to the meeting and not to request additional copies.*

Benefits and shortcomings of the merger as at October 2007

10. In the Secretariat's view, the merger has strengthened the links and improved synergies between CMS and ASCOBANS, what was undoubtedly one of its main objectives. Improved synergies have particularly been evident in the joint representation of the two treaties by the unified Secretariat in relevant meetings and fora, in the development of collaboration with relevant Intergovernmental and Nongovernmental Organizations on marine mammal issues in the ASCOBANS area, and in progress in joint initiatives. Among the joint initiatives, a special mention deserves the campaign 'Year of the Dolphin 2007', of which CMS and ASCOBANS are founding partners. Main features and achievements of the campaigns are reported in a separate document.
11. The availability of a dedicated officer for marine mammal issues has allowed also to make very significant progress on marine mammal related initiatives under CMS outside of the ASCOBANS area, within the 25% of her time devoted to CMS marine mammal work. In her capacity of CMS marine mammals officer, Ms. Frisch played a pivotal role in the successful organization and servicing of the WATCH event, held in Adeje, Canary Islands, on 16-20 October 2007. The event consisted of a two-days open symposium on cetacean conservation in the African Eastern Atlantic Basin, followed by a three-days intergovernmental meeting aimed at negotiating a new CMS instrument on the conservation of aquatic mammals in Western Africa and Macaronesia, and other associated events. Ms. Frisch has also so far provided significant input to the 'Year of the Dolphin 2007'

- campaign, and taken the lead in developing cooperation with relevant organizations. It is to be noted that the services of the CMS marine mammals officer do not constitute a burden to the CMS budget, as costs to CMS related to the 25% of her time devoted to CMS issues are offset by the compensation of CMS staff time provided by ASCOBANS. The balance of the ASCOBANS compensation is expected to be used to support further CMS marine mammal-related work.
12. As a counterpoint to the benefits outlined above, the merger has however had also some shortcomings. Time devoted by CMS staff to deal with ASCOBANS matters has turned out to be significantly higher than estimated by ASCOBANS MOP5. In particular, according to conservative estimates the Executive Secretary has already spent 10 working days on ASCOBANS at the time this document was finalized, which already significantly exceeds the foreseen 3% of annual working time, corresponding to approximately 7 days/year. A conservative projection to the end of the year accounts for about 12 working days.
 13. In the period in which he has been fully acting as ASCOBANS senior advisor (from 20 March to present), the CMS Scientific and Technical Support Officer has also significantly exceeded the estimated 20% working time foreseen to be devoted to ASCOBANS, by an additional 5-10 % according to conservative estimates. This estimate does not account for the time spent by the same officer in the period 1 January – 20 March, and by the CMS Inter-Agency Liaison Officer in the initial transition phase.
 14. Part of the higher time consumption of CMS staff can certainly be accounted for by the need to become familiar with the new task in the initial transition period, which turned out to be more difficult than expected as a consequence of the lack of proper hand-over. Besides that however, a significant amount of time had to be devoted by senior CMS staff to deal with issues unforeseen when the merger was decided. Such issues include in particular a revision of 2005 and 2006 ASCOBANS accounts generated by a request from the 14th meeting of the ASCOBANS Advisory Committee, which turned out to be particularly complex and time consuming, and turbulence generated mainly by NGOs critical of the merger. More information on these issues can be provided to the Standing Committee at the meeting.
 15. In the perception of the Secretariat, it has appeared evident throughout the period since the merger that, despite the fact that the change in the Secretariat arrangements has been decided by the ASCOBANS MOP with the explicit agreement of a majority of the Parties (with *nem con*), a significant component of the ASCOBANS constituency has regarded, and to some extent is still regarding the new arrangements with suspicion, when it is not openly opposing them. This has likely had some negative repercussion also on the public image of CMS and CMS-led initiatives (e.g. the YoD campaign) within that same constituency.

16. There are however indications that the difficulties outlined above, while not overcome yet, are being gradually solved, and the Secretariat expects to come closer to the working time estimates for all officers in 2008, with the possible exception of the Senior ASCOBANS advisor, for which a use of 20% of the time appears more realistic at this stage than the 10% foreseen at the time of the 14th meeting of the ASCOBANS Advisory Committee.

17. A detailed report on the financial and operational aspects of the merger will be presented to the 9th Meeting of the Conference of Parties to CMS in 2008, which will decide on the continuation of the merger, in consultation with the Parties to ASCOBANS. The Government of the Netherlands has agreed to finance an independent review of the new arrangements, to be carried out in mid-2008, which will serve as a basis for decision by the Parties of the two MEAs.

Action requested:

The Standing Committee may wish to:

- (a) Take note of the developments concerning the merger of CMS and ASCOBANS Secretariats;
- (b) Express continued support to the merged CMS/ASCOBANS Secretariat in undertaking the tasks assigned by ASCOBANS MOP5;
- (c) Express appreciation for the work of the marine mammals officer in relation to CMS initiatives;
- (d) Express appreciation to the Government of the Netherlands for their generous offer to finance an independent review of the new arrangements, to be carried out in mid-2008 ;
- (e) Request ASCOBANS Parties not to make further demands on the Secretariat in relation to events prior to the merger in January 2007.

Annex 11: ASCOBANS Website

The website is maintained by an external company, which has created the design and since then makes any changes requested for a very reasonable discounted price. When the Secretariat wants a change to be made or a document or article uploaded, an email is sent to them and the requested change is made promptly (usually within a few hours).

Changes on Website since January 2007

1. Maintenance of “Calendar of Events” and “News”; introduced pictures/photos in this section
 - 11 News items so far in 2008
 - 15 News items in 2007 (incl. Christmas Card)
(there was significantly less in quality and quantity in previous years – please check <http://www.ascobans.org/index0401.html>)
2. prominent links to CMS and Year of the Dolphin websites
3. “News and Events” as start page instead of “About ASCOBANS”
4. update of list of MOPs and ACs, description of Secretariat, contact details
5. restructured AC Documents page – meetings separate now instead of all on one page, “Other Documents” page
6. posted old AC documents as far as available electronically, posted Annual National Report Compilations, posted Workshop Proceedings, included link to CMS Family vacancies
7. restructured of News page – years separate now instead of all on one page
8. completely revised “Links” page

A contract has been made with the website company for a complete visual makeover of the ASCOBANS website. Currently, some technical issues with respect to the hosting and access rights are still being solved, but work on the new design will definitely commence in October 2008.