

Report by the Bureau on the Meeting of the Parties' request for a P5 position funded by the UN regular budget as secretary of the Convention and proposed next steps

Informal paper prepared by the Bureau in cooperation with the secretariat

I. Background

In 2016, the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) was opened for accession to all United Nations Member States. Three countries from outside the UNECE region so far acceded to the Convention (Chad, Senegal and Ghana) and more than 130 countries are involved in the Convention's activities.

The Meeting of the Parties at its eighth session (10-12 October 2018) therefore "recognized that due to the operationalization of the amendment to the Convention in 2016, and the growing number of Parties, the management and implementation of future programmes of work under the Convention would require additional regular budget resources". It therefore "(r) requested the secretariat to take all necessary measures, including the provision of additional human and financial resources from the regular budget, to ensure the effective management and full implementation of the programme of work" (see ECE/MP.WAT/54, para 103 i) and j)).

With this decision, the Meeting of the Parties requested the UNECE secretariat to request a new P5 position from the United Nations regular budget as head of the water unit and secretary of the Water Convention.

II. Rationale for the P5 position

The request for a P5 position by the Meeting of the Parties has the following rationale.

Expansion of the work and increase of managerial and financial responsibilities

Since the entry into force of the Convention in the '90s, its Secretary has been provided by a post at the P-4¹ level funded from the UN regular budget who also acts as co-Secretary of the Protocol on Water and Health and manager of the water unit. '

However, since then, the geographical and thematic scope of the work under the Convention has substantially increased, as new areas of work have been introduced (climate change, water-food-energy-ecosystem nexus, National Policy Dialogues on WIRM, etc). The expansion of the work under the Convention has in particular accelerated since 2016 with the global opening of the Convention (see also below).

This has been accompanied by a significant increase in managerial and financial responsibilities.

From the managerial point of view, while in the early 2000s, the Secretary used to only supervise 1 Professional (P) staff and 1 General service (G) staff, the Water Convention secretariat is now composed of 11 P staff and 3.5 G staff members.

From the financial point of view, compared to the '90s, expenditures related to the implementation of activities and staff in the secretariat from extrabudgetary (XB) funding have increased more than seven-fold.

¹ At the United Nations, professional staff occupy positions from P1 to P5 in increasing level of seniority (e.g. a P5 requires 10 years of experience), directors range from D1 to D2 and assistants from G1-G7. ¹ P4 level corresponds to minimum 7 years of work experience and P3 level corresponds to minimum 5 years of work experience (<https://careers.un.org/lbw/home.aspx?viewtype=SC>).

Water Convention globalization and growing impact

The Convention's globalization and growing impact represents a substantial increase in the mandate and work of the secretariat.

- From the geographical point of view, the secretariat does not engage only with UNECE countries but with all UN Member States. In the reporting on SDG indicator 6.5.2, the water unit interacts with 153 countries worldwide.
- From the substantial point of view, the activities under the Convention cover a much larger spectrum as they need to address challenges of very different countries, with different level of socio-economic development and at very different stages of progress in transboundary water cooperation.
- Due to the Convention's growing recognition, the Secretary is more and more requested to interact with Ministers, Ambassadors and other high-level officials. In addition, the complexity and sensitivity of the topic of transboundary cooperation requires a senior person for high-level exchanges.

Comparison with other Conventions and United Nations agencies and consequences for transboundary water cooperation in the UN system

The heads of other global conventions have much higher seniority than P4 given the managerial and representation responsibilities related to heading a secretariat of a global agreement. Similarly, most other United Nations agencies have their water unit headed by higher positions, at least a P5 position. The interactions and cooperation with other organizations have sometimes been affected by this unbalance.

But the most severe impact of the low level of seniority of the Secretary of the Convention is linked to her/his limited capacity to advocate for transboundary water cooperation within the UN system. A more senior position is needed to galvanize UN system action on this important topic.

III. Steps taken by the Bureau and the UNECE secretariat

Following the decision by the Meeting of the Parties at its eight session, the Bureau and the UNECE secretariat embarked in a number of activities in accordance with the decision-making process for budgetary decisions related to UNECE, which is a subsidiary body of the United Nations Economic and Social Council (ECOSOC).

First of all, the request for a P5 position from the United Nations regular budget resources was transmitted to the UNECE Executive Committee (EXCOM) at its 103rd meeting, in February 2019, by Kazakhstan, as Chair of the Convention, and the UNECE Executive Secretary, with the request to submit the related draft decision for consideration by the Economic Commission for Europe, at its the sixty-eighth session.² Many representatives of Parties to the Convention intervened in favour of the proposal during the EXCOM meeting and the request was approved.

