

Agenda item 16

Status of the Ramsar Convention Secretariat

Action requested: The Standing Committee is invited to:

- a) consider approaching the Director-General of IUCN to ensure that the Secretariat is able to participate in appropriate United Nations fora, under the patronage of IUCN, and
- b) consider whether a more detailed paper on options for the future hosting of the Secretariat should be prepared and presented to SC36 for consideration at COP10.

1. Although the Ramsar Convention is recognised by the UN legal department as an accredited intergovernmental treaty, the Secretariat of the Convention has no recognition *per se*, as we are all seen as simply “part” of IUCN. In one way, this is not different from the status of the CBD or CITES in UNEP – but the umbrella of UNEP gives a different and unchallenged status to these secretariats, especially moving within the UN system.
2. One possibility is to have a resolution to the UN General Assembly giving observer status to the secretariat of the Convention, as it has for the IUCN. Yet this does not solve the other issue, the lack of legal personality for the Secretariat. And the USA has indicated that it does not support new GA resolutions which could be seen as “frivolous” – other governments may hold similar views.
3. An approach was made by the Chair of the Standing Committee and the Secretary General to the UN Economic and Social Council (ECOSOC) to request that body to grant observer status to the Secretariat. After considerable discussion earlier this year, it was agreed with the ECOSOC secretariat not to proceed with this matter.
4. It would seem the best way forward is to ensure that IUCN seeks to cover the Ramsar Secretariat, as part of its registration, but able to present the Convention’s views, at meetings such as CSD, ECOSOC and other bodies at which from time to time the Convention needs to be represented. This is similar to the way in which some other Convention secretariats operate with respect to, for example, UNEP.
5. The Director-General of UNESCO has responded to an invitation to comment on the legal issues involved. His reply, in the attached paper, does not advance the consideration much further.
6. Finally, it seems that a key consideration is the continued hosting of the Secretariat by IUCN. It may be that this arrangement needs to be reviewed and compared with hosting in part of the UN system, which would give clear parity with other similar Multilateral Environment Agreements.

United Nations Educational, Scientific and Cultural Organization
The Assistant Director-General for Natural Sciences

Mr Peter Bridgewater
Secretary-General
Convention on Wetlands
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16 June 2006

Ref. : SC/EES/SA/5865/8.21

Dear Mr Bridgewater,

Thank you for your invitation to the Director-General of UNESCO, on behalf of the Conference of the Parties (COP) to the Convention on Wetlands (Ramsar, 1971), to participate in the consultative process set up by the Secretariat "regarding the options, as well as legal and practical implications, for the transformation of the status of the Ramsar Secretariat towards an International Organization or other status whilst still recognizing and maintaining its links with IUCN and the host country" (paragraph 9 of Resolution IX.10).

We have consulted internally, and I would like to offer the following observations on behalf of UNESCO.

From our reading of the Resolution, it appears that the purpose of the consultations to be carried out by the Ramsar Secretariat is to explore options for resolving possible grey areas concerning its legal personality.

While UNESCO's legal office is not in a position to provide detailed advice on this matter, we would like to suggest that the Ramsar Secretariat may find inspiration from precedent and models that exist in the cases of Secretariats of other international conventions that have signed seat agreements with their host country.

Consulting such seat agreements and information on the procedures and modalities by which they were negotiated and concluded will provide the Ramsar Secretariat with a very useful basis for its negotiations with its own host country and for discussions within the governing bodies of the Ramsar Convention.

I wish you the best of luck for a successful implementation of this particular resolution and for the continuous successful operations of the Ramsar Convention.

Yours sincerely,

[signed for] W. Erdelen