



UNITED NATIONS ENVIRONMENT PROGRAMME

Programme des Nations Unies pour l'environnement      Programa de las Naciones Unidas para el Medio Ambiente

Программа Организации Объединенных Наций по окружающей среде      برنامج الأمم المتحدة للبيئة

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**Draft Delegation of Authority (as accepted and commented by CMS- 16 March 2011)**

**To:**

The Executive Secretaries of the Convention on the Conservation of Migratory Species of Wild Animals (CMS)<sup>1</sup>, the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) and the Agreement on the Conservation of Populations of European Bats (EUROBATS)

**Preamble**

**Whereas** the Convention on the Conservation of Migratory Species of Wild Animals (CMS) was concluded in 1979 and entered into force in 1983,

**Whereas** in accordance with Article IX, paragraph 2, of the Convention, the Secretariat is provided by the Executive Director of the United Nations Environment Programme (the "Executive Director"),

**Whereas** CMS is a framework Convention in which its Article IV calls upon Contracting Parties to develop and conclude Agreements/ MoUs for the conservation of certain migratory species in a specific region. So far 7 legally binding Agreements and 18 non-legally binding MOUs have been concluded,

**Taking note that** the UNEP/CMS Secretariat is responsible for the administration of the Secretariat of Convention, the 18 MOUs concluded and co-located Agreements. It is furthermore responsible for the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS) and the Agreement on the Conservation of Gorillas and their Habitats (Gorilla Agreement) as well as the implementation of relevant Resolutions and Recommendations of the Conference of the Parties (CoP) and the Meetings of the Parties (MoPs) to ASCOBANS and the Gorilla Agreement,

**Taking further note that** in its Resolution 5.5, the Conference of the Parties to CMS requested UNEP to approve the consolidation of Secretariat functions of the Convention and its Agreements and that in the same Resolution the Conference of the Parties confirmed the invitation of the Conference of the Parties to ASCOBANS to relocate their Secretariat with the Secretariat of the Convention and recommended that the Parties to ASCOBANS and the Parties to the Agreement on

<sup>1</sup> Executive Secretary of CMS is also the Acting Executive Secretary of ASCOBANS and the Interim Executive Secretary of the Gorilla Agreement.

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the Conservation of Bats in Europe requests the Executive Director of UNEP to become their Secretariat. This Resolution also invited Contracting Parties to ASCOBANS, the Agreement on the Conservation of Populations of European Bats (EUROBATS), the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean and Contiguous Atlantic Area (ACCOBAMS) and the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) to consider the offer to consolidate secretariat functions in the Agreements Unit of the UNEP/CMS Secretariat. Finally, this Resolution 5.5 invited contracting Parties to future Agreements to consider co-location of their Agreement Secretariats with the UNEP/CMS Secretariat,

**Further taking note that** the 5<sup>th</sup> Session of the Meeting of Parties (MoP) to ASCOBANS decided in accordance with Resolution 2d to install the UNEP/CMS Secretariat as the secretariat pursuant to Article 4 of the ASCOBANS Agreement, and the Executive Secretary of UNEP/CMS as acting Executive Secretary for ASCOBANS and by Resolution 5 of MoP 6 extended the period to 2012;

**Taking further note that** at the negotiation Meeting to conclude the Gorilla Agreement, the Range States requested the UNEP/CMS Secretariat to provide the Interim Secretariat to the Agreement and the Executive Secretary of the UNEP/CMS Secretariat serving as its Interim Executive Secretary;

**Noting therefore that** the responsibilities for the implementation and administration of both ASCOBANS and the Gorilla Agreement are also within the UNEP/CMS Secretariat:

**Considering that,** at the first Meeting of Parties to AEWA it was decided through Resolution 1.1 to establish a permanent Secretariat to be integrated in UNEP and co-located with the UNEP/CMS Secretariat in Bonn, Germany. Both the Resolution and the annexed "Terms of Reference for Secretariat Arrangements" specify the mandate, authority and competencies of the Executive Secretary,

**Considering further that** the permanent EUROBATS Secretariat was established in 1996 in co-location with the UNEP/CMS Secretariat but it was self-administered under the direct supervision of the Parties until 31 December 2000. With Resolution 3.1 the Parties decided the integration of the Secretariat in UNEP administration, again in co-location with UNEP/CMS effective from 1 January 2001. Both the Resolution and the annexed "Terms of Reference for Secretariat Arrangements" specify the mandate, authority and competencies of the Executive Secretary,

**Further considering that** the Secretariats for ACCOBAMS and the Agreement on the Conservation of Albatrosses and Petrels (ACAP) are not integrated in UNEP

