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## 6<sup>th</sup> SESSION OF THE MEETING OF THE PARTIES

9-14 November 2015, Bonn, Germany

*“Making flyway conservation happen”*

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### INDEPENDENT ANALYSIS ON COMMON SERVICES AND SYNERGIES IN THE CMS FAMILY

#### Background

The issue of synergies has been on the agendas of all biodiversity-related MEAs, including the CMS Family for many years.

Under CMS, an intersessional process was established to examine the Future Shape of the CMS Family, with the objective of strengthening the Convention's contribution to worldwide conservation management and sustainable use of migratory species over their entire range. The task was given to a Working Group, the results of which culminated in the adoption of [CMS Resolution 10.9 Intersessional Process Regarding the Future Shape of CMS](#) (for a summary of the process please see [UNEP/CMS/COP11/Doc.16.2](#)).

Subsequently [AEWA Resolution 5.17](#) requested the AEWA Standing Committee to *contribute, where appropriate, to activities identified in Annex 1 of CMS Resolution 10.9*. Following a proposal by the CMS Executive Secretary, at the 9<sup>th</sup> Meeting of the AEWA Standing Committee (see [document AEWA/MOP 6.6 - Annex I](#)), a decision was made which *Requests the interim Executive Officer of AEWA and invites the Executive Secretary of CMS to develop further synergies between AEWA and CMS and take actions to merge common services and common areas in an effort to redirect the focus of the Secretariats towards strengthening implementation support*. It also *invites the Executive Secretary of CMS, in consultation with the Executive Officer of AEWA, to bring a proposal to the AEWA MOP6 on a possible joint Executive Secretary for AEWA and CMS for its consideration*.

At the 41<sup>st</sup> Meeting of the CMS Standing Committee, the decision of the AEWA Standing Committee was accepted and it was agreed to conduct a pilot to gain experience with a view to possibly sharing further services. Also in accordance with the CMS Standing Committee decision, an analysis was provided by the CMS Executive Secretary proposing a pilot in the area of communications and information with the approval of the Chairs of both the CMS and AEWA Standing Committees.

An overall analysis of *Shared Common Services Between CMS Family Instruments* ([UNEP/CMS/COP11/Doc.16.2](#)), which included an initial assessment of the pilot common service in the area of information management, communication and awareness-raising, was presented to CMS COP11 in November 2014. Parties to the Convention subsequently passed Resolution 11.3 on *Enhancing Synergies and Common Services Among CMS Family Instruments*, in which they took note of the above-mentioned analysis and recognized the lessons learned from the pilot of common services in the area of communications ([AEWA/MOP Inf.6.3](#)).

Through CMS Resolution 11.3, CMS Parties also requested an independent analysis and report on the legal, financial, operational and administrative implications of actions to enhance synergies, such as through sharing services in common service areas.

This independent analysis was commissioned by the CMS Executive Secretary to the Institute for European Studies and will be presented to the 44<sup>th</sup> Meeting of the CMS Standing Committee, 14-15 October 2015, Bonn, Germany.

This Resolution also *invites the Meeting of the Parties to AEWA at its 6<sup>th</sup> Session (MOP6) to consider the independent analysis and report and take a decision on the way forward, as regards synergies such as through sharing services in common service areas.*

Operative paragraph 8 of CMS Resolution 11.3 *requests the Executive Secretary in close consultation with the Executive Secretary of AEWA to report the outcomes of the pilot phase and the implementation of this Resolution to COP12<sup>1</sup>.*

## **The Analysis**

The CMS Executive Secretary informed the AEWA Executive Secretary and other colleagues that the analysis had been commissioned on 3 June 2015. On the 15 June 2015, the AEWA Executive Secretary was asked for an interview by the consultants; the Secretariat answered on 18 June 2015, also requesting to see the Terms of Reference for the analysis.

The Terms of Reference for the independent analysis were disseminated within the CMS family on 19 June 2015 (see annex 1 of the report) and the one and a half hour interview was conducted on the 2 July 2015 between Mr Oberthur, and Mr Roessing from The Institute of European Studies and Mr Trouvilliez (Executive Secretary), Mr Dereliev (Technical Officer) and Ms Kremer (Programme Assistant) from the UNEP/AEWA Secretariat. The Vice-chair of the AEWA Standing Committee was also interviewed  
27 July 2015.

A draft version of the report, sent in two parts on the 19 and the 25 of August 2015 was circulated to the 18 Interviewee(s) for comments, The UNEP/AEWA Secretariat sent its comments within one week, as requested.

The final document, entitled *Implications of actions to enhance synergies: An independent analysis and report*, was delivered on 8 September 2015 with an annex including all the comments submitted. The 44<sup>th</sup> Meeting of the CMS Standing Committee will examine this issue on the 14 October 2015 and the result of the discussion will be communicated to MOP6.

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<sup>1</sup> A Report on the CMS/AEWA Common Information Management, Communication and Awareness-Raising Team, which is the pilot phase of shared services, has been produced by the UNEP/AEWA Secretariat in consultation with the CMS Executive and Deputy Executive Secretaries, and has been submitted by the UNEP/AEWA Secretariat to MOP6 as document [AEWA/MOP 6.10](#).



# Convention on the Conservation of Migratory Species of Wild Animals

*Secretariat provided by the United Nations Environment Programme*



## 44<sup>th</sup> Meeting of the Standing Committee

*Bonn, Germany, 14 - 15 October 2015*

UNEP/CMS/StC44/15.1

### INDEPENDENT ANALYSIS ON COMMON SERVICES AND SYNERGIES IN CMS FAMILY

*(prepared by an Independent Consultant)*

#### Summary

In accordance with CMS Resolution 11.3 this document is the independent analysis and report on the legal, financial, operational, and administrative implications of actions to enhance synergies, such as through sharing services in common service areas to the decision-making bodies of the wider CMS family before the 44<sup>th</sup> Meeting of the CMS Standing Committee and COP12 in order to establish their benefits and disadvantages.

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





**CONVENTION ON  
MIGRATORY  
SPECIES**



Institute for  
European Studies  
*Vrije Universiteit Brussel*

# **Implications of actions to enhance synergies: An independent analysis and report**

**A report for the Secretariat of the Convention on the  
Conservation of Migratory Species of Wild Animals**

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## List of abbreviations

AC	Advisory Committee
ACAP	Agreement on the Conservation of Albatrosses and Petrels
ACCOBAMS	Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area
AEWA	Agreement on the Conservation of African-Eurasian Migratory Waterbirds
AFMU	Administrative and Fund Management Unit
ASCOBANS	Agreement on the Conservation of Small Cetaceans in the Baltic, North East Atlantic, Irish and North Seas
AUD	Australian Dollar
CBD	Convention on Biological Diversity
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CMS	Convention on the Conservation of Migratory Species of Wild Animals
COP	Conference of the Parties
EUR	Euro
EUROBATS	Agreement on the Conservation of Populations of European Bats
FTE	Full-time equivalent
GRASP	UNEP Great Apes Survival Partnership
IOSEA Turtles MOU	Indian Ocean Southeast Asian Marine Turtle Memorandum of Understanding
MOP	Meeting of the Parties
MOS	Meeting of the Signatories
MOU	Memorandum of Understanding
StC	Standing Committee
TC	Technical Committee
UAE	United Arab Emirates
UK	United Kingdom of Great Britain and Northern Ireland
UNEP	United Nations Environment Programme
USD	United States Dollar



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## Executive Summary

This study responds to Resolution 11.3 of the Conference of the Parties (COP) to the Convention on the Conservation of Migratory Species of Wild Animals (CMS), which requested an independent analysis and report on the legal, financial, operational, and administrative implications of actions to enhance synergies, such as through sharing services in common service areas. It focuses on the secretariat services provided among the CMS Family of instruments.

The CMS Family has developed significantly since 1979 and now comprises eight international treaties and 19 Memoranda of Understanding (MOUs). Secretariat services for the international treaties are provided through seven Secretariats of which four are co-located in Bonn (CMS, AEWa, ASCOBANS, EUROBATS) and three are located elsewhere (ACCOBAMS: Monaco; ACAP: Hobart, Australia; Wadden Sea Seals Agreement: Wilhelmshaven, Germany). Secretariat services for most MOUs are provided through the CMS Secretariat, with two specific offices located in Abu Dhabi and Bangkok.

It is deemed useful to distinguish, for the purposes of this study, between non-institutionalized efforts to enhance synergies and a more institutionalized sharing of services. The Secretariats of the CMS Family have successfully cooperated in a non-institutionalized way on several specific projects. Such non-institutionalized cooperation is to be distinguished from a sharing of services involving the establishment of joint units based on a joint programme of work and joint planning. Experience in this respect is limited to the joint CMS/AEWa communications, information management and outreach unit piloted since 2014. The merging of the ASCOBANS Secretariat functions into the CMS Secretariat since 2006 may be considered to have a similar effect, but took a different form (namely an actual merger), that is not currently under consideration for other cases. Administrative services for the Bonn-based Secretariats are shared through and within UNEP. Additional common service areas generally pursued by each Secretariat (to varying extents) include capacity-building, implementation support, fund-raising, IT, translation and the organization of meetings. Non-institutionalized efforts and a sharing of services do not strictly constitute alternatives, but possess complementary potential.

## Implications

**Legal implications.** Whereas no significant legal requirements exist for continued and potentially intensified non-institutionalized efforts at enhancing synergy, more far-reaching actions to enhance synergies, such as a sharing of services, require cooperation and agreements by the respective governing bodies of the CMS Family instruments involved as well as appropriate cost- and time-sharing arrangements. Although possibly politically demanding, there are no principal legal impediments to achieving such arrangements and no treaty changes would be required. Particular impediments for

creating synergies and sharing services arise between Secretariats following different administrative legal frameworks (staff regulations, fund management). Such differences constitute a sizeable obstacle to a sharing of services with the non-Bonn based Secretariats<sup>1</sup>, but do not exist in the case of the Bonn-based Secretariats under the auspices of UNEP.

**Financial implications.** The data available do not allow us to develop firm and reliable scenarios and calculations of the potential for enhancing cost-effectiveness through sharing of services. However, existing experience especially with the sharing of services among the Basel, Rotterdam and Stockholm Conventions suggests that a limited but significant potential for enhancing cost-effectiveness exists. A sharing of all relevant services among the Bonn-based CMS Family Secretariats may thus allow to redirect resources, for example to implementation support and capacity building, possibly up to a total of EUR 125,000-165,000 per year for a comprehensive sharing of services. The realization of this potential would depend on the extent of the sharing of services and would likely materialize fully only in the mid to long term, due to adaptation costs arising during the transition (training, restructuring, etc.) and time required to bring the required adaptations to fruition. The efficiency and performance gains underpinning the potential for enhanced cost effectiveness pertain especially, but not exclusively, to a sharing of services (rather than non-institutionalized synergy efforts). In any event, increased cost effectiveness resulting from enhanced synergies cannot justify absolute budget reductions, given existing work overload and high demands by Parties, including for increased support for implementation activities.

**Operational and administrative implications.** Actions to enhance synergies have a significant potential for efficiency and performance gains, in particular through enabling specialization and reducing double-work (“economies of scale”), increasing resilience and facilitating coordination and overarching strategy. The resulting improved structures and services have independent added value beyond related increases in cost effectiveness. This potential has to be seen alongside risks and challenges especially during the transitional period, including “soft” issues (re-calibration of procedures, networks, job roles, etc.), ensuring continued staff motivation, demand for (joint) human resource management and distributional effects. Clear political guidance and a joint vision of the main stakeholders are a prerequisite for preventing the risk of significant operational disturbances or even failures during the transition, and proactive, careful and collaborative “change management” would be required. The research undertaken for this study has revealed that major challenges exist in this respect. A sharing of services entails a significant additional potential for both benefits and risks/drawbacks when compared with non-institutionalized synergy efforts.

**Overarching implications.** Actions to enhance synergies can help enhance the external visibility and environmental effectiveness of the CMS Family (including through

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<sup>1</sup> Together with a potential net financial loss, as these Secretariats receive specific benefits from their host countries that might exceed those available to Bonn-based Secretariats.

improving services). Whereas a considerable part of the related potential of non-institutionalized efforts regarding synergies is already pursued, a sharing of services possesses additional potential. Greater visibility of the Family does not need to come at the expense of the individual identities of its agreements as both may be enhanced concurrently. Finally, actions to enhance synergies, especially common services, strongly resonate with general policy guidance provided by other multilateral environmental fora, such as the United Nations Environment Assembly and the 2012 United Nations Conference on Sustainable Development.

### **Policy options and recommendations**

**Focus on Bonn-based Secretariats:** Any further actions to enhance synergies and especially to create common services may, at least in the medium term, best focus on the Bonn-based Secretariats already under the umbrella of UNEP, since extending such actions to Secretariats elsewhere faces considerable administrative and practical hurdles and uncertain financial implications at best.

**Provision of political mandate:** A clear political mandate from the Parties could greatly help create certainty among, and provide clear directions (objectives) to, those concerned. It would thus improve the conditions for successful implementation of actions to enhance synergies, regardless of the form adopted (i.e. institutionalized vs. non-institutionalized).

Parties may wish to consider **three general policy options** for pursuing further synergies and their implications (see Table ES).

**Option 1: non-institutionalized efforts at enhancing synergies.** This option would entail no (further) sharing of services among the CMS Family Secretariats, but continued and potentially intensified non-institutionalized efforts. Leaving the existing operations of the Secretariats essentially unchanged and building incrementally on existing initiatives, this option would not carry high risks or evoke significant disadvantages. At the same time, it would forego the existing potential for reaping additional benefits.

**Option 2: stepwise sharing of services.** This option would entail the stepwise further implementation and further expansion of common services. In addition to the existing joint CMS/AEWA communications, information management and outreach unit, further joint units for suitable areas such as conference services, capacity-building or implementation support could be created in a stepwise process over time. This process could also explore scope for further integration at a more substantive level (e.g. scientific expertise, certain groups of species or regions). It may allow Parties to reap increasing benefits over time while controlling and managing adaptation costs.

The Secretariats involved could most suitably jointly, possibly with participation of UNEP, develop a proposal including for a concrete order of further services to be shared. This would help ensure that appropriate cooperative arrangements (human resources, work programme, etc.) can be made with the participation of all concerned. Concrete data on the baseline allocation of resources in the participating Secretariats, and scenarios for the building of joint units on that basis, should be collected, developed and considered together.

The process could be established through decisions of the governing bodies of the participating agreements. A need to convince key stakeholders can be anticipated. The overall process may extend until the end of this decade.

**Option 3: immediate implementation of all relevant shared services in one step.**

This option would consist of the immediate full sharing of all relevant Secretariat services (among the Bonn-based Secretariats) through the creation of several suitable joint service units at the same time. Option 3 might hold the promise to exploit the potential for benefits the soonest, but it also entails the highest risk of creating operational dysfunctionalities and disruptions on the way to realizing these benefits (e.g. staff motivation and re-orientation). It would put very high demands on proactive change management and require a shared vision and understanding among major stakeholders – a requirement that is not easily fulfilled. Most of the process elements referred to under option 2 above would also be relevant for option 3, including the need to convince key stakeholders.

Both options 2 and 3 would call for **a common understanding by the main stakeholders and proactive participatory change management**. Clear arrangements (e.g. regarding cost-sharing, programmes of work, and management/oversight of joint units) should best be agreed by the Secretariats involved. Both options could complement option 1 rather than forming an alternative.

Furthermore, Parties may wish to consider establishing a process for **monitoring and reporting** to help manage the transition in case they choose either option 2 or option 3. The Executive Secretaries involved could be requested to jointly report back to the Parties on progress and on any issues arising, e.g. on an annual basis. In the interim, the Executive Secretaries could develop and review arrangements in close consultations with the chairs (and vice-chairs) of the Standing Committees. Performance and other relevant aspects could regularly (e.g. every two to three years) be assessed by means of a survey among Parties and the Secretariats.

All things considered, option 2 provides the greatest additional potential for enhancing synergies within the CMS Family, while allowing Parties to address potential disadvantages and manage concomitant risks, provided that clear direction is offered and

that a common vision and understanding by all key stakeholders and appropriate change management can be ensured.

**Table ES: Implications of Options for Further Enhancing Synergies among the CMS Family**

<b>Implications</b>	<b>Option 1 (non-institutionalized efforts)</b>	<b>Option 2 (stepwise sharing of services)</b>	<b>Option 3 (immediate sharing of services)</b>
<b>Legal implications</b>	<ul style="list-style-type: none"> <li>No serious legal requirements (already ongoing)</li> </ul>	<ul style="list-style-type: none"> <li>Inter-secretariat arrangements required (cost-sharing, etc.)</li> <li>Decisions by governing bodies required</li> </ul>	<ul style="list-style-type: none"> <li>Inter-secretariat arrangements required (cost-sharing, etc.)</li> <li>Decisions by governing bodies required</li> </ul>
<b>Financial implications</b>	<ul style="list-style-type: none"> <li>Modest/low financial implications (gains and costs)</li> </ul>	<ul style="list-style-type: none"> <li>Additional cost effectiveness potential (stepwise realization)</li> <li>Costs of restructuring can reduce cost effectiveness gains (spread over transition)</li> </ul>	<ul style="list-style-type: none"> <li>Additional cost effectiveness potential (immediate realization)</li> <li>Costs of restructuring can reduce cost effectiveness gains (immediate realisation)</li> </ul>
<b>Operational and administrative implications</b>	<ul style="list-style-type: none"> <li>Significant potential to enhance performance (much already realised)</li> <li>Low level of risks or operational malfunctioning</li> </ul>	<ul style="list-style-type: none"> <li>Additional potential to enhance performance/efficiency</li> <li>Modest level of risks/operational malfunctioning</li> <li>Requires acting in concert and careful management</li> </ul>	<ul style="list-style-type: none"> <li>Additional potential to enhance performance/efficiency</li> <li>Significant/high level of risks/operational malfunctioning</li> <li>Requires acting in concert and careful management</li> </ul>
<b>Overarching implications</b>	<ul style="list-style-type: none"> <li>Potential to increase effectiveness and external visibility (much already realized)</li> <li>In line with global policy direction</li> </ul>	<ul style="list-style-type: none"> <li>Additional potential to increase effectiveness and external visibility</li> <li>Strongly in line with global policy direction</li> </ul>	<ul style="list-style-type: none"> <li>Additional potential to increase effectiveness and external visibility</li> <li>Strongly in line with global policy direction</li> </ul>

Source: derived from section 3.

## 1. Introduction

**Background and mandate.** The Conference of the Parties (COP) to the Convention on the Conservation of Migratory Species of Wild Animals (CMS), at its 11<sup>th</sup> Meeting in Quito, Ecuador, in November 2014, adopted Resolution 11.3 on “Enhancing Synergies and Common Services among CMS Family Instruments”. The Resolution requests an independent analysis and report on the legal, financial, operational, and administrative implications of actions to enhance synergies, such as through sharing services in common service areas to the decision-making bodies of the wider CMS Family.<sup>2</sup> This study has been prepared in response to this request. Whereas first contacts and discussions date back to the end of March 2015, the study was eventually conducted from June to August 2015.

On the one hand, Resolution 11.3 and this study build upon previous efforts at enhancing synergies and improving the governance process of the CMS Family instruments, such as the “Inter-Sessional Future Shape Process”, a process to discuss the “Future Shape” of the CMS Family conducted from 2008 to 2012, and the pilot phase on common communication, information and outreach services between the Secretariats of the CMS and of the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) initiated in 2014 (see also section 3.1).

On the other hand, the ongoing efforts to enhance synergies within the CMS Family form part of a broader move, at the global level, to enhance international environmental governance. Thus, UNEP has worked on the clustering of multilateral environmental agreements in order to promote efficiency and effectiveness in international environmental governance since at least 2001.<sup>3</sup> In 2010 UNEP established its Environmental Governance Subprogramme, aimed at, among other things, strengthening synergies. Moreover, the main outcome document of the UN Conference on Sustainable Development held in Rio in 2012 – “The Future We Want” – calls for greater synergies and coherence to avoid duplication and unnecessary overlaps within the UN system, while recognizing the progress in promoting synergies among the Basel, Stockholm and Rotterdam Conventions achieved since 2005.<sup>4</sup> Finally, the United Nations Environment Assembly, at its first session (2014), adopted several resolutions which call for synergies (see also section 3.6 below).

