

Convention on Wetlands (Ramsar, Iran, 1971)

**1st Meeting of the *Ad Hoc* Working Group on Administrative Reform
Ramsar Convention Secretariat, Gland, 19 January 2009**

WG-AR1-1

**Report of the 1st meeting of the
Ad Hoc Working Group on Administrative Reform**

Contracting Parties present: Argentina, Australia, Belgium, Brazil, Cameroon, Canada, Chile, China, Côte d'Ivoire, Ecuador, Germany, Ghana, Indonesia, Iraq, Japan, Namibia, Paraguay, Republic of Korea, Serbia, Switzerland, Ukraine, U.S.A.

Observers present: IUCN

Absent with apology: New Zealand, UNEP

Summary

The objective of the Ad Hoc Working Group on Administrative Reform is to recommend efficient and effective measures to improve the capacity and operation of the Secretariat to support and facilitate the implementation of the Convention and serve the interests of the Contracting Parties.

In this regard, the Ad Hoc Working Group is requested to organize its work so as to start first by addressing any issue the Working Group considers relevant for immediate actions, including the issues identified in SC DOC. 37-2 (page 3).

Three options have been identified for resolving the problems identified in SC DOC. 37-2:

- maintain the *status quo* where IUCN continues to provide administrative support to the Secretariat but with improvements in that relationship;
- the Secretariat being an independent organization; and
- the Secretariat being administered by the UN system.

At COP10, a Contact Group was formed to discuss the above issues and they recommended the formation of an *Ad Hoc* Working Group (WG) to continue discussions after COP10, and to bring their proposals to COP11. At its first meeting, the WG appointed Australia and Chile as the two Co-Chairs, and Ghana to be rapporteur. The meeting was attended by 32 representatives from 22 Contracting Parties. IUCN attended as an observer but UNEP could not attend because of short notice. The WG agreed that UNEP, IUCN and other IOPs would be invited to future meetings.

Under the Terms of Reference for the WG set out in Res X.5, its initial work was to focus on identifying immediate actions which could be taken to improve the effectiveness of the Convention. The WG reviewed the following 10 problems identified under Option 1 in Table 2 (COP10 DOC 20, add. 1, page 7).

Problem 1: Difficulty in obtaining travel visas for staff without international organization legitimization

Problem 2: Difficulty in obtaining recognition of Ramsar Secretariat staff at major international meetings

Problem 3: Potential impossibility of making binding contracts as Ramsar has no legal power to sign contracts

Problem 4: Ability of the Secretariat to enter into international cooperation agreements

Problem 5: Legal liability of the host organization for Ramsar actions

Problem 6: Difficulty some Parties have in paying contributions to Ramsar Secretariat in the absence of legal identity.

Problem 7: The host organization controls the Secretariat's financial procedures in ways that may not be suitable for the Secretariat

Problem 8: Lack of staff access when in the field to UN logistical and security assistance

Problem 9: Non-Swiss employees may be losing privileges of being taxpayers in their communes

Problem 10: Work permits for spouses of non-Swiss staff members

Following a review of the 10 problems, the Working Group identified the immediate actions that could be taken by the Working Group (see annex).

Overall immediate actions

Following the meeting, the Co-Chairs would send by mid-March a letter to UNEP requesting additional information (including the costs and benefits of Option 3). The Secretariat will continue to work with IUCN to gather additional information. The WG would meet again at the end of March to consider a draft work plan for the WG, and approve an update to the SC. In the meantime, WG documentation would be made available online at www.ramsar.org/temp_adhoc_group.htm.

Some WG members also stated the need for a legal consultant to provide advice during the later part of the WG's discussions. The Chair said that the funds for this would have to come from voluntary contributions.

The date and time of the next meeting would be 24 March, 2009 in Gland.

Meeting Minutes

Agenda item 1: Opening Remarks

1. The **Secretary General (SG)** welcomed members to this Working Group (WG) formed by Ramsar COP10, and he thanked Switzerland, IUCN and UNEP for their technical and financial support for the process so far.

Agenda item 2: Election of two Co-Chairs and a rapporteur

2. The **SG** suggested that there be two Co-Chairs instead of a Chair and a Vice-Chair in order to provide continuity to the WG throughout its work.. The WG agreed to appoint two Co-Chairs. **The SG** invited nominations.
3. **Australia (Mr. Guy O'Brien)** was nominated by **Japan** whilst **Chile (Ms. Amira Esquivel)** was nominated by **Ecuador**. As there were no objections, the nominations were accepted. Australia then took the Chair of the meeting with Chile as support. Australia noted that there should be a minimum of two members representing each region.
4. **Chile** said that she was standing in for her colleague, Mr. O. Alvarez, who would be present at the next meeting and available to act as Co-Chair.
5. **The Chair** moved for the agenda to be adopted and there were no objections. (After lunch, **Ghana** kindly offered to be rapporteur for the immediate future but they would need to consider how long they would be able to take on this role).

Agenda item 3: Presentation by Ecuador

6. **Ecuador**, one of the Co-Chairs of the Contact Group on legal and institutional matters of the Secretariat during COP10, summarized the work and outcomes from that group and the decision of COP10 (Resolution X.5) which followed the recommendations by the group. Although the Contact Group worked in a constructive environment, the Conference of the Parties could not reach a final decision on the legal status of the Secretariat, and so it was decided to form an intersessional WG to continue the discussions. Ecuador said the WG needed to see how the work of the Secretariat could be improved and not undermined by the option to be chosen. Finally, he thanked IUCN, UNEP and the legal consultant (Mr. Lal Kurukulasuriya) for providing strong support to the Contact Group during its discussions and suggested that consideration be given to them continuing to provide support to the work of the ongoing WG.
7. The Chair echoed the need for the WG to work in a cooperative environment and to ensure that the option selected enhances the work of the Secretariat and does not hinder it. He also said that future discussions will need to rely on additional material being supplied.

Agenda item 4: Presentation by the Secretary General

8. The **SG** said the discussions on legal and institutional matters related to the Ramsar Convention and its Secretariat began prior to Ramsar COP9 (2005) and continued during

Standing Committee meetings 34-38. There were three options for the future of the Secretariat. These were to a) maintain the status quo where IUCN provides administrative support to the Secretariat but with improvements in that relationship; b) investigate the possibility of the Secretariat being an independent organization; and c) be administered by the UN system.

9. **The SG** explained that the Secretariat was still facing institutional problems: for instance, there was still a challenge in terms of enhancing the visibility of the Convention due to the difficulties in taking part in global debates, e.g. in the United Nations Commission on Sustainable Development (CSD). He also mentioned that the Secretariat needed better cooperation with major processes such as the Global Environment Facility (GEF). The SG requested assistance from the Contracting Parties in securing for the Secretariat permanent observer status on the GEF Council as well as on the Economic and Social Council (ECOSOC). As ECOSOC serves as the central forum for discussing international economic and social issues and for formulating policy recommendations addressed to Member States and the United Nations system, permanent observer status in that body would facilitate awareness of the Ramsar Convention.
10. **The SG** highlighted the important role the International Organization Partners (IOPs) played in implementing the Convention and the need to ensure this role did not diminish whatever option was ultimately chosen. The budget associated with each option also needed to be investigated, as well as the extent to which each of the options could improve the working conditions of the staff.
11. **The SG** drew the WG's attention to COP10 DOC.20 Addendum 1, Table 1, which highlighted the problems that the Secretariat faces and their possible solutions under the above three options. He said that some problems had been resolved, some could be resolved soon, and others needed more work.
12. Concerning the current arrangements with IUCN, **the SG** said that the Secretariat had three agreements with IUCN, including:
 - a) An MoU for headquarter facilities, since the Ramsar Secretariat is hosted in the IUCN building;
 - b) A Delegation of Authority from the Director General of IUCN which allows for the Secretariat to perform day-to-day work and to sign some agreements with partners (since legally, IUCN administers the Secretariat);
 - c) A Service Agreement on the cost of services provided by IUCN. Through Resolution X.2, COP10 has adopted Annex I on the Core Budget 2009-2012, including IUCN service charges: up to 13% of expenditures to cover the services provided on Administration, Human Resources, Finance, and Information Technology.
13. **The WG** noted the existing MOU on Headquarters Facilities, the Delegation of Authority from the IUCN Director General to the Ramsar SG, and the Service Agreement with IUCN and the relevance of each to the issues under consideration by the WG. The WG agreed that it should be kept informed on any relevant developments with regard to the

MOU, the Delegation of Authority, and the Service Agreement and asked the SG to report on any significant developments in this regard.

