



CONVENTION ON MIGRATORY SPECIES

MEMORANDUM OF UNDERSTANDING ON THE CONSERVATION OF MIGRATORY SHARKS

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FIRST MEETING OF THE SIGNATORIES TO THE
MEMORANDUM OF UNDERSTANDING ON THE
CONSERVATION OF MIGRATORY SHARKS

Bonn, Germany, 24-27 September 2012

Agenda Item 10

ARRANGEMENTS FOR THE SECRETARIA

(Prepared by the Interim Secretariat)

Background

1. It is common practice, within CMS, that the CMS Secretariat acts as Interim Secretariat to new Memoranda of Understanding developed under Article IV of the Convention, unless and until other arrangements are made.
2. Of the existing 19 MoUs, currently only three have established Secretariats, with staffing, funding and office space distinct from the CMS Secretariat:
 - The Indian Ocean-South-east Asia Marine Turtles MoU (IOSEA) is co-located with UNEP Regional Office in Bangkok, funded by voluntary contributions from signatories. It is staffed by one P5 and one G4 CMS staff member.
 - The Raptors and Dugong MoUs are hosted and funded by the Government of Abu Dhabi, in the offices of the Environment Agency. The office is staffed by one P5, two P4s, two P2s and one G6.
3. An additional three bi- or trilateral MoUs are coordinated within their governments without CMS support.
4. The remaining 13 MoUs and one Agreement are serviced by the Agreements Unit, comprising one permanent P4 staff member, 1.5 GS, and currently an additional 2.5 P2s, provided by extra-budgetary temporary funding.
5. The establishment of a Secretariat for the Memorandum of Understanding on the Conservation of Migratory Sharks (Sharks MoU) is envisioned in Section 8 of the MoU text. Paragraph 27 states that:

“The Signatories to this Memorandum of Understanding share the view that:

- a) *A secretariat should be established by the Meeting of the Signatories as soon as possible, based in an appropriate organisation or institution. The role of the Secretariat may include assisting in the administration and implementation of this Memorandum of Understanding by coordinating, communicating,*

facilitating and reporting on relevant activities and events, and performing such other functions as may be assigned by the Signatory States; and

- b) *The Convention Secretariat should act as the Interim Secretariat to this international instrument until a permanent Secretariat is established and may, subject to the availability of resources, use the services of any reliable organisation to support the coordination of this Memorandum of Understanding.”*

CMS Future Shape Process

6. In considering the establishment of the Sharks MoU Secretariat, Signatories may wish to be guided by the CMS Future Shape process. CMS Parties, through Resolution 9.13, launched an inter-sessional process on the future strategies and structure of CMS and the CMS Family. This Future Shape Process concluded at the Tenth Conference of the Parties, in November, 2011, with the adoption of Resolution 10.9, which outlines a set of prioritized activities to strengthen the Convention’s contribution to the worldwide conservation, management and sustainable use of migratory species over their entire range.

7. The following activities, annexed to CMS Resolution 10.9, are of particular relevance with regard to the establishment of the Sharks MoU Secretariat:

- *“**Activity 8:** Opportunities for cooperation and coordination at the local and regional level through the creation of synergies based on geography; including MoUs/Agreements enhancing collaboration and cooperation via sharing i.e. office/personnel/resources (e.g. as per Abu Dhabi- Dugongs and Birds of Prey).*
- *“**Activity 10:** Strengthen the coordination and servicing of MoUs; including (1) MoUs receiving coordinated services, (2) sharing resources, knowledge and expertise across MoUs, (3) utilizing available resources (4) to avoid duplication and promote consistency across MoUs.*
- *“**Activity 15:** Enhanced collaboration between CMS agreements via Secretariats or via merger of agreements based on either geography/ecology or on species clusters, including (1) cooperation and coordination between agreement Secretariats, programmes and projects based on species clustering, thematic issues or geography, if appropriate; and (2) seeking opportunities to develop synergistic relationships either based on geography or species clustering”.*

8. Thus, it is clear that CMS Parties wish to see MoU (and Agreement) Secretariats clustered either by geography or species. As such, there would be an argument for keeping the Secretariat in Bonn with the parent Convention, which manages the 13 other MoUs. Another argument could be made for clustering marine species together, perhaps in Abu Dhabi, for example, with the Dugong MoU, or in Bangkok with the IOSEA turtle Secretariat. Such arrangements would be subject to available funding.