**Methodology and sources.** Since enhancing synergies among different multilateral environmental agreements can have various meanings, it is important to establish upfront the use of this concept for the purposes of this study. To start with, the term “synergies” may, according to the Oxford Dictionary, be understood as “interaction or cooperation of

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<sup>2</sup> In this study, the term “CMS Family” is used to describe the ensemble comprised by CMS itself and its various daughter agreements and memoranda of understanding.

<sup>3</sup> See, e.g., Oberthür, 2002, p. 318; Nanda, 2013, p. 550.

<sup>4</sup> Paragraphs 79 and 89.

two or more organizations, substances, or other agents to produce a combined effect greater than the sum of their separate effects”<sup>5</sup>. Furthermore, the Parties to CMS have, in COP Resolution 11.3 and its accompanying process, focused on synergies among the Secretariats of the CMS Family and the services they provide – as indicated by the highlighting of “sharing services in common service areas”. Accordingly, this study focuses on the secretariat services provided within the CMS Family.

Actions to enhance synergies regarding the secretariat services of the CMS Family may span a broad range from better informal coordination to a full “merger” of services and Secretariats. In accordance with the mandate of Resolution 11.3, the analysis in this study puts a particular focus on the sharing of services (rather than a full merger of Secretariats), while also exploring non-institutionalized collaborative actions, as indicated.

Against this backdrop, this study has employed a number of sources in qualitatively assessing the various implications of further actions to enhance synergy, including in particular:

- Analysis of existing experience within the CMS Family as well as among other multilateral environmental agreements (in particular among the Basel, Rotterdam and Stockholm Conventions);
- Literature on existing relevant experience from the private and domestic public sectors;
- Established policy within the CMS Family and global environmental governance more broadly as reflected in relevant documents;
- Interviews with selected key stakeholders.

The interviews with selected key stakeholders were conducted in person, by Skype or by telephone in June, July and August 2015 based on a list provided by the CMS Secretariat. A list of interviewees and interviews is provided in section 5. Interviews were semi-structured, i.e. they followed a loose guide of main questions in an attempt to collect information on major implications as perceived by interviewees.

Section 5 provides further, more detailed information on the sources used for this study.

A draft of this study was shared with relevant stakeholders (including members of Standing Committees as well as secretariats of the CMS Family) for their comments in two steps. After the recipients had been given advance notice, draft sections 1 to 3 were sent out on 19 August and a draft of section 4 on 25 August 2015 with a deadline of one week for providing comments. A variety of comments were received as reflected in Annex 2. They resulted (in combination with our own internal review) in a number of smaller corrections and modifications, including the nuancing of several arguments

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<sup>5</sup> See ‘Synergy, n’ (Oxford English Dictionary Online, Oxford University Press 2015) <<http://www.oxforddictionaries.com/definition/english/synergy>> accessed 27 July 2015.



throughout section 3. Furthermore, they led to several more far-reaching, substantive revisions, including:

- The insertion of further information on non-institutionalized collaborative actions to enhance synergies as well as some of the other existing initiatives already included in section 3.1;
- The insertion of a new section 3.2 with an overview of common service areas among the Secretariats of the CMS Family and in particular those based in Bonn and the introduction of two principal approaches or options to enhancing synergies (ad hoc project based coordination and the sharing of services);
- The inclusion of further information on (1) possible financial benefits and (2) the example of the Basel, Rotterdam and Stockholm Conventions (and its comparability) in section 3.4 (old section 3.3).
- An adaptation and nuancing of the main findings discussed in section 4, including the substantial elaboration of the three main options presented.

The Executive Summary was not circulated for comments and was prepared by the authors in their own responsibility after the finalization of the main text. We would like to thank sincerely all those who provided comments on the draft report and hope that the resulting revisions have improved the final product.

**Structure of the study.** The study proceeds in three main parts. Section 2 provides an overview of the CMS Family, focusing on the analysis of the relevant administrative arrangements regarding its treaties and memoranda of understanding. On this basis, section 3 proceeds to the analysis of legal, financial, operational, and administrative implications of actions to enhance synergies. Given that there is a significant overlap between operational and administrative aspects, their discussion is combined. Furthermore, a category of overarching implications is introduced in order to capture implications that cut across more than one of the aforementioned categories and cannot be easily allocated to one of them. Finally, section 4 of the study summarizes the main findings and results and elaborates on three general options.

## 2. Overview of CMS and its Family

This section presents basic information on CMS and its Family relevant to the issue at hand as of mid-2015. The next subsection addresses CMS itself. Subsection 2.2 presents information on the seven international treaties adopted under CMS to date, before subsection 2.3 turns to the 19 existing memoranda of understanding (MOUs).

### 2.1 *The Convention on Migratory Species (CMS)*

CMS was adopted on 23 June 1979, in Bonn, Germany (and thus is also known as the “Bonn Convention”), and entered into force on 1 November 1983. Although at first facing delays in its implementation,<sup>6</sup> it has gained traction over the years and has spawned a web of independent, but closely related, daughter agreements and MOUs.

The above-mentioned “web” is a result of the way CMS was devised. It is a framework agreement which relies on appendices for expanding or changing its commitments over time. Appendix I lists the migratory species which are endangered and hence subject to various restrictions, most notably the prohibition of their taking. Appendix II contains a list of species with an unfavourable conservation status, which require international agreements for their conservation and management, as well as those with a favourable conservation status which could nevertheless significantly benefit from international cooperation. Consequently, Parties are encouraged, as per Article IV of CMS, to conclude agreements benefiting species listed in Appendix II, as well as agreements on any geographically separate part of the population “of any species or lower taxon of wild animals”. Therefore, CMS is “deliberately designed to spawn new agreements”.<sup>7</sup>

Whereas CMS was originally deemed to aim at the conclusion of international treaties,<sup>8</sup> Parties later on interpreted it as providing also for the conclusion of MOUs not governed by international law.<sup>9</sup> Which type of agreement is employed is largely a practical decision, which is based on, among other things, the history of cooperation among the parties involved.<sup>10</sup> Existing treaties and MOUs are discussed in greater detail in sections 2.1 and 2.2.

According to CMS Article IX.2, the Secretariat for CMS is provided by the Executive Director of UNEP. Therefore, in 1984, UNEP’s Governing Council, through decision 12/14 (Section IV), agreed to the establishment of a provisional Secretariat in

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<sup>6</sup> Sidhu, 2011, p. 224.

<sup>7</sup> Lanchbery, 2006, p. 166.

<sup>8</sup> Herein understood in accordance with the 1969 Vienna Convention on the Law of Treaties as an international agreement governed by international law and concluded in written form between States. See also Birnie, Boyle and Redgwell, 2009, p. 693.

<sup>9</sup> CMS COP Resolution 2.6, 1988.

<sup>10</sup> Lanchbery, 2006, p. 167.

Bonn until a final decision by the COP to CMS. At the first COP in 1985, the Parties agreed, through Resolution 1.3, to have the Secretariat in Bonn and to review these arrangements at the following COP. The Secretariat ultimately remained in Bonn. A Headquarters Agreement between the Federal Republic of Germany, the United Nations and the CMS Secretariat was concluded in 2002.<sup>11</sup>

In the literature, the CMS Secretariat has been considered as small and underfunded.<sup>12</sup> It currently has a staff of 22.17 full-time equivalents (FTE) in Bonn.<sup>13</sup> It also has five full-time staff in a Project Office based in Abu Dhabi, United Arab Emirates, in charge of two MOUs, one full-time staff member in its Project Office in Bangkok, in charge of another MOU (who is on a one-year sabbatical leave from October 2014) (see section 2.3).

The Secretariat relies for its funding on Parties' contributions to the core budget, as well as on voluntary contributions aimed at specific projects. Budgets are triennial, with the current one, approved at the last CMS COP in 2014, amounting to about EUR 7.44 million for the three-year period 2015-2017.<sup>14</sup>

The working languages for the Secretariat and the COP meetings are English, French and Spanish.

Hosted by UNEP, the Secretariat follows UN budget and staff regulations and is subject to the general 13% charged as per standard UN Secretariat practices on Programme Support Costs. Being within the UNEP structure gives the Secretariat, among other things, access to UNEP infrastructure, as well as broader operational support, such as is the case for payment and contracting operations, which are performed through UNEP's Administrative and Fund Management Unit established in Bonn in July 2000.<sup>15</sup>

In terms of governing bodies, CMS, in addition to the COP, possesses a Standing Committee (StC) and a Scientific Council. The StC focuses on performing tasks such as the monitoring of budget execution, making recommendations to the COPs, and providing guidance to the Secretariat in the implementation of the Convention<sup>16</sup>. The Scientific Council provides advice on scientific matters to the COPs and to the StC<sup>17</sup>.

<sup>11</sup> In the meantime, Germany applied basic UN privileges to the Secretariat and the CMS Secretariat enjoyed *de facto* legal personality in Germany, based on an exchange of *Notes Verbales* between the Federal Republic of Germany and UNEP. See Report of the 22<sup>nd</sup> meeting of the CMS Standing Committee, 2000, item 5.2. See also CMS Secretariat, UNEP/CMS/Conf.6.14.1, 1999.

<sup>12</sup> Birnie, Boyle and Redgewell, 2009, p. 681.

<sup>13</sup> This number takes into account a new Administration and Fund Management Officer who entered duty as of August 2015; it does not take into account a joint CITES/CMS Officer, funded by Germany, whose time-sharing arrangements are scheduled to change in October 2015.

<sup>14</sup> See CMS COP Resolution 11.1, 2014.

<sup>15</sup> The Administrative and Fund Management Unit is financed through the Programme Support Costs collected from the CMS Family instruments; see also section 3.1. Working with UNEP also entails further benefits for the Bonn-based Secretariats such as access to UNEP's administrative, procedural and institutional experience, as well as programmatic support and technical assistance.

<sup>16</sup> See CMS COP Resolution 2.5, 1988.

<sup>17</sup> See Convention on the Conservation of Migratory Species of Wild Animals, 1979, Article VIII.

As of October 2015, CMS has 122 Parties.<sup>18</sup> Although comprising most of the members of the UN, important countries, from the point of view of migratory species conservation, are not Parties to it, such as the Russian Federation, China, Japan, the United States and Canada.<sup>19</sup>

## 2.2 *Other Treaties within the CMS Family*

In addition to CMS, the CMS Family comprises seven treaties (see Table 1). Each of these has its own specific institutional and secretariat arrangements. Relevant aspects of these agreements are addressed in the following, proceeding in chronological order.

**Table 1: Treaties in the CMS Family**

Abbreviation (year)	Full name of treaty
CMS (1979)	Convention on the Conservation of Migratory Species of Wild Animals
Wadden Sea Seals (1990)	Agreement on the Conservation of Seals in the Wadden Sea
EUROBATS (1991)	Agreement on the Conservation of Populations of European Bats
ASCOBANS (1992)	Agreement on the Conservation of Small Cetaceans in the Baltic, North East Atlantic, Irish and North Seas
AEWA (1995)	Agreement on the Conservation of African Eurasian Migratory Waterbirds
ACCOBAMS (1996)	Agreement on the Conservation of Cetaceans of the Black Seas, Mediterranean and Contiguous Atlantic Area
ACAP (2001)	Agreement on the Conservation of Albatrosses and Petrels
Gorilla Agreement (2007)	Agreement on the Conservation of Gorillas and their Habitats

### 2.2.1 *1990 Agreement on the Conservation of Seals in the Wadden Sea*

The Agreement on the Conservation of Seals in the Wadden Sea is a trilateral agreement concluded between Denmark, Germany and the Netherlands on 16 October 1990 in Bonn, Germany. It entered into force one year later and became the first independent agreement within the CMS Family. It is focused on the protection of the species *Phoca vitulina* occurring in the Wadden Sea.<sup>20</sup> All three Parties are also Parties to CMS.

The agreement builds on the institutional framework provided by the tripartite cooperation between Denmark, Germany and the Netherlands, which has been under way at least since 1978, having been reaffirmed by a series of instruments, such as the 1982

<sup>18</sup> Brazil will become the 122<sup>nd</sup> Party on 1 October 2015.

<sup>19</sup> Canada and the United States, in particular, have argued that the Bonn Convention would not benefit their own conservation measures; see Birnie, Boyle and Redgwell, 2009, p. 684.

<sup>20</sup> The populations of this species in the Baltic and Wadden Seas are included in Appendix II of CMS. The portions of the Wadden Sea belonging to Germany and the Netherlands were also inscribed in the World Heritage List in 2009, and the Danish part in 2014, so that conservation of the area is also provided for under the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage.

and 2010 Joint Declarations on the Protection of the Wadden Sea<sup>21</sup> as well as the “Tønder Declaration” of 2014.

The Secretariat services for the agreement are provided by the Common Wadden Sea Secretariat, which was established in 1987 before the conclusion of the agreement in within the framework of the existing trilateral cooperation through an Administrative Agreement between ministries from the three Parties. It is currently governed by a revised Administrative Agreement from 2010, between the Ministry of Environment of Denmark; the (then) Federal Ministry for the Environment, Nature Conservation and Nuclear Safety of Germany; and the (then) Ministry of Agriculture, Nature and Food Quality of the Netherlands.<sup>22</sup> The Secretariat retains its seat in Wilhelmshaven, Germany.

The Secretariat coordinates a range of activities within the Wadden Sea area, having as its main aim the implementation of the Joint Declaration on the Protection of the Wadden Sea, as per Article 2 of the Administrative Agreement of 2010. The activities provided for in the agreement are therefore only part of its activities. The overall cooperation is governed by the Wadden Sea Board consisting of senior administrative representatives of the three Parties, which also appoints the Secretary of the Common Wadden Sea Secretariat (as per Article 3 of the 2010 Administrative Agreement).

The Secretariat is established under German public law and its staff is paid according to the rules applicable to German Federal public servants.<sup>23</sup> Its working language is English<sup>24</sup>, whereas the agreement itself has Danish, Dutch, English and German as official languages. It currently has a staff of eight FTE<sup>25</sup>. Integrated into the broader framework of the tripartite cooperation and the Common Wadden Sea Secretariat, the agreement does not have a budget of its own.

### 2.2.2 1991 Agreement on the Conservation of Populations of European Bats (EUROBATS)

The Agreement on the Conservation of Populations of European Bats (EUROBATS) was adopted in London on 4 December 1991 and entered into force on 16 January 1994. Thirty-six of the 63 Range States are Parties to the agreement (as of mid-2015). One of the Parties is not Party to CMS (San Marino).

EUROBATS has been amended twice. The first amendment was adopted in July 1995 in order to include an additional family (Molossidae) within the scope of the Agreement. The second amendment of July 2000 provided for the listing of species in an easily amendable Annex, instead of listing species in the more rigid treaty text.

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<sup>21</sup> Initially signed in 1982, the Joint Declaration was updated in 2010.

<sup>22</sup> This Ministry, following a reorganization within the Dutch public administration, has been superseded, in environmental issues, by the Ministry of Infrastructure and the Environment.

<sup>23</sup> Article 7(2) and (3) of the 2010 Administrative Agreement.

<sup>24</sup> Article 6 of the 2010 Administrative Agreement.

<sup>25</sup> At the time of writing (August 2015), the recruitment of two additional officers (one full time and one part-time) was in progress.

Furthermore, the amendment expanded the area of the agreement in order to include the Western Palearctic region, which includes, besides Europe, most of Northern Africa and a significant portion of the Middle East, thus recognizing biogeographical boundaries.

After initial support by the UK through an interim Secretariat, the Parties decided, at the first Meeting of the Parties (MOP-1) in 1995, through Resolution 1.3, to establish a Permanent Secretariat in Bonn from 1 January 1996, co-located with the CMS Secretariat. MOP Resolution 1.3 explicitly established English as the working language of the Secretariat, and English is also the language used in MOP meetings.

Initially, the EUROBATS Secretariat had its staff paid through the German Government. At MOP-3 in 2000, the Parties decided, through MOP Resolution 3.1, to integrate the Secretariat within UNEP, following up on an invitation by the CMS COP through Resolutions 4.4 and 5.5 to consolidate functions within the Administrative and Fund Management Unit which became operational in 2001 as well as own previous decision accepting the CMS invitation. In 2003, the Parties to EUROBATS, through Resolution 4.2, formally adhered to the 2002 Headquarters Agreement between CMS, the UN and Germany.

At MOP-1, the Parties decided, through Resolution 1.4, to establish an Advisory Committee, with a mandate to provide expert advice and information to the Parties, as well as to deal with matters related to the organisation of meetings and the implementation of the treaty. In 2006, the Parties established, through Resolution 5.8, a Standing Committee, focused on the budgetary and administrative matters relating to the implementation of the treaty, thus relieving the Advisory Committee of these tasks. The functions were slightly adjusted in 2010 through Resolution 6.17.

EUROBATS works based on quadrennial budgets, which the Parties determine at the MOPs. The budgets are based on a combination of fixed contributions and project-based voluntary contributions. For 2015-2018, the fixed contributions have been determined at an annual EUR 363,232 x, amounting to EUR 1,476,928 in total. The budget for the period totals EUR 1,652,399, including a withdrawal from its Trust Fund Reserve of EUR 175,471.<sup>26</sup>

EUROBATS currently has a staff of three full-time equivalents, with one full time P4 (the Executive Secretary), one part-time P2, two part-time G6, and one part-time G4.

### *2.2.3 1992 Agreement on the Conservation of Small Cetaceans in the Baltic, North East Atlantic, Irish and North Seas (ASCOBANS)*

ASCOBANS was concluded in New York on 17 March 1992 as the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas. It entered into force on 29 March 1994 and was amended in 2003 in order to enlarge its geographical scope (as

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<sup>26</sup> See EUROBATS MOP Resolution 7.1, 2014.

reflected in the adjusted name).<sup>27</sup> It focuses on the protection of “any species, subspecies or population of toothed whales *Odontoceti*, except the sperm whale *Physeter macrocephalus*”<sup>28</sup>. All of its 10 Parties (of a total of 17 Range States) are Parties to CMS as well.

The Agreement explicitly provides for a Secretariat, which should be attached to “a public institution of a Party or to an international body, and that institution or body shall be the employer of its staff”<sup>29</sup>. Consequently, the Parties, at MOP-1 in 1994, decided to establish, through MOP Resolution 1.4, an interim Secretariat, for a period of three years, at the Sea Mammal Research Unit, in Cambridge, UK. In 1997, through MOP Resolution 2.2, a Secretariat was established, on an interim basis, from 1 January 1998, in Bonn within the German Federal Agency for Nature Conservation, pending a full integration within UNEP from 1 January 2001 onwards. In 2000, through MOP Resolution 3.1, the Parties decided to co-locate the Secretariat with the CMS Secretariat, within UNEP’s facilities in Bonn. In 2003, through MOP Resolution 3.1, the Parties to ASCOBANS formally adhered to the Headquarters Agreement between Germany, the United Nations, and the CMS Secretariat.

In 2006, through MOP Resolution 5.2d, the Parties decided that the CMS Secretariat should serve as the Secretariat for ASCOBANS, with the CMS Executive Secretary considered as acting Executive Secretary for ASCOBANS. In 2009, through MOP Resolution 6.5, the Parties decided to keep the arrangements until 2013. In 2012, through MOP Resolution 7.6, the Parties decided to extend the current arrangements until 2016.

The ASCOBANS Secretariat currently does not have full-time members of its own, instead relying on staff of 1.43 FTE provided by the CMS Secretariat<sup>30</sup>. Its working language is English, which is also the language used in MOP meetings.

The treaty also provides for an Advisory Committee with a mandate “to provide expert advice and information to the Secretariat and the Parties on the conservation and management of small cetaceans and on other matters in relation to the running of the agreement”<sup>31</sup>. The Advisory Committee was established through MOP Resolution 1.5.

After the budget for ASCOBANS was defined on a triennial basis until 2012, MOP-7 moved towards a quadrennial budget cycle in light of the move from triennial to

<sup>27</sup> Defined in the treaty as 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°W and a line drawn through the following points: latitude 59°N/longitude 15°W, latitude 60°N/longitude 05°W, latitude 61°N/longitude 4°W, latitude 62°N/longitude 3°W; to the north by latitude 62°N; and including the Kattegat and the Sound and Belt passages”.

<sup>28</sup> Article 1.2 of treaty text.

<sup>29</sup> Article 4.4 of treaty text.

<sup>30</sup> This includes 3% of the CMS Executive Secretariat’s time.