14. **The Chair** then drew attention to Resolution X.5, which sets out the terms of reference for this WG, and outlined the three major tasks for the group.
15. Ghana then raised a number of questions: (i) what were the real difficulties with the visas (ii), why is the Secretariat not properly recognized by the CSD (iii), what does it take to make Ramsar a GEF-funded Convention and (iv), the cost implications of the three options as well as the benefits, e.g. financial opportunities if the secretariat were to under either of the three options.
16. In reply, **the SG** said that:
 - a) Although there had been problems with Secretariat staff obtaining visas to visit certain countries, with the assistance of the Swiss government improvements had been made. To continue exploring solutions to alleviate remaining problems, **the SG** requested assistance from the Contracting Parties, especially through their Missions to the United Nations in Geneva and relevant ministries such as the Ministry of Foreign Affairs. For instance, Contracting Parties may be able to facilitate the participation of the Secretariat in major meetings such as CSD conferences.
 - b) Although there is no formal institutional link between the GEF focal areas and the Ramsar Convention Secretariat, a number of Contracting Parties had been successful in obtaining GEF funding for wetland projects.
 - c) The WG would need to assess the potential of additional financial support for the work of the Convention under each of the three options. In this regard, it would be useful to make a request to UNEP for supplementary information about the benefits and costs of option 3 (joining the UN system).
17. **The WG** agreed that the Co-Chairs should send a request to UNEP to obtain complementary information on costs and benefits of Option 3.
18. **Germany** said it was important, at this stage, to remain open to all views on the three legal options, noting that the most important issue for Germany was to increase the visibility of the Ramsar Convention. He noted that there were technical problems such as with obtaining visas for staff but those can be easily solved. The main focus should be on how to raise the political standing of the convention, e.g. with CBD and GEF which could be done with a closer connection to UNEP. and this can be done with the help of the CPs. The Convention had relevance to many important international issues, e.g. water, and climate change, , and can help after the legal status of the Convention has been improved.
19. **The SG** agreed with Germany's comments. In the case of attending CSD16, he had to have help from China, who sent him an invitation letter in order to attend the meeting. This is an example of where the CPs can provide help to the Secretariat.

20. As for GEF, **the SG** said that they were willing to work with the Secretariat and in 2007, 40 Ramsar sites received funding from GEF. However, the Secretariat needed clear links with GEF.
21. **The Chair** echoed Germany's view on the need for the WG as a whole to maintain an open mind and said that the WG would have to gather information to assess the different options, maybe even to consider a hybrid option.
22. **Japan** raised a number of questions regarding the Secretariat's discussions with IUCN, the visa issue, making binding contracts and also asked how many countries had not paid their dues because of the issue with legal status.
23. **Côte d'Ivoire** said that even after so long, the Convention's staff were still having problems attending meetings, and asked whether staff from other MEAs were facing the same problems. The African countries consider the Ramsar Convention to be very important but it does not have the same visibility. Its legal status needs to be improved.
24. In response, **the SG** said that staff from other MEAs did not face the same problems as staff from the Ramsar Convention because, for instance, the so-called Rio Conventions were signed by summits of heads of state, which gave them a very high profile. This was unlike the Ramsar Convention, which started from the ground and was first promoted by International Non-Governmental Organizations before 18 nations put their signature on the text of the Convention. In addition, the Ramsar Convention was signed before the formation of UNEP. At least some of the problems that the Secretariat is now perceived to be facing derived from history.
25. **The SG** then responded to Japan, saying that the issue of the Secretariat being able to make binding contracts was becoming more and more a minor issue because of the delegation of authority from the IUCN Director-General. It was rare to have problems for the Secretariat to sign contracts. **The SG** also said that legal status was not a valid reason why some CPs were not paying their dues and there was little of this argument.
26. **Cameroon** repeated the point made by Côte d'Ivoire. He added that even if the Ramsar Convention started from the ground, we should be ambitious in order to improve its administrative status, which can be done in one package. What was valid 38 years ago may not be appropriate today. It may be time to change the way the Secretariat operated. He felt there was a problem of having an intergovernmental organization being under an NGO and that there was now an opportunity for change and improvement.
27. **The Chair** said the WG shared the concern of the need to improve visibility and other problems but we need to focus on the three already identified options relating to the legal status of the Ramsar Secretariat as well as any other practical solutions that should emerge. There is a need to analyze the cost and benefits of each option. Which option can provide the most benefits with the least cost? The WG needed to recommend an option to COP11 that took into account the costs and consequences for the operation of the Secretariat and its engagement with the Contracting Parties.

Agenda item 5: Identification of immediate actions to improve the capacity and operation of the Secretariat

28. **The Chair** explained that pursuant to the Terms of Reference for the WG set out in COP10 Resolution 5, the immediate work of the WG to focus on identifying immediate actions that could be taken to improve the effectiveness of the Convention. It was then agreed to review the problems identified under Option 1 in Table 2 (COP10 DOC 20, add. 1, page 7) and to identify any immediate actions. The Chair said he intended to update the information under Option 1 to reflect any new understanding.
29. **The Chair** said it would be necessary to identify any actions that the WG could take as well as to recognize the limits to WG actions. **Canada** and the **United States** also noted the need to quantify in some way the extent of any problem so that it is clear whether a problem is significant or not.

Problem 1: Difficulty in obtaining travel visas for staff without international organization legitimization

30. **The SG** said that in 2007, when the Ramsar Secretariat identified the list of problems it was facing, obtaining visas for Ramsar staff from many countries was a cumbersome and time-consuming task, especially from European countries. It was particularly time-consuming to obtain the Schengen visa. (The agreements were named after the small town of Schengen in Luxembourg, near which they were signed).
31. **The SG** indicated that, presently, a common Schengen visa allows travel within most European countries for tourism, business visits, or temporary transit for employment purposes. Non-EU citizens who hold standard EU format residence permits of any Schengen state enjoy freedom of travel to other Schengen states for a period of up to 90 days. Following an agreement between Switzerland and the EU, a total of 25 states, 22 from the European Union states and three non-EU members (Iceland, Norway and Switzerland), have implemented its provisions so far. Therefore, because Ramsar staff members are holders of a residence permit in Switzerland for the duration of their contracts, they can travel to other Schengen countries without seeking an additional visa.
32. **The SG** concluded that this has greatly improved the situation, but the challenges remain concerning non-Schengen countries, including some EU members such as Ireland and the United Kingdom (UK). Some staff from developing countries also on occasion continued to face difficulties in securing visas. Beyond writing to the Administrative Authorities and Missions of relevant countries to seek assistance in the future, there was little more that the Secretariat or WG could do.
33. **Switzerland** said that if the staff had a Schengen visa in their passport, then it would help in getting other visas. However, it would be up to the CPs to ask their Mission and consulates to help.
34. **The USA** then asked whether the issue with visas was a major or minor one? Maybe it was an irritation but it may be minor.

35. **The Senior Regional Advisor for Europe** said that the problems in the table are not listed as major or minor. Visas will continue to be an issue because consulates may not recognize Secretariat staff as being from an intergovernmental convention. He suggested that the problem would only be resolved through Option 2 or 3.
36. **USA** replied saying that we should focus on Option 1 and that as Switzerland has joined the Schengen Agreement, then there should now be fewer problems.
37. **Ghana** said that Schengen is now a help but we should also look at countries which are not part of the Schengen Agreement. She asked whether there were problems with certain regional groups or certain countries.
38. **The SG** replied that it was difficult to say which country is more difficult for obtaining visas. It may depend on the thinking of the persons in the consulate. We do not know when we may face this problem.
39. **Côte d'Ivoire** added that for an African, the visa problem was a major one. There was also a problem of arranging the family to join the staff. We need to bring all the staff to the same level.
40. **Germany** then asked about the source of the problem, and whether it was related to the nationality of the staff or connected to the organization where the person was working.
41. **Ecuador** considered that the WG should focus on the problems that can be solved since he considered that the Group cannot help with the issue over visas.
42. **Belgium** enquired whether the problem was between CP and non-CPs, or whether it was a transit issue and how serious was the problem?
43. **The SG** replied that the issue was insufficient sharing of information between the AA and the authority responsible for issuing visas. Consulates need to understand the importance of the Convention and that it is an intergovernmental organization.
44. **Switzerland** said that IUCN staff work under the same rules as Secretariat staff but they did not seem to be facing the same problems over visas, and wished to know how many Secretariat staff had problems with obtaining visas. If it is known with which countries there were problems in obtaining visas, then we could contact their Missions to improve the process. **The SG** agreed with this way forward.
45. **The Chair** said there was a need to distinguish which issues the WG can find a solution to, and which needed a resolution from the COP.
46. **Canada** added that it was difficult to propose concrete steps/solutions unless we knew the scale of the problem. Maybe the answer can be shown at the next meeting. **The USA** agreed there was a need to quantify the problem.

47. **Senior Regional Advisor for Africa** suggested that it would be better to look at longer-term solutions and that there should be regional representation of staff when we consider who has problems.
48. **The SG** said that the staff with problems were from Africa, Asia, Central and Southern America. Staff from Europe and North America had fewer problems. It was not a problem of how many staff had problems but the way in which the issue has been handled so that there was a feeling of inequality between staff. It was not possible to say how many countries are causing problems because some consulates may cause problems because of staff changes at the consulate.
49. **The Senior Regional Advisor for the Americas** explained that she needed visas for all the countries she visited and agreed with the SG's comments, as well as the need to send a letter to the Missions and copied to the Ramsar AA to help with visas.
50. **Japan** considered that this issue could be solved by improving the coordination between the Secretariat and the Parties, as stated in para. 10 (b) of Resolution X.15.
51. **The WG** requested the SG write to relevant Missions in Geneva, sending copies to the relevant Ramsar Administrative Authorities (AA), to request that the Missions assist with the granting of visas to Secretariat staff as and when needed. Otherwise, no further immediate action was envisaged.

Problem 2: Difficulty in obtaining recognition of Ramsar Secretariat staff at major international meetings

52. **The SG** said that he has been exploring all possible ways of obtaining significant improvement of the conditions under the IUCN management, including legitimate and authoritative credentials regarding the Ramsar Secretariat: for instance, obtaining recognition as an international organization by UNGA, ECOSOC, etc. So far it has not been possible to obtain authoritative credentials for the Ramsar Secretariat to represent the Convention at the UNGA or ECOSOC.
53. However, **the SG** has undertaken actions requesting the Parties who organize international meetings to recognize Ramsar Secretariat staff wishing to participate in such meetings as representing the Secretariat of an intergovernmental treaty and to provide Ramsar staff with adequate access to VIP areas.
54. In this regard, **the SG** then expressed his gratitude to China, who facilitated his participation with a VIP rank in the preparatory meeting of CSD16 held in Beijing, China, in January 2008. Following his active participation in the preparatory phase, it was gratifying to be able to speak at CSD16 as one of the panelists in interactive discussions led by a panel of UN agencies, funds, programmes, IGOs, and major groups.
55. **The SG** noted that participation in CSD sessions would assist the Secretariat in remaining informed about developments relevant to the Ramsar Convention.

56. **The USA** and **Japan** drew attention to Resolution X.5, para. 8-11, which covered issues related to the participation of the Secretariat in major international meetings. The United States suggested that apart from monitoring implementation of these paragraphs, further immediate action by the WG was not required.
57. **The SG** reported that the following UN agencies and other international organizations have facilitated the participation of the Ramsar Secretariat in their major meetings: UNEP, FAO, the CBD, the UNFCCC, the UNCCD, the WMO, the UN-Water, the World Water Week. The SG also noted that Switzerland had facilitated the participation of the Ramsar Secretariat in the World Water Week.
58. **The WG** agreed that the SG should report back on the implementation of paragraphs 8-11 of Resolution X.5. Otherwise, no further specific action was identified.

Problem 3: Potential impossibility of making binding contracts as Ramsar has no legal power to sign contracts

59. **The SG** said the legal opinion provided by Mr. Lal Kurukulasuriya to COP10 was that the existing Delegation of Authority from the IUCN DG to the Ramsar SG was sufficient to enable the Ramsar SG to make contracts and to sign MOUs. Accordingly, the SG considered there was no related problem requiring the WG's further consideration.
60. **The WG** agreed that no further action with regard to the previously perceived problem was required.

Problem 4: Ability of the Secretariat to enter into international cooperation agreements

61. **The SG** said this issue would not be solved through legal status unless the Secretariat becomes independent. Even under the UN, any agreements will need to be signed by the body administering the Convention.
62. **The Chair** then suggested that this problem could not be resolved even with further negotiation.
63. **The USA** requested some examples of where the inability of the Secretariat to enter into international cooperation agreements has been a problem.
64. In reply, **the SG** said that the Secretariat could sign MoU but could not go beyond and sign binding agreements. However, this problem has not occurred before but is one that may occur in future. All other Secretariat faced this problem.
65. **The USA** then suggested that this was not a real problem and **the SG** agreed.
66. Regarding the ability of the Secretariat to sign international cooperation agreements, **the SG** said the Secretariat had obtained the following legal opinion:
 - a) The legal status of the Secretariat is quite different from that of the Conference of Parties. The legal characteristics of the Conferences of Parties with their extensive

powers to make binding decisions in relation to all internal matters, such as establishing subsidiary bodies, adopting rules of procedure, and directing the work of subsidiary bodies and the Secretariat, amending an MEA, and even adopting arrangements with international organizations and states, must be distinguished at the very outset from the legal status of the Secretariats, which have no such decision-making powers, are directed by the Conference of Parties, and are linked to and derive their legal status from the host intergovernmental organization which creates it or of which it is a part.

- b) One important feature in examining the legal characteristics of a Secretariat is that, without exception, every MEA either makes use of the Secretariat of an existing international organization or locates its own rather limited Secretariats within such organization.
- 67. **Germany** added that the problem could be resolved under Option 3. If there was a link with UNEP, then the UN can conclude contracts on behalf of the Secretariat. He gave the example that UNFCCC can conclude such contracts using the legal authority of the UN.
- 68. **The SG** explained that this was a very technical issue and needs lawyers to clarify. He said that UNFCCC did not have the power to enter into legally binding agreements in its own name. The Secretariat's legal advisor has said that this problem will not be resolved by going under the UN.
- 69. **Ghana** enquired whether it was possible to sign an MoU with the UN to help resolve Problem 2 regarding access to meetings? **The SG** suggested asking IUCN about how they obtained access to CSD which may not be through signing a MoU. The **IUCN** representative present did not have an answer to this question.
- 70. **Côte d'Ivoire** considered problem 4 as still not having been resolved and that the Secretariat needed a legal advisor to assist with the problem, and that such advice would be available if the Secretariat were to move to the UN.
- 71. **The SG** noted that the Ramsar Secretariat was able to enter into Memoranda of Understanding, which had proved sufficient to date. The SG agreed with comments by the US and Japan that the limitations with respect to the Secretariat's decision making powers was a perceived potential issue rather than a problem actually encountered by the Secretariat to date.
- 72. Some delegations expressed the need of the WG to have further legal advice on Problem 4. The view has been expressed that it would be helpful to have a legal advisor present at a meeting. At least one delegation announced to consider whether the necessary financial resources for further legal advice could be made available through a voluntary contribution.
- 73. **The WG** agreed that no immediate action was required with respect to the identified potential issue.

Problem 5: Legal liability of the host organization for Ramsar actions (in case of staff disputes, misappropriation of funds, etc.)

74. **The SG** explained that the legal opinion provided to COP10 states: "Though the international organization hosting the Secretariat has no power whatsoever to instruct the COP or its subsidiary bodies, the situation with regard to the Secretariat is very different. The Secretariat is created by the IGO and it employs its officials and is also responsible for its administration, financial and personnel management. The rules and regulations of the host organization apply without exception to the Secretariat. In 2003, the UN Office of Internal Oversight Services (UNOIOS) defined administrative services to include budget and financial management, human resources management, ICT, contracts and procurement, safety and security, building and facilities management, oversight-audit, legal services, monitoring and evaluation, etc. With regard to the appointment of the head of the Secretariat, however, there is usually a requirement in the MEA for the head of the host organization to do so in close consultation with the Conference of Parties or its designated body, such as a Standing Committee or Bureau."
75. Regarding the legal liability of the host organization, **the SG** said that this problem is basically solved through the MOU on Headquarters Facilities and the Delegation of Authority. However, he said that he will report back to the WG on the results of ongoing discussion between the Secretariat and IUCN on these two agreements.
76. **The WG** agreed that no further immediate action was required with respect to the legal liability of the host organization for Ramsar actions.

Problem 6: Difficulty some Parties have in paying contributions to Ramsar Secretariat in the absence of legal identity.

77. **The SG** replied that although there is a problem perceived by some CPs about paying contributions to the Convention through an NGO (i.e., IUCN), the legal identity of the Ramsar Secretariat was not the reason for the failure of some CPs to pay their contribution. The SG noted that IUCN had a designated account for the receipt of contributions from CPs.
78. **The USA** then asked if the problem has only been 'partly solved', which part have yet to be solved? Was the problem a real one or a perceived one? Maybe we can say that this problem is solved.
79. **Japan** requested to know how many CPs have not paid their contributions because of the apparent lack of legal personality.
80. **Côte d'Ivoire** said that they had problems sending money to an NGO, i.e. IUCN.
81. In reply, **the SG** said that IUCN has a specific account which says that the money is for the Ramsar Secretariat
82. **The WG** agreed that no further action was required with respect to the previously perceived problem.

Problem 7: The host organization controls the Secretariat's financial procedures in ways that may not be suitable for the Secretariat

83. **The SG** noted that COP10 had set out a framework for discussions between IUCN and the Secretariat on the provision of services by IUCN. Regarding the manner in which the host organization controls the Secretariat's finances, **IUCN** mentioned that Switzerland enacted a new law in January 2008 on internal financial control which both IUCN and the Secretariat are required to follow.
84. **Senior Regional Advisor for Europe** explained that IUCN and the Secretariat had different governing bodies and different budgets but both needed to follow Swiss law. However, both organizations needed agreement on how they can deal with this issue.
85. **Japan** recommended that this issue be solved by discussion and improved coordination between the SG and the DG of IUCN.
86. **Côte d'Ivoire** suggested that it would be useful to have UNEP's view on this and that the WG can invite them to the next meeting. **The SG** said that they had been invited but could not attend this meeting but should be available for the following meeting. However, **the USA** expressed their discomfort with having UNEP as a member of the WG as they are not a CP.
87. **The Chair** suggested that there was no role for the WG in the ongoing negotiations between IUCN and the Secretariat on a service contract.
88. **The WG** agreed that no further immediate action was required by the WG.

Problem 8: Lack of staff access when in the field to UN logistical and security assistance

89. **The SG said** that staff visiting the field should seek information from the AA of the country they are visiting, and ask them to provide support on the ground. In the UN, they have a specific service dealing with security and give information about whether it is safe to travel or not, and to provide help if there is trouble. He suggested asking the CPs to continue to help and so reduce the chance of risk.
90. In reply to the Chair, **the SG** further explained that this request to the CPs is included in RES X.5 but not explicitly. He asked the Ramsar Focal Points in each country to help and said there was no need for another resolution.
91. **The USA** asked whether this problem was an impediment to the Secretariat staff's work and whether it was a problem under all three options? The SG replied saying that this was a difference between the three options and would be a benefit of joining the UN.
92. **The Chair** repeated and asked whether this was a real problem that affected the day-to-day work of the Secretariat staff or if it was rare.

93. **The Senior Regional Advisor for Africa** said that it was a real problem since staff go to countries where there are problems. If the risk is too high, then staff will not visit that country.
94. **Germany** added that in case something did happen, it would be better to have a solution.
95. **The USA** said that if necessary, they could suggest websites where security warnings are available.
96. When **the Chair** asked whether the discussion was about information on security or security on the ground, **the SG** clarified that the discussion was on both issues.
97. **The USA** said there should be standard operational procedures in cases like this and the discussion should focus on what can be done.
98. **Côte d'Ivoire** stated that with IUCN (Option 1), the problem was not solved.
99. **The Senior Regional Advisor for Europe** highlighted that this problem refers to the actual security of Secretariat staff when they are in the field and not only access to information about security in the country that the staff will be visiting. This comment was supported by **Ghana**.
100. **Switzerland** noted that when staff visited countries, they would be accompanied by staff of the government of that country and would not be by themselves in remote places. As a result, there would be backup from the country who would know best about the security in their country and queried the discussion so far.
101. **The Chair** then concluded that this problem could not be resolved at this point but further information would need to be gathered, including from the UN as to the assistance it may be able to provide.
102. **The WG** agreed that further information would be required before any possible immediate actions could be identified.

Problem 9: Non-Swiss employees may be losing privileges of being taxpayers in their communes

103. Following a discussion on the issue of taxpayer privileges, which included advice from Switzerland on privileges provided to the Secretariat and UN staff, **the Chair** and **SG** concluded that no significant issues arose.
 104. **The WG** agreed that no further action was required.
- Problem 10:** Work permits for spouses of non-Swiss staff members
105. **The Senior Regional Advisor for Europe** enquired whether the Secretariat was following the same system as for IUCN staff? **Switzerland** replied that the main hurdle to finding work was the qualification and language skills of the person.

106. Both **Côte d'Ivoire** and the **Senior Regional Advisor for Africa** said that Permit B and C holders did not have the same ability to obtain a work permit, *and that there would be no difference if the Secretariat was under the UN system.*
107. **Switzerland** then explained that there was no difference in the ability of a Permit B or C holder in obtaining a work permit. If the Secretariat were to join the UN, then staff would have to give up their Permit B or C, which will not be returned until they leave the UN. She added that children will receive the same permit as their parents.
108. **The WG** agreed that no further action was required.

Agenda Item 6: Decision on additional members

109. **The Chair** noted that Resolution X.5 allowed the WG to “invite attendance by IUCN and other IOPs, UNEP, and other organizations relevant to the fulfillment of its mandate.”
110. **The SG** said that at their previous meetings, the Standing Committee had instructed the Secretariat to collect additional information from the Secretariats of CITES and CMS as well. He went on to explain that UNEP had been very generous in providing funds for the Secretariat to hire a lawyer to provide legal advice on the process. We now need UNEP to provide a detailed estimate of the costs if the Secretariat were to join the UN system.
111. **Ecuador** observed that the wording of this agenda item was specific and that we were seeking ‘attendance’ by IUCN, UNEP, etc. (Resolution X.5) and not their ‘membership’. He added that it would be good to invite IUCN and UNEP to future meetings in order to answer questions from the WG. This was supported by **Germany**.
112. **Ghana** and **Cameroon** both agreed that UNEP should be included in the meeting so that the meeting can be fair and just.
113. **Argentina** said that the participation should be restricted to Contracting Parties in the WG and, when information from UNEP or IUCN is required, we can ask them to attend. **The USA** supported this suggestion.
114. **The Chair** summarized the discussion that the WG welcomed the help and participation of UNEP, IUCN, and other IOPs, especially during the first phase of the work of the WG. **The WG** agreed that the organisations would not be members of the WG but would be invited to the WG meetings. The organizations may be asked to withdraw from the room when required. Once a detailed work plan was elaborated, it may be possible to more clearly identify in advance and meetings or parts of a meeting where such organizations may be access to withdraw. Attendance by any other organizations would be considered as necessary.
115. **The Chair** then reminded the WG that he should write to UNEP for more detailed information on the cost implications of the Secretariat joining the UN system.

Agenda item 7: Elaboration and adaptation of a detailed work plan

116. **The SG** said the report of the meeting would be made available to WG members for comment before finalization of the report. The Co-chairs would then send a letter asking UNEP to provide additional information by mid-March. The Secretariat will continue to work with IUCN and have a proposal by mid-March. The WG can then meet again at the end of March to look at the further information and approve an informal update to the SC.
117. **Indonesia** noted that the Oceania region was represented by only one country (Australia) at the meeting. **The Chair** stated that New Zealand had given its apologies for being unable to attend the meeting.
118. Both **USA** and **Canada** requested a report from the Secretariat at the next meeting on progress, such as an analysis/update on the problems solved/partly solved, as well as further information from IUCN and UNEP. The WG can continue to communicate electronically until the next meeting.
119. **The Chair** said a draft work plan and draft agenda would be provided in advance of the next meeting.

Agenda Item 8: Clarification of working and reporting procedures

120. **The Chair** said that the location of the next meeting will be confirmed later on. In the meantime, all the WG documentation will be available online at www.ramsar.org/temp_adhoc_group.htm.

Agenda item 9: Any other business

121. There was discussion of the need for a legal consultant to provide advice to the WG during the later part of its work, and **the Chair** said that the funds for hiring the lawyer would have to come from voluntary contributions.
122. **The USA** said that if funds were available, they would not stand in the way of having a lawyer but it may be premature to ask for one as some of the problems may not be so problematic.
123. **Germany** replied that they there would be a need for a lawyer at a later stage in the process and will see if they can contribute financially to their costs after having seen the detailed work plan.
124. **Cameroons** also agreed that legal advice may be needed later on

Agenda item 10: Date and time of next meeting

125. Before concluding the meeting, **the Chair** said WG members would be advised of the date of the next meeting as soon as possible, but that it would likely be at the end of March.