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**United Nations Environment Assembly of the  
United Nations Environment Programme  
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Item 5 and 7 of the provisional agenda\*

**Policy issues**

**Budget and programme of work for the biennium  
2016–2017 and the Environment Fund and other  
budgetary matters**

**Relationship between the United Nations Environment  
Programme and multilateral environmental agreements**

**Report of the Executive Director\*\***

*Summary*

The present report provides information, pursuant to paragraph 29 of Governing Council decision 27/13, on the institutional and administrative relationship between the United Nations Environment Programme (UNEP) and the multilateral environmental agreements for which UNEP serves as secretariat or performs secretariat functions. It also provides an overview of the relationship between UNEP and multilateral environmental agreements in general and information on programmatic cooperation between the governing bodies and secretariats of UNEP and those agreements, bearing in mind paragraph 89 of the outcome document of the United Nations Conference on Sustainable Development, “The future we want”, which, inter alia, calls for enhancing coordination and cooperation among multilateral environmental agreements as well as between those agreements and the United Nations system in the field.

The report has been prepared in consultation with the secretariats of the following multilateral environmental agreements: Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Convention on the Conservation of Migratory Species of Wild Animals; Convention on Biological Diversity; Vienna Convention for the Protection of the Ozone Layer and Montreal Protocol on Substances that Deplete the Ozone Layer; Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal; Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade; Stockholm Convention on Persistent Organic Pollutants; Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention); Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention); Amended Nairobi Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean (Nairobi

\* UNEP/EA.1/1.

\*\* Issued without formal editing.

Convention); and Convention for Cooperation in the Protection, Management and Development of the Marine and Coastal Environment of the Atlantic Coast of the West, Central and Southern Africa Region (Abidjan Convention).

Prior to the preparation of the present report a report on the same subject dated 30 June 2013 was prepared on the basis of a consultative meeting between the secretariats of UNEP and the above-mentioned agreements held in Geneva on 3 June 2013. The secretariats of those agreements provided comments, on the basis of which a draft revised report dated 4 November 2013 was prepared, pending further consultation. A task team, established by the Executive Director and comprising representatives of the secretariats of those agreements and the relevant offices of the UNEP secretariat, has commenced consultations on the effectiveness of administrative arrangements and programmatic cooperation between them since its first meeting, on 3 February 2014. The task team is chaired by the Deputy Executive Director and the Executive Secretary of the Convention on Migratory Species serves as Vice-Chair. Two working groups – one on administrative arrangements and the other on programmatic cooperation – have been established under the task team, and they are chaired by representatives of the secretariats of CITES and the Convention on Biological Diversity, respectively. Consultations on administrative arrangements and programmatic matters are currently under way through the two working groups. In the context of the task team, a draft of the present report was reviewed by the secretariats, including through a consultative meeting in Geneva (with video and telephone links to Bonn, Kingston and Nairobi) on 13 May 2014. As noted in the report, some administrative matters and programmatic cooperation will be discussed further by the above-mentioned task team working groups. The present report should therefore be considered a living document, subject to further updates reflecting outcomes of future deliberations of those working groups.

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## **I. Overview of the relationship between the United Nations Environment Programme and multilateral environmental agreements**

1. The institutional architecture for international environmental governance consists of a decentralized web of multilateral institutions, multilateral agreements, multilateral processes and consultative mechanisms that address environmental and environment-related matters within the broader context of sustainable development. The United Nations Environment Programme (UNEP), in accordance with its mandate given by the General Assembly in its resolutions 2997 (XXVII), the Programme for the Further Implementation of Agenda 21 set out in resolution S-19/2 endorsing the Nairobi Declaration on the role and mandate of UNEP, and paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development endorsed by the General Assembly in its resolution 66/228, serves as the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and serves as an authoritative advocate for the global environment. At the United Nations Conference on Sustainable Development, Governments have called for UNEP to be further strengthened.<sup>1</sup> At the same time, multilateral environmental agreements (MEAs) lead on issues relevant to their instruments and Governments have recognized their significant contributions to sustainable development.

2. As part of its mandate to catalyse international action on emerging environmental issues of concern to the international community and to support international cooperation in the field of the environment, UNEP has been supporting Governments to develop and implement multilateral environmental agreements since its inception, in particular through its Montevideo Programme for the Development and Periodic Review of Environmental Law. Those agreements negotiated under the auspices of UNEP include: the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer; the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal; the Convention on Biological Diversity; the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade; the Stockholm Convention on Persistent Organic Pollutants; and the Minamata Convention on Mercury. In addition, UNEP provided its institutional support to the secretariat for the negotiation of the United Nations Framework Convention on Climate Change, and made available its scientific and technical resources for the negotiation of the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa. At the regional level, UNEP has supported Governments in the respective regions to develop regional agreements in the field of the environment, including: a number of regional seas conventions and protocols, such as those for the Mediterranean Sea (Barcelona Convention), the Caribbean Sea (Cartagena Convention), Eastern African regional seas (Nairobi Convention), Western, Central and Southern African regional seas (Abidjan Convention), the Caspian Sea (Teheran Convention), as well as those agreements in other areas, such as the preservation of mountain ranges of the Carpathians and the Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora (Lusaka Agreement).

3. In addition, UNEP, often in collaboration with other organizations of the United Nations system, has been assisting Governments to establish and operate intergovernmental institutional arrangements in the specific fields without having the corresponding international legally binding instruments, such as the regional seas action plans (for instance, Northwest Pacific Action Plan - NOWPAP, and East Asian Seas Action Plan - COBSEA), the Intergovernmental Panel on Climate Change, the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, and the Strategic Approach to International Chemicals Management.

4. As emphasized in paragraph 89 of the Rio+20 outcome document, multilateral environmental agreements make significant contribution to sustainable development. Paragraph 89 further encourages the parties to those conventions to consider further measures to promote policy coherence at all levels, improve efficiency, reduce unnecessary overlap and duplication and enhance coordination and cooperation among multilateral environmental agreements, including the three Rio conventions as well

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<sup>1</sup> The Nairobi Declaration on the Role and Mandate of the United Nations Environment Programme, the Programme for the Further Implementation of Agenda 21, paragraph 88 of the Rio+20 outcome document, “The future we want,” endorsed by the General Assembly by its resolution 66/288 of 27 July 2012 all refer to this role of UNEP.

as with the United Nations system in the field.<sup>2</sup> Specific multilateral environmental agreements were also highlighted in various paragraphs in the Rio+20 outcome document, such as paragraph 203 that recognizes the important role of CITES as an international agreement that stands at the intersection between trade, the environment and development. Multilateral environmental agreements are governed by their respective parties, primarily through their governing bodies, such as conferences or meetings of the parties, and operated in accordance with the provisions of those agreements and the decisions of those bodies. They are independent international legal entities, and distinct from the organizations of the United Nations system while some of them are institutionally linked to them. For instance, the policy and financial decisions of the governing bodies of those agreements guide their implementation and related costed programmes of work and direct the management of the secretariats on all substantive issues, including programmatic issues. In principle, funds for the implementation of the agreements are provided by the Parties to the secretariats of the respective agreements.<sup>3</sup> The secretariats are required to ensure that decisions of the Parties are implemented effectively, within the funds provided, and Parties' requests are met, and secretariats are held accountable to their parties. The governing bodies of most multilateral environmental agreements have also addressed the issue of cooperation and synergies with other agreements and organizations, including UNEP, in their resolutions and decisions. Positive example of such cooperation and synergies include the Biodiversity Liaison Group, the Strategic Plan for Biodiversity 2011-2020 establishing an overarching framework for collaboration among relevant multilateral environmental agreements, UNEP and others, the Aichi Biodiversity Targets Task Force, and cooperation and coordination among chemicals and wastes related multilateral environmental agreements.

5. As highlighted in the fifth report of the Global Environment Outlook series (GEO-5) and also in the compilation of internationally agreed environmental objectives and goals submitted to the then Governing Council/Global Ministerial Environment Forum at its twelfth special session, a large number of internationally agreed environmental objectives and goals have been identified by the multilateral institutions and processes within and outside of the United Nations system. These include the main organs of the United Nations and United Nations summits and conferences, multilateral environmental agreements and other intergovernmental processes. Those objectives and goals are closely interrelated. Thus, while recognizing the autonomy of multilateral environmental agreements improved policy coherence in the decisions taken by the governing bodies to those agreements could be helpful for better efficiencies and for enhanced cooperation and coordination among and within their Parties, and also between those agreements and the United Nations system, as underscored in the Rio+20 outcome document.

6. A strengthened UNEP, in implementing paragraph 88 of the Rio+20 outcome document, should, among other things, enhance its voice and its ability to fulfil its coordination mandate within the United Nations system by strengthening its engagement in key United Nations coordination bodies, empowering it to lead efforts to formulate United Nations system-wide strategies on the environment. In carrying out this coordination mandate, originally stipulated in General Assembly resolution 2997 (XXVII) regarding coordination of environmental programmes of the UN system as well as in the Programme for the Further Implementation of Agenda 21 contained in General Assembly resolution S-19/2 regarding its role for coordination of multilateral environmental agreements, and also building upon its existing mandate, UNEP will further strengthen its actions to enhance cooperation and coordination between the United Nations system and the relevant multilateral environmental agreements. It will also promote cooperation and coordination among those United Nations bodies and agreements. Parties to multilateral environmental agreements are acting themselves to enhance policy coherence and have taken decisions through their conferences or meetings of the parties to enhance such coherence, as was encouraged in paragraph 89 of Rio+20 outcome document.

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<sup>2</sup> "The future we want", in paragraph. 89, reads as follows: "We recognize the significant contributions to sustainable development made by the multilateral environmental agreements. We acknowledge the work already undertaken to enhance synergies among the three Conventions in the chemicals and waste cluster ( Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and Stockholm Convention on Persistent Organic Pollutants). We encourage parties to multilateral environmental agreements to consider further measures, in these and other clusters, as appropriate, to promote policy coherence at all relevant levels, improve efficiency, reduce unnecessary overlap and duplication, and enhance coordination and cooperation among multilateral environmental agreements, including the three Rio Conventions as well as with the UN system in the field".

<sup>3</sup> In some cases, the organizations that provide the convention secretariats or secretariat functions provided their own financial resources to support the implementation of the respective agreements.

