

At its 53rd meeting (Geneva, June - July 2005), the CITES Standing Committee agreed in principle to the following draft Memorandum of Agreement with the Executive Director of UNEP. This copy of the amended draft is placed on the CITES website at the request of the Standing Committee and is open for comments until 15 August 2005, after which, if there are no substantive objections from Parties, it will be considered as adopted by the Standing Committee.

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MEMORANDUM OF AGREEMENT BETWEEN THE STANDING COMMITTEE OF THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA AND THE EXECUTIVE DIRECTOR OF THE UNITED NATIONS ENVIRONMENT PROGRAMME CONCERNING ARRANGEMENTS OF THE SECRETARIAT OF THE CONVENTION

The Standing Committee of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereinafter referred to as the "Standing Committee") and the Executive Director of the United Nations Environment Programme (hereinafter referred to as the "Executive Director"):

Recalling paragraph 3 of Article XI and paragraph 1 of Article XII of the Convention;

Recalling also that the Governing Council of the United Nations Environment Programme, in paragraph 31 of its decision 1 (I) of 22 June 1973, authorized the Executive Director "to provide secretariat services for the implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora in accordance with Article XII";

Noting that the Conference of the Parties to the Convention, in its Resolution Conf.11.1 (Rev. CoP13) adopted at its 11th meeting and revised at its 12th and 13th meetings, resolved to re-establish the Standing Committee with the terms of reference, *inter alia*, to provide, within the policy agreed to by the Conference of the Parties, general policy and general operational direction to the Secretariat concerning the implementation of the Convention and to act as the Bureau at meetings of the Conference of the Parties until such time as the Rules of Procedures are adopted;

Conscious of the need to maintain flexibility and adaptability in the management of the Secretariat of the Convention and in the provision of services to the Parties to the Convention taking fully into account the United Nations rules and regulations as well as the prerogatives of the Executive Director in his capacity as the chief administrative officer;

Aware that the responsibilities and functions of the Standing Committee, the Executive Director as well as the Secretary-General of the Convention with regard to the implementation of Articles XI and XII of the Convention need to be further clarified;

Recognizing that the decisions of the Conference of the Parties guide the implementation of the Convention and management of its Secretariat on all substantive issues;

Desiring to further improve the relationship between the Convention and the United Nations Environment Programme; and

Recognizing that the Standing Committee at its 47th meeting recommended that the Agreement between the Standing Committee and the Executive Director, signed on 20 June 1997, be revised;

HAVE AGREED AS FOLLOWS:

Basic principles

1. The Executive Director shall provide the Secretariat for the Convention as provided for in Article XII, paragraph 1, of the Convention and paragraph 31 of decision 1(II) of 22 June 1973 adopted by the Governing Council of the United Nations Environment Programme.
2. The Standing Committee and the Executive Director shall hold consultations on a regular basis, and as needed, on all issues related to the implementation of the present Memorandum of Agreement. These consultations shall be conducted through the Chairman of the Committee who shall seek the views of the members and reflect these during the consultation. On specific issues, the Chairman may designate another member of the Standing Committee to conduct such consultations. The Executive Director, in his/her absence, may be represented by the designated representative. The Executive Director shall inform the Standing Committee in advance of any significant action he intends to take within his mandate which may affect the interests of the Secretariat and/or the Parties or the efficient administration of the Convention, and shall take full account of the views the Standing Committee on such actions.
3. The Secretary-General shall act in conformity with the provisions of the Convention and in particular with its Articles XI and XII and the rules and regulation of the United Nations on these and other substantive functions as may be entrusted to the Secretariat by the Parties.
4. The Secretary-General shall implement the policy guidance of the Conference of the Parties and, between the meetings of the Conference of the Parties, the policy guidance of the Standing Committee in exercising the functions of the Secretariat in accordance with the Convention, and any other substantive functions as may be entrusted to the Secretariat by the Parties.