<sup>31</sup> Article 5.1 of treaty text.

quadrennial MOPs.<sup>32</sup> For the period 2013-2016, the overall budget amounts to EUR 778,709.<sup>33</sup>

#### 2.2.4 1995 Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA)

The Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) was concluded in The Hague on 16 June 1995<sup>34</sup> and entered into force on 1 November 1999. It contains three Annexes, which have been amended several times, most recently at MOP-5 in 2012<sup>35</sup>. AEWA currently has 75 Parties, out of 119 Range States. It is thus the treaty with the second highest number of Parties within the CMS Family, surpassed only by CMS itself. Three of its Parties are not Parties to CMS (Iceland, Lebanon and Sudan).

Article VIII of the Agreement provides for the establishment of a Secretariat. Therefore, the Parties decided at MOP-1 in 1999, through Resolution 1.1, to establish a permanent Secretariat, co-located with the CMS Secretariat in Bonn and integrated into UNEP. In 2002, through MOP Resolution 2.11, the Secretariat formally adhered to the Headquarters Agreement between the CMS Secretariat, the UN and Germany. The Secretariat currently relies on a staff of 8.85 FTE (2015)<sup>36</sup>, with an additional two vacancies that may be filled according to voluntary contributions for specific projects. The working languages are English and French, which are also the official languages for AEWA MOP meetings.

In 2012, the Parties decided that the UNEP Executive Director should recruit a new Executive Secretary for AEWA, in consultation with the Standing Committee.<sup>37</sup> At its 9<sup>th</sup> Meeting in 2013, the Standing Committee discussed whether a joint Executive Secretary for both CMS and AEWA should be established on the occasion of the vacancy. Ultimately, it was decided that an “Executive Officer” would be recruited on an interim

<sup>32</sup> See ASCOBANS MOP Resolution 7.7, 2012.

<sup>33</sup> See ASCOBANS MOP Resolution 7.6, 2012.

<sup>34</sup> It should be noted that the UN Treaty Series (Volume 2365, I-42632) provides 15 August 1996 as the date of conclusion. The same date is provided in a CMS Family website as the date the treaty was opened for signature (<http://www.cms.int/en/legalinstrument/aewa>).

<sup>35</sup> Annexes 1-3 contain, respectively, the definition of the treaty area, a list of species to which the treaty applies, and an Action Plan specifying priority actions to be undertaken by the Parties.

<sup>36</sup> This sum is composed by: Executive Secretary (full-time P4), 1 full-time Technical Officer (P3); 1 full-time Associate Programme Officer (P2), financed by Norway; 1 full-time Associate Programme Officer (P2) responsible for the implementation of the African Initiative, financed 50% from the AEWA budget and 50% by Switzerland until the end of 2015; 1 full time Associate Programme Officer (P2); 1 part-time (75%) Team Assistant (G4); 1 part-time (80%) Team Assistant (Consultant), financed by Germany until the end of 2015; 1 part-time (50%) Team Assistant (G4), financed 20% by Germany and 30% by AEWA, until the end of 2015; 1 Coordinator for the Joint CMS+AEWA Communications, Information Management and Outreach Team (P2); one part-time (80%) Information Assistant (G4). However, it should be noted that AEWA’s core budget provides for 6.75 FTE only.

<sup>37</sup> See AEWA MOP Resolution 5.21, 2012, paragraph 23 and Appendix V.



basis, and that the Parties should review whether or not to establish a joint Executive Secretary for both AEWA and CMS at MOP-6, scheduled to take place in November 2015.<sup>38</sup>

In addition to the triennial MOPs, the treaty is also served by a Technical Committee, established in accordance with Article VII, and a Standing Committee established through Resolution 2.6 in 2002. The Technical Committee, among other things, provides scientific and technical advice to the MOP, as well as making recommendations on the implementation of the Agreement. The Standing Committee provides guidance and advice on policy, financial and administrative matters.

The budget for AEWA is established triennially. The budget for the period 2013-2015 amounted to a total of EUR 3,078,778. Out of this total, EUR 2,708,778 are provided by the Parties through fixed contributions, and EUR 370,000 were to be withdrawn from the Trust Fund.<sup>39</sup>

#### *2.2.5 1996 Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS)*

The Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS) was concluded in Monaco on 11 November 1996 and entered into force on 1 June 2001. One of its currently 23 Parties (out of 27 Range States) is not a Party to CMS (Lebanon). ACCOBAMS focuses on the protection of animals of species, subspecies and populations of *Odontoceti* or *Mysticeti*, an indicative list of which is included in Annex 1 to the treaty. The agreement also contains a conservation plan (Annex 2), which has been the subject of an amendment in 2007 (through MOP Resolution A/3.1).

The text of the agreement was amended in 2010, through MOP Resolution A/4.1, in order to broaden its geographical scope. However, the amendment has not yet entered into force. Under the terms of the amendment, the Agreement will change its name to “Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and **Neighbouring** Atlantic Area” (emphasis added).

Article IV of the Agreement provides for the Secretariat to be established “within the Secretariat” of CMS. To this end, the CMS COP invited ACCOBAMS in 1997, through Resolution 5.5, to consider the offer to consolidate secretariat functions within UNEP, at their own expense. MOP-1 of ACCOBAMS, through Resolution 1.2, in turn decided to establish the Secretariat in the Principality of Monaco, given that it is an ACCOBAMS Range State (which Germany is not), and that its Government offered to host it and provide staff as well as facilities and office equipment at the Principality’s expenses. In 2010, a Headquarters Agreement was concluded between the Principality of

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<sup>38</sup> See AEWA Standing Committee, 2013, para. 166-169.

<sup>39</sup> This was explicitly determined by the Parties as a way to reduce the contributions required from them; see MOP Resolution 5.21, paragraph 4.

Monaco and the Secretariat of ACCOBAMS. Moreover, an agreement covering financial arrangements was concluded, establishing, among other things, Monaco's commitment to provide an Executive Secretary and a full-time Secretary for the ACCOBAMS Secretariat, to be paid in accordance with the pay scale of the Monacan public service. With 2.5 FTE financed by the Parties, the Secretariat relies on a staff of 4.5 FTE in total. Hosted in Monaco, the Secretariat has English and French as its working languages, which are also the languages used in the agreement's MOP meetings.

Article VII of the treaty also established a Scientific Committee comprising experts in cetacean conservation, with the aim of providing advice to the triennial MOP. In 2002, the MOP, through Resolution 1.3, established the Committee.

The budget for the ACCOBAMS Secretariat is defined triennially. The most recent one, defined at MOP-5 in 2013 through Resolution 5.16, totals EUR 747,800 for the period 2014-2016.

#### *2.2.6 2001 Agreement on the Conservation of Albatrosses and Petrels (ACAP)*

The Agreement on the Conservation of Albatrosses and Petrels (ACAP) was concluded in Canberra on 19 June 2001, and entered into force on 1 February 2004. From October 2015 (when Brazil will become a Party to CMS), all of its currently 13 Parties (out of a total of 25 Range States) will be Parties to CMS. ACAP focuses on the protection of a range of species, subspecies and populations of albatrosses and petrels listed in its Annex 1.

The Agreement provides for a Secretariat to be established by the Parties at MOP-1.<sup>40</sup> Therefore, the Parties decided in 2004, through Resolution 1.1, to accept an offer from Australia and establish the Secretariat in Hobart, Australia. The Secretariat relies on two full-time staff (including the Executive Secretary) who are paid through the Tasmanian State Government and have salaries based on the pay scale of the Tasmanian public service, with the Executive Secretary's salary being determined every three years by the Parties as part of ACAP's budget deliberations.<sup>41</sup> Since 2006, the Secretariat has benefited from a Headquarters Agreement with Australia.

In addition to the triennial MOPs, Article VIII(11) of ACAP also provides for the establishment of an Advisory Committee (formally put into effect through MOP Resolution 1.5), with the aim to provide information and expert advice to the Parties and to the Secretariat.

The Secretariat's main working language is English, whereas the official languages of the MOP meetings are English, Spanish and French.

The budget is triennial and denominated in Australian Dollars (AUD). Approved by the Parties at MOP-5 in May 2015, the most recent one amounts to a total of AUD

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<sup>40</sup> See Articles VIII (11) and X of ACAP.

<sup>41</sup> See ACAP MOP Resolution 5.6, 2015.

2,355,878 for the period 2016-18. The total contributions by Parties for the period amounts to AUD 2,216,060, with the remainder covered through interest on funds, tax refunds and a contribution from the Tasmanian State Government.<sup>42</sup>

#### 2.2.7 2007 Agreement on the Conservation of Gorillas and their Habitats (Gorilla Agreement)

The Agreement on the Conservation of Gorillas and their Habitats (Gorilla Agreement) was concluded in Paris on 26 October 2007 and entered into force on 1 June 2008. One of its seven Parties (out of 10 Range States) is not Party to CMS (the Central African Republic). The treaty focuses on the protection of all species and sub-species in the genus *Gorilla*, and has the following geographical scope: Angola, Cameroon, Central African Republic, Congo, Democratic Republic of Congo, Equatorial Guinea, Gabon, Nigeria, Rwanda and Uganda.

Although Article VII of the Agreement provides for the establishment of a Secretariat, financial constraints<sup>43</sup> have made it impossible to establish it so far, with an interim Secretariat for it being provided by the CMS Secretariat. The Parties, through MOP Resolution 2.3 of 2011, have therefore asked the CMS Secretariat to assess a range of options, including:

- a Party hosting the permanent Secretariat;
- another institution or organization, such as UNEP or the Great Apes Survival Partnership (GRASP) taking on the role of permanent Secretariat;
- the CMS Secretariat remaining as the Interim Secretariat, while seeking formal or informal arrangements with other institutions to provide support and secretariat services to the Agreement;
- the CMS Secretariat acting as the permanent Secretariat, while looking for synergies with other institutions in the implementation of the Agreement's activities, for example, in holding joint meetings, or undertaking joint activities.

These options were supposed to be presented at MOP-3, originally scheduled for 2014 but postponed due to lack of funding. The agreement currently remains a “sleeping treaty”, i.e. a treaty that is technically in force, but lacks an administrative machinery to facilitate its monitoring, implementation and adaptation to changing circumstances.<sup>44</sup>

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<sup>42</sup> See ACAP MOP Resolution 5.6, 2015. From 1 January 2015 till 18 August 2015, the average exchange rate as indicated by the European Central Bank was 1 Euro = 1.4399 Australian Dollars.

<sup>43</sup> See CMS Standing Committee, 2010, para. 73; 94-98.

<sup>44</sup> Bowman, 1999, p. 93.

### 2.3 *MOUs within the CMS Family*

Besides seven daughter treaties, CMS also has 19 MOUs related to it, which are introduced below in chronological order (see Table 2 for full names). The MOUs do not classify as legal treaties, but constitute non-binding agreements. MOUs are often preferred because they can be agreed on more quickly and avoid the need for formal ratification.<sup>45</sup> Moreover, as was mentioned in the interviews, MOUs often provide an opportunity for non-Parties to CMS to engage in cooperation with Parties to CMS aimed at conserving certain species.

Most of the MOUs, aside from establishing a Meeting of the Signatories (MOS), rely on secretariat services provided by the CMS Secretariat. Where services are provided by the signatory countries themselves or specific institutional arrangements are established, this is indicated in the following brief overview.

The first MOU to be concluded within the CMS Family was the Siberian Crane MOU, adopted on 1 July 1993, with entry into force on 1 January 1999. All of its 11 Range States are signatories. Four of them are not Parties to CMS (Azerbaijan, China, the Russian Federation, and Turkmenistan).

The Slender-billed Curlew MOU was concluded, and entered into force, on 10 September 1994. It has 18 signatories out of 28 Range States (plus the EU as a “Range State”).<sup>46</sup> One of its signatories is not a Party to CMS (Oman).

The Atlantic Turtles MOU was concluded, and entered into force, on 1 July 1999. It also has an Advisory Committee as an agreement body. Two of its 23 signatories (out of 25 Range States) are not Parties to CMS (Namibia and Sierra Leone).<sup>47</sup>

The Middle-European Great Bustard MOU was concluded on 1 June 2001, entering into force on the same day. It has 13 signatories (out of 20 Range States), all of which are Parties to CMS.

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<sup>45</sup> Lanchbery (n 4) 167.

<sup>46</sup> The MOU invites further States to join the MOU if it is scientifically demonstrated that the life cycle of the species protected by it is shared with them: Armenia, Azerbaijan, France, Israel, Jordan, Kuwait, Lebanon, Libya, Macedonia FYR, Moldova, Saudi Arabia, Slovenia and Syria.

<sup>47</sup> Since it was amended in 2008, the MOU has been open for signature also to “any States whose flag vessels and other activities have direct effects on the marine turtles and their habitats of the region or anywhere in their geographic range during their life history, as well as any other States that are also interested in collaborating with the objective of this MoU”.

**Table 2: MOUs in the CMS Family**

<b>Abbreviation (year)</b>	<b>Full name of MOU</b>
Siberian Crane (1993)	Memorandum of Understanding concerning Conservation Measures for the Siberian Crane
Slender-billed Curlew (1994)	Memorandum of Understanding concerning Conservation Measures for the Slender-billed Curlew
Atlantic Turtles (1999)	Memorandum of Understanding concerning Conservation Measures for Marine Turtles of the Atlantic Coast of Africa
Middle-European Great Bustard (2001)	Memorandum of Understanding on the Conservation and Management of the Middle-European Population of the Great Bustard
IOSEA Turtles (2001)	Memorandum of Understanding on the Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South-East Asia
Bukhara Deer (2002)	Memorandum of Understanding concerning Conservation and Restoration of the Bukhara Deer
Aquatic Warbler (2003)	Memorandum of Understanding concerning Conservation Measures for the Aquatic Warbler
West African Elephants (2005)	Memorandum of Understanding concerning Conservation Measures for the West African Populations of the African Elephant
Saiga Antelope (2006)	Memorandum of Understanding concerning Conservation, Restoration and Sustainable Use of the Saiga Antelope
Pacific Island Cetaceans (2006)	Memorandum of Understanding for the Conservation of Cetaceans and their Habitats in the Pacific Islands Region
Ruddy Headed Goose (2006)	Memorandum of Understanding between the Republic of Argentina and the Republic of Chile on the Conservation of the Ruddy-headed Goose
Southern South American Grassland Birds (2007)	Memorandum of Understanding on the Conservation of Southern South American Migratory Grassland Bird Species and their Habitats
Monk Seal in the Atlantic (2007)	Memorandum of Understanding concerning Conservation Measures for the Eastern Atlantic Populations of the Mediterranean Monk Seal
Dugong (2007)	Memorandum of Understanding on the Conservation and Management of Dugongs ( <i>Dugong dugon</i> ) and their Habitats throughout their Range
Western African Aquatic Mammals (2008)	Memorandum of Understanding concerning the Conservation of the Manatee and Small Cetaceans of Western Africa and Macaronesia
Raptors (2008)	Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia
High Andean Flamingos (2008)	Memorandum of Understanding on the Conservation of High Andean Flamingos and their Habitats
Sharks (2010)	Memorandum of Understanding on the Conservation of Migratory Sharks
South Andean Huemul (2010)	Memorandum of Understanding between the Argentine Republic and the Republic of Chile on the Conservation of the Southern Huemul

The IOSEA Turtles MOU was concluded on 23 June 2001 and entered into force on 1 September 2001. 14 of its 35 signatories (out of 46 Range States<sup>48</sup>) are not Parties to CMS (Bahrain, Cambodia, Comoros, Indonesia, Malaysia, Maldives, Myanmar, Oman, Papua New Guinea, Sudan, Thailand, United Arab Emirates – UAE, USA, Vietnam). The IOSEA Turtles MOU is coordinated by one full-time staff at the CMS Project Office in Bangkok; during the one-year sabbatical leave of the full-time coordinator, starting in

<sup>48</sup> Hong Kong is counted as a State in its own right, even though it is part of the People's Republic of China.

October 2014, an interim coordinator has coordinated the MOU from Bonn. The IOSEA Turtles MOU also has an Advisory Committee. In accordance with the legal nature of the MOU, the signatories have agreed to fulfil a budget based on suggested voluntary contributions. At the last MOS, in 2014, the signatories agreed to a budget totalling USD 945,000 for 2015-2017.

The Bukhara Deer MOU was concluded on 16 May 2002, with immediate entry into force. One of its four signatories (out of five Range States) is not a Party to CMS (Turkmenistan).

The Aquatic Warbler MOU was concluded, and entered into force, on 30 April 2003. All of its 16 signatories (out of 22 Range States) are Parties to CMS.

The West African Elephants MOU was concluded on 22 November 2005 (entering into force immediately). All of its 13 Range States are signatories. One of them is not a Party to CMS (Sierra Leone).

The Saiga Antelope MOU was concluded on 23 November 2005 and entered into force on 25 September 2006. All of its five Range States are signatories. Two of them are not Parties to CMS (the Russian Federation and Turkmenistan).

The Pacific Island Cetaceans MOU was concluded, and entered into force, on 15 September 2006. Eight of its 15 signatories (out of 22 Range States<sup>49</sup>) are not Parties to CMS (Micronesia, Niue, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, USA, and Vanuatu).

The Ruddy-headed Goose MOU is a bilateral MOU between Argentina and Chile, managed by the signatories themselves, both of which are Parties to CMS. It entered into force on the day of its conclusion on 21 November 2006.

The Southern South American Grasslands Birds MOU was concluded on 26 August 2007, with immediate entry into force. All of its five Range States are signatories, which manage the MOU themselves. With the accession of Brazil to CMS, all signatories will be Parties to CMS from October 2015.

The Monk Seal in the Atlantic MOU was concluded, and entered into force, on 18 October 2007. All of its four Range States are signatories and Parties to CMS.

The Dugong MOU was concluded, and entered into force, on 31 October 2007. Nine of its 26 signatories (out of 46 Range States) are not Parties to CMS (Bahrain, Comoros, Myanmar, Papua New Guinea, Solomon Islands, Sudan, Thailand, UAE, Vanuatu). The Dugong MOU benefits from a financial and in-kind by the Environment Agency of Abu Dhabi, on behalf of the Government of the UAE, which hosts, at its own expenses, a CMS Project Office. Staffed with 5 FTE and on the basis of a triennial budget

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<sup>49</sup> In this case, Wallis and Futuna, and New Caledonia (both territories governed by France) as well as Tokelau (a territory governed by New Zealand) are considered Range States in their own right.

contribution of about USD 4 million, this office coordinates the Dugong MOU and the Raptors MOU (see below).<sup>50</sup>

The Western African Aquatic Mammals MOU was concluded on 3 October 2008, with immediate entry into force. All of its 17 signatories (out of 25 Range States) are Parties to CMS.

The Raptors MOU was concluded on 22 October 2008 and entered into force on 1 November 2008. Four of its 52 signatories (out of 132 Range States) are not Parties to CMS (Lebanon, Nepal, Sudan, UAE). The Raptors MOU benefits from financial and in-kind support by the Environment Agency – Abu Dhabi, on behalf of the Government of the UAE, together with the Dugong MOU (see above). The Raptors MOU also has a Technical Advisory Group.

The High Andean Flamingos MOU was concluded, and entered into force, on 4 December 2008. It is directly managed by the signatories. All three signatories (out of four Range States) are Parties to CMS.

The Sharks MOU was concluded on 12 February 2010 and entered into force on 1 March 2010. Also, the MOU relies on an Advisory Committee of its own. Eight of its 39 signatories (out of 151 Range States) are not Parties to CMS (Colombia, Comoros, Nauru, Sudan, Tuvalu, UAE, USA and Vanuatu). The signatories to the MOU have agreed, in 2012, through Outcome 1.3 of their first MOS, to a budget for 2013-2015 totalling EUR 1,145,866. In accordance with the legal nature of the MOU, the signatories have agreed to fulfil this budget based on suggested voluntary contributions.

The South Andean Huemul MOU is another bilateral MOU managed by the two signatories, Argentina and Chile. It was concluded on 4 December 2010, with immediate entry into force.

## ***2.4 Conclusion: the CMS Family in overview***

The CMS Family has grown significantly since 1979 and now comprises eight international treaties and 19 Memoranda of Understanding (MOUs). Given that agreements under CMS are concluded for specific species and/or regions, CMS, as the mother treaty, remains the only agreement within the CMS Family which is truly global and has the largest number of Parties.<sup>51</sup>

Secretariat services for the international treaties are provided through seven Secretariats of which four are co-located in Bonn (CMS, AEWA, ASCOBANS, EUROBATS) and three are located elsewhere (ACCOBAMS: Monaco; ACAP: Hobart, Australia; Wadden Sea Seals Agreement: Wilhelmshaven, Germany). Secretariat services

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<sup>50</sup> The office in Abu Dhabi employs, in total, 5 persons on a full-time basis, with one focal point for Dugongs, another for Raptors, and the other persons splitting their time between these two MOUs. A sixth post is currently vacant.

<sup>51</sup> Party overlap between the CMS Family treaties is further considered in section 3.3.

for most MOUs are provided through the CMS Secretariat, with two specific offices located in Abu Dhabi and Bangkok. The CMS Secretariat also serves as the interim Secretariat for the Gorilla Agreement.

The CMS Family's international treaties generally operate on the basis of triennial or quadrennial budgets, which are agreed upon by the COP or MOP, as appropriate. The contribution to these budgets is the main source of financing for the treaty Secretariats. Two notable exceptions are the Gorilla Agreement (which has not managed to mobilize enough financing for sustaining a Secretariat of its own) and the Wadden Sea Seals Agreement (which has no dedicated budget because it is incorporated into the works of the Common Wadden Sea Secretariat). MOUs are generally dependent on voluntary contributions that may on occasion be agreed by their Signatories. In total, assessed contributions to the CMS budget also account for about half of the total assessed contributions to all CMS Family treaties (not counting the CWSS budget).

Consequently, the CMS Secretariat is by far the largest of all CMS Family Secretariats, with 22.17 full-time equivalents in its headquarters in Bonn. It is thus larger than all the other Secretariats combined (not counting the Common Wadden Sea Secretariat, which has other attributions besides the Wadden Sea Seals Agreement). The AEWa Secretariat is the second largest with currently 8.85 FTE (6.75 FTE from its core budget), with the other secretariats working on the basis of less than five FTE each.

The CMS Family is thus diverse. Although some might consider CMS a convention with a narrow focus (i.e., the protection of migratory species of wild animals), in reality the diversity of animals involved, the various migratory routes, and the differences in species distributions around the world have contributed to a diverse range of agreements joining the CMS Family. Parties and signatories to some of the agreements are not even Parties to CMS itself, and secretariat arrangements and seats vary. Table 3 provides an overview of some general background information on CMS Family agreements that may be useful when considering the implications of actions to enhance synergies in the next section.



**Table 3: General information on CMS Family agreements**

Treaty/MOU	Adoption/Entry into force (DD-MM-YYYY)	Seat of Secretariat	Staff (FTE)	Governing bodies	Budget cycle/2015 budget	No. of Parties/Range States	No of Parties/Range States not Parties to CMS
CMS	23-06-1979/ 01-11-1983	Bonn (Germany)	22.17 (Bonn only)	COP, StC, Scientific Council	2015-2017/ EUR 2,375,561	122/open to all States	na
Wadden Sea Seals	16-10-1990/ 01-10-1991	Wilhelms- haven (Germany)	(8 <sup>52</sup> )	Wadden Sea Board	na (no dedicated budget)	3/3	0/0
EUROBATS	04-12-1991/ 16-01-1994	Bonn (Germany)	3	MOP, AC, StC	2015-2018/ EUR 363,232	36/63	1/10
ASCOBANS	17-03-1992/ 29-03-1994	Bonn (Germany)	1.43	MOP, AC	2013-2016/ EUR 196,889	10/17	0/1
AEWA	16-06-1995/ 01-11-1999	Bonn (Germany)	8.85/ 6.75	MOP, TC, StC	2013-2015/ EUR 1,167,984	75/119	3/24
ACCOBAMS	11-11-1996/ 01-06-2001	Monaco	4.5	MOP, Scientific Committee	2014-2016/ EUR 281,500	23/27	1/4
ACAP	19-06-2001/ 01-02-2004	Hobart (Australia)	2	MOP, AC	2016-2018/AUD 732,181 (2015)	13/25	0/8
Gorilla Agreement	26-10-2007/ 01-06-2008	Bonn, interim (Germany)	0	MOP, TC	No budget for the current period	7/10	1/1

<sup>52</sup> Staff working for the Common Wadden Sea Secretariat, not exclusively for the Wadden Sea Seals Agreement.

<b>Treaty/MOU</b>	<b>Adoption/Entry into force (DD-MM-YYYY)</b>	<b>Seat of Secretariat</b>	<b>Staff (FTE)</b>	<b>Governing bodies</b>	<b>Budget cycle/2015 budget</b>	<b>No. of Parties/Range States</b>	<b>No of Parties/Range States not Parties to CMS</b>
Siberian Crane	01-07-1993/ 01-01-1999	CMS Secretariat	N/A	MOS	N/A	11/11	4/4
Slender-billed Curlew	10-09-1994/ 10-09-1994	CMS Secretariat	N/A	MOS	N/A	18/28 (plus EU)	1/7
Atlantic Turtles	01-07-1999/ 01-07-1999	CMS Secretariat	N/A	MOS, AC	N/A	23/25	2/2
Middle-European Great Bustard	01-06-2001/ 01-06-2001	CMS Secretariat	N/A	MOS	N/A	13/20	0/2
IOSEA Turtles	23-06-2001/ 01-09-2001	CMS Secretariat/Bangkok	1	MOS, AC	N/A (see text)	35/46	14/21
Bukhara Deer	16-05-2002/ 16-05-2002	CMS Secretariat	N/A	MOS	N/A	4/5	1/1
Aquatic Warbler	30-04-2003/ 30-04-2003	CMS Secretariat	N/A	MOS	N/A	16/22	0/1
West African Elephants	22-11-2005/ 22-11-2005	CMS Secretariat	N/A	MOS	N/A	13/13	1/1
Saiga Antelope	23-11-2005/ 25-09-2006	CMS Secretariat	N/A	MOS	N/A	5/5	2/2
Pacific Islands Cetaceans	15-09-2006/ 15-09-2006	CMS Secretariat	N/A	MOS	N/A	15/22	8/12
Ruddy Headed Goose	21-11-2006/ 21-11-2006	Managed by Signatories	N/A	MOS	N/A	2/2	0/0

<b>Treaty/MOU</b>	<b>Adoption/Entry into force (DD- MM-YYYY)</b>	<b>Seat of Secretariat</b>	<b>Staff (FTE)</b>	<b>Governing bodies</b>	<b>Budget cycle/2015 budget</b>	<b>No. of Parties/ Range States</b>	<b>No of Parties/ Range States not Parties to CMS</b>
Southern South American Grassland Birds	26-08-2007/ 26-08-2007	Managed by Signatories	N/A	MOS	N/A	5/5	0/0
Monk Seal in the Atlantic	18-10-2007/ 18-10-2007	CMS Secretariat	N/A	MOS	N/A	4/4	0/0
Dugong	31-10-2007/ 31-10-2007	Abu Dhabi (UAE)/CMS Secretariat	2.5	MOS	N/A (see text)	26/46	9/22
Western African Aquatic Mammals	03-10-2008/ 03-10-2008	CMS Secretariat	N/A	MOS	N/A	17/25	0/2
Raptors	22-10-2008/ 01-11-2008	Abu Dhabi (UAE)/CMS Secretariat	2.5	MOS, Technical Advisory Group	see text	52/132	4/27
High Andean Flamingos	04-12-2008/ 04-12-2008	Managed by Signatories	N/A	MOS	N/A	3/4	0/0
Sharks	12-02-2010/ 01-03-2010	CMS Secretariat (interim)	1	MOS, AC	N/A (see text)	39/151	8/60
Southern Andean Huemul	04-12-2010/ 04-12-2010	Managed by Signatories	N/A	MOS	N/A	2/2	0/0

**Note:** Please see text in section 2 for more detail and explanation. Budget figures provided are based on contributions to the core budgets as agreed by the Parties. Numbers of Parties and Range States anticipating entry into force of CMS for Brazil on 1 October 2015.

**Sources:** See section 2.

### **3. Possible implications of actions to enhance synergies**

This section discusses the legal, financial, operational, and administrative implications of future actions aimed at enhancing synergies among the Secretariats of the CMS Family (with an emphasis on sharing of services). To establish a basis for this discussion, section 3.1 first provides a brief overview of past and ongoing efforts relating to synergies pursued within the CMS Family. This is followed by the presentation of common service areas among the (Bonn-based) Secretariats and the introduction of a distinction between non-institutionalized efforts to enhance synergies and the sharing of services among relevant Secretariats (section 3.2). The subsequent analysis of implications of further actions to enhance synergies is divided in four parts, addressing, respectively, legal implications (section 3.3), financial implications (3.4), operational and administrative implications (section 3.5) and overarching implications (section 3.6). As mentioned in the introduction (section 1), the assessment of operational and administrative implications has been combined because of the considerable overlap between both categories that make a clear distinction and separation difficult. The category of overarching implications has been included to reflect the crosscutting nature of certain issues.

#### ***3.1 Overview of past and ongoing synergies efforts***

Enhancing synergies within the CMS Family is not a new endeavour. There have been previous actions towards synergizing within the Family. Given that the first international treaty within the Family was concluded in 1990, and the first MOU in 1993, this agenda essentially emerged in the 1990s as a result of the growing number of treaties and MOUs which are related to CMS itself, but are formally autonomous/independent.

The first initiatives to enhance synergies within the CMS Family included the drive to consolidate the secretariat functions related to the European-based treaties of the Family in Bonn, Germany.<sup>53</sup> Therefore, it was decided early on to co-locate the Secretariats for EUROBATS, AEWA and ASCOBANS in Bonn, whereas the Common Wadden Sea Seals and the ACCOBAMS Secretariats were located elsewhere in Europe – the former due to the other activities it performs besides those of the agreement itself, the latter not least as a result of an offer by Monaco to cover a substantial part of its expenses through financial and in-kind contributions.

The co-location of several agreements in Bonn, within the structure of UNEP, led to the establishment of a common Administrative and Fund Management Unit (AFMU) in 2000. This unit has been providing services since January 2001 to all agreements which have their Secretariats based in Bonn and it is fully financed out of the 13% Programme

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<sup>53</sup> CMS COP Resolution 4.4, Annex, 1994, para. 19.

Support Costs paid from the budgets of the agreements hosted in Bonn.<sup>54</sup> It focuses on issues such as the management of funding (including supporting development of budget proposals and drafting budget revisions), processing payment request, making travel arrangements, and some human resource matters. Although the Secretariats have at times faced challenges in the services provided by the unit, the arrangement seems to be generally accepted.<sup>55</sup> The common AFMU is a specific arrangement involving UNEP itself, which differs from the focus of current debates on the merits of establishing or expanding shared services among the Secretariats (see also section 3.2 below).

As mentioned in section 2.2.3, the Parties to ASCOBANS furthermore decided in 2006, in the face of “both institutional and sustainable difficulties”<sup>56</sup>, that the CMS Secretariat would provide Secretariat services to ASCOBANS, with the cost covered by the Parties to ASCOBANS.<sup>57</sup> Therefore, the ASCOBANS budget pays for a total of 1.43 FTE of staff located in the CMS Secretariat: the Executive Secretary for CMS is also the acting Executive Secretary for ASCOBANS, with 3% of his salary financed by ASCOBANS; a programme officer from the CMS Secretariat invests 15% of her time to ASCOBANS; an Associate Programme Officer spends 75% of her time for ASCOBANS (acting as main contact person for ASCOBANS in the Secretariat); and a Team Assistant works half-time for ASCOBANS.

Evaluations of these arrangements were conducted in 2008 and 2011. Whereas the 2008 evaluation highlighted several criticisms and challenges arising from the transition, the 2011 evaluation, which was based on a questionnaire sent to the Parties and to the Secretariat, came to the overall result that the performance of the Secretariat had improved significantly over time, and that efficiency and cost savings were satisfactory.<sup>58</sup> Costs to Parties of ASCOBANS have remained roughly stable, although this may not reflect real costs of the services provided (e.g., overtime). On this basis, Parties to both ASCOBANS and CMS have repeatedly decided to maintain the arrangements first made in 2006.<sup>59</sup>

Moreover, in light of the complexity of the CMS Family, a process to discuss its “Future Shape” was conducted from 2008 to 2012. Its intent was to “to explore the possibilities of strengthening the contribution of CMS and the CMS Family to the

<sup>54</sup> Approximately two-thirds of the 13% overhead charge paid to UNEP is thereby flowing back to the support of the Secretariats in Bonn.

<sup>55</sup> As indicated in several interviews.

<sup>56</sup> Evaluation of the Merger of the ASCOBANS Secretariat with the CMS Secretariat, MOP 7/Doc.8-01 (S), 2012, para. 5.

<sup>57</sup> ASCOBANS MOP Resolution 5.2d, 2006.

<sup>58</sup> See ASCOBANS Advisory Committee, Evaluation of the Merger of the ASCOBANS Secretariat with the CMS Secretariat 2012 [MOP7/Doc.8-01 (S)], paras. 7-9. This successful assessment was widely shared by the interviewees. See also: Kurukulasuriya and Kitakule-Mukungu, 2008, and CMS Secretariat, UNEP/CMS/Conf.10.34, 2011, para. 9.

<sup>59</sup> See CMS COP Resolution 11.1, 2014, para. 20; CMS COP Resolution 10.1, UNEP/CMS/Resolution 10.1, 2011, para. 15; ASCOBANS MOP Resolution 7.6, 2012, para. 8; ASCOBANS MOP Resolution 6.5, 2009, para. 9.

worldwide conservation, management and sustainable use of migratory species over their entire range”,<sup>60</sup> which also entailed the pursuit of synergies.<sup>61</sup> This was particularly important “in a time of diminishing budgets and increasing stresses on species and ecosystems”<sup>62</sup>. In the end, Parties agreed to a range of measures, including the adoption of “coordinated strategic plans for the CMS Family”, “seek opportunities to coordinate meetings between institutions, working groups and across the CMS Family agreements” and “enhance collaboration between CMS agreements”.<sup>63</sup>

Most recently, the CMS and AEWA Secretariats have been piloting a joint communications, information management and outreach unit, composed of staff from both Secretariats amounting to 5.6 FTE (status June 2015), since early 2014. Two interim assessments have been published by the Secretariats of CMS and AEWA, respectively, in 2014 and 2015.<sup>64</sup> These indicate a high level of productivity of the unit since its inception, a significant potential for synergy and a number of challenges to be addressed to fully explore this potential and provide for a smooth operation. They also indicate differences in assessment between the two Secretariats (as also visible from the comments received on the draft report; see Annex 2). The arrangement is to be further assessed at the next AEWA MOP in November 2015.

Also, the CMS Secretariat has recently, on a temporary basis as a result of a sabbatical leave, moved the unit responsible for the coordination of the IOSEA Turtles MOU from Bangkok to Bonn. However, the move is temporary and the CMS Bangkok Office structure remains in place.

Finally, a number of non-institutionalized efforts to enhance synergies within the CMS Family deserve mentioning, as highlighted during the interviews, including:

- The ongoing implementation of a single online reporting system for the whole CMS Family, which aims at facilitating the internal flow of information, making data across treaties and MOUs more comparable, and facilitating the work of national focal points and experts by reducing the need to provide similar or equal data to different platforms linked to different instruments.
- The establishment of a joint web portal and online workspace for working groups for the CMS Family (so far used by parts of the Family).

<sup>60</sup> CMS COP Resolution 9.13, 2008, para. 1.

<sup>61</sup> The resolution launching the process instructed the Parties to take into account, among other things, “possibilities and options to deliver a more integrated conservation programme”; see CMS COP Resolution 9.13, 2008, para. 3.

<sup>62</sup> ‘CMS / COP-10: The “Future Shape” of an Innovative Convention’ (2012) 42 Environmental Policy and Law 82, 82.

<sup>63</sup> CMS COP Resolution 10.9, 2011, Annex 1. The Resolution found that enhanced cooperation between CMS Agreements could be pursued, if appropriate, either through coordination between Secretariats or through merger of agreements, based on clustering/grouping of species or on ecology or geography.

<sup>64</sup> See AEWA Standing Committee, Doc StC 10.7 Rev.1, 2015. See also CMS Secretariat, UNEP/CMS/COP11/Doc.16.2, 2014.

- Informal cooperation on the development and implementation of other specific projects/campaigns and events (such as the CMS Family Species Champions Programme);
- Helping out of staff across the boundaries of Secretariats based in Bonn, e.g. in cases of absence of individual staff members or high workload (especially in the context of COPs/MOPs).

### ***3.2 Non-institutionalized cooperative actions and sharing of services***

Based on the overview of past synergy efforts in section 3.1, it is useful to distinguish between non-institutionalized cooperative actions and the more institutionalized sharing of services. As indicated, the Secretariats of the CMS Family have acquired a track record of cooperating on specific projects on a case-by-case basis. The benefits of such cooperation and coordination seem to be widely acknowledged (as apparent from the interviews). It was also mentioned in the interviews that such informal cooperation has some further potential, if the needs of other Secretariats are systematically considered by relevant staff, and may include, for example, joint training. Means to further the exploitation of such potential may include the strengthening of inter-secretariat information flows and mechanisms for coordination of planning.

Such a case-by-case cooperation is to be distinguished from the sharing of services involving the establishment of joint units on the basis of a joint programme of work and joint planning. Limited experience in this respect exists, as indicated above, with respect to the joint CMS/AEWA communications, information management and outreach unit. The merging of the ASCOBANS Secretariat functions into the CMS Secretariat may be considered to have a similar effect, but took a different form (namely an actual merger), that is not currently under consideration for other cases.

We attempt to highlight in the next sections which of the implications analysed arise for non-institutionalized cooperative action and which for the sharing of services. At the same time, this juxtaposition should not be taken to mean that both kinds of coordination and enhancing synergy would be mutually exclusive. Rather, specific projects to enhance synergies (such as those mentioned above) can also be implemented in a structure with shared services.

As a further background as regards the possible sharing of services, it should be useful to present data available as regards the common services existing in the different Secretariats as well as the resources allocated to each of these services, respectively. Taking into account document UNEP/CMS/COP11/Doc.16.2, Table 4 indicates the general service areas existing in the different Secretariats of the CMS Family treaties.

As this overview indicates, service areas considerably overlap among the CMS Family treaty secretariats. All of them engage (to varying degrees) in the meeting organization, capacity-building, implementation support, fund raising, IT services, translation services, and communications and outreach, while administrative services are

shared within UNEP for the Bonn-based secretariats. All secretariats outsource translation services and, except ACCOBAMS, IT services. Other services are provided by each secretariat, with communications and outreach shared between CMS and AEWA since 2014, as mentioned in section 3.1. Table 4 does not include areas of potential overlap and complementarity regarding more substantive areas of work, such as scientific and technical services or regarding particular (groups of) species.

**Table 4: Provision of services by treaty secretariats of the CMS Family**

Service	Treaty Secretariats					
	CMS	EUROBATS	ASCOBANS	AEWA	ACCOBAMS	ACAP
<b>Administrative services</b>	Shared within UNEP	Shared within UNEP	Shared within UNEP	Shared within UNEP	Secretariat	Secretariat*
<b>Communications, information and outreach</b>	Shared with AEWA	Secretariat	Secretariat	Shared with CMS	Secretariat	Secretariat
<b>IT services</b>	Outsourced	Outsourced	Outsourced	Outsourced	Provided by Monaco	Outsourced
<b>Translation services</b>	Outsourced	Outsourced	Outsourced	Outsourced	Outsourced	Outsourced
<b>Fund raising</b>	Secretariat	Secretariat	Secretariat	Secretariat	Secretariat	Secretariat
<b>Implementation support</b>	Secretariat	Secretariat	Secretariat	Secretariat	Secretariat	Secretariat
<b>Capacity-building</b>	Secretariat	Secretariat	Secretariat	Secretariat	Secretariat	Secretariat
<b>Organization of meetings</b>	Secretariat	Secretariat	Secretariat	Secretariat	Secretariat	Secretariat

\* with assistance from host country

Note: Without the Common Wadden Sea Secretariat and the Gorilla Agreement.

Source: own compilation on the basis of document UNEP/CMS/COP11/Doc.16.2 and available budgetary documents.

Unfortunately, data on resource allocation (in particular, staff) for this analysis are not easily available. With the exception of CMS itself, the budgets adopted do not usually specify such resource allocation. The limited availability of data also affects the ability to calculate, even in a very general and hypothetical manner, in any detail possible financial efficiency gains of either the sharing of services overall or of specific services (see also section 3.4 below).