7. Also in pursuance of paragraph 88 of the Rio+20 outcome document, UNEP is to promote a strong science-policy interface, building on existing international instruments, assessment processes, panels and information networks; to disseminate and share evidence-based environmental information, and raise public awareness on critical, as well as emerging, environmental issues; and to provide capacity-building and support to countries and facilitate access to technology. Strengthened actions by UNEP in those areas would be useful to the various multilateral environmental agreements and their governing bodies, enhance UNEP cooperation with the relevant multilateral environmental agreements, and also enhance collaboration between the United Nations system and those agreements, and cooperation and coordination among those agreements. In this connection, multilateral environmental agreement governing bodies, scientific advisory bodies and secretariats are actively engaged with the Intergovernmental Science-Policy Platform for Biodiversity and Ecosystem Services (IPBES), together with UN collaborative partners (UNEP, UNESCO, FAO and UNDP).

8. Paragraph 89 of the Rio+20 outcome document recognized the significant contributions to sustainable development made by the multilateral environmental agreements and acknowledges the work already undertaken to enhance synergies among the three conventions in the chemicals and waste cluster (Basel Convention, Rotterdam Convention and Stockholm Convention). The outcome document encouraged parties to multilateral environmental agreements to consider further measures, in these and other clusters (for instance in the field of biodiversity), as appropriate, to promote policy coherence at all relevant levels, improve efficiency, reduce unnecessary overlap and duplication and enhance coordination and cooperation among the multilateral environmental agreements, including the three Rio conventions, as well as with the United Nations system in the field. For instance, the meetings of the Conferences of the Parties to the Basel, Rotterdam and Stockholm Conventions held in 2013 expressed their interest to cooperate and coordinate with the Minamata Convention on Mercury.

9. With regard to capacity-building, it should be recalled that the Bali Strategic Plan for Technology Support and Capacity-building, adopted by the then UNEP Governing Council in its decision 23/1 of 25 February 2005, sets out as its objectives, among others, to strengthen the capacity of the Governments of developing countries, and also of countries with economies in transition, at all levels to comply with international agreements and implement their obligations at the national level. The Plan also sets out to achieve their environmental goals, targets and objectives, as well as environment-related internationally agreed development goals; to provide a framework for capacity-building to ensure the effective participation of developing countries, and also countries with economies in transition, in negotiations concerning multilateral environmental agreements. The Plan equally aims to strengthen cooperation among the UNEP secretariats and multilateral environmental agreement secretariats, taking into account their autonomous decision-making processes, and other bodies engaged in environmental capacity-building. As such, while the Bali Strategic Plan may not have been specifically adopted by the governing bodies of any multilateral environmental agreements, it has been recognized by a number of them as a tool for capacity building and enhancement for their conventions and agreements. Therefore, the further implementation of the Bali Strategic Plan may provide a useful framework under which the governing bodies and secretariats of UNEP and the relevant multilateral environmental agreements might cooperate and coordinate activities related to capacity-building and technology support in the areas of common interest.

#### **Next steps**

10. One of the key opportunities of global governance to advance environmental sustainability is identifying where and how the multiplicity of international institutions and independent intergovernmental decision-making processes might support and reinforce each other and how to ensure policies and efforts are coherent. To seize this opportunity for meeting the need of the international community to achieve sustainability of the global environment, collaborative efforts between the relevant multilateral environmental agreements and UNEP should be further strengthened. From the perspective of multilateral environmental agreements, such collaboration is not limited to UNEP, and multilateral environmental agreements have strengthened their relationships with many entities within and outside the UN (e.g. UNCTAD, International Trade Centre, and International Tropical Timber Organization). In this context, the United Nations Environment Assembly (UNEA) of UNEP may wish to continue to keep under review: (i) the relationships between UNEP and multilateral environmental agreements; (ii) opportunities for the UNEP environmental assessment function to serve multilateral environmental agreements; (iii) opportunities to make the UNEP coordinating functions of environmental programmes of the UN system available to support multilateral environmental agreements' priorities; and (iv) opportunities to integrate multilateral environmental agreements priorities more fully into regional environmental strategies and national development strategies and plans of action, including UN Development Assistance Frameworks, with a view to seeking improved coherence of policies and enhancing cooperation and coordination between the UNEA of UNEP and the governing bodies of the respective agreements, as appropriate.

Such improved coherence and enhanced cooperation should support efforts by Governments that are parties to the relevant multilateral environmental agreements, as appropriate, to implement the relevant internationally agreed environmental objectives and goals and strengthening further international environmental governance.

## II. Relationship between the United Nations Environment Programme and selected multilateral environmental agreements

### A. Legal basis of institutional arrangements

11. A number of multilateral environmental agreements concluded since the 1970s have each established institutional arrangements composed of the respective agreement's governing body (such as the conferences of the parties or meetings of parties and their subsidiary bodies) and its secretariat to carry out the functions for operation of the agreement, as stipulated in its provisions. For selected multilateral environmental agreements, the Executive Director has been requested to provide the secretariat or secretariat functions. Such a request is specified in the provisions of those agreements or, pursuant to the relevant provisions of such agreements, as mandated by the decisions of the respective conferences or meetings of the parties. These arrangements have been approved by UNEP through the then Governing Council, which authorizes the Executive Director to carry out such functions.<sup>4</sup> Multilateral environmental agreements with such arrangements include the following (details of those respective institutional arrangements are contained in Annex):

- (a) Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
- (b) Convention on the Conservation of Migratory Species of Wild Animals (CMS)<sup>5</sup>;
- (c) Convention on Biological Diversity;
- (d) Vienna Convention for the Protection of the Ozone Layer and Montreal Protocol on Substances that Deplete the Ozone Layer;<sup>6</sup>
- (e) Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal;
- (f) Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade;
- (g) Stockholm Convention on Persistent Organic Pollutants;
- (h) Minamata Convention on Mercury;
- (i) Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention);
- (j) Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention);

<sup>4</sup> General Assembly resolution 2997 (XXVII), part II, para. 2.

<sup>5</sup> CMS is a framework convention under which four independent international legally binding agreements, with their own governing bodies, budget and programme of work and executive heads of the secretariats, have been developed, all of which are administered by UNEP and all co-located in Bonn, and the Executive Director is also responsible for them. These are AEWA, EUROBATS, Gorilla Agreement and ASCOBANS. CMS Executive Secretary currently serves as Interim Executive Secretary for the last two, namely Gorilla Agreement and ASCOBANS. In addition, UNEP through CMS is responsible for 19 specific species MOUs, some of which have dedicated coordinating offices. For instance: Two MOUs (Birds of Prey or Raptors and Dugong) hosted in Abu Dhabi and Marine Turtle hosted at ROAP, for which UNEP provides secretariat functions. In addition, there are other three legally binding agreements negotiated and adopted under the CMS framework but hosted by governments which also provides secretariat functions but which have close links, cooperation and relations with CMS as a framework convention. These agreements are: ACAP hosted by Australia Government in Tasmania, ACCOBAMS hosted by Malta Government in Monaco and Wadden Sea hosted by the German Government in Wilhelmshaven.

<sup>6</sup> The Convention secretariat is also known as the Ozone Secretariat. UNEP also acts as Treasurer of the Multilateral Fund in support to its Executive Committee, which is a subsidiary body of the Montreal Protocol. The Secretariat for the Multilateral Fund for the Implementation of the Montreal Protocol is administratively linked to UNEP and located in Montreal and is headed by the Chief Officer who is a UNEP staff member and reports directly to the Executive Committee of the Multilateral Fund. The Fund Secretariat assists the Executive Committee in the discharge of its functions in accordance with the terms of reference of the Executive Committee. UNEP/DTIE also acts as one of the four implementing agencies of the Multilateral Fund.

(k) Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean (Nairobi Convention, Amended);

(l) Convention for Cooperation in the Protection, Management and Development of the Marine and Coastal Environment of the Atlantic Coast of the West, Central and Southern Africa Region (Abidjan Convention).<sup>7</sup>

12. The secretariat established by each of those multilateral environmental agreements is an integral part of the institutional structure of the convention concerned, and its functions are defined by the relevant provisions of the convention and further determined by its parties through decisions of the conference or the meeting of the parties or other governing bodies or established subsidiary bodies of the convention or the protocol. Those multilateral environmental agreements are legally autonomous, and independent from the United Nations bodies and agencies, each operates with its own autonomy and is governed by the provisions and its parties through the requirements of the agreements and their respective governing bodies. Within the institutional structure of each agreement, the convention secretariat,<sup>8</sup> in carrying out its functions as set out under the convention, is accountable to the parties to the convention through its governing bodies. The structure of the convention secretariat is normally determined though the budget approved by its governing bodies.

13. The funds for the operation of the convention, including financial resources for the functioning of the convention secretariat, are fully borne by the parties to the convention. However, in some particular cases, UNEP has funded the operations and functions of the respective convention secretariat, in particular during the initial period of commencing the provision of such secretariat functions, including as interim secretariat functions. For instance, in the case of CMS, the UNEP Governing Council, in its decision 12/13(IV) of 28 May 1984, authorized the Executive Director to make and appropriate financial contribution to the expenses of the CMS secretariat during the first four years after entry into force of the Convention. UNEP provided financial support also to the Nairobi and Abidjan conventions for some years in the past, and still supports the Abidjan Convention by providing the cost of the Coordinator of the secretariat but currently with an agreed schedule for reducing that cost over a period of time.<sup>9</sup>

14. As indicated above, those agreements set out provisions to request the Executive Director to provide the convention secretariat or to perform secretariat functions, or their conferences or meeting of the parties, pursuant to the relevant provisions of the convention, decided to designate UNEP as the entity providing secretariat functions. In consenting to such requests from the multilateral environmental agreements and their conferences or meetings of the parties, the Governing Council (which has been transformed into UNEA of UNEP) authorized the Executive Director to provide the secretariat functions in question. On the basis of such mutual agreement between the multilateral environmental agreements and their respective conferences of the parties on one hand and the UNEP governing body on the other hand, as shown in reciprocal decisions of those bodies, the Executive Director provides the secretariat or secretariat functions of the respective multilateral environmental agreements. Such institutional arrangements should be satisfactory to both parties. With regard to some agreements, memoranda of understanding or other documents have been or being concluded to define and clarify the institutional arrangements, accountability, roles and responsibilities to all relevant parties.