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but administered respectively by the Government of Monaco and Australia and as such not covered by this Delegation of Authority,

## **A. Accountability context**

1. This delegation of authority aims to ensure the provision of high-quality secretariat services to CMS, AEWA, ASCOBANS, EUROBATS as well as the Gorilla Agreement and to clarify the authority, responsibility and accountability of the Executive Secretaries. In this regard, the Executive Director and the Executive Secretaries acknowledge the following:

- (i) The roles and responsibilities assigned to the Conference of the Parties (CoP)/ Meeting of the Parties of respectively CMS, AEWA, ASCOBANS, EUROBATS and the Gorilla Agreement and that the Secretariats for these agreements are provided or administered by the Executive Director.
- (ii) That accountability requires a clear and hierarchical structure of delegated authority and that authority is personal: that it is not possessed solely by virtue of an individual's office and can be extended or withdrawn as and when necessary.
- (iii) That the Executive Secretary of CMS and where applicable the Executive Secretaries of AEWA and EUROBATS are appointed by, and accountable to, the Executive Director as specified by the Secretary-General in ST/SGB/1999/21, within delegated authority, for the management and administration of the consolidated secretariats; just as the Executive Director is accountable to the Secretary-General of the United Nations (UN) for the achievement of programme and management objectives and performance measures in respect of all of his or her assigned responsibilities as well as for contributions to the broader objectives of the United Nations and compliance with its accountability framework, as specified in an annual compact with the Secretary-General.
- (iv) That the Executive Secretary of CMS and where applicable the Executive Secretary of AEWA and EUROBATS must comply, and the Executive Director must ensure compliance, with all UN regulations, rules and related administrative instructions, including directives issued by the Executive Director, pertaining to the use and management of human, financial and physical resources and to the General Procedures Governing the Operations of the Fund of UNEP (as amended by GC decision 19/25 of 7 February 1997) and the Financial Rules of UNEP, as

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they apply to the Environment Fund and associated trust funds and earmarked contributions, as promulgated by the Secretary General on 8 October 1998.

- (v) That all UNEP trust funds, including those pertaining to Multilateral Environmental Agreements (MEAs) have been established in accordance with Article V of the General Procedures Governing the Operations of the Fund of UNEP and as such are governed by the Financial Rules of UNEP. UNEP Financial Rule 201.4 states that all matters not covered by the Financial Rules of UNEP are governed by the Financial Regulations and Rules of the UN (ST/SGB/2003/7).

## **B. Authority and responsibility**

2. This delegation of authority supersedes all previous delegations to you, if any, and any prior institutional arrangement between UNEP and the Executive Secretaries of CMS, AEWA, ASCOBANS, EUROBATS and the Gorilla Agreement. Its purpose is to strengthen accountability and ensure the efficient and effective operations of the Secretariat functions provided to CMS, AEWA, ASCOBANS, EUROBATS and the Gorilla Agreement. Its entry into force is immediate and calls for you to submit an annual workplan to the Executive Director of UNEP. This workplan shall cover the period 1 April to 31 March of the following year and comply with the format of the Executive Director's compact with the Secretary-General of the United Nations. The workplan of the Executive Secretary of CMS must be agreed with the Executive Director and that from the Executive Secretary of AEWA and EUROBATS must be agreed with the Executive Secretary of CMS as it is a requirement of the UN's mandatory Performance Appraisal System (PAS). The UN's PAS is itself based on International Civil Service Commission (ICSC) performance management principles, namely work planning, on-going feedback, a mid-point review and an end-of-cycle appraisal against agreed objectives. In due course you may further delegate elements of this authority within the immediate staff serving the Secretariat for CMS, AEWA and EUROBATS as appropriate but you remain ultimately accountable for its use. Copies of such delegations of authority must be sent for monitoring and oversight purposes to UNEP's Quality Assurance Section (QAS).

## **C. Programme management**

3. The authority of the Executive Director to manage the implementation of the programme of work approved by the CMS Conference of the Parties (CoP) and in case of AEWA, ASCOBANS, EUROBATS and the Gorilla Agreement by their respective Sessions of the Meeting of Parties, and activities financed from the main and extrabudgetary trust funds and the allotments for the implementation of the CMS, AEWA, ASCOBANS, EUROBATS and the Gorilla Agreement from the UNEP

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Special Account for Programme Support Costs approved by the Executive Director, and the agreed annual workplan referred to in paragraph 2 above, is hereby delegated to you. This includes the authority to approve and sign projects and legal instruments as are required to ensure the implementation of the programme of work and budget, providing that all such projects and legal instruments fully comply with the Financial and Staff Regulations and Rules of the UN and UNEP and related administrative instructions (for guidance please refer to the UNEP's legal instruments guidelines and templates). In this context:

- (i) A report listing all signed projects and legal instruments must be provided to QAS (for monitoring and oversight purposes) every six months (from 1 January). All potential deviations from Regulations and Rules of the UN and UNEP and related administrative instructions must be referred to QAS for prior review and clearance. When negotiating projects and legal instruments special care must be taken to ensure that the UN's procurement, recruitment and audit policies are upheld.
- (ii) Contributions may only be accepted if they do not directly or indirectly involve additional financial liability for the UN or UNEP. If a legal instrument has potential implications for the use of the resources of UNEP's Environment Fund and/or Special Account for Programme Support Costs or entail the application of a programme support costs rate of less than 13% (unless otherwise agreed between the parties at the corporate (UN/UNEP) level – see point (iii) below), it may be accepted only with my prior approval. This approval is to be sought through QAS.
- (iii) Where standard corporate agreements exist, such as those with the European Commission, the World Bank and specific donors and UN organizations, they must be applied. If necessary, copies of these agreements can be obtained from QAS. Contribution agreements with the European Commission must comply with the Financial and Administrative Framework Agreement of 29 April 2003 between the European Commission and the United Nations.
- (iv) The financial and substantive reporting arrangements set forth in projects and legal instruments must be complied with in a timely manner; timely financial and substantive reports must also be obtained from implementing partners.

## **D. Financial and physical resources management**

4. The authority of the Executive Director to manage the implementation of the budget approved by the CMS CoP or in case of AEWA, ASCOBANS, EUROBATS

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or the Gorilla Agreement the MoP and where applicable AEWA and EUROBATS budgets including those financed from trust fund (extra budgetary) resources and the CMS, AEWA, ASCOBANS EUROBATS and the Gorilla Agreement allotments from the UNEP Special Account for Programme Support Costs as well as the related components of the agreed annual workplan referred to in paragraph 2 above, is hereby delegated to you on the understanding that all activities must be undertaken within available funds, and in accordance with the purposes for which these funds were accepted, as confirmed by a certifying officer duly-designated as such by the Chief of CSS. In this context, you are responsible for ensuring the efficient and effective use of resources and for ensuring that these resources are used for the purposes for which they are provided. You must continuously review your office/operating costs and leverage common services where these can provide cost-effective services. You will support all UN/UNEP reform initiatives aimed at ensuring improved value-for-money. In addition **you shall:**

- (i) ~~Request designation by the Chief of CSS of Bonn-based Administrative and Fund Management Unit which reports to you as the Executive Secretary of CMS Secretariat and with~~ one or more certifying officer(s) for your office ~~who~~ will assist you in carrying out financial management delegated functions in close collaboration and consultation with CSS.
- (ii) Request designation by the Chief of CSS of one or more bank-signatories for the CMS bank account, one or more petty-cash custodians and one or more approving officers.
- (iii) Ensure the proper performance of certifying, approving, bank-signatory and petty-cash management functions, including the separation of duties, required by the Financial Rules that define these responsibilities (see Financial Rules 105.5, 105.6, 104.5, 104.8 and 104.9 in particular).
- (iv) Ensure the sound management of the CMS bank account in accordance with the applicable Financial Rules. This requires, in particular, that the Executive Secretary of CMS Secretariat ensure, in consultation with UNON, that the maximum cash balance does not exceed that permitted by Financial Rule 104.7 and that the monthly reconciliations required under Financial Rule 104.11 be prepared in accordance with requirements established by, and are submitted to, UNON.
- (v) Continue to adhere to the terms and conditions set forth in the delegation of procurement authority issued to all heads of UNEP offices away from Nairobi by the Chief of the UNON Division of Administrative Services on 15 October 2003.

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- (vi) Maintain a consolidated inventory of property, plant and equipment and submit requests for the disposition and disposal of such assets to CSS - for onward transmission to a duly-designated Property Survey Board (UNON).
- (vii) Authorize hospitality on the basis of an approved hospitality budget and in compliance with ST/AI/2000/8.
- (viii) Authorize travel of staff members of your office, including your own, on the basis of a quarterly travel plan and in compliance with ST/AI/1998/3 and ST/AI/2006/4. A copy of this travel plan must be submitted to QAS.