Based on such decision, the UNECE secretariat prepared a draft decision on the implementation of the Convention on the Protection and Use of Transboundary Watercourses and International Lakes at the global level for adoption by the UNECE Commission at its 68th session (9-10 April 2019). Such draft decision also included a draft resolution to be submitted by the UNECE Commission for

² See document on the decision by the Meeting of the Parties submitted to 103rd EXCOM meeting at https://unece.org/DAM/commission/EXCOM/Agenda/2019/EXCOM_103_1_Feb_2019/Item_5-ECE_EX_2019_3_Water_convention.pdf and Chair's conclusions of the 103rd EXCOM meeting at https://unece.org/DAM/commission/EXCOM/Agenda/2019/EXCOM_104_11_March/EXCOM-Conclu-103.pdf

consideration by ECOSOC.³ The UNECE Commission approved the decision and transmitted the draft resolution to ECOSOC.⁴

While the draft decision had gone through the UNECE process without formal opposition, a number of UNECE Member States had informed the UNECE secretariat that they would not approve an increase in RB resources for UNECE. While all expressed general support for the work under the Water Convention, a position of principle opposing to regular budget increases was raised.

In an attempt to reverse such obstruction and gain full support by UN Member States for the discussion of the resolution in ECOSOC, a side event on the Water Convention for delegations in New York was organized by Chad, Kazakhstan, Lebanon, The Netherlands, Peru, the Russian Federation, Senegal, Switzerland and the UNECE secretariat, on 25 June 2019. Moreover, the UNECE Executive Secretary held several bilateral meetings with Ambassadors to the United Nations in New York to gain support for the P5 request.

However, despite these efforts, during discussions at ECOSOC in July 2019, the request for additional regular budget resources for the Water Convention was not unanimously backed by UN Members States. ECOSOC only took note of the decision which ended the process from the budgetary point of view.⁵

Regrettably, it is unlikely that an additional P5 position could be created from the United Nations regular budget considering that the number of UNECE posts financed from the regular budget has not increased since more than 5 years. It is also not realistic to create such a position by moving a P5 position from elsewhere/ another division in UNECE, since such move would certainly meet opposition of some UNECE Member States, as it has happened in the past in similar cases. The process also showed the high reluctance of UN Member States which are not-Parties to the Convention to increase resources from the UN regular budget for its work.

IV. Proposed way ahead for the creation of an extrabudgetary P5 as secretary to the Water Convention and head of the water unit

Given the outcome of this process, the Bureau discussed how to respond to the decision of the Meeting of the Parties.

The Bureau considered that maintaining the status quo could undermine the work under the Convention and the process of its globalization as well as hamper the effective delivery of the whole secretariat.

The Bureau therefore concluded that the only viable option at this stage is to fund the P5-position requested by the Meeting of the Parties from extrabudgetary resources.

While this is not a perfect solution it appears to be workable and with limited risks:

- It is a common and sustainable practice for other global conventions that the secretariats, including their Secretaries, are not paid from the United Nations regular budget resources or the regular budgets of their host organizations (e.g. UNEP). Executive Secretaries of the Convention on Biological Diversity (CDB), the Stockholm Convention on Persistent Organic Pollutants and the Minamata Convention on Mercury are funded from “core budget” or

³ See document E/ECE/1492/Rev.1 at

https://unece.org/fileadmin/DAM/commission/2019/E_ECE_1492_Rev.1-1904140E.pdf

⁴ See the biennial report 2017-2019 of the Economic Commission for Europe (E/ECE/1488 - E/2019/37) at https://unece.org/fileadmin/DAM/commission/2019/E_2019_37-1906911E.pdf.

⁵ See Resolutions and Decisions of the Economic and Social Council 2019 session, E/2019/99, at <https://undocs.org/en/E/2019/99>.

“general trust fund” of those conventions financed from assessed⁶ contributions by their Parties.

- The funds needed for the extrabudgetary P5 position are presently available in the Water Convention trust fund and there would be no need to dedicate specific fund-raising efforts to continue financing the post. Indeed, more and more extrabudgetary contributions to the Water Convention’s work are unearmarked (17% of the total contributions amount was unearmarked in the period 2016-2018, 27% in 2020), which enables the sustainable funding of all the positions in the secretariat. It is expected that contributions to the Water Convention’s work will continue to match the needs.
- The creation of the extrabudgetary P5 post will not come at a high cost for activities on the ground under the Convention. The new P5 post would allow to free time from the P4 and the P3 positions funded from the regular budget which will be able to work on concrete activities/projects on the ground.
- It should also be noted that in the long term, with a broader membership of the Convention, the approach to secure regular budget funding could be attempted again.

Therefore, an extrabudgetary P5 position has been provisionally included in the budget for the draft programme of work for 2022-2024 (ECE/MP.WAT/WG.1/2021/4–ECE/MP.WAT/WG.2/2021/4). The Bureau invites the Working Group to support such proposal.

⁶ The amount of money assessed to finance the approved programme of work and related budget of a Convention, shared among Parties to the Convention (mandatory contributions), in accordance with the scale of assessment.