15. Each agreement defines the functions of its secretariat, and its governing body (such as the conference or meeting of the parties) determines the structure of the convention secretariat through its budget. However, given that those agreements are independent from the Charter of the United Nations and their governing bodies are not organs of the United Nations competent to oversee matters concerning UNEP, neither of them has the power or authority to establish an office or appoint staff within UNEP. The Executive Director is responsible for making necessary arrangements for the convention secretariats or secretariat functions within the institutional structure of the UNEP secretariat. For that purpose, the Executive Director has established offices dedicated to provide secretariat functions, each of which enjoys the necessary functional autonomy to deliver the work programme and budget approved by the governing bodies of the respective convention which is separate from the work programme and budget of the UNEP secretariat. Those secretariats respond to

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<sup>7</sup> UNEP also provides the secretariat to the Northwest Pacific Action Plan and the East Asian Seas Action Plan - Coordinating Body on the Seas of East Asia.

<sup>8</sup> For the purpose of the present report, the term "convention secretariat" denotes the secretariat of the respective multilateral environmental agreements, and includes the secretariat for those agreements which have designation other than "Convention" (for example, an agreement).

<sup>9</sup> UNEP provided financial support also to the Lusaka Agreement, although the Agreement established its task force, not a secretariat, which was not institutionally linked to UNEP.



the decisions of the governing bodies of the respective multilateral environmental agreements, including those concerning the structure of the secretariat and budget. At the same time, they are part of the institutional structure of UNEP, follow and bound by the UN and UNEP rules and regulations and as staff members of UNEP, they are accountable to the Executive Director.<sup>10</sup>

16. The executive head and staff of each secretariat are UNEP staff members,<sup>11</sup> each of whom is accountable to the Executive Director in the performance of their duties as international civil servants of the United Nations appointed within the UNEP secretariat (with the exception of the FAO part of the executive head and staff of the Rotterdam Convention Secretariat who are accountable to the Director General of FAO). The functions, grade and number of those staff are based on the structure of the convention secretariat determined by the respective governing bodies through the approved budget. The appointment of their staff is governed by the relevant regulations and rules of the United Nations as applicable to UNEP. Overall, since the UNEP secretariat is an integral part of the United Nations Secretariat,<sup>12</sup> any institutional arrangements for the Executive Director to provide the secretariat or secretariat functions for the relevant multilateral environmental agreements have to be in line with the principles, rules and procedures of the United Nations, and in compliance with the administrative and financial regulations and rules of the United Nations as applied to UNEP.

17. As the convention secretariats are each required to carry out the functions mandated by the provisions of the respective multilateral environmental agreements or by their governing bodies, they are substantively and programmatically autonomous, while operating within the context of UN rules and regulations as applicable to UNEP. In view of the need to ensure this operational autonomy of the convention secretariat, the Executive Director delegates, in writing, authority to the head of each convention secretariat to manage certain matters and functions within the convention secretariat, and in some cases, such as CITES, a memorandum of understanding also has been concluded to clarify the relationship between the relevant entities and their respective roles.

18. In some decisions of the conferences or meeting of the parties and their subsidiary governing bodies<sup>13</sup> to some multilateral environmental agreements, those governing bodies call directly on the head of the respective convention secretariats to take certain actions (instead of calling on the secretariat, as is the case with some other conventions and agreements). In such cases, the parties hold those heads of convention secretariats directly accountable to the respective governing bodies for taking such actions. In general, bearing in mind the requirements set out in the multilateral environmental agreements or laid down by their governing bodies, the head of the convention secretariat is considered to be accountable to the respective governing body in carrying out the secretariat functions of the convention. At the same time, the Executive Director is ultimately accountable to the governing bodies of the respective multilateral environmental agreements for ensuring the effective functioning of the convention secretariats. UNEP as the organization or the Executive Director is specifically designated by the respective conventions or their governing bodies to provide the secretariat or secretariat functions. However, as a matter of accepted practice most of the secretariats normally answer directly to their governing bodies regarding the delivery of their programme of work and the functioning of the secretariat.

19. Within the United Nations, the relationship between the Executive Director and the heads of the secretariats of the relevant multilateral environmental agreements is described in the Secretary-General's Bulletin concerning the organization of the secretariat of UNEP, as follows:

“While the convention secretariats are accountable to their respective conference of the parties for programme delivery, the chief executive officers of those conventions administered by UNEP (variously denominated as Executive Secretary, Secretary-General, Chief Officer or Coordinator) are accountable to the Executive Director. They operate with sufficient autonomy to discharge the functions that the various independent intergovernmental conferences of parties to the conventions have reposed in the Executive Director.”<sup>14</sup>

<sup>10</sup> Regarding the accountability to the Executive Director, see Secretary-General's Bulletin ST/SGB/2006/13, paragraph 18.2, as reproduced in paragraph 19 of the present report.

<sup>11</sup> The conventions or their governing bodies each designated either UNEP as the organization or the Executive Director to provide the secretariat or secretariat functions. Accordingly, the reporting structure of staff and accompanying accountability framework are limited within the UNEP secretariat.

<sup>12</sup> ST/SGB/1997/5, sect. 3.

<sup>13</sup> For instance, the Standing Committee of CITES and the Executive Committee of the Montreal Protocol Multilateral Fund are such subsidiary governing bodies.

<sup>14</sup> ST/SGB/2006/13, sect.18.

20. With regard to the role and responsibility of the Executive Director to provide a secretariat or perform secretariat functions for a multilateral environmental agreement, the relevant institutional arrangements concerning the convention secretariat are made individually and as defined through a mutual consent between the authorities of the multilateral environmental agreement (i.e. Parties through the governing bodies of the agreement) and UNEP (i.e. the Executive Director as authorized by the governing body of UNEP). Given the autonomy of each of those authorities, as they are legally distinct and independent from each other, with no hierarchy between them, the institutional arrangements concerning the provision of the secretariat or secretariat functions for the agreement are considered to be of a contractual nature. The respective roles and responsibilities of the Executive Director and the head of the convention secretariat in the provision of secretariat services and functions may be understood on that basis. The Executive Director has the overall responsibility for the provision of the convention secretariat or secretariat functions, and he/she delegates some of these functions to the head of the convention secretariat through delegation of authority. In some cases, the role and responsibilities of the head of the convention secretariat may be further defined or clarified through contractual arrangement as agreed between the parties, through the governing bodies and the Executive Director.

21. Due to the unique circumstances for the development of institutional arrangements of each agreement, there are certain differences between the agreements with respect to the role and responsibilities of the Executive Director and the head of the convention secretariat. For instance, the secretariat services for the governing bodies of the respective agreements (e.g. conferences of the parties) may be set out in the rules of procedure for the respective bodies as well as within the text of the agreement itself. Certain rules direct the secretariat or the head of the secretariat to perform such functions,<sup>15</sup> some others make the head of the international organization designated as the secretariat (i.e. the Executive Director of UNEP) as the secretary-general of the conference who will appoint the executive secretary of the conference to carry out such secretariat services.<sup>16</sup>

22. It may be noted that the conferences of the parties to the Basel, Rotterdam and Stockholm conventions, in their concurrent decisions on enhancing cooperation and coordination among these conventions adopted at their simultaneous extraordinary meetings held in Bali, Indonesia, in February 2010,<sup>17</sup> decided to establish joint managerial functions and joint services of the Basel Convention Secretariat, the Stockholm Convention Secretariat and the United Nations Environment Programme part of the Rotterdam Convention Secretariat. At their second simultaneous extraordinary meetings held in Geneva in May 2013, the conferences of the parties to those conventions reviewed synergies arrangements and endorsed the matrix-based management approach and organization of the secretariats of the Basel Convention and the Stockholm Convention and the UNEP part of the Secretariat of the Rotterdam Convention, as approved by the Executive Director.

23. With regard to the Rotterdam Convention, a memorandum of understanding was agreed in 2005 between the Executive Director of UNEP and the Director-General of FAO concerning the arrangements to perform jointly the secretariat functions of the Rotterdam Convention. The Conference of the Parties to this Convention, in the above-mentioned decision on synergies adopted at its second simultaneous extraordinary meeting, noted that the FAO part of the Secretariat of the Rotterdam Convention, which was not included in the matrix-based management approach and organization, contributes to all the operational areas as set out according to this approach and organization; thus it requested that the executive secretaries of the Basel, Rotterdam and Stockholm conventions review the proposals set out in the note by the Secretariat on the organization and operation of the part of the Rotterdam Convention Secretariat hosted by FAO<sup>18</sup> to enhance synergies arrangements.

#### **Regional seas conventions and other regional agreements**

24. UNEP has a long standing mandate for the protection of the marine and coastal environment since its Governing Council adopted decision 1 (III. E.) on oceans at its first session in June 1973, which called for the development of a programme for the monitoring of marine pollution and its effects on marine ecosystems, paying particular attention to the special problems of specific bodies of water including some semi-enclosed seas, if the nations concerned so agree. Consequently, the Governing Council at its second session in 1974 established the UNEP Regional Seas Programme by

<sup>15</sup> In case of CITES, CMS, CBD, Rotterdam and Stockholm conventions.

<sup>16</sup> In case of the Vienna Convention and the Montreal Protocol, and the Basel Convention

<sup>17</sup> The omnibus decision adopted by, respectively, the Conference of the Parties to the Basel Convention (decision BC.Ex-1/1), the Conference of the Parties to the Rotterdam Convention (decision RC.Ex-1/1) and the Conference of the Parties to the Stockholm Convention (decision SC.Ex-1/1).

<sup>18</sup> UNEP/FAO/CHW/RC/POPS/EXCOPS.2/INF/9.

its decision 2 (I. 4.) on oceans, which also requested UNEP to encourage and support preparations of regional agreements or conventions on the protection of specific bodies of water from pollution, particularly from land-based sources. Those decisions provided the basis for the development of both international legally binding and non-legally binding instruments under the UNEP Regional Seas Programme.