### 3.3 *Legal implications*

Whereas few legal issues arise with respect to informal actions to improve coordination, a number of such legal issues are potentially pertinent regarding more formal arrangements such as the sharing of common services or even the merging of institutions, agreements or services. Overall, the main legal issues that may arise are related to the following interlinked aspects:

- The level of overlap between the memberships of different treaties and MOUs within the CMS Family;
- Legal autonomy and independence of different instruments within the CMS Family (and applicable decision-making rules);
- Different administrative legal frameworks within the CMS Family, such as staff regulations and rules concerning the management and application of funds.

**Memberships of different CMS Family instruments.** Memberships of the different CMS Family instruments vary widely, providing for limitations in overlap. There is not a single country which is Party to all treaties within the Family. France, as the country with the highest participation in the treaties within the CMS Family, has become party to six of the eight treaties (while it is not a Ranger State to either the Gorilla Agreement or the Wadden Sea Agreement). Thirty nine countries are Parties only to CMS itself. Also, there are a limited number of countries that are Parties to daughter agreements without being Parties to CMS itself (see Figure 1). The situation for the MOUs is similar, with no one country being (able to be) signatory to all MOUs. Furthermore, several signatories of one or more MOUs are not Parties to CMS itself (see Table 3). Among smaller sets of three treaties, the highest overlap of Parties is among CMS, EUROBATS and AEWA (33 Parties), including less than half of the Parties to CMS and AEWA. Table 5 illustrates the very limited overlap of memberships with respect to the daughter agreements to CMS.

Not surprisingly, CMS itself has a central position and provides the broadest platform as it incorporates most of the countries that are Parties to its daughter agreements (and the MOUs) (see Figure 1). Notably, the Convention – in order to facilitate the broadest international cooperation possible – does not require the Parties to its daughter agreements to be also Parties to the Convention. This approach differs from the Framework Convention plus Protocol approach pursued in other areas of international environmental law, including the 1992 Convention on Biological Diversity, the 1992 UN Framework Convention on Climate Change, and the 1985 Vienna Convention for the Protection of the Ozone Layer. Nevertheless, the overwhelming majority of Parties to CMS' daughter agreements are also Parties to the Convention, as is illustrated in Figure 1. The same holds, to a slightly lesser extent, for the MOUs (see Table 3).

**Table 5: Party membership in CMS' daughter treaties**

Participation in treaties	No of Parties
Parties to 5 treaties*	1
Parties to 4 treaties**	4
Parties to 3 treaties***	18
Parties to 2 treaties****	26
Parties to 1 treaty	40

Note: Does not include membership of CMS.

\* ACAP+ACCOBAMS+AEWA+ASCOBANS+EUROBATS

\*\* ACAP+AEWA+ASCOBANS+EUROBATS or AEWA+ASCOBANS+EUROBATS+Wadden Sea

\*\*\* ACAP+ACCOBAMS+EUROBATS or ACAP+AEWA+EUROBATS or  
ACCOBAMS+AEWA+EUROBATS or AEWA+ASCOBANS+EUROBATS

\*\*\*\* ACAP+AEWA or ACCOBAMS+AEWA or ACCOBAMS+EUROBATS or  
AEWA+EUROBATS or AEWA+Gorilla or ASCOBANS+EUROBATS

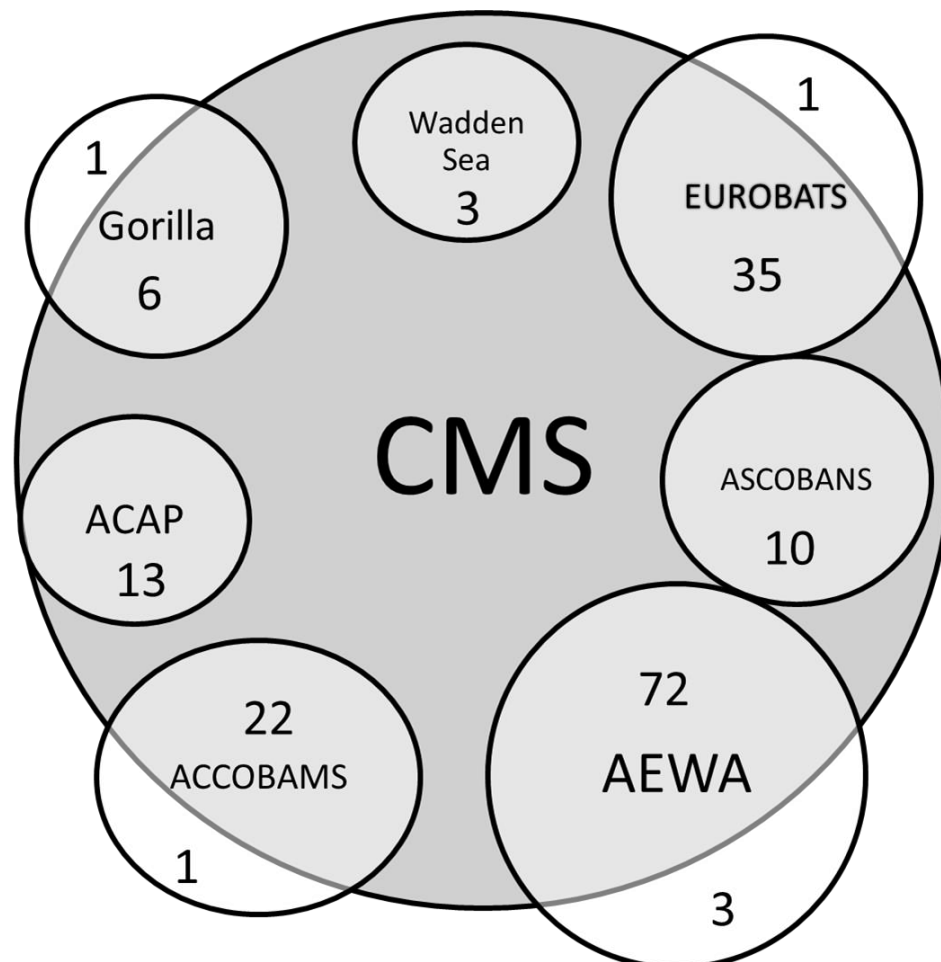
Source: own compilation.

The overlap of memberships of the CMS Family treaties depicted in Figure 1 differs from the situation with respect to the Basel, Rotterdam and Stockholm Conventions (“the Chemicals Conventions”) depicted in Figure 2. Whereas CMS has a central mother treaty around which more limited daughter treaties are grouped, the Chemicals Conventions are each independent global conventions which can and do have a high degree of overlapping memberships: 149 countries plus the European Union are Parties to all three Conventions. The limited number of agreements involved and the large overlap among their Parties may have facilitated efforts at synergy in this case. Nevertheless, the example of the Chemicals Conventions also demonstrates that the issue of limited overlap of memberships is not unique to the CMS Family.

Party overlap is relevant in particular for efforts at sharing services, while less relevant for non-institutionalized cooperation. The latter can in many (if not most) cases be initiated by the Secretariats concerned in their own authority (with proper information of and possibly approval by the Parties, as appropriate). In the case of sharing services, non-uniform participation across the various instruments has the legal consequence that cost- and time-sharing arrangements are required between different agreements (to which the Parties to all treaties involved have to agree; see next point). For example, if a post were shared between two agreements with identical memberships, cost-sharing should not constitute an issue since any Party would in any event have to contribute its share. With non-uniform participation, however, relative contributions of individual Parties to different agreements vary. A country that is only Party to one or a few of the treaties concerned may not want to contribute to the costs of the other one(s). Hence, reaching

mutually agreed cost and time-sharing arrangements between the relevant instruments may in this case be particularly challenging.<sup>65</sup>

**Figure 1: Party overlap between CMS and its daughter treaties**

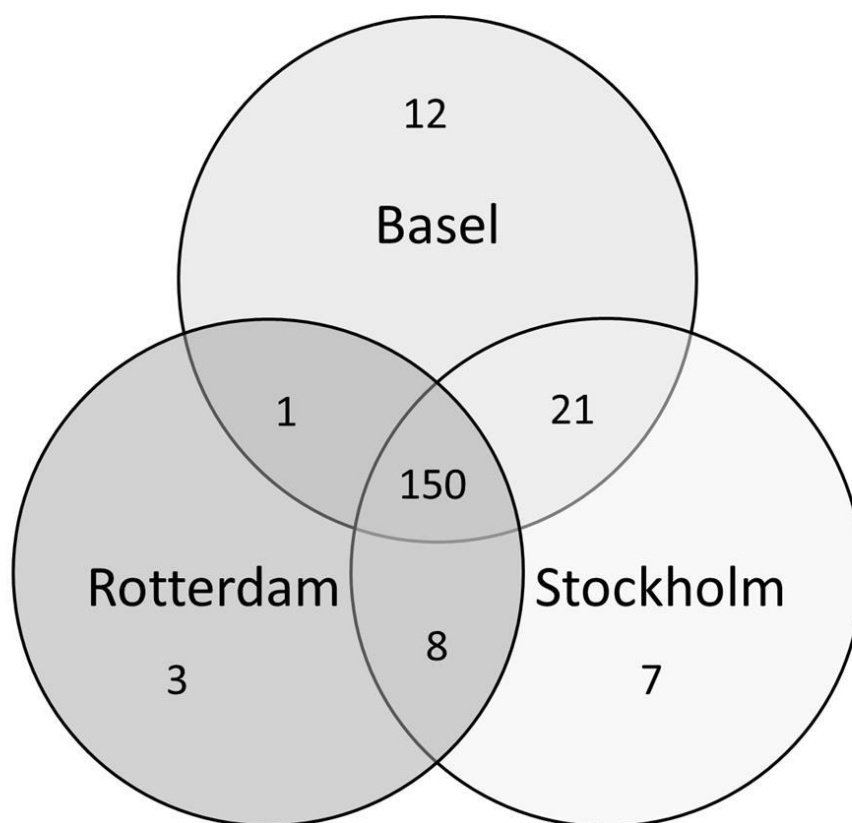


Source: own compilation.

It may furthermore be noted that this issue does not arise in the same way with respect to the MOUs within the CMS Family because secretariat services for MOUs are generally provided through the CMS Secretariat.<sup>66</sup>

<sup>65</sup> The difficulty of achieving such arrangements may be aggravated by overlaps in jurisdiction and regulatory competence between different instruments. Although CMS instruments are based on distinctive lists of species and/or geographical areas, there may be instances in which jurisdictional authority can be disputed. For instance, with the extension of the geographical scope of ACCOBAMS in 2010, its area and species partly overlap with those of ASCOBANS (see Mrema and Frisch, 2011, p. 18). Such overlaps may make it more difficult to clearly allocate certain activities to one agreement where time and cost-sharing arrangements need to be defined. Overall, such overlaps have so far remained rather limited among the CMS Family instruments.

<sup>66</sup> However, it should be noted that certain MOUs receive funding from countries which are not Parties to CMS, such as is the case of the Sharks MOU (which receives funding from the USA), and of the Dugong and Raptors MOUs (which receive funding from the UAE).

**Figure 2: Party overlap among the Basel, Rotterdam and Stockholm Conventions**

Source: own compilation.

**Legal autonomy of CMS Family instruments.** The different treaties of the CMS Family establish, like multilateral environmental agreements in general, autonomous sectoral legal systems. The MOUs also constitute separate frameworks with independent decision-making bodies (mainly MOSs).<sup>67</sup> It may even be argued that the different CMS instruments, most notably the treaties, enjoy even more autonomy than Protocols to Framework Conventions in the Framework Convention plus Protocol approach mentioned above (since there are no requirements flowing from the Convention). As a result, there is hardly scope for centralized decision-making to provide guidance to different instruments (especially the treaties).

Consequently, reaching agreement on appropriate time and cost-sharing arrangements and other possible far-reaching actions to enhance synergy across the CMS Family instruments requires agreements by the respective governing bodies of the instruments (the CMS COP, the various treaty MOPs and, for some possible actions, MOU MOSs, all of which have different Party compositions). While reaching such agreement may politically not be a trivial task, examples such as the synergies process among the Basel, Rotterdam and Stockholm Conventions demonstrate that, with political

<sup>67</sup> It should be emphasized that MOUs are not treaties, as per the definition provided by the 1969 Vienna Convention on Law of Treaties, thus not being legally binding autonomous sectoral legal systems. Nevertheless, they provide an institutional and political framework for cooperation among their signatories.

will, agreement is possible (see Box 1). Legally, such agreements (including on sharing services) are possible and do generally not require amendments of the treaties themselves.

**Table 6: Voting rules applicable in CMS Family treaties**

Treaty	Voting procedure
CMS	<ul style="list-style-type: none"> <li>– 2/3 majority as general rule</li> <li>– Consensus on budget issues</li> </ul>
Wadden Sea Seals	<ul style="list-style-type: none"> <li>– Consensus</li> </ul>
EUROBATS	<ul style="list-style-type: none"> <li>– 2/3 majority as general rule</li> <li>– 3/4 majority in financial matters</li> </ul>
ASCOBANS	<ul style="list-style-type: none"> <li>– Simple majority as general rule</li> <li>– 3/4 majority for financial issues and amendments</li> </ul>
AEWA	<ul style="list-style-type: none"> <li>– In case of lack of consensus, 2/3 majority</li> <li>– Unanimity for budget issues</li> </ul>
ACCOBAMS	<ul style="list-style-type: none"> <li>– Majority voting on procedural matters</li> <li>– 2/3 majority on other matters</li> </ul>
ACAP	<ul style="list-style-type: none"> <li>– If consensus is not possible, 2/3 majority</li> <li>– Consensus on certain issues (including rules of procedure and financial issues)</li> </ul>
Gorilla Agreement	<ul style="list-style-type: none"> <li>– Majority voting on procedural matters</li> <li>– 2/3 majority on other matters</li> </ul>

Source: own compilation.

The need for decentralized decisions by the individual instruments raises the issue of the applicable decision-making procedures, including relevant voting rules. Depending on the applicable voting rule, decisions may require a majority, consensus or even unanimity. Table 6 provides an overview of the formal voting rules applicable under the different treaties of the CMS Family. While it should be taken into account that, as a general matter, decisions tend to be taken by consensus in practice, voting rules may have an impact even under those circumstances. As indicated above, these considerations hardly apply to non-institutionalized cooperative actions, which can in large part be implemented without cost- and time-sharing arrangements.

**Different administrative legal frameworks.** Another relevant legal issue concerns differing legal frameworks related to staff regulations and the management and application of funds. Whereas these regulations are essentially the same for the treaty Secretariats under the auspices of UNEP, other Secretariats of the CMS Family follow different arrangements. For instance, staff working for the Wadden Sea Secretariat follow rules from the German Federal public service, whereas those from ACCOBAMS follow rules from the Monacan public service. These lead, among other things, to different staff pay scales and regulations related to leave and working hours.

Also, in what relates to the management of funds, the arrangements vary considerably within the Family. For instance, ACAP funds are disbursed through the Tasmanian State Government, and its budgets are denominated in Australian Dollars, whereas the -agreements located in Bonn manage their funds through a common AFMU and have budgets denominated in Euros (as decided by the Parties).

As this discussion indicates, different administrative legal frameworks handicap efforts at enhancing synergies beyond the Bonn-based instruments. Actions to enhance synergies among Secretariats following different administrative rules thus face particular challenges as regards sharing of services and the establishment of common structures based on cost and time-sharing agreements. In cases of Secretariats under the auspices of UNEP, different administrative rules do not constitute a significant impediment.<sup>68</sup> Again, such impediments hardly weigh on non-institutionalized cooperative actions.

### 3.4 *Financial implications*

The financial implications of actions to enhance synergies such as the sharing of services are difficult to estimate with any degree of precision and confidence *ex ante*. Therefore, in this section, based on experiences from other processes and on relevant literature, we provide an overview of what these implications could be, with the caveat that a precise quantitative assessment is beyond the reach of this study. A more reliable assessment of the financial implications would, first of all, require the availability of further data (including on existing task descriptions, work programmes and related resource allocation as well as planned future priorities). It might therefore best be elaborated in close cooperation of and with the Secretariats concerned (as also happened in the case of the Chemicals Conventions addressed further below). Actual figures derived *ex post* would have to confirm any *ex ante* assessment.

Moreover, we would like to clarify upfront that any figures included in the following are based solely on publicly available data, such as data contained in various resolutions on budgetary issues from the CMS COP and from the MOPs of its daughter agreements. Therefore, figures may fail to take into account other variables, such as contributions earmarked for specific projects and *ad hoc* support provided by certain Parties.

Overall, financial implications of actions to enhance synergies, especially the sharing of services, as identified in this study and discussed in the following are related to the following issues:

- Potential cost reductions;

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<sup>68</sup> It should be noted that the coordinating units of the IOSEA Turtles MOU as well as the Raptors and Dugong MOUs form part of the CMS Secretariat so that administrative rules should also not constitute a significant impediment to actions to enhance synergies. However, their different location and related funding arrangements that are based on decisions of the respective MOSs limit the scope for sharing services.

- Potential cost increases;
- Potential impact on financial support provided by the Parties;
- Potential impact on the mobilization of external funding for the CMS Family.

**Potential cost reductions.** Savings, materializing in reduced budgets or – more appropriate in the context of CMS – in “doing more with the same”, may be one of the main motivations and objectives of actions aimed at enhancing synergies. Such savings are closely related to efficiency gains sought, as discussed in section 3.5 below. As Parties have indicated a need for further enhanced secretariat support, especially as regards implementation, it may be more appropriate to refer to “enhanced cost effectiveness” than to “cost reductions”. Such enhanced cost effectiveness may alleviate some of the pressure on Secretariats to live up to Parties’ expectations within existing budgets (given current lack of resources).

An example within the CMS Family already exists: the provision of secretariat services to ASCOBANS by the CMS Secretariat. Quantified data that would allow us to draw firm conclusions on cost reductions/enhanced cost effectiveness achieved are, however, not available:<sup>69</sup> on the one hand, contributions by Parties to the core budget have remained relatively stable (also due to efficiency gains achieved) and Parties have been found to be satisfied with efficiency gains and cost reductions realized. On the other hand, it is unclear to what extent a high amount of overtime by CMS staff, the relatively low grade of the coordinator (P-2) and contributions by the CMS Secretariat at large may have to be accounted for.<sup>70</sup> It should furthermore be taken into account that the usefulness of the incorporation of the ASCOBANS Secretariat functions into the CMS Secretariat as a precedent is limited as regards the sharing of services, since the latter does not amount to a full “merger”. Having said that, the ASCOBANS case does provide relevant indications as referred to below.

Looking beyond the CMS Family, the synergies process among the Rotterdam, Basel and Stockholm Conventions provides a relevant example (see Box 1). While each and every case has its particularities that need to be taken into account, the core of the “internal dimension”<sup>71</sup> of the synergies process of the Chemicals Conventions consisted in “synergizing and streamlining delivery of essential services”.<sup>72</sup> At the core of this effort was the building of joint units in common service areas across the three conventions. In particular, savings potentials were identified in the following common service areas: administration, financial management and conference services; legal and compliance

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<sup>69</sup> The evaluation of the merger performed in 2008 pointed to the fact that the personnel component for ASCOBANS led to expenses of USD 180,778 in 2006 (before the merger), whereas in 2007 (after the merger) expenses amounted to USD 167,981. However, it should be noted that these figures only relate to the personnel component, and are subject to the influences of varying exchange rates between USD and EUR. See Kurukulasuriya and Kitakule-Mukungu, 2008, pp. 34-35.

<sup>70</sup> See discussion in section 3.1 and sources provided there.

<sup>71</sup> Willis, 2011, p. 269.

<sup>72</sup> Ibid.

services; capacity-building and training; resource mobilization and partnerships; and information management.<sup>73</sup> Whereas these service areas are divided in ways that are different from what has been considered with respect to the sharing of services among the CMS Family Secretariats, they in large part overlap.<sup>74</sup>

In 2006, prior to the implementation of the synergies process among the aforementioned conventions, savings were estimated to amount to USD 765,000 per year for the integration of all aforementioned service areas of all three conventions, taking into account staff costs only. This represented a reduction of nearly 20% of the total costs of these services together, as provided independently by the three Conventions prior to the establishment of the joint units, with concrete planned savings varying between the service areas. The underlying analysis and planning was prepared by UNEP as the mother institution of the three Convention Secretariats (in consultation with them).<sup>75</sup> The successful implementation of the cost savings was confirmed by an audit in 2015, although some delays in realizing the full potential have been encountered. Taking into account personnel as well as other costs (infrastructure, meetings, travel and staff development), actual savings of USD 498,768 were reported as achieved for 2012, and USD 603,680 for 2013 (as compared to a potential of more than USD 1 million).<sup>76</sup> Up to 75% of these savings related to personnel costs.<sup>77</sup> These cost reductions compare to combined budget figures for the three conventions (contributions to core budgets) of about USD 14.2 million for 2012 and USD 14.5 million for 2013 (i.e. the reductions accounted for about 3-4 per cent of the overall budget).

