

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES  
OF WILD FAUNA AND FLORA

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Forty-seventh meeting of the Standing Committee  
Santiago (Chile), 1-2 November 2002

Strategic and administrative matters

MEMORANDUM OF AGREEMENT WITH THE EXECUTIVE DIRECTOR OF UNEP  
AND THE SECRETARY-GENERAL OF CITES

1. This document has been prepared by the Secretariat at the request of the Chairman of the Standing Committee.
2. At its 39th meeting, the Committee endorsed an agreement between the Standing Committee and the Executive Director of UNEP that clarified the relationship between CITES and UNEP. This agreement was signed by the Chairman of the Committee and the Executive Director of UNEP on 20 June 1997. It sets out the responsibilities of UNEP and the Standing Committee, particularly with regard to management of the personnel of the CITES Secretariat and the financial management of the CITES Trust Fund.
3. Since then, there have been a number of concerns raised about the working relationship under the Agreement. At its 46th meeting, the Standing Committee discussed these concerns and tasked the Chairman with reviewing the matter further. Following this review, the Chairman recommended that the Agreement be revised to reinforce the need for the Executive Director to consult with the Committee prior to taking any action within his mandate and to more accurately reflect the responsibilities of the Secretary-General.



Agreement between the CITES Standing Committee, the Executive Director of UNEP and the Secretary-General of the Convention on the administration of the CITES Secretariat

CONSCIOUS of the need to maintain flexibility and adaptability in the management of the CITES Secretariat and in the provision of services to the Parties to the Convention;

AWARE that the responsibilities and functions of the Standing Committee, the Executive Director of the United Nations Environment Programme (UNEP) and the Secretary-General of the Convention with regard to the implementation of Articles XI and XII of the Convention need to be clarified;

RECOGNIZING that the decisions of the Conference of the Parties guide the implementation of CITES and management of its Secretariat;

DESIRING to further improve the relationship between CITES and UNEP; and

RECOGNIZING that the 46th meeting of the Standing Committee recommended that the Agreement between the Standing Committee and the Executive Director of UNEP, signed on 20 June 1997, be revised;

The CITES Standing Committee, the Executive Director of UNEP and the Secretary-General of the Convention agree 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.
2. 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. Where consultations between the Executive Director and the Standing Committee are required under this agreement, they shall be conducted through the Chairperson of the Committee who shall seek the views of the members and reflect these in his or her reply. On specific issues, the Chairperson may designate another member of the Standing Committee to conduct such consultations.
4. 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 regulations of the United Nations on these and other functions as may be entrusted to the Secretariat by the Parties.
5. 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 functions as may be entrusted to the Secretariat by the Parties.

## PERSONNEL MANAGEMENT

### Personnel selection

6. All personnel selection shall be performed expeditiously by the Secretary-General. UNEP 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 within 6 months. Any unforeseen delays in filling senior posts shall be explained in writing to the Chairperson of the Standing Committee, as representative of the Parties, upon his/her written request. All vacancy announcements shall be drafted carefully and in conformity with UN rules. All selection panels for posts at the Secretariat shall be convened in accordance with United Nations rules and regulations. Only candidates with the requisite knowledge, experience, and expertise shall be considered for posts at the CITES Secretariat. For senior posts, the Secretary-General shall consult with the Standing Committee in establishing selection panels, as appropriate (note: In accordance with UN staff rules and regulations, selection panels for all posts are established by the Executive Director, who has delegated this authority to the Secretary-General).

### Selection of the Secretary-General

7. The Secretary-General (the Chief Officer of the Secretariat of the Convention) shall be appointed by the Executive Director of UNEP in accordance with the United Nations personnel rules, and after full consultation with 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

### Selection of other staff

8. Other staff members shall be appointed under the United Nations personnel rules by the Secretary-General. He shall appoint the best candidate for the effective conduct of the business of the Secretariat, whilst taking account of the need for the Secretariat to reflect the diversity of the Parties to the Convention.
9. The appointment of individuals to posts in the Secretariat financed by Governments or other institutions over and above their normal contributions to the CITES Trust Fund (e.g. secondments) shall be confirmed through the applicable appointment process of UNEP, and shall be subject to the terms of an agreement negotiated between the originating Government agency and the Secretary-General with the assistance of UNEP.

### Performance of the Secretary-General

10. In appraising the performance of the Secretary-General, the Executive Director shall provide the Standing Committee with the applicable performance appraisal criteria. On an annual basis, the Standing Committee shall submit its comments to the Executive Director on the performance of the Secretary-General. The Executive Director shall reflect these comments in his/her performance evaluation of the Secretary-General. The Executive Director shall consult with the Standing Committee on issues of concern to him/her in 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.

### Performance of other personnel

11. The evaluation of the performance of the incumbents of all other posts shall be in accordance with the applicable Staff Rules of the United Nations, which provide for the full participation of their respective supervisors in the Secretariat.

## FINANCIAL MANAGEMENT

### Budget oversight and execution

12. The Standing Committee oversees 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 by 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.
13. 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) which 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 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.

### Administrative support charge

14. Recognizing the current process within UNEP in collaboration with the United Nations to determine an adequate mechanism to report administrative support cost, as called for in UNEP Governing Council Decision 19/248, UNEP shall provide to the Parties as detailed an accounting as possible of services provided to CITES 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 17 of this Agreement. Progress on the implementation of this paragraph will be assessed at each meeting of the Standing Committee.

### Location and custody of the Trust Fund

15. In accordance with Rule 8.1 of the Financial Rules and Regulations of the United Nations, the Controller, in consultation with UNEP and the CITES Secretary-General, has designated a bank in Geneva in which the CITES Trust Fund 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 CITES Standing Committee, for transmission to all CITES Parties.

## MANAGEMENT REVIEW

16. The Secretary-General, in consultation with the Standing Committee or at its request, may as appropriate commission an independent management review of services provided by the CITES Secretariat, in the interest of promoting cost efficiency, transparency, and furthering

the goals of the Convention. The Secretary-General shall keep the Committee fully informed about any such reviews which are undertaken.

#### PERIODIC REVIEW

##### UNEP report

17. UNEP shall submit an annual report on its provision of and support to the Secretariat, including the implementation of this agreement, and the administration of the Secretariat for consideration at each meeting of the Standing Committee and meetings of the Conference of the Parties.

##### Revision of this agreement

18. This agreement may, at the request of either party to it, be reviewed at any time.

19. 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.

For the Standing Committee

The Executive Director of UNEP

The Secretary-General

Kenneth Stansell

Klaus Toepfer

Willem Wijnstekers