25. Over the years, UNEP has played an important role in facilitating and supporting the development of regional seas conventions and also non-legally binding action plans under and as part and parcel of the UNEP Regional Seas Programme. Thirteen Regional Seas programmes have been established under the auspices of UNEP, namely Black Sea, Wider Caribbean, East Asian Seas, Eastern Africa, South Asian Seas, ROPME Sea Area, Mediterranean, North-East Pacific, Northwest Pacific, Red Sea and Gulf of Aden, South-East Pacific, Pacific, and Western, Central and Southern Africa.<sup>19</sup>

26. Through its Regional Seas Programme, UNEP provides the secretariats or secretariat functions for four regional seas conventions as well as two non-legally binding action plans<sup>20</sup> through the UNEP regional coordinating units (RCUs) of the respective regional seas conventions and action plans headed by Coordinators.

27. The legal basis for the relationships between those regional seas conventions and action plans and UNEP is the same as that for the relationships between the global multilateral environmental agreements and UNEP. However, the management of those coordinating units of the respective regional seas conventions as well as action plans and the reporting lines of their heads differ given the history of their establishment within the framework of the UNEP Regional Seas Programme, as requested by the Parties to the respective conventions and action plans. It is through those coordinating units that secretariat functions are provided by UNEP within the structure of the UNEP secretariat, under the UNEP Regional Seas Programme, which is currently embedded in the Division of Environmental Policy Implementation. Furthermore, this arrangement facilitates a close programmatic linkage and synergies between the regional seas conventions and action plans, especially those to which UNEP provides the secretariat or secretariat functions and the UNEP Programme of Work and its Marine and Coastal Strategy.

28. The UNEP Regional Seas Programme periodically coordinates the development of Regional Seas Strategic Directions, aiming at having a unified effort and strategic approach, and thus impact on the global stage. By its decision 22/2 III A of 7 February 2003, the then Governing Council requested the UNEP secretariat to encourage and support regional seas conventions and action plans to incorporate new strategic elements in their programmes of work, bringing those elements to the attention of their respective Member States through governing bodies and other relevant fora. Draft Regional Seas Strategic Directions are discussed and agreed upon at the annual Global Regional Seas Meetings organized by UNEP, and UNEP supports their implementation in the regions. The Regional Seas Strategic Directions 2013-2016 were agreed upon at the Fourteenth Global Meeting of the Regional Seas Conventions and Action Plans, held in Nairobi in 2012.

29. Furthermore, UNEP, through its Regional Office for Europe in Geneva, serves on an interim basis as the secretariat of the following subregional conventions, following formal requests by their respective Conferences of Parties:

(a) Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Tehran Convention);

(b) Framework Convention on the Protection and Sustainable Development of the Carpathians (Carpathian Convention).

At the request of the respective parties, the UNEP Regional Director for Europe acts as the interim head of these conventions' secretariats. The secretariat functions are provided by UNEP within the structure of the UNEP secretariat, under the UNEP Regional Office for Europe.

30. The Conference of the Parties to the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa, at its first session held in Bamako, Mali, in June 2013, adopted decision DEC. 1/6 by which the

<sup>19</sup> Five independent programmes are partners and take part in the activities of the UNEP Regional Seas Programme.

<sup>20</sup> Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Northwest Pacific Region (NOWPAP); Action Plan for the Protection and Sustainable Development of the Marine and Coastal Areas of the East Asian Region (COBSEA).

Conference requested UNEP to carry out the convention secretariat's functions, provided that the UNEA of the UNEP authorizes the Executive Director to perform such functions.

## **B. Accountability and administrative and financial arrangements**

### **Memoranda of understanding (MOUs) between the governing bodies of multilateral environmental agreements and the Executive Director**

31. The memorandum of understanding has been signed between the Executive Director and the Chair of the Standing Committee of CITES on behalf of the parties, which clearly distinguishes between the administrative and programmatic (substantive) aspects of the inter-relationship between CITES and UNEP. The internal auditors, after their review of the secretariat of the Basel Convention, suggested that a memorandum of understanding (MOU) should also be concluded with representatives of the parties to the Basel Convention. The respective bureaux of the Stockholm and Basel Conventions also requested the initiation of steps to develop MOUs between UNEP and the Conference of the Parties, the first drafts of which were submitted to the respective Conferences of the Parties at their meetings in 2013. Similarly, the parties to the Barcelona Convention also requested that a comparable agreement should be signed with that Convention. A proposal for a similar arrangement was put forward to the Standing Committee of the Convention on Migratory Species of Wild Animals (CMS), on the occasion of its fortieth session on 7-8 November 2012. With regard to the Vienna Convention and its Montreal Protocol, a need for an MOU between the Parties and UNEP for clarifying the administrative or substantive relationship has not risen. It implied that the Parties to the Vienna Convention and the Montreal Protocol have been satisfied with UNEP serving as the Secretariat for the Convention and the Protocol through the Ozone Secretariat and in the case of the Multilateral Fund for the implementation of the Montreal Protocol, through the Secretariat of the Multilateral Fund. Following recommendations by the Office of Internal Oversight Services, consultations are ongoing with the secretariat of the Vienna Convention and the Montreal Protocol (as well as the Multilateral Fund), and CMS in this regard to identify the best instrument.

32. Subsequently, the conferences of the parties to the Basel, Rotterdam and Stockholm Conventions at their respective meetings held in Geneva in May 2013, each noted the proposal for the development of memorandums of understanding between the conferences of the parties to the Basel and Stockholm conventions and the Executive Director of UNEP concerning the provision of secretariat functions. The conferences of the parties to the Basel, Rotterdam and Stockholm Conventions each recognized that openness, transparency and the application of an equal and harmonized approach to the relationship between UNEP (and FAO in the case of the Rotterdam Convention) and the multilateral environmental agreement secretariats that it administers should apply to the development and implementation of institutional arrangements for the provision of the secretariat functions for the respective agreements, and requested the Executive Secretary (or Executive Secretaries in the case of the Rotterdam Convention) to submit a revised draft memorandum of understanding (or a first draft MOU in the case of the Rotterdam Convention) to the conferences of the parties at their next meetings in May 2015.

33. In its Decision IG.20/13 on Governance, the 17th Meeting of the Contracting Parties to the Barcelona Convention, held in Paris in February 2012, requested UNEP to work during the next biennium with the Bureau of the Contracting Parties on finalizing a Memorandum of Understanding concerning the Secretariat Services to and support of the Convention, including the policy on bad debts and to submit the Memorandum of Understanding to the 19th Meeting of Contracting Parties.<sup>21</sup>

### **Administrative arrangements between the secretariat of the Convention on Biological Diversity and the Executive Director**

34. The Executive Director and the Executive Secretary of the Convention on Biological Diversity signed the revised administrative arrangements between UNEP and the Convention Secretariat in October 2010. This was endorsed by the Conference of Parties at its tenth meeting in its decision X/45. A delegation of authority from the Executive Director to the Executive Secretary with respect to managerial financial and administrative arrangements was signed in September 2012. Like the revised administrative arrangements, the delegation of authority recognizes the dual reporting and accountability lines, as well as the applicability of United Nations and UNEP rules and regulations with respect to the Convention Secretariat's operation.

<sup>21</sup> The September 2013 Meeting of the MAP focal points agreed to defer the consideration of the draft memorandum of understanding, which was submitted by UNEP as requested, to a later date due to the fact that the Committee of Permanent Representatives to UNEP was still discussing on the relationship between UNEP and the multilateral environmental agreements for which it provides the secretariat or secretariat functions, and that a document on the issue would be submitted to UNEA in June 2014.

### **Accountability framework between the Executive Director of UNEP and the head of the Convention Secretariat: delegation of authority**

35. A written “delegation of authority” serves as one of the managerial instruments for the Executive Director to provide the senior official designated as the head of the Convention Secretariat<sup>22</sup> with the necessary authority to exercise his or her functions with the required autonomy. This delegation of authority also governs accountability between the Executive Director and that official. It is intended to ensure the provision of secretariat services to the respective conventions and to delegate the appropriate authority and responsibility to the head of the convention secretariat in an accountability context.

36. At the United Nations, the delegation of authority is deemed to be personal between individual senior staff by which they were held accountable.

37. The Executive Director has thus delegated part of his authority on managerial, administrative and financial matters to the Secretary-General of CITES; the Executive Secretary of the Basel Convention, of the Stockholm Convention and of the UNEP part of the Rotterdam Convention; the Executive Secretary of CMS; the Executive Secretary of the Convention on Biological Diversity; the Executive Secretary of the Vienna Convention and the Montreal Protocol, the heads of the regional seas conventions secretariats. The delegation of authority to the UNEP Regional Director for Europe makes specific reference to the responsibility concerning the Teheran Convention and the Carpathian Convention.

38. Normally, the Executive Director delegates the necessary authority to the head of the Convention Secretariat on administrative and financial matters to enable him/her to manage and represent the Secretariat on his behalf with the level of autonomy required for maintaining an efficient and cost-effective operation of the Secretariat, while mitigating the organization’s exposure to risk. Such a delegation covers, inter alia: programme management; financial and physical resources management, human resources management and any other related matters, where decisions by the head of the Convention Secretariat may be the most effective for the operation of the Secretariat. The Executive Director is responsible for ensuring that the head of the Convention Secretariat exercises any such delegated authority in accordance with the rules and regulations of the United Nations and UNEP, as well as decisions of the parties to the Convention.

39. In the case of the UNEP Regional Seas Programmes, the Executive Director decided to entrust the overall responsibility for those Programmes to the Director of the Division of Environmental Policy Implementation (DEPI). Individual Regional Seas Conventions and Action Plans, for which UNEP provides the Secretariat or Secretariat functions, are an integral part of the respective Regional Seas Programmes. The heads of the Regional Coordinating Units, through which UNEP provides the Secretariat to the relevant Regional Seas Conventions and action plans, report to the Executive Director through the Director of DEPI and the Deputy Executive Director. The DEPI Director supervises the implementation of the authority delegated by the Executive Director to such heads at the request of the DEPI Director, on specific aspects and responsibilities.

40. Each of the UNEP Regional Seas Coordinating Units is composed of UNEP staff members, and is headed by a UNEP staff member. As the executive head of the UNEP secretariat, the Executive Director has delegated the responsibility to manage those UNEP staff members, who are part of the UNEP Regional Seas Programme, to the Director of the Division of Environmental Policy Implementation, who is responsible for such Programme, and those staff members are each accountable to him/her in the performance of their duties as international civil servants of the United Nations appointed within the UNEP secretariat. The functions, grade and number of those staff are based on the structure of the Regional Coordinating Unit, which is in turn determined by the resources allocated by respective governing bodies of the regional seas conventions and action plans through the approved budget, as well as the work programme. The appointment of those staff members is governed by the relevant regulations and rules of the United Nations as applicable to UNEP. The Executive Director remains ultimately accountable to the parties of the corresponding conventions.