<sup>73</sup> See Supplementary Analysis the of financial and administrative arrangements that would be needed to implement any changes proposed to enhance synergies and cooperation between the secretariats of the chemicals and waste conventions, UNEP/POPS/COP.2/INF/18, 2006.

<sup>74</sup> See also section 3.2 above.

<sup>75</sup> These calculations referred only to staff costs and were based on two options: 1) common head and common convention support limited to core management functions; 2) integrated administrative support plus integrated implementation and technical assistance services. Overall, the figures were deemed moderate, but it was argued that “there are considerable efficiency gains for all three secretariats through the provision of joint services”. See Supplementary Analysis the of financial and administrative arrangements that would be needed to implement any changes proposed to enhance synergies and cooperation between the secretariats of the chemicals and waste conventions, UNEP/POPS/COP.2/INF/18, 2006.

<sup>76</sup> These savings had, however, to be reallocated to fill gaps in the budget as a result of higher staff costs caused by fluctuations of the exchange rate between the US Dollar and the Swiss Franc, as well as arrears in contributions by Parties. See Report on cost savings resulting from synergies among the Basel, Rotterdam and Stockholm Conventions for the period 2012-2013, UNEP/POPS/COP.7/INF/48, UNEP/FAO/RC/COP.7/INF/28, UNEP/CHW.12/INF/42, 2015. See also Basel Convention, Rotterdam Convention and Stockholm Convention, UNEP/FAO/CHW/RC/POPS/EXCOPS.2/INF/22, 2013, and UNEP/CHW.12/INF/43; UNEP/FAO/RC/COP.7/INF/28; UNEP/POPS/COP.7/INF/49, 2015.

<sup>77</sup> While in this case personnel resources were reduced, under the circumstances of the CMS personnel resources freed in certain service areas may be reallocated to other areas of work such as implementation support.



**Box 1: Synergies – the example of the “Chemicals Conventions”**

The Parties to the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the 1998 Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, and the 2001 Stockholm Convention on Persistent Organic Pollutants, together often referred to as the “chemicals conventions”, have since 2005 adopted a series of decisions and actions aimed at enhancing the cooperation and coordination among these treaties, in order to facilitate their implementation.

In 2005, the three COPs established an Ad Hoc Joint Working Group to prepare recommendations on the issue. The Working Group’s final report of 29 March 2008 recommended, among other things, the harmonization and synchronization of national reporting, coordinated meetings (including COP meetings), the establishment of joint management for joint services and activities, and the establishment of joint services in areas such as administration, finances, law, information technology and information. The three COPs adopted the recommendations as a set of separate COP decisions, known as “synergies decisions”, with nearly identical texts in 2008 and 2009.

In 2010, simultaneous extraordinary meetings of the COPs held in Bali, Indonesia, adopted a series of “omnibus decisions” on areas such as: joint activities, joint managerial functions, joint services, synchronization of budget cycles, joint audits, and implementation review arrangements. Key among its provisions is the request for UNEP to recruit a joint head for the Basel Convention Secretariat, the Stockholm Convention Secretariat and the UNEP Part of the Rotterdam Convention Secretariat.

In 2011, COPs held separately adopted substantively identical decisions on synergies. These decisions, among other things, provided flexibility for the “Executive Secretary of the Basel Convention, the Stockholm Convention and the United Nations Environment Programme part of the Rotterdam Convention” to determine the staffing levels, numbers and structure of the Secretariat within the established budget levels.

In 2013 and 2015, the three COPs met back-to-back. An omnibus decision was adopted in 2013, agreeing to the organization established by the Secretariat and to undertake a review of the arrangements at the COPs in 2017.

Each convention retains its own budget. However, in light of their joint management, as well as of the existence of several joint services, the financing of certain activities is shared among the three conventions. For instance, the payment of staff costs is divided among the three convention budgets.

Source: ‘History of the Synergies Process’ at <<http://synergies.pops.int/Decisionmaking/Overview/SynergiesProcess/tabid/2615/language/en-US/Default.aspx>> accessed 17 August 2015.

Based on these experiences, it can be concluded that there is indication of a limited but significant potential for enhanced cost-effectiveness through the sharing of services. What the concrete potential may be in the case of the Secretariats of the CMS Family, in particular those co-located in Bonn, is difficult to ascertain. The above example of the Chemicals Conventions would suggest a cost-effectiveness potential of the common services concerned of about 20%, but also that this potential may vary between service areas. Also, increases in cost effectiveness do not necessarily translate into decreases of costs if the workload, demands and outputs pursued increase at the same time (as has been

the case for the CMS Family Secretariats already). Unfortunately, a breakdown of (personnel) costs and staff resources per service area is not readily available for the CMS Family Secretariats and can thus not be used here for further assessment. Reductions of travel costs could also be a possible outcome of sharing of services and the creation of joint units, although a precise estimate would require analysing the current travel intensity and identifying overlaps in the attendance of meetings among different units/Secretariats (which is beyond the scope of this study).

**Model calculations/scenarios.** Because of these limitations, any model calculations/scenarios can only have purely indicative value. Given the request for more concrete figures (see comments reflected in Annex 2), we nevertheless engage in two such calculations/scenarios here to illustrate the possible cost effectiveness potential.

1. First, assuming that a similar ratio of the overall budgets could be freed as in the case of the Chemicals Conventions and taking into account the four Bonn-based CMS Family Secretariats, resources amounting to about EUR 125,000-165,000 might become available for strengthening implementation support: The combined core budgets for the four Bonn-based CMS treaties for 2015 amounted to around EUR 4.14 million. 3-4% of this sum would thus amount to a range of around EUR 125,000-165,000, indicating a possible cost-effectiveness potential.
2. A second, hypothetical model calculation or scenario could relate to the common service areas themselves, applying the savings potential of up to 20% as identified in the case of the Chemicals Conventions. Two parameters may be applied: financial costs (in EUR) and resource allocation (in terms of FTE of personnel), which may not necessarily match. Assuming a combined cost for personnel in the participating secretariats in a relevant service of EUR 360,000, an improvement in cost effectiveness of up to 20% would be equivalent to up to EUR 72,000. Thus, assuming that the individual agreements had invested together 1.5 FTE professional staff and 2 FTE general staff in the service in question, 0.5 FTE general staff would be freed for other tasks such as strengthening implementation support, if the joint unit could be run with 1.5 FTE professional staff and 1.5 FTE general staff.

We wish to emphasize that any such calculation remains purely hypothetical and illustrative at this time. It may especially illustrate the type of planning exercise a concrete scheme would imply and require (as well as the limitations of trying to calculate concrete figures without more complete data and joint planning of the Secretariats concerned). As in the case of the Chemicals Conventions, such an exercise should involve work and resource planning, which may be most usefully done jointly by the Secretariats involved (including any possible implications on travel).<sup>78</sup> It is also worth recalling that the example of the Chemicals Conventions, in line with the experience of the incorporation

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<sup>78</sup> In the Chemicals Conventions, for example, this exercise was a mix of bottom-up and top-down approaches; see Willis, 2011, p. 269; see also section 3.5 below.

of the ASCOBANS Secretariat functions into the CMS Secretariat,<sup>79</sup> suggests that the full realization of an identified potential for enhanced cost effectiveness may require several years to fully materialize.

Finally, the potentials identified above apply to the sharing of services among the relevant Secretariats rather than intensified non-institutionalized collaborative work. Most of the underlying potential for efficiency gains would, as discussed in section 3.5 below, especially result from the sharing of services. In this context, it may be noted that the potentials identified in the case of the Chemicals Convention came on top of various non-institutionalized synergy efforts pre-dating the further integration of secretariat services.<sup>80</sup>

**Potential cost increases.** Actions to enhance synergies, including the sharing of services, may at times also lead to higher costs, at least in the short term. In this context, we may consider transaction costs occurring in the establishment of common services, the monetization of previously unmeasured costs, adjustment of personnel pay scales, as well as new infrastructure costs.

To start with, the establishment or expansion of common services does require adaptations and generally efforts which may also lead to direct costs, e.g. for training of personnel and restructuring. These aspects are further addressed in section 3.5 below and therefore not discussed in detail here. It is worth noting that these costs are mostly of a transitional character so that they tend to decline over time. They may be one of the reasons why any increases in cost-efficiency usually take time to materialize fully, as mentioned above, and may thus be already reflected in the figures provided above on the example of the Chemicals Conventions.

Moreover, previously non-monetized efforts may be turned into visible costs as a result of the restructuring involved in actions to enhance synergy, especially the sharing of services. Within organizations, it is frequent to have *ad hoc*, non-institutionalized collaborative arrangements among departments. Thus, staff members informally provide mutual and reciprocal support resulting in extra (unpaid) time employed in other departments. Such “in kind” contributions may also involve voluntary commitments from outsiders (e.g. national focal points or experts), sharing of equipment and tools, etc.<sup>81</sup> as confirmed by our interviews, such non-institutionalized arrangements seem to be in use also among the Secretariats of the CMS Family. Once the collaboration is formalized, these previously uncalculated costs may become apparent, due to the need to track activities more closely in light of cost and time-sharing agreements. It should be noted that these costs were usually also incurred previously, but had remained “invisible” and

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<sup>79</sup> See section 3.1 above and sources provided there.

<sup>80</sup> See Basel Convention, UNEP/CHW.8/INF/28, para. 41.

<sup>81</sup> Several interviewees pointed to the existence of informal collaborative arrangements within the CMS Family, which have provided the basis for collaboration among teams from different Secretariats.

were not calculated due to the informality of the arrangements. They may thus not represent real cost increases.

Furthermore, synergies may lead to increases in personnel costs in two instances. First, changes of administrative arrangements may lead to higher staff costs. Hence, staff costs within EUROBATS and ASCOBANS rose after they joined the UNEP administrative framework, given the need to follow UN rules on employment. Therefore, if treaties currently hosted outside of UNEP were to be incorporated into it, such as through their co-location in Bonn, this could result in increases in personnel costs. This should not be an issue regarding actions to enhance synergies among the Bonn-based Secretariats.

Second, some increases of personnel costs could result from the creation of any joint units for the sharing of services among CMS Family Secretariats where such units imply the creation of some middle management in the form of unit coordinators requiring a minimum staff level. This has been an issue in the joint CMS/AEWA communications, information management and outreach unit whose coordinator has a staff grade not appropriate for a coordinating role.<sup>82</sup> Whether this would also be an issue with respect to any other joint units will depend on the exact composition of and the division of work within that specific unit.

Similarly, other costs, related to infrastructure, may rise under specific circumstances (especially in the case of re-location of non-Bonn based Secretariats to Bonn). At the moment, the host countries of the Secretariats of some instruments, such as ACCOBAMS and ACAP, have provided infrastructure and support that would be lost if they moved to Bonn.<sup>83</sup> At the same time, it would need to be taken into account that Germany, under the Headquarters agreement with UNEP and CMS, also provides support to CMS Family Secretariats located in Bonn, including for office space and maintenance. In joining the UNEP framework, Secretariats of the Family moving to Bonn would become subject to UNEP's general 13 per cent overhead costs in exchange for UNEP's infrastructure and support (including by the Administrative and Fund Management Unit). Whether this would result in net cost increases would depend on current arrangements for services then delivered by UNEP. An exact determination of the financial implications of the moving of non-Bonn based Secretariats to Bonn would thus require a comparison and exact quantification of the benefits arising from the different Headquarters agreements (taking into account arrangements with UNEP in Bonn). These considerations would not be relevant for enhancing synergies and sharing services among the Bonn-based Secretariats.

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<sup>82</sup> It was proposed by the CMS Secretariat, at the last CMS COP, that the staff member in question be promoted to P-3 status, with the additional staff costs being paid from the CMS budget, but the proposal was ultimately rejected. See AEWA Standing Committee, Doc StC 10.7 Rev.1, 2015, p. 5.

<sup>83</sup> In the case of the ACAP Secretariat, the resulting benefits have been estimated to be approximately AUD 130-170,000 per year.

**Financial support by Parties.** Another possible financial implication of actions to enhance synergy relates to the level of financial support provided by the Parties to the various instruments within the CMS Family. If synergies lead to enhanced cost effectiveness, Parties may be inclined to reduce their contributions to the various budgets within the Family. Through the effects of inflation, freezing budgets/ contributions at a certain level for a long period of time, i.e. keeping them nominally constant, could have a similar effect.

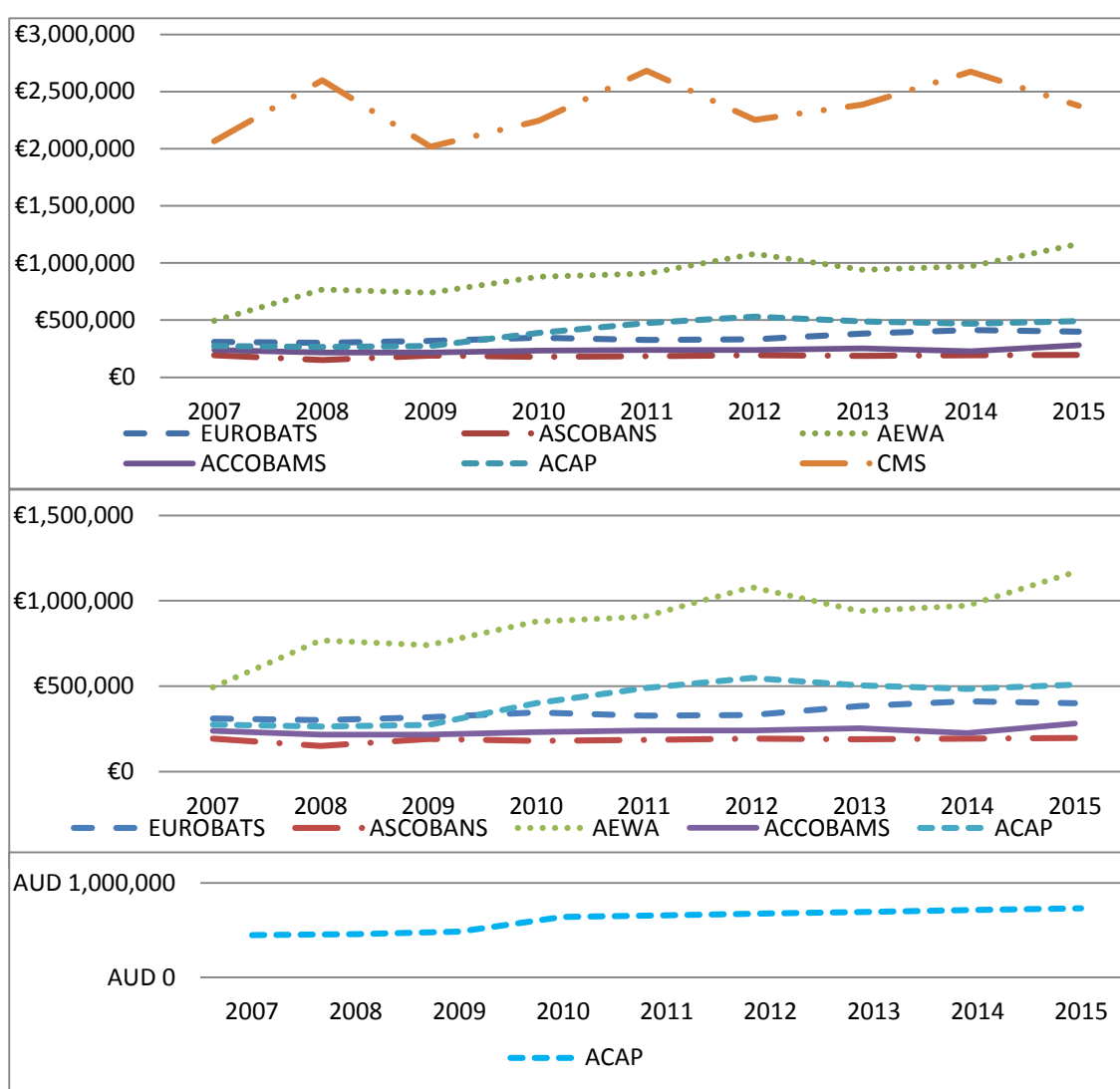
An inclination by Parties to reduce financial contributions carries a number of possible dangers. To start with, Parties may overestimate the potential for savings and thus provide insufficient financial support thus endangering the proper functioning of vital secretariat services. In this context, Parties may tend to ignore or underestimate significant transaction costs incurred in the transition, as mentioned in section 3.5. Furthermore, indication of reduced contributions by Parties may negatively affect the operations of the Secretariats by reducing staff motivation and creating or exacerbating uncertainty (see also section 3.5 below). In this context, it should be noted that the Secretariats of the CMS Family as such, for their biggest part, are already widely considered under strain due to limited funding and a desire of Parties to provide more support to actual implementation, an assessment shared by many interviewees.<sup>84</sup> It might be possible to alleviate the aforementioned dangers, for instance by means of a public political commitment by Parties to provide continued financial support to the operation of the CMS Family. This issue in any event deserves careful consideration and handling.

At the same time, one may not only fear that Parties might reduce financial contributions in reaction to enhanced cost effectiveness, but also that they may do so in any event or in reaction to a perceived lack of efforts at enhancing cost effectiveness. It is difficult to know the balance of related considerations by (different) Parties.

In this context, it is instructive to consider the development of the budgets of the CMS Family treaties over the recent past. Figure 3 provides data on the development of the core budgets of the relevant six treaties (excluding the Gorilla Agreement that does not have a proper core budget) from 2007 to 2015. According to the data available and presented, Parties have so far not reduced their financial support to the CMS Family treaties. Especially over more recent years, core budgets (and related contributions by Parties) have, with some fluctuations not least due to meetings of COPs/MOPs and with modest increases in some cases, remained more or less stable.<sup>85</sup> This overall stabilizing trend, has happened despite an increasing demand and work load – and despite or because of past actions to enhance synergies, as discussed in section 3.1 above. It may indicate that there is little room for increasing budget allocations and contributions by Parties in the nearer future. This expectation was confirmed in the interviews conducted.

<sup>84</sup> See also CMS COP Resolution 11.3, 2014, Preamble, and AEWA Standing Committee, 2013, para. 169 and Annex II.

<sup>85</sup> In the case of ACAP, they have been subject to an annual increase in terms of Australian Dollars.

**Figure 3: Annual core budgets of CMS Family treaties 2007-2015**

Source: own compilation from relevant resolutions of treaty governing bodies.<sup>86</sup>

**Mobilization of external funding.** Another possible financial implication of actions to enhance synergies is related to their effect on the mobilization of external funding, beyond contributions to the core budget. In this respect, it has been argued in the interviews that two institutions acting independently may obtain more funding, in total, than a single institution (such as a jointly coordinated unit), since independent bids would overall increase the chances of success. However, the counterargument (also presented in the interviews) is that, in reality, a unified approach could bring to bear a greater weight and visibility to seek external funds in comparison to two small institutions acting independently, including by facilitating a more strategic, coherent and coordinated

<sup>86</sup> ACAP budget is originally in AUD. Exchange rates adopted: 1.6348 AUD per EUR for 2007; 1.7414 for 2008; 1.7737 for 2009; 1.6008 for 2010; 1.3483 for 2011; 1.2407 for 2012; 1.3773 for 2013; 1.4722 for 2014; 1.4398 for 2015 (average from 01/01/2015 till 18/08/2015).

approach.<sup>87</sup> Such an approach may not exclude seeking donations for individual agreements, but should facilitate combining bids where useful. While the evidence on whether independent units or a joint unit are more effective and efficient in attracting funds remains somewhat inconclusive, this argument essentially relates to the question of the usefulness of sharing this particular service.

Beyond this question, efficiency gains within the CMS Family resulting from enhanced synergies in general might, as in the case of the core budget discussed above, improve the Family's overall profile and increase its attractiveness to potential donors. Donors tend to seek the maximum possible return from their donations in terms of benefits (in this case, in the form of conservation);<sup>88</sup> therefore, a more efficient arrangement within the CMS Family, which led to greater productivity and greater gains in terms of conservation (see also section 3.6 below), might improve the prospect of securing funding in addition to the core budget.<sup>89</sup> Overall, there is evidence that organizations perceived as more efficient and reliable are, *ceteris paribus*, able to secure greater access to donations.<sup>90</sup> Therefore, if actions to enhance synergies (both through non-institutionalized collaboration and the sharing of services) lead to greater efficiency, this may have a positive impact on the ability to attract voluntary funding.

### 3.5 Administrative and operational implications

This section discusses in broad terms the potential administrative and operational implications which may arise from actions to enhance synergies. In particular, the following issues are explored:

- Gains in efficiency and performance,
- Negative effects and problems arising from reorganization and adaptation
- Autonomy of agents.

**Efficiency and performance gains.** Actions to enhance synergies, including common services, have a significant potential to increase efficiency and improve performance, in particular through enabling specialization and reducing double-work, creating economies of scale, increasing resilience through creation of critical mass, facilitating coordination and overarching strategy, and – eventually – more productivity/ effectiveness. While these potential gains are at the root of the potential for enhanced cost effectiveness

<sup>87</sup> It has been observed that donors have at times preferred to provide funding for projects which would benefit more than one agreement within the CMS Family, thus reinforcing the argument for the benefits of a coordinated approach.

<sup>88</sup> Yen et al., 1997, p. 248; Echazu and Nocetti, 2015, pp. 49-50 and 52.

<sup>89</sup> It has also been stated, in the interviews, that a more efficient structure may contribute to enhancing the overall attractiveness of the CMS Family. If this could contribute to additional countries joining the treaties of the Family, it should also lead to increased contributions to the core budgets.

<sup>90</sup> Waters, 2011, p. 470; Privett and Erhun, 2011, pp. 471-472.

discussed in section 3.4 above, this should not overshadow their perhaps more significant substantive component: the potential to provide a significant improvement of overall performance. Progress achieved over the past years in this respect should be acknowledged, so that future efforts can build on past successes.<sup>91</sup>

Efficiency and performance gains can first of all result from a reduction of double work and greater specialization (including “economies of scale”). For instance, some staff could specialize in providing assistance to the organization of conferences and meetings for the whole CMS Family, or a significant part of it (such as the agreements co-located in Bonn), thus freeing up capacity of other staff who currently need to make the arrangements individually within their own agreements.<sup>92</sup> Also at the more substantive level, it has been suggested that expert units working across the instruments could be established, focused, for instance, on certain taxa, or certain regions (or a combination of both), perhaps building on already existing non-institutionalized collaborative arrangements.

Gains can be significant in the case of the combination of resources of relatively small units which generally address similar tasks, as is the case with the Secretariats of the CMS Family. Their comparatively small size limits options for specialization without arrangements for cooperation, while potential for improvement (“economies of scale”) arising from sharing services is pronounced given the similarity of tasks to be fulfilled. Actions to enhance synergies, including common services, thus offer the prospect for particularly significant improvements of performance.

Combining resources into somewhat bigger and specialized units also enhances organizational resilience. The establishment of joint units, or at least the close coordination between units, has the advantage of increasing the pool of persons working together on certain issues, thus allowing for smoother and quicker replacements if necessary, such as in case of maternity leaves or absence due to sickness or holidays. Creation of such critical mass could reduce the number of “single points of failure” in the staff pool, i.e. the chance that important processes grind to a halt, are delayed or are generally negatively affected as a result of an absence or leave of an employee, thus providing greater resilience to the system. For example, it has been pointed out that the incorporation of ASCOBANS into the CMS Secretariat allows it to draw on broader expertise and capacity beyond the individuals specifically allocated to administering ASCOBANS.<sup>93</sup>

Furthermore, actions to enhance synergies, including common services, could facilitate harmonized/coordinated approaches and overarching strategy across the CMS

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<sup>91</sup> See also section 3.1.

<sup>92</sup> It has been suggested in the interviews that this could be outweighed by a decreasing flexibility and closeness to Parties of individual agreements. Therefore, if actions to enhance synergies in this area were to be adopted, a careful transition management would be recommended, in order to ensure that such arrangements are not disrupted and that costs do not increase.

<sup>93</sup> Interviews. See also CMS Secretariat, UNEP/CMS/Conf.10.34, 2011, para. 10-11.



Family. While such harmonization and coordination has already significantly advanced (e.g. recent drive towards coordinated communication strategies), the further institutionalization of cooperation in the form of common services can be assumed to help exploit the existing potential further. This should also support and reinforce the aforementioned efficiency gains, thus promising improvements in quality and impact.

The potential for the efficiency and performance gains discussed so far seems well established and widely acknowledged, especially for institutionalized approaches such as sharing services (as compared with non-institutionalized cooperation efforts). A case in point is, for example, the interim evaluations of the joint CMS/AEWA communications, information management and outreach unit, which the CMS Secretariat and the AEWA Secretariat presented in October 2014 and June 2015, respectively.<sup>94</sup> The scope for specialization and a centralized approach to (certain aspects of) communication (e.g. management of websites and other online tools) is highlighted, as are the opportunities created for a more coherent strategic approach to communication and other advantages, including regarding the resilience of the team to absences of individuals. The evaluations of the ASCOBANS arrangements also support that the discussed efficiency and performance gains can be reaped.<sup>95</sup> Scepticism and criticism have especially been expressed with respect to the extent this potential can actually be realized and will not be outweighed by disadvantages such as reorganizational costs and the need for appropriate management of arrangements and conclusion of cost and time-sharing agreements. Concern about differential impacts on the participating secretariats has also been expressed. These potential downsides are discussed below.

In two areas, potential for efficiency gains from synergies actions seems less certain in the CMS context. First, potential for additional savings through the combination of meetings appears more limited within the CMS context. The scope for the combination (co-location, back-to-back meetings) has already been exploited to some extent and further room for improvement is limited in the CMS context since various agreements cover different species and/or regions. On occasion, a further combination of meetings may still be possible to exploit more fully overlaps of participants and reduce organizational costs for the Secretariats. Exploiting this – limited – potential could be facilitated through a coordinated approach to meeting planning and management.

Second, a certain scope for efficiency gains may also exist with respect to staff travel. In the case of the Chemicals Conventions, staff travel could be reduced as a result of the combination of services and the merging of the secretariats.<sup>96</sup> However, the extent to which such potential exists in the case of the CMS Family is uncertain. No data on the attendance of meetings by staff from different secretariats could be evaluated, and related potential was not prominently highlighted in the interviews.

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<sup>94</sup> CMS Secretariat, UNEP/CMS/COP11/Doc.16.2, 2014; AEWA Standing Committee, Doc StC 10.7 Rev.1, 2015.

<sup>95</sup> ASCOBANS Advisory Committee, MO7/Doc.8-01, 2012, para. 8 and 15.

<sup>96</sup> See section 3.4 above.

Finally, it deserves mentioning that the efficiency performance discussed here links to an improved effectiveness of the agreements. This dimension is further discussed in section 3.6 below.

**Negative effects and problems of reorganization and adaptation.** Far-reaching actions to enhance synergies, such as the sharing of services, may entail certain issues arising from reorganization and adaptation that may result in monetary costs (see section 3.4 above), but may also reduce productivity or operational performance. While these issues tend to decline over time, their size and duration crucially depend on arrangements in place in order to manage the transition. The successful establishment of effective transition management in turn requires a common understanding and vision of all major stakeholders.<sup>97</sup> The potential negative effects and problems discussed here would seem to be far less relevant for non-institutionalized synergy efforts.

Many of the relevant potential negative effects and problems relate to adaptation to a new organizational structure, such as the effort required for preparing for new structures whilst continuing to run the old ones.<sup>98</sup> For example, staff may need time and effort to find their way in a reshaped organizational environment and to adapt to a new task portfolio (including for training and retraining), which may impair performance. Moreover, uncertainty with regard to an upcoming reorganization has been found to have a potential to negatively affect performance already during the period immediately preceding reorganization.<sup>99</sup>

Part of these easily overlooked “soft” issues is the need to rebuild existing networks and adapt (informal) procedures. The establishment of new structures may break up existing networks. In the case of the CMS Family, for example, existing, mostly informal *ad hoc* collaborative arrangements between (individuals in) different Secretariats – the importance of which was emphasized in the interviews – could be disrupted by organizational change.<sup>100</sup> Furthermore, there may be costs related to the adaptation of procedures and the creation of new procedures as a result of organizational changes (e.g. standard operating procedures, including reporting and decision-making), which may, at least for a certain period of time, detrimentally affect operational performance within the Family.<sup>101</sup> It would require time (and effort) for new arrangements to emerge and (informal) procedures to be adapted/revised so as to ensure full operational effectiveness.

In the case of sharing of services among the CMS Family Secretariats, particular challenges related to human resources exist. First of all, such services may imply a certain

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<sup>97</sup> Our interviews as well as the comments on the draft study indicate that this requirement may not yet be fulfilled in the case of the CMS Family Secretariats.

<sup>98</sup> Andrews and Boyne, 2012, p. 302.

<sup>99</sup> Ibid., pp. 308-309.

<sup>100</sup> See also *ibid.*, pp. 298-299.

<sup>101</sup> Weber and Camerer, 2003, p. 409.

level of coordinated human resource policy and management across the participating agreements, including by their governing bodies (for example, to ensure an appropriate and coherent staffing of joint units in terms of staff grades<sup>102</sup>). Relatedly, individual staff members in the relevant Secretariats at times fulfil different tasks (pertaining to several services). Hence, a sharing of services may require a certain shuffling (since it requires more than just putting certain posts in one unit).

A further aspect concerns looming actual or perceived distributional effects. Thus, if a joint unit was formed by very well performing staff from one side and lower-performing staff from the other side, the former side may consider having lost in own performance and in terms of a fair burden-sharing.<sup>103</sup>

Finally, different organizational cultures need to be taken into account. Synergies are maximized when the best aspects of different organizational cultures are combined to generate a result which is greater than the sum of their parts.<sup>104</sup> Examples from the private sector, based on organizational mergers, point to bad results arising from the attempt to impose the corporate culture of one of the organizations over the other, including the voluntary departure of key staff.<sup>105</sup> In order to avoid similarly negative implications within the CMS Family, actions to enhance synergies within it should therefore take into account its “cultural diversity” (which may be relatively limited in the case of the co-located Secretariats, but should nevertheless not be neglected).

Many, if not most, of the aforementioned potential negative effects and problems tend to decline and eventually disappear once staff gets adapted to the new organizational structure<sup>106</sup>, and can be minimized by means of a proactive and careful management of the transition. Failure of such management, in contrast, can have serious repercussions on operational performance. Successful management, and thus the realization of a successful transition and the associated benefits and gains, is crucially dependent on leadership competences, staff motivation, and a sufficient level of trust among those involved in the process.<sup>107</sup> The way in which organizational changes are managed has a direct effect on the attitude of staff towards the process. The role of the managers of this process is therefore essential for keeping staff engaged and motivated. While authoritative decision-making can contribute to and ensure the clarity needed, transition management needs to ensure that change is conducted transparently, with clearly communicated objectives, purposes and benefits, in order to reduce resistance to change.<sup>108</sup> This first of all requires a common understanding and vision of all major players. Furthermore, involving the

<sup>102</sup> See Section 3.4 above on potential cost increases.

<sup>103</sup> This issue was raised in the interviews.

<sup>104</sup> Weber and Camerer, 2003, p. 400.

<sup>105</sup> Ibid., pp. 400–401.

<sup>106</sup> Lim, 2014, pp. 8-9.

<sup>107</sup> Battilana et al., 2010, pp. 433-434; Panteli and Sokalingam, 2005, p. 604; Lam et al., 2015, pp. 559-562; Klarner et al., 2011, pp. 333-334.

<sup>108</sup> Liu and Perrewé, 2005, p. 264-265; Henry, 1997, p. S146.

affected staff in the process can facilitate acceptance and ownership of the transition.<sup>109</sup> In the case of the Chemicals Conventions, for example, the newly appointed Secretary engaged in consultations with the services within the three conventions in order to determine jointly the existing room for enhancing synergies.<sup>110</sup>

The evidence available suggests that challenges and room for improvement exist in this respect regarding actions to enhance synergies among the CMS Family. There is not yet clarity on the way forward to enhance synergies, including by the Parties. In addition, the still early experience with the joint CMS/AEWA communications, information management and outreach unit indicates room for improvement regarding proactive management of the changes involved in the new set-up.<sup>111</sup> Last but not least, the available assessments of this pilot joint service as well as the interviews and comments on the draft study indicate room for improvement regarding common ownership, understanding and vision among those involved in this process.

**Autonomy of agreements/Secretariats.** Another set of administrative and operational implications of actions to enhance synergies concerns their effect on the autonomy of the various CMS Family agreements and their Secretariats. Since each Family instrument has its own set of Parties/Signatories (and amendments to these instruments are not anticipated), their legal independence *vis-à-vis* each other would remain unchanged. However, short of the formation of a single Secretariat serving the whole Family, a sharing of services could, through the establishment of joint functional units, based on cost and time-sharing agreements, entail changes to the autonomy and decision-making power of the agreements/Secretariats involved. For example, the sharing of services may imply that certain decisions taken so far independently in the context of one agreement/Secretariat require coordination or are moved to different levels (e.g. decisions on work prioritization and HR management). For instance, communications within CMS and AEWA used to be directed independently by their respective Executive Secretaries and teams, whereas the formation of the joint unit requires coordination in the management, also taking into account the now existing common coordinator of the unit. This point is related to the need for more coordination across the agreements and their secretariats arising from far-reaching actions to enhance synergies, such as the sharing of services, as mentioned above.

Overall, while any action to enhance synergies implies some level of cooperation and interdependence at the operational level, related implications grow significantly when moving to a sharing of services. Regardless of the specific arrangements to be adopted, the competences and responsibilities of those involved should be well established (e.g. through common terms of reference, guidelines, strategies or an internal agreement between secretariats). Failure to do so may be detrimental to productivity, as the

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<sup>109</sup> Fulop et al., 2005, p. 126.

<sup>110</sup> See Willis, 2011, p. 269.

<sup>111</sup> AEWA Standing Committee, Doc StC 10.7 Rev.1, 2015.

organizational changes and the extent of each one's autonomy will not be clear to those involved in the process, thus entailing need for *ad hoc* (and time consuming) clarification as the process evolves.

### 3.6 Overarching implications

Besides the legal, financial, administrative and operational implications discussed in the previous sections, another set of implications are overarching and may not be classified into one of the above-mentioned categories. Overall, the main overarching issues addressed here are related to the following aspects:

- Increased effectiveness of species conservation;
- External visibility of the CMS Family, including at higher political levels;
- Individual identities of the agreements within the CMS Family;
- General policy directions agreed upon at the international level.

**Increased effectiveness.** As has been pointed out, the overarching objective of CMS and its daughter agreements is the effective conservation of migratory species. Therefore, it is important to have an understanding of the link between actions to enhance synergies, such as sharing of services, and the effective fulfilment of the CMS Family instruments' mandate. In doing so, it may be interesting to note that this link is an issue not only for the CMS Family, but also in other relevant areas, for example the Chemicals Conventions where it has been acknowledged that efficiency and cost effectiveness of delivering services goes hand in hand with strengthening implementation and effectiveness.<sup>112</sup> Both should indeed be seen as integral parts of a whole.

At least three positive correlations between enhanced synergies and increased effectiveness of conservation efforts can be pointed to, based on the implications discussed above. First, to the extent that enhanced efficiency of secretariat services frees resources in terms of finance and time, these resources could, assuming a fixed overall amount of available resources, be reallocated to supporting effective implementation. Second, to the extent that enhanced synergies entail an improved performance of secretariat services, such improved performance should have immediate positive effects on environmental effectiveness, since the overall rationale of the secretariat services is to contribute, directly or indirectly, to the operation and effectiveness of the relevant agreements. Beyond this general link, third, enhanced synergies (and the related efficiency gains) contribute directly to improved effectiveness to the extent that they facilitate joint strategies, programmes, action plans, etc. with enhanced vigour.

These positive correlations hold for any action to enhance synergies, including non-institutionalized efforts and sharing of services. To the extent that either of them

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<sup>112</sup> See Willis, 2011.

possesses specific potential, as analysed above, it therefore also promises to make a particular contribution to an improved conservation of migratory species.

**External visibility.** According to the interviews, the CMS Family has a lower external visibility than other biodiversity-related multilateral environmental agreements, reinforcing the relatively low political priority CMS Family instruments tend to enjoy. Actions to enhance synergies could help increase the external visibility of the CMS Family, thereby raising greater attention from political actors located at higher echelons of governments.

A variety of non-institutionalized coordinated efforts to enhance the external visibility of the CMS Family as a whole that have already been initiated and pursued (e.g. regarding website, reporting, communication) can be further developed and expanded. Options include the elaboration of joint communication strategies, which has already started, and the elaboration of a coordinated scheme for external representation of the CMS Family and its individual agreements. A sharing of services could in principle facilitate and reinforce this process by supporting joint strategizing and common thinking as a Family. It may also help increase the overall weight of the CMS Family towards the outside world by enhancing internal coherence and cohesion.

Such enhanced internal coherence and cohesion may also help address challenges for the external profile of the CMS Family arising from its complex/fragmented structure (rooted in its original design and as part of the complex system of global environmental governance as a whole). It has been argued in the interviews that it is sometimes not easy to know for outsiders which institution within the Family to approach for a particular issue. The establishment of shared service units could be a step towards a less complex, and therefore clearer and more accessible, structure.

**Identities of individual agreements.** It has also been argued in the interviews that the establishment of shared services which act more for the overall Family and less for each independent instrument may dilute the individual identities of the Family's instruments. According to this view, individual agreements would slowly lose their own identities and be obfuscated by the greater integration of services.

Overall, the actual effect may be more a question of the CMS Family's communication strategy and "branding" towards external actors. The Basel, Rotterdam and Stockholm Conventions are increasingly referred to as the "Chemicals Conventions", which helps their joint profiling, with uncertain effects on the individual identities of each convention. At the same time, there are examples from the private sector which indicate that visibility of the greater Family does not need to come at the expense of the individual identities of its members, and that both may actually be simultaneously enhanced. For instance, over the 1990s and early 2000s, airlines around the world have explored synergies among them through the establishment of alliances; ultimately, some of these

alliances have grown to become globally known<sup>113</sup>, but the individual identities of airlines within them have not been lost.<sup>114</sup> This suggests that there is room for jointly determining a strategy that balances the identity of the Family and identities of its individual members.

**General policy directions.** Another overarching argument relates to policy guidelines agreed upon by States in global environmental fora, which overall point to a goal of enhancing synergies among multilateral environmental agreements and streamlining international environmental governance.

In this respect, countries gathered at the United Nations Conference on Sustainable Development (Rio+20) in June 2012 agreed, among other things, that promoting synergies and coherence was one of the ways of achieving a more effective institutional framework for sustainable development.<sup>115</sup> Moreover, they recognized the achievements in enhancing synergies among the Basel, Rotterdam and Stockholm Conventions, and encouraged Parties to multilateral environmental agreements to consider further measures “to promote policy coherence at all relevant levels, improve efficiency, reduce unnecessary overlap and duplication, and enhance coordination and cooperation among MEAs”.<sup>116</sup>

Furthermore, the United Nations Environment Assembly adopted several resolutions in 2014 which, to a lesser or greater extent, touch upon the issue of synergies among MEAs, such as:

- Resolution 1/1, which, among other things, reaffirms the commitment to promoting synergies among multilateral environmental agreements while acknowledging their positive contribution to sustainable development<sup>117</sup>;
- Resolution 1/3, which, among other things, “urges all those engaged in efforts to combat illegal trade in wildlife to promote synergies, cooperation and coordination and avoid duplication”<sup>118</sup>;
- Resolution 1/5, which, among other things, welcomes the joint COP meetings of the Basel, Rotterdam and Stockholm Conventions held in 2013<sup>119</sup>;

<sup>113</sup> Such as is the case of “Star Alliance, Skyteam, and Oneworld”.

<sup>114</sup> Kalligianis, Iatrou and Mason, 2006, pp. 7-8.

<sup>115</sup> See United Nations Conference on Sustainable Development (Rio +20), ‘The Future We Want: Outcome Document Adopted at Rio+20’ <<http://www.un.org/en/sustainablefuture/>> accessed 18 August 2015, para. 79.

<sup>116</sup> Ibid, para. 89

<sup>117</sup> See United Nations Environment Assembly (UNEA), Ministerial outcome document of the first session of the United Nations Environment Assembly of the United Nations Environment Programme 2014 [Resolution 1/1], p. 3.

<sup>118</sup> See United Nations Environment Assembly (UNEA), Illegal trade in wildlife 2014 [Resolution 1/3], para. 4.