### **E. Human resources management**

5. The authority of the Executive Director to manage the human resources (HR) assigned to CMS and where applicable to AEWA, ASCOBANS, EUROBATS and the Gorilla Agreement, and ensure the timely initiation and performance of related HR management actions, against the staffing tables approved by the CoP or where applicable in case of AEWA, ASCOBANS, EUROBATS and the Gorilla Agreement MoP and in other CMS, AEWA, ASCOBANS, EUROBATS and Gorilla Agreement budgets, including those financed from trust funds, earmarked contributions and the CMS, AEWA, ASCOBANS, EUROBATS and the Gorilla Agreement allotments from the UNEP Special Account for Programme Support Costs, is hereby delegated to you. In this context, you must implement the related components of the agreed annual workplan referred to in paragraph 2 above, including in relation to the UN's mandatory ethics and integrity initiatives and financial disclosure, and on the understanding that all HR actions are based on:

- (i) An approved quarterly consolidated staffing table for the Secretariats serving CMS, AEWA and EUROBATS and an approved HR Action Sheet signed by me and you. The signed HR Action Sheet shall accompany any HR action taken by the Secretariats.
- (ii) Prior certification by a certifying officer duly-designated as such by the Chief of CSS.

6. Pursuant to the above, and subject to clearance by the relevant services of UNON, you are authorized to:

- (i) Approve and request UNON/HRMS to classify and reclassify job descriptions at all levels when needed.
- (ii) Launch vacant posts in INSPIRA or any successor system as may be adopted by the UN.

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- (iii) Recruit and select all staff up to the P-4 level, including all General Service (GS) staff and make justified recommendations to the Executive Director for the selection of all staff at grade P-5 and above.
- (iv) On the basis of acceptable performance, as reflected in UN performance appraisals, extend staff contracts for up to 2 years and make justified recommendations to the Executive Director for the curtailment and non-extension of contracts, at least 3 months prior to the expiry of these contracts.
- (v) Authorize recruitment of consultants up to 24 months within a 36-month period and individual contractors up to 6 months within in a 12-month period as per ST/AI/1999/7.
- (vi) Recruit interns in line with the UN procedures for the selection and engagements of interns at the United Nations.
- (vii) Make justified recommendations to the Executive Director in respect of the recruitment of gratis personnel or Junior Professional Officers as well as professional grade staff transfers, reassignments, secondments, loans, sabbaticals and special leave without pay (for periods in excess of 3 months).
- (viii) Nominate staff to participate in UN/UNEP corporate training courses.

## **F. Final provisions**

7. You will inform me in advance of any actions, or proposed decisions, of you and your staff, or of the CoP/MoP, that compromises or complicates adherence to UN regulations, rules and related administrative instructions or that request or require any action by UNEP. The Executive Secretaries must promptly notify both the Executive Director and the CMS/CoP or in case of AEWA, ASCOBANS, EUROBATS or the Gorilla Agreement the MoP, if a potential conflict is perceived between (a) UN or UNEP regulations, rules or related administrative instructions, and (b) the performance of the consolidated secretariats duties under the Convention, the 18 MOUs concluded and co-located Agreements, or the execution of those duties in accordance with direction from the Parties to the Convention, the 18 MOUs concluded and co-located Agreements or the CoP or MoP. In the event of such a conflict, it will be necessary to coordinate closely with the CoP or MoP, to decide on a mutually acceptable course of action.

8. If any difficulty is experienced interpreting or enforcing UN and UNEP regulations, rules and related administrative instructions, including this delegation

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of authority, I should be consulted immediately. I am also to be consulted on all matters of policy and/or concern. In this regard, please note that in accordance with UN Financial Rule 101.2 and UN Staff Rules 112.3, 212.2 and 312.2 UN staff members may be held personally and financially liable, and be required to reimburse the UN either partially or in full, for any financial loss suffered by the UN as a result of the staff member's gross negligence or of his or her having violated any regulations, rule and administrative instruction.

9. All other powers and authority vested in me as part of my responsibilities with regard to the Secretariats of CMS, AEWA, ASCOBANS, EUROBATS and the Gorilla Agreement shall remain with me unless and until specifically accorded to you in writing.

10. Failure to abide by the provisions of this delegation may result in, inter alia, its withdrawal.

11. This delegation of authority will enter into effect upon receipt of your confirmation, through your signature below, that you understand, accept and will abide by the provisions outlined above.

Signatures:

Achim Steiner  
Executive Director, UNEP

Date:

Elizabeth Maruma Mrema  
Executive Secretary  
CMS Secretariat

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Executive Secretary  
AEWA Secretariat

Andreas Strait  
Executive Secretary  
Eurobats Secretariat

Acting Executive Secretary  
UNEP/ASCOBANS Secretariat

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Interim Executive Secretary  
UNEP/Gorilla Agreement

Date:

Date:

Date:

cc: Alexander Barabanov, Director, UNON  
Bakary Kante, Director, DELC  
John Noisette, Chief, CSS  
Chris Kirkcaldy, Chief, QAS

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