### **Interface between the secretariats of UNEP and multilateral environmental agreements**

41. Within the UNEP secretariat, the Division of Environmental Law and Conventions is responsible for the interface between the UNEP secretariat and the secretariats of the relevant multilateral environmental agreements with regard to institutional issues in general, while the Division of Environmental Policy Implementation is responsible for the interface on institutional issues

<sup>22</sup> Or the Protocol Secretariat, or a subsidiary body established under that Convention or Protocol, as the case maybe.

between the relevant regional seas conventions and UNEP, and the Regional Office for Europe serves as the interim secretariat for the Teheran and Carpathian conventions. Regarding programmatic collaboration, the relevant divisions and branches collaborate directly on their specific topic with the secretariats of the relevant conventions, for example DTIE on matters related to green economy or DEWA concerning the UNEP-Live or DEPI with respect to its entire Regional Seas Programme. With regard to financial and administrative matters, Office for Operations is responsible for the day-to-day interaction with the multilateral environmental agreements secretariats.

42. Meetings of the UNEP senior management team and the heads of the secretariats of the relevant multilateral environmental agreements have been convened from time to time. These meetings deliberate on issues of common interest, such as those related to strengthening cooperation and collaboration in programmatic matters. These meetings will be held more regularly and may discuss issues of common interest to the secretariats and the governing bodies of both UNEP and the respective agreements.

43. The Executive Director has played an important role in the negotiation of some substantive policy issues and helped Parties to make a breakthrough in deciding on difficult policy issues at a number of meetings of the governing bodies of the relevant multilateral environmental agreements for the past decades. In that regard, the Executive Director has been an important element of the interface between UNEP and some multilateral environmental agreements, as well as in facilitating negotiations amongst the parties when required.

44. In the case of the Regional Seas Programmes, there is a dedicated interface in the Freshwater and Marine Ecosystems Branch of the Division of Environmental Policy Implementation, where the UNEP Regional Seas Programme is embedded. In this sense, the Coordinator of the Regional Seas Programme and his/her staff in the Branch support both administrative and programmatic matters in the Regional Seas Coordinating Units. Support to the Coordinating Units includes, among other things, technical, legal and administrative issues.

#### **Coherence in administrative arrangements between global and regional multilateral environmental agreements**

45. Each multilateral environmental agreement has specific objectives which translate into needs and requirements, level of resources, scope and mandates or guidance provided by the respective parties. It is therefore necessary for the UNEP secretariat, while trying to ensure coherence and consistency in the treatment of its relationship with the secretariat of each of the relevant agreements, to take fully into account the specificities of each agreement. For this reason, memoranda of understanding with the parties, delegations of authority to heads of the secretariats, and other instruments are tailored to the requirements of each agreement. In the case of the Basel, Rotterdam and Stockholm conventions, and also the CMS and related agreements on migratory species of wild animals, they are provided for in a synergistic manner.

#### **Need for access to efficient administrative services<sup>23</sup>**

46. Administrative services to the multilateral environmental agreements secretariat involve not only the UNEP secretariat, particularly its Office for Operations, but also different service providers to which the Executive Director has delegated certain authority to carry out relevant administrative functions for the UNEP secretariat, including United Nations entities such as UNON, UNOG, the United Nations Staff College, or UNOPS. In this regard, the UNEP secretariat has concluded memoranda of understanding, matrices of responsibilities, and letters of agreement or service level agreements with a number of United Nations service providers, and these services are available to the Convention Secretariats, in order to provide the necessary clarity and predictability of services.

47. To this end, standard operating procedures for administrative and financial arrangements will be developed. The introduction of standard operating procedures will help clarify and establish the responsibility of individual units and officers regarding the provision of administrative services. UNEP standard operating procedures are available on the internet.

48. The introduction of further standard operating procedures should help ensure timely, consistent and predictable services provision by the relevant United Nations entities, such as UNON.

49. The service level agreements with United Nations entities, such as UNON, include key performance indicators which help evaluate the efficiency of the services. At the same time, with the introduction of a new enterprise resource planning tool (Umoja), the UNEP secretariat, and though it

<sup>23</sup> This issue will be discussed with the secretariats of the relevant multilateral environmental agreements in the context of the task force on administrative matters.

the relevant United Nations entities that provide administrative services such as UNON, and the relevant convention secretariats need to further consider workflows and other internal arrangements, including the specific roles of individual officers in all management and administration processes. This exercise is ongoing.

### **Human resources management**

50. In general, while policies and budget regarding the structure of the secretariat of a multilateral environmental agreement are determined by the Parties to that agreement through its governing bodies, the United Nations staff rules and regulations as applied to UNEP govern the administration of human resource management of staff members of UNEP who service the secretariat of the multilateral environmental agreement.

51. Staff members of the secretariat of UNEP, who are recruited and administered under the staff relations and rules of the United Nations Secretariat, are each appointed by, or on behalf of, the Secretary-General of the United Nations, under regulations established by the General Assembly, as stipulated in paragraph 1 of article 101 of the Charter of the United Nations. Within that context, the Secretary-General promulgates administrative instructions and directives concerning human resources management. The Executive Director, through the delegation of authority to him/her by the Secretary-General, undertakes necessary actions regarding management of human resources of the UNEP secretariat, including those staff for the secretariat of multilateral environmental agreements. Within the UNEP secretariat, the Executive Director may delegate certain level of authority in that respect to senior managers, including the head of any secretariat of a multilateral environmental agreement.

52. With regard to human resources management, the delegation of authority was to enable the relevant work to be done more efficiently. In addition, the technical needs of the multilateral environmental agreement secretariats have long been recognized. The workforce of various parts of the United Nations Secretariat other than the UNEP secretariat, the UNEP secretariat and the multilateral environmental agreement secretariats requires a certain level of harmonization, for example, in the manner in which staff posts are classified. The Secretary-General holds Executive Director accountable for the implementation of overall human resources, policies and objectives, for example, regarding the speed of recruitment, gender balance in the workforce, or mediation efforts in cases of internal conflicts.

53. It may be recalled that the Joint Inspection Unit, in its report on management review of environmental governance within the United Nations system (JIU/REP/2008/3), recommended that the Secretary-General, with the assistance of the Executive Director of UNEP and in consultation with the multilateral environmental agreement secretariats, should undertake a review of UNEP and UNON practices concerning the recruitment of staff for multilateral environmental agreement secretariats, and propose steps to improve the staffing situation and geographical distribution of staff. Such a review should be carried out from time to time in order to improve efficiency in those areas.

### **Umoja: enterprise resource planning system**

54. Pursuant to resolution 60/283 of 7 July 2006 by which the General Assembly decided “to replace the Integrated Management Information System (IMIS) with a next-generation enterprise resource planning system or other comparable system”, the United Nations will introduce “Umoja”. Umoja will create leaner administrative processes and enable the organization to operate more efficiently; harmonize and standardize management of human, financial and material resources throughout the United Nations Secretariat, and the funds and programmes associated to it, such as UNEP; enhance efficiency, transparency and internal controls for all administrative transactions; and allow decision-makers (managers and Member States) to monitor and manage resources more effectively. While its pilot phase will started at a peace keeping mission from July 2013, its deployment at UNEP, UN-Habitat and UNON is scheduled for November 2014. Under Umoja, business will be conducted differently, and the roles and responsibilities of individual staff in charge of processing and authorizing transactions will be considerably streamlined. Umoja was designed for the entire United Nations Secretariat and it does not necessarily take into account the nature, nor requirements, of small convention secretariats. How it is implemented within the multilateral environmental agreement secretariats needs to be carefully managed to ensure it is done in a manner that does not affect their effective and efficient operation, noting the status of the secretariats as outlined in earlier paragraphs.<sup>24</sup>

<sup>24</sup> This issue will be discussed with the secretariats of the relevant multilateral environmental agreements in the context of the task force on administrative matters.

### Financial rules

55. In principle, the operation of the multilateral environmental agreements for which UNEP provides the secretariat or secretariat functions are fully funded by their respective Parties through their financial contribution to the convention.<sup>25</sup>

56. Financial management at the UNEP secretariat is governed by the financial regulations and rules of the UN, together with the General Procedures Governing the Operations of the Fund of UNEP and the financial rules of the Fund of the United Nations Environment Programme.

57. The governing bodies of CITES, CMS and the Vienna Convention and the Montreal Protocol, each adopted the terms of reference of the trust funds for the respected agreements, while the governing bodies of the Basel, Rotterdam and Stockholm Conventions each adopted the financial rules for the COP and its subsidiary bodies. Those terms of reference and financial rules each sets out provisions governing financial operations for the agreement and its governing body and spells out the responsibility for Parties, the Executive Director and the head of the Convention Secretariat.

58. Some Regional Seas conventions and action plans have adopted or are developing their specific procedures for the operation of the relevant Convention, its Protocols, its subsidiary bodies and the Action Plan as well as for the operation of the Convention/Action Plan Trust Fund and Secretariat, which complement the United Nations/UNEP Financial Regulations and Rules applicable to the funds under the custody of the United Nations<sup>26</sup>. The governing bodies of Regional Seas conventions and action plans have also adopted terms of reference for the management of their Trust Funds.

### Trust funds

59. The funds for the operation of the multilateral environmental agreements for which the Executive Director provides the secretariat or performs secretariat functions are held in trust funds. The establishment of such trust funds, in response to requests by the governing bodies of the relevant agreements, is subject to approval by the governing body of UNEP (previously the Governing Council, and now the United Nations Environment Assembly of UNEP), and all such trust funds are established in accordance with article V of the General Procedures Governing the Operations of the Fund of UNEP, and are therefore governed by the financial rules of UNEP, last revised in 1997, and which are currently being updated, in consultation with the controller of the United Nations. The multilateral environmental agreement secretariats will be informed of the above process.<sup>27</sup>

### Cost recovery

60. As mentioned above, the operation of the multilateral environmental agreements is funded entirely by their respective parties. This applies also to administrative support charges by the Executive Director equal to a certain agreed percentage in order to meet the cost of administrative activities. UNEP and the secretariats of the multilateral environmental agreements are bound by this rule, under the financial regulations and rules of the United Nations, and the directives issued by the Controller of the United Nations from time to time. This is designed to ensure that resources authorized by Member States at the General Assembly or its subsidiary bodies (such as the United Nations Environment Assembly of UNEP) do not unwillingly subsidize, or be used for funding other operations external to the United Nations, including those controlled by other treaty bodies. Since the secretariat of UNEP uses, as part of its programme of work, resources allocated to it through the regular budget of the United Nations, the Environment Fund, and other extra budgetary resources, to support certain multilateral environmental agreements and their secretariats, the principle of cost recovery must therefore be applied as rigorously as possible when it comes to administrative costs.<sup>28</sup>

61. The services delivered to the multilateral environmental agreements for which the United Nations or UNEP provides the respective secretariats or secretariat functions, and programme-support costs charged for such services are budgeted and charged under the rules and practices established by the United Nations Member States, the Secretary-General of the United Nations, and the United Nations Controller. In order to streamline the procedure for charging of these costs, the

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<sup>25</sup> In some cases, the UNEP secretariat, with the approval of the UNEP Governing Council, provided Environment Fund budget for the operation of certain multilateral environmental agreements in the past.

<sup>26</sup> The Conference of the Parties of the Cartagena Convention, the Barcelona Convention and the Abidjan Convention have already adopted specific financial regulations, rules and procedures which complement the applicable United Nations/UNEP Financial Regulations and Rules.

<sup>27</sup> This issue will be discussed with the secretariats of the relevant multilateral environmental agreements in the context of the task force on administrative matters.

<sup>28</sup> This issue, including concrete examples, will be discussed with the secretariats of the relevant multilateral environmental agreements in the context of the task force on administrative matters.



United Nations normally charges a standard percentage of delivery for these programme support costs (PSC), calculated on the basis of the average cost across the organization for providing such services. It is currently established as at 13% of delivery. To help understand and enhance the application of those rules and practices in budgeting of relevant services, a guideline concerning the application of those rules and practices needs to be elaborated.

62. Normally, the Executive Director, having delegated part of his/her authority and responsibility for the provision of administrative services to the heads of the secretariats of the respective multilateral environmental agreements, allocates an appropriate share (typically two thirds) of the annual Programme Support Costs (PSC) income of the previous year attributable to all of the trust funds of the Convention to the Secretariat. This enables the head of the secretariat of a given multilateral environmental agreement to recruit and incur other expenditures for the purpose of carrying out these delegated administrative functions. This arrangement is financially viable if a certain level of economies of scale can be achieved. For this reason, it is applied routinely for the secretariats of global conventions and some regional seas conventions. In other cases, such as smaller regional conventions, this arrangement is not viable for the Convention Secretariat, and ad hoc arrangements are put in place.

63. The Executive Director allocates the remaining share of the PSC income attributable to all of the trust funds of the Convention (typically 4%, i.e. one third of 13 %) to finance central administrative functions, including administrative functions outsourced to UNON or UNOG; or the United Nations Office of Internal Oversight Services (OIOS – audit, inspection and investigation), the United Nations Ethics Office, the United Nations Office of Legal Affairs, the United Nations Department of Management and the United Nations Board of Auditors. These central administrative functions include the following:

- (a) Staff recruitment, classification and selection;
- (b) Payroll and administration of staff entitlements;
- (c) The United Nations financial disclosure programme (billed by United Nations Headquarters in New York);
- (d) Accounting and finance functions, including statement preparation, the issuance of allotments and allocations, payables/receivables, cash-flow management, treasury and contributions receipt and recording, payments, billing and receipts;
- (e) Administration of end-of-service and post-retirement benefits;
- (f) Non-expendable property asset management;
- (g) Internal audit, investigation, inspection and external audit;
- (h) Participation in the United Nations administration of justice system, including support to mediation and the United Nations Dispute Tribunal;
- (i) Shipping, pouch, visas and United Nations Laissez-Passers;
- (j) Access to the corporate United Nations/UNEP intranet/internet and mail systems;
- (k) Participation in the funding of the network of United Nations Resident Coordinators;
- (l) Legal counselling, clearance of legal instruments and agreements, risk management and ultimate financial liability.

64. As a matter of principle, the Executive Director provides, through the list above and in a generic manner, accounts for the use of PSC for central administrative functions.<sup>29</sup>

#### **Implications of IPSAS on multilateral environmental agreements<sup>30</sup>**

65. The General Assembly, in its resolution 60/283 of 7 July 2006, decided to approve the adoption by the United Nations of the International Public Sector Accounting Standards. Accordingly, the United Nations, including UNEP, adopted the International Public Sector Accounting Standards (IPSAS) with effect from 1 January 2014. While UNON is the lead entity in Nairobi and is responsible for the preparation of UNEP financial statements that are IPSAS compliant, the UNEP Executive Director retains the primary responsibility of timely and accurate financial statements. These include

<sup>29</sup> This issue will be discussed with the secretariats of the relevant multilateral environmental agreements in the context of the task force on administrative matters.

<sup>30</sup> This issue will be discussed with the secretariats of the relevant multilateral environmental agreements in the context of the task force on administrative matters.

records of all transactions on revenue, expenditure, assets, financial commitments and reserves. Some conventions secretariats also report directly to their parties and various governing bodies, including finance oversight bodies established by the parties, on financing of the secretariat and the use of extra budgetary resources.

66. The main change introduced by IPSAS is the adoption of accrual accounting as the basis of recording transactions and preparation of financial statements, instead of the cash and modified cash regimes currently implemented under UNSAS. This will entail a new approach to recognition of revenue and expenses as well as the capitalization of property, plant and equipment. The treatment of inventory (referred to as expendable property under UNSAS) also changes. The cycle of financial statements, and therefore of external audits, shifts from bi-annual to annual (with a corresponding increase in costs). Overall, the holding of accounts is under IPSAS is consistent with those of most governments and public administrations, facilitating dialogue with Member States.

67. All the multilateral environmental agreements for which UNEP provides the secretariat or secretariat functions already form part of the financial statements and are fully consolidated within the other elements of UNEP operations, and this will continue under IPSAS.

68. Key areas which will affect the relevant multilateral environmental agreements secretariats are the following:

(a) Donor contributions agreements: revenue will be recognized and must be recorded upon signature of the contribution agreement, provided it has been reviewed and established that there is no binding condition requiring UNEP to return the funds, hence classified as non-conditional;

(b) Partnership agreements: depending on the conditionality provisions in the agreement, expenses will be recognized upon signature with the partner entity, and it is necessary to track and record all active partnership agreements, when disbursements are phased and to ensure that records reflect the status of each project, including closures;

(c) Leases and rental agreements: individual review will determine whether they should be classified as finance or operating leases;

(d) Plant, property and equipment: all plant, property and equipment must be documented, including the date of acquisition, location, physical condition and value;

(e) Inventory will be classified in two categories: (a) financial inventory and (b) operational inventory. The classification will determine the accounting treatment;

(f) Staff training: a number of staff have undertaken general IPSAS training, more focused and targeted training tailored to address specific shall continue throughout 2014.

69. More work is required on the implementation of IPSAS and its implications for convention secretariats but the information flow between the UNEP secretariat and the relevant multilateral environmental agreements secretariats on these and other items has intensified.

### **Staff training**

70. Some multilateral environmental agreements and Regional Seas conventions and action plans secretariats requested for training of the secretariat staff for handling of management matters. The UNEP secretariat has been responding to the current and future training requirements, for example in the area of resource base management, procurement or IPSAS but also on specific policy needs identified by certain Secretariats. Access to mandatory training poses a major challenge to some Secretariats. Also it entered into an agreement with United Nations Staff College to undertake training, open to all staff, including those of the secretariats of the multilateral environmental agreements, on such topics as results-based management, project formulation, and gender mainstreaming. Some secretariats have already benefitted from training by UNON.

### **Next steps**

71. A number of bodies and organizations of the United Nations system have been involved in the development of international treaties in the field of the environment (which have been increasingly cited as multilateral environmental agreements) while some conventions were negotiated outside of the United Nations system. In addition to UNEP, for instance the United Nations Economic Commission for Europe, ILO, FAO, UNESCO, IMO and IAEA have been assisting the respective Member States to develop and conclude environmental and environment-related conventions and protocols within their mandates, and provided relevant support to the parties as the secretariat of the respective conventions and protocols. Modalities of institutional arrangements for the provisions of convention secretariats or secretariat functions differ among them. In some cases, part of the existing

offices carry out the secretariat functions without establishing organizational units dedicated only for a specific convention or protocol. For example, regarding the FAO-part of the Rotterdam Convention Secretariat, the Division of Plant Protection and Production provides the relevant secretariat functions. In case of UNEP, while its existing offices have served as the secretariat for the relevant regional seas conventions and protocols, the Executive Director has established separate offices with UNEP staff dedicated to serve as the secretariat or provide secretariat functions for the relevant global conventions and protocols, which is fully consistent with the role, function and nature of convention secretariats. This model was earlier followed for the institutional arrangements for the secretariats of CITES, and CMS, and then evolved into the arrangements for the Vienna Convention and the Montreal Protocol, which were followed by the institutional arrangements for a number of subsequent global environmental conventions and protocols. In the above institutional arrangements, the Executive Director has been, and will remain, responsible to provide the secretariat or secretariat functions. In order to effectively meet the requirements for the provision of the convention secretariat or secretariat functions and improve delivery of related services, it might be useful to examine various models of institutional arrangements for such purpose, including by learning from experiences of the other organizations that provide the secretariat or secretariat functions for multilateral environmental agreements.