<sup>119</sup> See United Nations Environment Assembly (UNEA), Chemicals and waste 2014 [Resolution 1/5], p. 11.

- Resolution 1/12, welcoming the establishment of a task team by the UNEP Executive Director to work on arrangements and programmatic cooperation between UNEP and multilateral environmental agreements<sup>120</sup>.

The adoption of actions to enhance synergies within the CMS Family is therefore in tune with relevant directions provided by countries in other fora at the global level.

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<sup>120</sup> See United Nations Environment Assembly (UNEA), Relationship between the United Nations Environment Programme and multilateral environmental agreements 2014 [Resolution 1/12], para. 1.



## 4. Main findings and recommendations

In the following, we synthesize the major findings of this study regarding the legal, financial, operational and administrative, and overarching implications of actions to enhance synergies among the CMS Family, in particular common services. Such further actions can and should fully build on existing efforts as briefly discussed in section 3.1 (including non-institutionalized cooperation efforts). Based on our findings, we subsequently present options for next steps in further advancing synergies.

All things considered, we conclude that a stepwise sharing of services (option 2) provides the greatest additional potential for enhancing synergies within the CMS Family, while allowing Parties to address potential disadvantages and manage concomitant risks, provided that clear direction is offered and that a common vision and understanding by all key stakeholders and appropriate change management can be ensured.

### Implications

**Legal implications.** Whereas no significant legal requirements exist for continued and potentially intensified non-institutionalized efforts at enhancing synergy, more far-reaching actions to enhance synergies, such as the sharing of services, require cooperation and agreements by the respective governing bodies of the CMS Family instruments involved, involving different groups of countries in accordance with applicable decision-making procedures. As the instruments' autonomy extends to budgeting and financial matters, appropriate cost- and time-sharing arrangements are also required. Although reaching agreement on such arrangements may be politically demanding, there are no principal legal impediments and no treaty changes would be required. Particular obstacles for creating synergies and sharing services arise between Secretariats following different administrative legal frameworks (staff regulations, fund management). Such differences do not exist among the Bonn-based Secretariats under the auspices of UNEP.

**Financial implications.** The data available do not allow us to develop firm and reliable scenarios and calculations of the potential for enhancing cost effectiveness through sharing of services. However, existing experience especially with the sharing of services among the Chemicals Conventions (Basel, Rotterdam and Stockholm Conventions) suggests that a limited but significant potential for enhancing cost effectiveness exists. Assuming that the potential among the CMS Family Secretariats may be comparable to that of the Chemicals Conventions, a sharing of all relevant services among the Bonn-based CMS Family Secretariats may thus allow to redirect resources, for example to implementation support and capacity building, possibly up to a total of EUR 125,000-165,000 per year for a comprehensive sharing of services. The realization of this potential would depend on the extent of the sharing of services and would likely materialize fully only in the mid to long term, due to adaptation costs arising during the transition (training, restructuring, etc.) and time required to bring the required adaptations to fruition. The efficiency and performance gains underpinning the potential for enhanced cost-

effectiveness pertain especially, but not exclusively, to a sharing of services (rather than non-institutionalized synergy efforts). In any event, increased cost-effectiveness resulting from enhanced synergies cannot justify absolute budget reductions, given the existing work overload and high demands by Parties, including for increased support for implementation activities. In case of relocation of Secretariats based elsewhere to Bonn, financial benefits currently enjoyed under the Headquarters Agreements (and MOUs) with their host governments would be lost. Determining the exact net financial impacts would, however, require weighing these losses against the benefits resulting from the Headquarters Agreement with Germany regarding Bonn-based CMS Family Secretariats.

**Operational and administrative implications.** Actions to enhance synergies have a clear potential for efficiency and performance gains, in particular through enabling specialization and reducing double-work (“economies of scale”), increasing resilience and facilitating coordination and overarching strategy. The resulting improved structures and services have independent added value beyond related increases in cost effectiveness. This potential has to be seen alongside risks and challenges especially during the transitional period, including “soft” issues (re-calibration of procedures, networks, job roles, etc.), ensuring continued staff motivation, demand for (joint) human resource management and distributional effects. To minimize and proactively address these issues and challenges, a common understanding of the direction of travel and mutual trust and cooperation of all involved are crucial. Clear political guidance and a joint vision of the main stakeholders are a prerequisite for preventing the risk of significant operational disturbances or even failures during the transition, and proactive, careful and collaborative “change management” would be required. The research undertaken for this study has revealed that major challenges exist in this respect. Both the potential benefits and the risks and potential disadvantages are much higher for a sharing of services than for non-institutionalized synergy efforts.

**Overarching implications.** Actions to enhance synergies can help enhance the external visibility and environmental effectiveness of the CMS Family (including through improving services). Whereas a considerable part of the related potential of non-institutionalized synergy efforts is already pursued, a sharing of services possesses additional potential, including through institutionalization of cooperative structures and resulting prospects for coherence. While greater visibility of the Family might be considered to carry the danger of a loss of the individual identities of its agreements, this is not necessarily a zero-sum game: both may be enhanced concurrently. Finally, actions to enhance synergies, especially common services, strongly resonate with general policy guidance provided by other multilateral environmental fora, such as the United Nations Environment Assembly and the 2012 United Nations Conference on Sustainable Development.

## Policy options and recommendations

To start with, two crosscutting considerations and recommendations arise from the analysis:

- **Focus on Bonn-based Secretariats:** Any further actions to enhance synergies and especially to create common services may, at least in the medium term, best focus on the Bonn-based Secretariats already under the umbrella of UNEP, since extending such actions to Secretariats elsewhere faces considerable administrative and practical hurdles and uncertain financial implications at best.
- **Provision of political mandate:** A clear political mandate from the Parties could greatly help create certainty among, and provide clear directions (objectives) to, those concerned. It would thus improve the conditions for successful implementation of actions to enhance synergies, regardless of the form adopted (i.e. institutionalized vs. non-institutionalized).

Furthermore, we in the following, based on the analysis of implications, distinguish three general policy options for the Parties to consider. Table 7 summarizes the potential benefits and disadvantages/risks pertaining to them in accordance with the aforementioned analysis.

**Option 1: non-institutionalized efforts at enhancing synergies.** This option would entail no (further) sharing of services among the CMS Family Secretariats, but the continued and potentially intensified identification of potential of non-institutionalized efforts. Mechanisms for such informal coordination may include enhanced communication among the Secretariats, such as through regular meetings addressing potential for joint action at appropriate levels (management, specific work areas). The existing joint CMS/AEWA communications, information management and outreach unit might be kept or rolled back.

This option may be considered low risk/low gain. It would not carry high risks or evoke significant disadvantages (low risk/costs – see Table 7). In particular, it would not affect the existing operations of the Secretariats involved, which are in general considered to perform very well at this time. At this time, option 1 would forego a significant part of the realization of the aforementioned potential advantages. Action under option 1 could incrementally build on existing initiatives and try to continue and intensify them informally without a specific timeframe.

**Option 2: stepwise sharing of services.** This option would entail the careful further implementation and further expansion of common services on a step-by-step basis. The existing joint CMS/AEWA communications, information management and outreach unit would be further developed, for example through regularly agreed programmes of work, etc. This may also include the exploration of a possible expansion to EUROBATs. In addition, further joint units for suitable areas such as conference services, capacity-

building or implementation support (see Table 4) could be created one by one in a stepwise process over time. This process could also explore scope for further integration at a more substantive level (e.g. scientific expertise, certain groups of species or regions). Further informal actions in accordance with option 1 above could proceed at the same time, so that option 2 can be considered a complement rather than an alternative to option 1. It may allow Parties to reap increasing benefits over time while controlling and managing adaptation costs (and regularly verifying improvements and taking any corrective action required; see below).

**Table 7: Implications of Options for Further Enhancing Synergies among the CMS Family**

Implications	Option 1 (non-institutionalized efforts)	Option 2 (stepwise sharing of services)	Option 3 (immediate sharing of services)
<b>Legal implications</b>	<ul style="list-style-type: none"> <li>No serious legal requirements (already ongoing)</li> </ul>	<ul style="list-style-type: none"> <li>Inter-secretariat arrangements required (cost-sharing, etc.)</li> <li>Decisions by governing bodies required</li> </ul>	<ul style="list-style-type: none"> <li>Inter-secretariat arrangements required (cost-sharing, etc.)</li> <li>Decisions by governing bodies required</li> </ul>
<b>Financial implications</b>	<ul style="list-style-type: none"> <li>Modest/low financial implications (gains and costs)</li> </ul>	<ul style="list-style-type: none"> <li>Additional cost effectiveness potential (stepwise realization)</li> <li>Costs of restructuring can reduce cost effectiveness gains (spread over transition)</li> </ul>	<ul style="list-style-type: none"> <li>Additional cost effectiveness potential (immediate realization)</li> <li>Costs of restructuring can reduce cost effectiveness gains (immediate realization)</li> </ul>
<b>Operational and administrative implications</b>	<ul style="list-style-type: none"> <li>Significant potential to enhance performance (much already realized)</li> <li>Low level of risks or operational malfunctioning</li> </ul>	<ul style="list-style-type: none"> <li>Additional potential to enhance performance/efficiency</li> <li>Modest level of risks/operational malfunctioning</li> <li>Requires acting in concert and careful management</li> </ul>	<ul style="list-style-type: none"> <li>Additional potential to enhance performance/efficiency</li> <li>Significant/high level of risks/operational malfunctioning</li> <li>Requires acting in concert and careful management</li> </ul>
<b>Overarching implications</b>	<ul style="list-style-type: none"> <li>Potential to increase effectiveness and external visibility (much already realized)</li> <li>In line with global policy direction</li> </ul>	<ul style="list-style-type: none"> <li>Additional potential to increase effectiveness and external visibility</li> <li>Strongly in line with global policy direction</li> </ul>	<ul style="list-style-type: none"> <li>Additional potential to increase effectiveness and external visibility</li> <li>Strongly in line with global policy direction</li> </ul>

Source: derived from section 3.

A concrete order of further services to be shared would usefully be established. This may most usefully happen through the Secretariats involved jointly developing a proposal, possibly with the participation of UNEP. This would help ensure that any particularities and indirect distributional effects can be taken into account and properly coordinated human resource planning can be undertaken and work programmes and cost- and time-sharing as well as management arrangements be established. Concrete data on the baseline allocation of resources in the participating Secretariats, and scenarios for the building of joint units on that basis, should be collected, developed and considered together.

The process could be established through decisions of the governing bodies of the participating agreements. A need to convince key stakeholders can be anticipated. A first priority may be to address concerns that have arisen with respect to the joint CMS/AEWA communications, information management and outreach unit. This may help pave the way for further collaborative action. The addition of a second joint unit relatively soon may facilitate agreement on cost- and time-sharing (by allowing for trade-offs) and allow the distribution of the burden of overall management and oversight of the joint units. Regular meetings among the chief officers of the participating Secretariats should allow them to develop work programmes and define joint priorities. Overall, it may be estimated, based on existing experience (ASCOBANS, Chemicals Conventions), that the building of integrated joint teams may each take several years so that the overall process may extend until the end of this decade.

**Option 3: immediate implementation of all relevant shared services in one step.** This option could also be considered an extreme relative of option 2. It would consist of the immediate full sharing of all relevant secretariat services (among the Bonn-based Secretariats) through the creation of several suitable joint service units at the same time. Like option 2 above, it could complement option 1 rather than forming an alternative. Option three could also be considered a high-gain/high-risk option: It in principle might hold the promise to exploit the potential for benefits the soonest. However, it also entails the highest risk of creating operational dysfunctionalities and disruptions on the way to realizing these benefits (adaptation costs, e.g. staff motivation and re-orientation). It would put very high demands on proactive change management and require a shared vision and understanding among major stakeholders – a requirement that is not easily fulfilled.

Most of the process elements referred to under option 2 above would also be relevant for options 3. The governing bodies of the agreements concerned possess the authority to take the necessary decisions. Concrete proposals could and should be elaborated jointly by the relevant Secretariats, and implementation could be followed up upon through regular management meetings (see above). The need to convince key stakeholders can be expected to be at least as high as with respect to option 2.

Both options 2 and 3 would, in order to limit adaptation costs and prevent operational failure in the transition, require **a common understanding by the main**

**stakeholders and proactive change management with input by the main stakeholders** on objectives and benefits pursued. Continued staff motivation, mutual trust and cooperation of all concerned are crucial prerequisites for success. Clear arrangements (e.g. regarding cost-sharing, programmes of work, and management/oversight of joint units) should be agreed by the Secretariats involved. Providing the possibility for staff and all sides concerned to provide input and be an active part of the transition process could enhance the chances of creating ownership and maximizing staff motivation, thereby smoothening the transition.

**Monitoring and reporting.** Furthermore, Parties may wish to consider establishing a process for monitoring and reporting, in order to manage the transition in case they choose either option 2 or option 3. The Executive Secretaries involved could be requested to report back jointly to the Parties on progress and on any issues arising, e.g. annually. Such reporting could include resource planning and financial impacts to collect and assess necessary information as the process moves forward. In the interim, the Executive Secretaries could develop and review arrangements in close consultations with the chairs (and vice-chairs) of the Standing Committees (or, if going beyond the Bonn-based agreements, other relevant governance bodies). Performance and other relevant aspects could regularly (e.g. every two to three years) be assessed by means of a survey among Parties and the Secretariats.

Overall, actions to enhance synergies among the CMS Family have the potential to contribute to improving and upgrading governance for the protection of migratory species. A sharing of services possesses a particular potential for creating benefits, especially as regards enhanced cost-effectiveness and efficiency and performance gains. However, risks of operational disruptions can in principle be significant and possibly cancel out the benefits, if not appropriately controlled and managed. Realizing the benefits and controlling the risks thus requires a joint vision and mutual trust of, as well as a common understanding of the “direction of travel” by, the main stakeholders so as to enable careful, attentive and effective change management. If conditions are right, actions to enhance synergies can make a significant contribution to enhancing governance within, and improving implementation support for, the CMS Family of instruments.

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Agreement on the Conservation of African-Eurasian Migratory Waterbirds (adopted 15 August 1996, entered into force 1 November 1999) 2365 UNTS 203 (AEWA)

Agreement on the Conservation of Albatrosses and Petrels (adopted 19 June 2001, entered into force 1 February 2004) 2258 UNTS 257 (ACAP)

Agreement on the Conservation of Cetaceans of the Black Seas, Mediterranean and Contiguous Atlantic Area (adopted 11 November 1996, entered into force 1 June 2001) 2183 UNTS 303 (ACCOBAMS)

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Agreement on the Conservation of Gorillas and their Habitats (adopted 26 October 2007, entered into force 1 June 2008) 2545 UNTS 55 (Gorilla Agreement)

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- Memorandum of Understanding between the Argentine Republic and the Republic of Chile on the Conservation of the Southern Huemul (adopted 4 December 2010, entered into force 4 December 2010) (Southern Andean Huemul MOU)
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- Memorandum of Understanding concerning Conservation, Restoration and Sustainable Use of the Saiga Antelope (adopted 23 November 2005, entered into force 25 September 2006) (Saiga Antelope MOU)
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- Memorandum of Understanding for the Conservation of Cetaceans and their Habitats in the Pacific Islands Region (adopted 15 September 2006, entered into force 15 September 2006) (Pacific Island Cetaceans MOU)



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## *Interviews*

### **List of Interviewees**

Akankwasah, Barirega  
Vice-Chair of Standing Committee  
AEWA

Blankett, Penina  
Vice-Chair of Advisory Committee  
ASCOBANS

Briggs, Christopher  
Secretary General  
Ramsar Convention

Chambers, Bradnee  
Executive Secretary  
CMS and ASCOBANS

Dereliev, Sergey  
Technical Officer  
AEWA

Descroix-Comanducci, Florence  
Executive Secretary  
ACCOBAMS

Dias, Bráulio Ferreira de Souza  
Executive Secretary  
Convention on Biological Diversity  
(CBD)

Lenten, Bert  
Deputy Executive Secretary  
CMS

Hassani, Sami  
Chair of Advisory Committee  
ASCOBANS

Keil, Florian  
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Communications, Information  
Management and Outreach Team  
AEWA

Kremer, Jolanta  
Programme Assistant  
AEWA

Marnell, Ferdia  
Chair of Advisory Committee  
EUROBATS

Mrema, Elizabeth  
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Law and Conventions  
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Nickel, Elsa  
Director General Nature Conservation and  
Sustainable Use of Natural Resources  
Federal Ministry for the Environment,  
Nature Conservation, Building and  
Nuclear Safety, Germany (BMUB)

Panis, Jeroen  
Chair of Standing Committee  
EUROBATS

Papworth, Warren  
Executive Secretary  
ACAP

Paulus, Christiane  
Deputy Director General Nature  
Conservation and Sustainable Use of  
Natural Resources  
Federal Ministry for the Environment,  
Nature Conservation, Building and  
Nuclear Safety, Germany (BMUB)

Størkersen, Øystein  
Chair of Standing Committee  
CMS

Streit, Andreas  
Executive Secretary  
EUROBATS

Strempel, Rüdiger  
Executive Secretary  
Common Wadden Sea Secretariat

Trouvilliez, Jacques  
Executive Secretary  
AEWA

**Dates and modes of interviews**

<b>Date</b>	<b>Interviewee(s)</b>	<b>Type of interview</b>
03 June 2015	Bradnee Chambers Clara Nobbe\ Marco Barbieri	In person, in Bonn
22 June 2015	Andreas Streit	In person, in Bonn
22 June 2015	Christiane Paulus Elsa Nickel	In person, in Bonn
02 July 2015	Jacques Trouvilliez Jolanta Kremer Sergey Dereliev	In person, in Bonn
02 July 2015	Florian Keil	In person, in Bonn
03 July 2015	Ferdia Marnell	Telephone
06 July 2015	Florence Descroix-Comanducci	Skype
08 July 2015	Jeroen Panis	In person, in Brussels
08 July 2015	Rüdiger Strepel	Telephone
14 July 2015	Warren Papworth	Skype
15 July 2015	Christopher Briggs	Telephone
16 July 2015	Sami Hassani	Telephone
16 July 2015	Bert Lenten	Telephone
20 July 2015	Bráulio Ferreira de Souza Dias	Telephone
22 July 2015	Øystein Størkersen	Telephone
22 July 2015	Elizabeth Mrema	Skype
27 July 2015	Barirega Akankwasah	Telephone
12 August 2015	Penina Blankett	Telephone



## Annex 1: Terms of Reference for the study

### TERMS OF REFERENCE

The analysis will be an independent study of about 40-50 pages on potential synergies and common services among the instruments in the CMS Family. The analysis will include consultations with 10-15 relevant members of bodies and secretariats of the CMS Family instrument involved.

The analysis will be carried out in accordance with Resolution 11.3 which provides the scope on the analysis as follows:

- will be independent and report on the legal, financial, operational, and administrative implications of actions to enhance synergies, such as through sharing services in common service areas to the decision-making bodies of the wider CMS family before the 44th Meeting of the CMS Standing Committee and COP12 in order to establish their benefits and disadvantages
- should recognize the lessons learned from the experience between the ASCOBANS and CMS joint Secretariat as well as the pilot phase on common communication, information and outreach services between the AEWA and CMS Secretariats, and noting that additional information from an independent analysis is required to make an informed decision on a comprehensive sharing of common services among CMS instruments;
- should note the information provided in the analysis by the CMS Executive Secretary on common services in the CMS Family instruments and the potential approaches to common services outlined in the paper; and
- should consider how recommendations taken to enhance synergies, such as through sharing services in common service areas, among CMS Family instruments should be aimed at strengthening the implementation of the instruments involved and maximizing the effective and efficient use of resources at all levels;
- should consider how synergies, such as through sharing services in common service areas among CMS instruments can assist to fill gaps, be mutually reinforcing, produce efficiencies and increase output;
- should take into consideration that many functions provided by secretariats in the CMS Family of instruments are similar in scope and nature and could therefore create a higher potential for synergies;
- should bear in mind the greater international picture arising from Rio+20 and other processes stressing the importance of developing further synergies among MEAs;

The experts conducting the analysis should be available for questions at relevant governing body processes to respond to queries in regards to the independent analysis.

**Contracted to:** Institute for European Studies, Vrije University Brussels

**Deadlines:**

Outline (MS-Word document): June 15 2015

First draft (MS-Word document): 15 August 2015

Final draft (MS-Word document): 7 September 2015

**Point of contact and supervision from CMS:** Bradnee Chambers