9. The example of ASCOBANS shows that subsidiary instruments which are hosted at the CMS Secretariat benefit from sharing resources, services and staff with the host. ASCOBANS, a legally-binding Agreement which was concluded under the auspices of UNEP/CMS, was merged with the CMS Secretariat in 2007. An evaluation of this merger

which was undertaken in 2011 found that “The Secretariat’s functioning had largely improved since the merger has been brought about. Efficiency and cost effectiveness appear to be satisfying for the Parties”.¹

Interim Arrangements

10. The CMS Secretariat is currently providing Secretariat services on interim basis, in line with the provisions of the MoU. As well as a substantial portion of the Agreement Officer’s time, an additional part-time position has been made available by the German Government. This P2 level position, which has 40 per cent of its time assigned to the Sharks MoU, will run from August 2011 to July 2014. However, in the lead-up to this Meeting, this officer has worked 90 per cent on Sharks.

11. Taking into account the political nature, and increasing interest in this new global MoU it is envisaged that a part-time Officer could not deliver the services expected by the Signatories. A full-time Professional Officer with a part-time Secretary is seen as a minimum requirement for the years to come.

Current Financing

12. At present the Sharks MoU is being kindly supported by Germany, the European Commission, the USA, Australia and Monaco through voluntary contributions.

- As mentioned above, Germany has been funding a part time P2 position since July 2011 for a total duration of 3.5 years until December 2014. Office running costs are also covered by Germany, as the CMS host government.
- The time of the P4 Agreements Officer, and supervision of both officers by senior management (D1, P5) is provided from the CMS core budget.
- The time of the Finance and Administrative unit staff is provided from the CMS core budget, as well as the programme support costs levied on the CMS Trust Fund.
- The USA has provided two contributions of US\$100,000 each, one for the organization of this first meeting of the Signatories, as well as for more general work of the Interim Secretariat.
- The European Commission provided €224,000 for convening the First Meeting of the Signatories and implementing the MoU.
- Monaco and Australia have provided €15,000 and €16,068 respectively, for conservation projects aiming to implement the objectives of the MoU and the Conservation Plan after its adoption.

13. These resources have enabled the interim Secretariat to begin its work. However, as demonstrated above, successful MoU Secretariats require both additional and predictable resources to support them. As the number of Signatories increases, and once the Conservation Plan is adopted, the workload will increase.

¹ http://www.cms.int/bodies/COP/cop10/docs_and_inf_docs/inf_32_ascobans_evaluation_eonly.pdf

Proposal for the Sharks MoU Secretariat

14. As no offers have yet been received to host or fund the Sharks Secretariat on a sustainable basis, the CMS Secretariat proposes establishing the Secretariat in Bonn, hosted by the CMS Secretariat. This arrangement could be reviewed at later meetings of the Signatories. Amongst other advantages, this would ensure continuity of the work of the Secretariat.

15. Based on experiences with similar MoUs, as mentioned above, it is realistic that a full time P3 officer, supported by a G5 administrative assistant and guided by the CMS management (D1, P5, P4) is required to fulfil the tasks as outlined in the draft Terms of References for the Secretariat annexed to this document. The political sensitivity of shark conservation requires an experienced professional on at least P3 level even if located in Bonn. In case of locating the Secretariat outside the CMS HQ, a staff member at the P4 level or higher would be required as is the case for e.g. the Raptors, Dugong and IOSEA MoUs.

16. The proposed budget for the Secretariat is contained in CMS/Sharks/MOS1/Doc.10.2.

Terms of Reference for the Secretariat

17. The main tasks of the Secretariat will be to support the Meetings of the Signatories and the working of the Advisory Committee; facilitate and promote implementation of the MoU and its Conservation Plan by the Signatories; coordinate with other relevant bodies.

18. Draft Terms of References for the Sharks Secretariat are annexed to this document. These are in line with the guidance provided by Section 8 of the MoU and are based on the agreed Terms of References of the Secretariat of the Indian Ocean-South-east Asia Marine Turtles MoU (IOSEA), the only CMS MoU to have developed a detailed Terms of reference, to date.

Action requested:

The Meeting is invited to:

- a) Agree to the establishment of the Secretariat in Bonn.
- b) Review and adopt the annexed Terms of Reference for the Secretariat.