72. With regard to the provision of administrative services to the respective convention secretariats, transparency, openness and efficiency should be the guiding principles in the provision of such services. However, in the past, there were concerns from parties to some conventions and also from some secretariats regarding the application of those principles in the provision of administrative services, including such issues as the lack of detailed information on the use of programme support costs, delays in the recruitment process for convention secretariat staff for which the parties already approved budget, the lack of clear terms of services, or inadequate consultation in determining certain administrative arrangements that affect the functioning of the convention secretariats. Efforts have been made to address those concerns to date by the convention secretariats, convention parties and the UNEP secretariat, which included a joint meeting chaired by the Director of UNEP DELC in Geneva on 3 June 2013. Informal dialogue among the Deputy Executive Director and the heads of the respective convention secretariats initiated in early 2014 (i.e. a task team with two working groups on administrative arrangements and programmatic cooperation) was designed to make progress in further advancing this dialogue and collaborative efforts.

### **III. Programmatic cooperation between the United Nations Environment Programme and multilateral environmental agreements**

73. The UNEP secretariat, through its programme of work, collaborates with the secretariats of the relevant multilateral environmental agreements on a broad range of issues, with a view to enhancing synergies in the respective areas of programme activities. The current UNEP medium-term strategy for 2014-2017 and the programmes of work for 2014-2015 and the proposed draft programme of work for 2016-2017 have included, under the environmental governance subprogramme, the promotion of policy coherence between the United Nations system and multilateral environmental agreements, and the provision of support for the implementation of multilateral environmental agreements, as main programme activity areas for UNEP. In addition, provision is made for programmatic collaboration with the selected multilateral environmental agreements in the specific thematic areas, such as climate change, biodiversity, ozone layer protection<sup>31</sup> and chemicals and wastes, in the other subprogrammes as well. Efforts are being made by UNEP to strengthen this collaboration and more can be done. Work areas of the multilateral environmental agreements, as appropriate, may form an integral part of the UNEP agenda and programme, and are therefore reflected as such in its policy, strategy documents and programme of work. At the implementation level, coordination is being sought at project and activity level to exchange information and inputs enabling cooperation, coordination and enhanced synergies, as appropriate. There are good examples of collaboration at the project level but they tend to be ad hoc, and improved collaboration can be sought. Focusing on a key environmental goal, for example the protection of atmosphere from pollution, UNEP and the relevant multilateral environmental agreements will have further opportunities for programmatic collaboration to achieve common objectives for achieving the sustainability of the global environment in the respective mandated areas.

74. Various offices within the UNEP secretariat work closely with the secretariats of the relevant multilateral environmental agreements in a broad range of issues. In general, it should be noted that

<sup>31</sup> UNEP serves as one of the Implementing Agencies under the Multilateral Fund.

programmatic cooperation and collaboration may take place between UNEP and all relevant multilateral environmental agreements, between multilateral environmental agreements and other relevant organizations, and among multilateral environmental agreements. The parties to the multilateral environmental agreements may include, in the respective work programme of the agreements, programmatic cooperation and coordination between the multilateral environmental agreements and other multilateral environmental agreements or international organizations such as UNEP. While noting that each multilateral environmental agreement has specific programme of work defined by that agreement and its governing body, programmatic cooperation and coordination between the respective multilateral environmental agreements and UNEP and other entities within and outside of the United Nations system are important. Where UNEP has been called upon by Parties to contribute in some way to the work of the relevant multilateral environmental agreements to carry out certain tasks, UNEP, within its mandate and available resources, responds to meet such requests. Convention secretariats have also enhanced the cooperation amongst themselves such as through the Biodiversity Liaison Group, which has proven to be an effective vehicle through which convention secretariats have been able to interact.

75. Programmatic cooperation between the secretariats of multilateral environmental agreements and the UNEP secretariat has varied depending upon the approaches taken by specific offices of the UNEP secretariat towards multilateral environmental at a given time and also has depended on the relevant decisions adopted by the respective governing bodies of the multilateral environmental agreements as they have decided, in all autonomy, of the extent and level of programmatic cooperation and coordination with other entities such as UNEP. There has been, nonetheless, a need for improved coordination of programmatic activities. Given the importance of enhancing synergies between the relevant multilateral environmental agreements and UNEP, such programmatic collaboration should become stable and coherent, taking into account the different objectives of these agreements and the mandates provided by the parties.

76. The governing bodies of the respective multilateral environmental agreements and the UNEA of UNEP could further facilitate such programmatic cooperation and coordination, as appropriate, by setting out modalities of such cooperation and coordination through concurrent decisions on issues of common interest. At the secretariat level, the task team established by the Executive Director and composed of the representatives of the selected multilateral environmental agreement secretariats and the relevant offices of the UNEP secretariat has been deliberating on programmatic cooperation between UNEP and the respective multilateral environmental agreements, and will help identify areas for collaborative work.

77. As part of UNEP institutional support for the implementation of multilateral environmental agreements and for promoting programmatic cooperation and synergies among them and between UNEP and those agreements, UNEP programme officers, designated as regional focal points for multilateral environmental agreements (some of whom are responsible for the chemicals and wastes cluster and the others are responsible for the biodiversity cluster<sup>32</sup>) have been posted in UNEP regional offices.<sup>33</sup> Those programme officers, known as “MEA focal points” have been funded by extra-budgetary resources under the Environmental Governance subprogramme to date. The Secretary General, upon proposal by the Executive Director, submitted to the General Assembly a proposal to finance the MEA focal points through United Nations regular budget, among other UNEP posts that were proposed for funding by the United Nations regular budget. The Advisory Committee on Administrative and Budgetary Questions of the General Assembly has recommended a phased approach to this recruitment, and the General Assembly approved some of them for the biennium 2014- 15. The Executive Director intends to pursue the matter to ensure that such recruitment can be completed in 2016 under the regular budget of the United Nations.

78. The Compliance Assistance Programme of the Ozone Action Programme under the UNEP Division of Technology, Industry and Economics (UNEP/DTIE), which consolidates the activities of UNEP as an Implementing agency of the Multilateral Fund, is a successful mechanism that networks the national ozone officers to achieve compliance with the Montreal Protocol through regional and international cooperation and exchange of experiences and information. The UNEP secretariat has also been partnering with a number of multilateral environmental agreements secretariats on the development of a common Internet-based information portal for multilateral environmental

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<sup>32</sup> The Focal Points’ role is to provide technical and advisory support directly to multilateral environmental agreement secretariats, as well as to enhance countries’ capacities to implement multilateral environmental agreements in the chemicals and wastes cluster and the biodiversity cluster. They work at the regional and national level with countries by providing technical and advisory services, information exchange and capacity-building for synergistic implementation of multilateral environmental agreements.

<sup>33</sup> Currently funded from extrabudgetary resources.

agreements, entitled “InforMEA”,<sup>34</sup> under the Information and Knowledge Management initiative which is currently co-chaired by the CITES secretariat and the UNEP secretariat. In addition, substantive legal services had in the past been continuously provided the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants.

79. Areas of cooperation with the chemicals conventions, in particular through the Chemicals Branch of UNEP/DTIE, include the Persistent Organic Pollutants global monitoring programme, the Polychlorinated Biphenyls (PCBs) Elimination Network and the DDT Global Alliance. The secretariats of the Basel, Rotterdam and Stockholm Conventions have also provided staffing support to UNEP Chemicals Branch to aid in the successful mercury treaty negotiations, and shared with the SAICM secretariat to identify clearinghouse synergies. These secretariats and the UNEP International Environmental Technology Centre (IETC) also have a long history of cooperation on waste-related matters.<sup>35</sup>

80. Recent highlights of such programmatic collaboration also include: facilitating consultative processes on financing chemicals; support to developing countries to develop national legislation designed to enhance synergetic national implementation of conventions in the field of chemicals; capacity-building activities to promote the entry into force of the ban amendment to the Basel Convention; capacity-building assistance to developing countries and countries with economies in transition to promote compliance with and enforcement of the selected multilateral environmental agreements, including training workshops for prosecutors and customs officials; information exchange, at an international conference convened by the International Criminal Police Organization (INTERPOL) and UNEP, on experiences and initiatives to combat illegal traffic and environmental crime in contravention of the obligations under the relevant multilateral environmental agreements;<sup>36</sup> regional training workshops to support negotiators from developing countries to prepare for meetings of the conferences of parties to the selected multilateral environmental agreements, such as the United Nations Framework Convention on Climate Change, the United Nations Convention to Combat Desertification, and the Convention on the Conservation of Migratory Species of Wild Animals; capacity-building workshops to promote the integration of the relevant elements of the programmes of work of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Convention on the Conservation of Migratory Species of Wild Animals into national biodiversity strategies and action plans under the Convention on Biological Diversity for enhancing synergies in national implementation of those conventions and agreements.

81. In its relationship with the regional seas conventions and action plans, UNEP promotes coherence of policies, enhanced cooperation and coordination as well as increased efficiency. The integration of UNEP work with the regional seas conventions and action plans in turn increases the overall effectiveness of the global environmental policy while at the same time supports an efficient delivery at the regional level.

82. The Regional Seas Programme, based in headquarters and embedded in the UNEP structure and programme of work, provides the global overview and context in which the regions are inserted. Such a global framework furnishes the coherence needed for the regions to more easily insert themselves in the global seas and oceans structure and agenda, and thus better respond to the global ocean mandates while maintaining their regional specificities. As such, the different regional seas

<sup>34</sup> InforMEA is an interoperable information system for the benefit of multilateral environmental agreement parties and the environment community at large which harvests decisions and resolutions of the governing bodies of multilateral environmental agreements, news, events, membership of multilateral environmental agreements, national focal points, national reports and implementation plans from the secretariats of multilateral environmental agreements. <http://www.informe.org>.

<sup>35</sup> A number of these areas of programmatic cooperation are noted in document UNEP/GC.27/4. A recent report of the Executive Director also provides information on the progress in the implementation of Governing Council decisions 26/12 and SS.XII/5 on enhancing cooperation and coordination within the chemicals and wastes cluster (UNEP/GC.27/8.)

<sup>36</sup> The Green Customs Initiative is a partnership of international organizations cooperating to prevent the illegal trade in environmentally-sensitive commodities and facilitation of the legal trade of these. Its objective is to enhance the capacity of customs and other relevant enforcement personnel to monitor and facilitate the legal trade and to detect and prevent illegal trade in environmentally-sensitive commodities covered by relevant conventions and multilateral environmental agreements. These include ozone depleting substances, toxic chemical products, hazardous wastes, endangered species and living-modified organisms. Partner organizations include: the Basel, Rotterdam and Stockholm Conventions, the Convention on Biological Diversity and the Cartagena Protocol, CITES, Interpol, the Vienna Convention and the Montreal Protocol, the Organization for the Prohibition of Chemical Weapons, the United Nations Office on Drugs and Crime, the World Customs Organization, and UNEP.

conventions and action plans continue to be shaped according to the needs and priorities of specific regions –as identified and decided by the relevant participating governments- while being part of a global UNEP Programme, whose overall global strategy is ultimately defined by the UNEP governing body.

83. The regional seas conventions and their various protocols and action plans provide an example of cooperation between regional multilateral environmental agreements and UNEP secretariat through its programme of work. UNEP supports the regional coordinating units of the relevant regional seas conventions and action plans in a variety of issues, with a view to developing synergies and creating complementarity in the respective areas of the programme activities under the ecosystems management, environmental governance, chemicals and wastes, and climate change among other UNEP subprogrammes. The Marine and Coastal Strategy of UNEP, of which the Regional Seas Programme is one of the fundamental elements, was integrated in the UNEP medium-term strategy for 2010–2013, and the programmes of work for the biennia 2010–2011 and 2012–2013. The provision of support for the implementation of the regional seas conventions and action plans is one of the main programme activity areas for UNEP. Such programmatic collaboration will continue, as in the case of the multilateral environmental agreements, for the regional seas conventions and action plans, under the UNEP medium-term strategy for 2014–2017 and through the programme of work for 2014–2015.

84. As mentioned above, within the UNEP secretariat the Regional Seas Programme is one of the pillars of the Freshwater and Marine Ecosystems Branch of the Division of Environmental Policy Implementation, which works closely and coordinates programmatic and administrative activities with the regional seas conventions and action plans for which UNEP provides the secretariat or secretariat functions. While noting that each regional seas convention and action plan has its specific programme of work and budget, defined by that specific agreement and its governing body, it should be noted also that programmatic cooperation, coordination and support in the implementation of those conventions and action plans is provided by UNEP. Where UNEP has been called by participating governments of a given regional seas convention or action plan, UNEP, within its mandate and available resources, or supporting fund raising for specific activities, programmes or initiatives, responds to such call from governments. Substantive legal services have been continuously provided by UNEP to the regional seas conventions and actions plans for which it provides the secretariat or secretariat functions.

#### **Next steps**

85. Ongoing programmatic collaboration and synergies between the UNEP secretariat and the secretariats of the relevant multilateral environmental agreements should be further strengthened, so that relevant support is provided to Governments at various levels to reduce the gap between their commitment and implementation in achieving the relevant internationally agreed environmental goals. The Bali Strategic Plan provides a platform and mandate to provide such support to developing countries and countries with economies in transition. In particular, there are opportunities for such programmatic collaboration and synergies at the regional level, while UNEP strengthens its functions to support relevant efforts of Member States that are Parties to the multilateral environmental agreements in regions.

86. The task team established by the Executive Director and composed of the representatives of the multilateral environmental agreement secretariats and the relevant offices of the UNEP secretariat has been elaborating, through one of the working groups of the task team, programmatic collaboration between the multilateral environmental agreements secretariats and the UNEP secretariat. The outcome of that elaboration is expected to become a useful foundation to facilitate such collaboration in the future.

## Annex

### **Multilateral environmental agreements for which UNEP provides the secretariat or perform secretariat functions**

#### **Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)**

Paragraph 1 of article XII of the Convention states that, upon entry into force of the Convention, a secretariat shall be provided by the Executive Director of UNEP. The Governing Council, in section VIII of decision 1(I) of 22 June 1973, authorized the Executive Director to provide secretariat services for the Convention in accordance with its article XII. The secretariat is located in Geneva.

#### **Convention on the Conservation of Migratory Species of Wild Animals (CMS)**

Paragraph 2 of article IX of the Convention states that, upon entry into force of the Convention, the secretariat shall be provided by the Executive Director of UNEP. In its decision 12/14 of 28 May 1984, the Governing Council authorized the Executive Director to provide secretariat services for the implementation of the Convention in accordance with its article IX. The CMS secretariat is located in Bonn, Germany. Regarding multilateral environmental agreements related to the CMS, UNEP also administers the secretariats for the Agreement on the Conservation of African-Eurasian Migratory Waterbirds and the Agreement on the Conservation of Populations of European Bats in accordance with resolutions 1.1 and 3.1, respectively, of their respective Meetings of the Parties. Through the CMS Secretariat, UNEP also serves as secretariat on an interim basis for the Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas, in accordance with Resolution II of the fifth Meeting of the Parties. A similar arrangement applies to the Agreement on the Conservation of Gorillas and their Habitats, as agreed at the thirty-second Session of the CMS Standing Committee, and the First Meeting of the Parties of the Gorilla Agreement.

#### **Convention on Biological Diversity**

In paragraph 1 of article 24, the Convention established its secretariat, which also performs functions for its protocols. Accordingly, the secretariat performs functions also for the Cartagena Protocol on Biosafety, the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization, and the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety. In accordance with article 24 of the Convention, the Conference of the Parties, at its first meeting in November/December 1994, decided to designate UNEP to carry out the functions of the secretariat while ensuring its autonomy to discharge the secretariat functions. In its decision 18/36 of 26 May 1995, the Governing Council welcomed the designation of UNEP to carry out the functions of the secretariat of this Convention and noted that UNEP ensured the latter's autonomy to discharge the secretariat functions. To that end, the Conference of the Parties to the CBD, at its fourth meeting, endorsed the administrative arrangements between UNEP and the CBD Secretariat, contained in annex III of document UNEP/CBD/COP/4/24 and which entered into force on 30 June 1997. This was subsequently revised and endorsed by the Conference of the Parties at its tenth meeting in 2010 through its decision X/45. The secretariat is located in Montreal, Canada.

#### **Vienna Convention for the Protection of the Ozone Layer / Montreal Protocol on Substances that Deplete the Ozone Layer**

In paragraph 1 of article 7, the Convention set out the functions of the secretariat of the Convention and its protocol. In accordance with paragraph 2 of article 7, the Conference of the Parties, at its first meeting, held in April 1989, decided to designate UNEP as the secretariat of the Convention, which also performs functions for the Protocol. In paragraph 4 of its decision 15/35 of 25 May 1989, the Governing Council welcomed with satisfaction, among other things, the designation of UNEP as the secretariat of the Vienna Convention and the Montreal Protocol. The secretariat is located in Nairobi.<sup>1</sup>

<sup>1</sup> The Convention secretariat is also known as the Ozone Secretariat. The Secretariat for the Multilateral Fund for the Implementation of the Montreal Protocol, which is administratively linked to UNEP and located in Montreal, is headed by the Chief Officer, who reports directly to the Executive Committee of the Multilateral Fund. The Fund Secretariat assists the Executive Committee in the discharge of its functions in accordance with the role and responsibilities established by the Executive Committee. UNEP also acts as the Treasurer of the Multilateral Fund, as well as one of the four implementing agencies of the Multilateral Fund. The mandate of the Multilateral Fund is to provide Parties operating under paragraph 1 of Article 5 of the Montreal Protocol, with financial and

**Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal**

In paragraph 1 of article 16, the Convention set out the functions of the secretariat. The secretariat is also to perform functions for the Basel Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal. In accordance with paragraph 3 of article 16, the Conference of the Parties, at its first meeting in December 1992, decided to request UNEP to carry out the functions of the Basel Convention secretariat, and further requested the Executive Director of UNEP to establish the secretariat in accordance with the structure contained in the budget and to locate it in Geneva.

**Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade**

By paragraph 1 of its article 19, the Convention establishes its secretariat and, in paragraph 3 of article 19, provides that the secretariat functions for the Convention shall be performed jointly by the Executive Director of UNEP and the Director-General of the Food and Agriculture Organization of the United Nations (FAO), subject to such arrangements as shall be agreed between them and approved by the Conference of the Parties. By its decision SS.V/5 of 22 May 1998, the Governing Council authorized the UNEP secretariat to participate in the secretariat of the Convention. The FAO Conference, at its Thirtieth Session in 1999, supported the primary role of FAO and UNEP in the convention secretariat. The Conference of the Parties, in its decision 2/5 adopted at its second meeting, approved the arrangements for the provision of the secretariat functions by UNEP and FAO as agreed in the memorandum of understanding between them. The secretariat is co-located in Geneva and Rome.

**Stockholm Convention on Persistent Organic Pollutants**

By paragraph 1 of its article 20, the Convention establishes its secretariat and, in paragraph 3 of article 20, provides that the secretariat functions for the Convention shall be performed by the Executive Director of UNEP. By its decision 21/4 of 9 February 2001, the Governing Council authorized the participation of the UNEP secretariat in the secretariat to the Convention. The secretariat is located in Geneva.

**Minamata Convention on Mercury**

In accordance with paragraph 3 of Article 24 of the Convention, the secretariat functions for this Convention shall be performed by the Executive Director of UNEP, unless the Conference of the Parties decides, by a three fourths majority of the Parties present and voting, to entrust the secretariat functions to one or more other international organizations. The Convention was adopted in Kumamoto, Japan on 10 October 2013, and it has not entered into force yet.

**Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention)**

By article 17 of the Convention, the Contracting Parties designated UNEP as responsible for carrying out the secretariat functions, which are provided through the UNEP Mediterranean Coordinating Unit in Athens.

**Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention)**

By article 15 of the Convention, the Contracting Parties designated UNEP as responsible for carrying out the secretariat functions, which are provided through the UNEP Regional Coordinating Unit for the Caribbean Environment Programme in Kingston.

**Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean (Nairobi Convention, Amended)**

By article 17 of the Convention, the Contracting Parties designated UNEP as the secretariat of the Convention. UNEP provides the Secretariat to the Nairobi Convention through the relevant UNEP Coordinating Unit in Nairobi.

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technical assistance, including the transfer of technologies, to enable their compliance with the Montreal Protocol's control measures for the phase-out of ozone depleting substances.



**Convention for Cooperation in the Protection, Management and Development of the Marine and Coastal Environment of the Atlantic Coast of the West, Central and Southern Africa Region (Abidjan Convention)**

By article 16 of the Convention, the Contracting Parties designated UNEP as the secretariat of the Convention, and its secretariat functions are carried out through the UNEP Regional Coordinating Unit in Abidjan.

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