

Agenda Item 13.1

Report of the Secretariat on Finance and
Administrative Issues
Administrative Issues

Document 13-02

**CMS COP10 Document:
The Merger of the CMS and
ASCOBANS Secretariat Functions**

Action Requested

- Take note
- Comment

Submitted by

Secretariat



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



CONVENTION ON MIGRATORY SPECIES

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Agenda Item 13

THE MERGER OF THE CMS AND ASCOBANS SECRETARIAT FUNCTIONS

(Prepared by the Secretariat)

Background

1. At the 5th Meeting of the Parties to ASCOBANS (2006) 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*”. It was also decided that these arrangements were to be implemented for a provisional three-year period. The 31 Meeting of the CMS Standing Committee (2006) had cleared the way for this solution (see CMS/StC31/CRP2/Rev.2).

2. As of 1 January 2007, the Executive Secretary of UNEP/CMS therefore fulfils the function of Acting Executive Secretary for ASCOBANS. ASCOBANS Parties estimated and budgeted 3% of the UNEP/CMS Executive Secretary’s time to be devoted to ASCOBANS matters. The CMS Scientific Officer also serves as Senior ASCOBANS Advisor, with the main task of supervising the day-to-day running of the Secretariat. For this, 15% of his time is devoted to ASCOBANS matters, and ASCOBANS Parties made budgetary provision to cover the related costs. In order to ensure that the additional workload stemming from the servicing of the ASCOBANS Agreement could be dealt with by the CMS Secretariat without detriment to its other tasks, the budgets approved by ASCOBANS MOP5 and MOP6 provide for the position of an ASCOBANS Coordinator at P2 level. Seventy-five per cent of the Coordinator’s time is scheduled for ASCOBANS matters and is covered out of the ASCOBANS budget, while 25 per cent is dedicated to other CMS marine mammals work in a capacity as CMS Marine Mammals Officer and is paid for out of the CMS budget. The ASCOBANS team is further supported by a part-time administrative assistant at GS5 level.

3. Parties requested the Executive Director of UNEP to undertake an independent evaluation of the new Secretariat arrangements in mid-2008. The Netherlands kindly provided the funds for this review. The Executive Director through his UNEP Evaluation and Oversight Unit undertook the evaluation task. The Final Evaluation Report is available as ASCOBANS/MOP6/Doc.8-01. The overall conclusion was that in 2008 it was too early to assess the expected benefits of the new secretariat arrangements and that there was strong indication of a discrepancy between the expectations of the Parties and the number and level of staff they were prepared to fund.

4. The CMS Standing Committee at its 33rd and 34th Meetings in 2008 discussed progress made in implementing and reviewing the merger of the Secretariats. UNEP gave a progress report on the review mentioned above at the Ninth Meeting of the CMS COP (2008). In the interim, the experimental merger was set to continue until the end of the trial period in December 2009, provided there were no budgetary implications in addition to those already accounted for when the merger was agreed (CMS Res.9.14).

5. The 6th Meeting of the Parties to ASCOBANS (2009) extended the interim arrangements for a further three year period until the end of 2012. Parties attempted to strike a balance between the resources required by the Secretariat to be able to do its work and the financial restraints to which they were subject. After due consideration, Parties decided that the merger should continue with the same staff complement but be evaluated again at the next MOP in 2012, taking into account also the Future Shape process of CMS. The Advisory Committee should carry out the review in the course of 2011.

6. The results of this second evaluation, again led by the Netherlands, will be made available to CMS COP10 as Inf.10.32 with a view to informing the decision regarding the Future Shape of CMS. The key conclusion of the working group producing this report was that drastic organizational change like the one the ASCOBANS Secretariat underwent takes time until any expected benefits can be realized. The Advisory Committee agreed with the overall conclusions and recommendations of the working group and Parties felt that their needs could be met with the current arrangements, so no changes were proposed.

7. Accordingly, it seems likely that ASCOBANS Parties will request CMS to continue to provide secretariat services for ASCOBANS for the foreseeable future.

Lessons Learnt

8. The Joint CMS/ASCOBANS Secretariat was pleased to learn that ASCOBANS Parties are content with the level of service they receive from what they described as a hard-working Secretariat providing value for money. However, as pointed out already by the ASCOBANS working group, it had taken considerable time to reach this status. One reason for this may have been the lack of handover. The decision to dissolve the self-standing ASCOBANS Secretariat was taken in December 2006 and took effect in January 2007. This left virtually no time for the team now responsible to deliver the Secretariat's work programme to familiarize themselves with the Agreement. Also, the new P2-level position created for the unit could not be recruited until several months later. In any comparable cases, an effective handover period should be ensured to allow the affected Agreement to continue its normal functioning without interruption and to ensure institutional memory does not get lost.

9. The new arrangements do not necessarily produce less overall costs if hidden costs are factored in, such as unbudgeted extra staff time or the need for all involved officers, therefore a higher number of staff, to attend meetings of the Agreement's bodies. Nevertheless, both the Parties and the Secretariat conclude that the arrangement in the case of ASCOBANS is more cost-effective than a self-standing Secretariat. The Joint Secretariat is able to achieve more with the same funding level.

10. A related benefit is reduced risk: in a team of two, as was the case when the Secretariat was self-standing, absences due to illness, leave or staffing changes cannot be compensated. As part of the larger CMS Secretariat, if necessary core functions could be taken over by other staff.

For a very small Secretariat, therefore, a joint arrangement with a larger one can provide extra security that the Secretariat's functions can be discharged at all times.

11. In the Joint Secretariat's view, the increased cost-effectiveness also has to do with closer integration of ASCOBANS in the CMS Family. Beyond the benefits of the co-location, which had been enjoyed since 2001, the shared responsibility for the Agreement, as well as the shared staffing arrangement, has brought about a much more intense interaction with the CMS staff. This free flow of information allows ASCOBANS to draw from the wide range of expertise available in the Joint Secretariat, while CMS benefits from a more direct access to cetacean expertise, which is rare within the Scientific Council. There is now close cooperation on a number of issues and projects. For this reason, the Joint Secretariat would advocate retaining an arrangement which allows the same staff members to be involved in cetacean-related activities of both CMS and ASCOBANS.

12. Despite the positive effects which have now been realised, the Secretariat also sees the need for some words of caution.

13. The discrepancy between the expectations of the Parties and the number and level of staff provided for in the Agreement's budget continues. The successful implementation of the Agreement's work plan is possible only thanks to the exceptional commitment of the staff servicing the Agreement and their willingness to invest significantly more time than provided for. This is especially the case for the Coordinator, who bears the brunt of the day to day work of the ASCOBANS Secretariat, a position which in practical terms requires a 100% time commitment and not 75% as budgeted. The CMS work plan for the Marine Mammals Officer, for which the remaining 25% of the Coordinators time is reserved, also requires considerably more than the allocated time. The resulting situation necessitates excessive overtime, does not allow all tasks set to be addressed adequately and cannot be seen as sustainable in the long run.

14. An additional consideration is the low level of the Coordinator position. While operating with the guidance of the P4 Senior Advisor and the D1 Executive Secretary, the nature of the position and the limited time allocations of senior staff require a high degree of independence in the execution of the Coordinator's functions, which are currently performed by a P2, the lowest professional level in the UN. This level of autonomy would normally only be expected of higher service grades. This is also reflected in the authority granted to different staffing levels in the UN system, under which for example a P2 officer should not be allowed to represent an organization in an international meeting or take a decision committing the organization, as the Secretariat representative regularly has to do. For this, the minimum level would inevitably be at least P3, indicating that a P2 officer should normally only have a supporting role in the Secretariat. This is not reflected in the reality of work of the Coordinator. Parties should therefore be cautious not to duplicate such a situation, where the level of responsibility to the borne by an officer is so clearly not corresponding to the level of funding for the position. Also, Parties may wish to give consideration to ways of rectifying this situation in the case of the ASCOBANS Coordinator. This could for example be achieved by increasing the grade from P2 to P3, but at the same time reducing the time commitment of the P4 Senior Advisor.

Conclusions

15. Considering the lessons learnt as outlined above, the Joint Secretariat would welcome a continuation of the current joint Secretariat arrangements for CMS and ASCOBANS. However, an adjustment of the work programme to be delivered by shared staff or the provision of resources

to allow the hiring of consultants to take on specific tasks of the work programme should be considered in order to avoid perpetuating an unsustainable situation.

16. While the arrangement works very well for a small Agreement like ASCOBANS, the Joint Secretariat would not see merged Secretariat functions as a viable option for larger Agreements and would not advocate it as a generally applicable example. This should especially be stressed in view of the impending decision regarding the Future Shape of CMS.

17. However, the advantages of the merger as respects collaboration between CMS and ASCOBANS staff, and in particular the positive effects of having the same staff responsible for cetacean-related work in both organizations, highlights that an increasing focus on closer cooperation between all cetacean-related agreements of the CMS Family (ASCOBANS, ACCOBAMS, Pacific Cetaceans MOU, Western African Aquatic Mammals MOU) would be beneficial. All possible synergies should be made use of. This is in line also with the recommendations of the Intersessional Working Group on the Future Shape of CMS.

Action requested:

The Conference of the Parties is invited to:

- a. Take note of the developments concerning the merger of CMS and ASCOBANS Secretariats, in particular of Resolution No.5 of the 6th Meeting of Parties to ASCOBANS (Bonn, 2009);
- b. Confirm the organizational arrangements for the joint CMS/ASCOBANS Secretariat for 2012 and onwards; and
- c. Take the results of the 2011 evaluation of the Secretariat arrangements for ASCOBANS carried out by the ASCOBANS Advisory Committee (Inf.10.32) and the lessons learnt as highlighted in this document into account when deciding on the Future Shape of CMS.