Staff of the Secretariat

5. The Executive Director shall arrange for the selection of the Secretary-General (the head of the Secretariat of the Convention) who shall be appointed in accordance with the United Nations staff rules and regulations, and the Executive Director will consult the Standing Committee. The consultation will be such that every effort will be made to appoint a Secretary-General acceptable to the Standing Committee, while recognizing that the United Nations personnel rules will govern the appointment.
6. Other staff members of the Secretariat shall be appointed by the Executive Director in full consultation with the Secretary-General and in accordance with the United Nations staff rules and regulations. The Secretary-General shall recommend the best candidate for the effective conduct of the business of the Secretariat, whilst taking account of the principle of geographical representation and the diversity of Parties to the Convention.
7. All arrangements related to personnel selection shall be performed expeditiously by the Secretary-General. The United Nations Environment Programme shall provide the necessary administrative support to ensure that any vacancies occurring among the senior professional staff should be filled by replacements on fixed term appointments as soon as possible and preferably within 6 months after the advertisement of the post. Any unforeseen delays in filling senior posts shall be explained in writing to the Chairman of the Standing Committee, as representative of the Parties, upon his/her written request. All vacancy announcements shall be drafted in conformity with United Nations rules and regulations. All selection panels for posts at the Secretariat shall be convened in accordance with United Nations rules and regulations. For senior posts, the Secretary-General shall consult with the Standing Committee. Only candidates meeting the requirements of the job classification shall be included in the short list of candidates to be considered for the posts of the Secretariat.
8. The Executive Director shall in accordance with the United Nations rules and regulations delegate his/her authority to the Secretary-General to represent the Secretariat and undertake actions required by the Convention and the policy agreed to by the Conference of the Parties to the Convention as well as general policy and general operational direction provided by the Standing Committee.

Financial matters and budgets

9. In accordance with Regulation 4.15 of the Financial Regulations and Rules of the United Nations, the Controller has designated a bank in Geneva in which the Trust Fund of the Convention shall be located. The Annual reports of the United Nations auditors on the management and investment of the Trust Fund account shall be provided to the Standing Committee, for transmission to all Parties to the Convention.
10. The Standing Committee shall oversee on behalf of the Parties the development and execution of the Secretariat budget as derived from the Trust Fund and other sources. The Secretary-General shall be guided by the specific Resolutions established at each meeting of the Conference of the Parties with respect to matters related to the financing and budgeting of the Secretariat taking into account the availability of resources as well the Financial Regulations and Rules of the United Nations.
11. To assist the Standing Committee in fulfilling its responsibilities, the Secretary-General shall ensure that a report is submitted to each meeting of the Committee showing details of the expenditure for each of the years of the triennium in question which a) has been allocated by the Conference of the Parties, b) is projected or committed, and c) has been incurred. The reports should allow year on year comparison with the final year of the preceding triennium and show the amount of unspent balance held in the Trust Fund. In the year preceding a meeting of the Conference of the Parties, the Secretary-General shall additionally provide the Standing Committee with detailed expenditure proposals for the next triennium identifying priorities and the scope for savings, including those from increased efficiency.
12. The Executive Director, in accordance with Decision 19/24 B of the Governing Council of the United Nations Environment Programme, shall provide to the Parties detailed information on administration services provided to the Convention with the understanding that the level of detail will be consistent with the needs of the Parties. This information shall be included in the report as indicated in paragraph 16 of this Memorandum of Agreement.

Performance evaluation and management review

13. Evaluation of the performance of the staff and other relevant personnel of the Secretariat shall be conducted in accordance with the relevant rules and regulations of the United Nations as applied to the United Nations Environment Programme.
14. In case of appraising the performance of the Secretary-General of the Secretariat, in addition to the requirement above, the Executive Director shall inform the Standing Committee of the applicable criteria for performance appraisal. The Standing Committee may submit to the Executive Director its comments on the performance of the Secretary-General on an annual basis. The Executive Director may consult with the Standing Committee on any concern with respect to the performance of the Secretary-General. The Executive Director shall extend or discontinue the contract of the Secretary-General only after consultation with the Standing Committee.
15. The Executive Director may, in consultation with the Standing Committee or at its request, commission an independent management review of the Secretariat and its functions, with a view to promoting cost efficiency, transparency and furthering the goals of the Convention. The Executive Director shall keep the Standing Committee fully informed of any such reviews that are undertaken.

Annual report

16. The Executive Director shall submit to the Standing Committee and meetings of the Conference of the Parties an annual report concerning the provision of and support to the Secretariat, including as appropriate the implementation of this Memorandum of Agreement.

Final provisions

17. This Memorandum of Agreement shall enter into force on the date on which both the Standing Committee, represented by its Chairman, and the Executive Director have signed.

18. This Memorandum of Agreement shall replace the Agreement between the Standing Committee and the Executive Director dated 20 June 1997 upon its entry into force, and the 1997 Agreement shall be terminated thereafter.
19. This Memorandum of Agreement may, at the request of either party, be reviewed at any time. Such a request shall be made at least four months in advance, and shall then be addressed at the next meeting of the Standing Committee or the next meeting of the Conference of the Parties, whichever comes first.

Klaus Töpfer
Executive Director
United Nations Environment Programme

Ambassador Cristian Maquieira Astaburuaga
Chairman
CITES Standing Committee

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Date: