

Convention on Wetlands (Ramsar, Iran, 1971)
2nd Meeting of the Ad Hoc Working Group on
Administrative Reform
Gland, Switzerland, 24 March 2009

Report of the 2nd Meeting of the Ad Hoc Working Group on Administrative Reform

Contracting Parties present: Albania, Argentina, Australia, Belgium, Brazil, Cameroon, Chile, Côte d'Ivoire, Germany, Ghana, Indonesia, Israel, Japan, Mexico, New Zealand, Republic of Korea, Serbia, Switzerland, U.S.A., Venezuela

Observers: IUCN, UNEP

Agenda item 1: Welcoming remarks

1. **The Secretary General (SG)** welcomed the participants and thanked them in advance for the contribution of their time and work. He said that the aim of the meeting was to help the Convention to grow and to provide necessary support to the Contracting Parties. He renewed the Secretariat's thanks to the two Co-Chairs, Guy O'Brien of Australia and Osvaldo Álvarez of Chile.

Agenda item 2: Introductory remarks by the Co-Chairs

2. **The Co-Chair (Australia)** indicated that, in the absence of any amendments, the draft agenda (DOC. WG-AR2-1) was adopted.
3. **The Co-Chair (Australia)** summarized the outcomes of the Working Group's first meeting (19 January 2009), referring to the report in DOC. WG-AR1-1 and emphasizing that the main focus of that meeting was upon immediate actions that could be taken.

Agenda item 3a: Update on Table 2, the table of putative problems

4. **The Co-Chair (Australia)** noted that the table of problems in DOC. WG-AR1-1 Annex has been updated to take account of the first meeting's conclusions. Referring to Resolution X.5 as the guiding document for the Group's work, he noted that whereas the first meeting focused upon immediate actions, the Group is now moving on to the further work required.

Agenda item 3b: Report on actions taken since COP10

5. **The Secretary General** reviewed actions taken by the Secretariat on each of the ten problems identified in table 2, noting that a legal expert was contract to study and report on the problems.
 - Problem 1 Difficulty in obtaining travel visas for staff without international organization legitimization. **The SG** said that the Secretariat would continue to work with Heads of Administrative Authorities and the Missions. According to him following COP10 he has written to all 158 Missions (now 159 with the membership

of Tajikistan) and that following the diplomatic note sent to them to facilitate the acquisition of travel visas for the Secretariat staff, only two (Greece and Sierra Leone) have responded. Concerning visas: he reported that the Secretariat has continued working with the missions by means of a diplomatic notification, to which there have been two replies.

- Problem 2 Difficulty in obtaining recognition of Ramsar Secretariat staff at major international meetings: the SG noted that Ramsar staff have been able to attend major meetings, but concerns still remain, mainly through the Commission on Sustainable Development process. Often the Secretariat does not receive information about meetings and must request it. Even if the Secretariat receives invitations to a meeting, it is not easy to get its voice heard. He expressed his view that with continued help from the Parties the situation should improve. Though the Commission on Sustainable Development (CSD) remains problematic, Ramsar has good relations with the GEF and UNEP. The SG reported that, with support from (UNESCO), Switzerland and the Netherlands, he was able to participate in a ministerial session, where he highlighted surface water and ground water to explain the importance of water. He also spoke on infrastructure and expressed the conviction that the Ministers of Water had understood the message to assist other Ministers on wetland issues at the 5th World Water Forum in Istanbul. He noted that the Secretariat intends to highlight the importance of wetlands in economic and social development, especially in tourism, and said that he is working in this direction with the World Tourism Organization and some Parties, especially Seychelles, as for example during a recent visit there. The Secretariat is also organizing special training workshops for legal personnel in the Parties to promote understanding of the Ramsar Convention and how it relates to other conventions, and has invited other conventions to participate.
- Problem 3 Potential impossibility of making binding contracts as Ramsar has no legal power to sign contracts: the SG said that the delegation of authority from the Director General of IUCN is still valid and is helpful in that regard.
- Problem 4 Ability for the Secretariat to enter into international cooperation agreements: he noted that this is a problem for the secretariats of all conventions and not peculiar to Ramsar.
- Problem 5 Legal liability of host organization for Ramsar actions (in case of staff disputes, misappropriation of funds, etc.): the SG noted that this matter is presently under discussion with IUCN. He said the Ramsar Secretariat has a letter of agreement which takes into account their concerns.
- Problem 6 Difficulty some Parties have in paying contributions to Ramsar Secretariat in the absence of legal identity: he noted that the legal identity is no longer a problem.
- Problem 7 The host organization controls the Secretariat's financial procedures in ways that may not be suitable for us: the SG noted that this is one of the matters under discussion; he said the problem would be addressed through the new letter of agreement with IUCN.

- Problem 8 Lack of staff access when in the field to UN logistical and security assistance: he noted that the Secretariat is working with the Parties on this matter. The group was encouraged to continue working with the Contracting Parties.
 - Problem 9 Non-Swiss employees may be losing privileges of being taxpayers in their communes: the SG reported that this is no longer perceived as a major problem.
 - Problem 10 Work permits for spouses of non-Swiss staff members: he noted that Switzerland has reiterated the situation of work permits, and it is no longer seen to be a problem.
6. **Côte d'Ivoire** requested that the report of the first meeting be reopened for comment. **Germany** concurred, noting that although the first draft had been approved, there had never been approval of the second version. Germany also noted that a few of its comments were not properly reflected and requested that agenda documents be provided earlier in future in order to have more time to consider them.
 7. **The Co-Chair (Australia)** promised that documents would be provided earlier in future. He noted that the report of the first meeting tried to reflect all of the comments submitted on the original draft, but some were received after the circulation of the first final version. The intention was simply to reflect all comments and move on to the next phase of the work. He urged that, rather than spending time going over the first meeting's report now, Germany and other Parties that wished to amend the report's record of their own remarks should provide text to the Secretariat for amending the final document.
 8. **Cameroon** urged that the Group needs rules to govern the whole process of its work and that there should be a formal approval of all outcome documents. He also informed the meeting that his colleague whom he said was at COP10 in Korea was present and that he would clarify some of the issues. The colleague apologized for his inability to attend the first meeting; he said he took part in the actual work of the Committee in Changwon but the Committee could not arrive at any substantial conclusion. He called for frank collaboration towards a fruitful conclusion of the Group's mandate.
 9. **The Co-Chair (Chile)** noted that he had expected that the COP Rules of Procedure would apply to working group meetings as well, but he hasn't found where reporting is considered in the current Rules; thus there will be a need to set up an ad hoc procedure for adopting this Group's report. He would suggest adopting the final report at the end of the meeting (as Rule 28 stipulates that the Secretariat shall prepare draft reports for each day of the COP for the Conference Committee's daily approval and final adoption by the COP at the end of the meeting), but that is not practical since the Working Group's meetings are only of one day. At the same time, he felt that it would be impractical to go over each report paragraph by paragraph at the beginning of the next meeting. Thus he suggested that delegates wishing to amend the first meeting's report should supply text and the resulting final version will be circulated again for silent approval. He called for discrepancies to be incorporated into the report.
 10. To **Germany's** inquiry as to whether there were reports which had been approved by the Group or which otherwise might run the risk of participants re-opening discussions, **the**

SG explained that the practice followed by the COP and Standing Committee is that each day's report is prepared overnight and distributed the following day, so that all of the preceding sessions can be considered in the last plenary, with minor amendments passed directly to the rapporteur and matters of dispute revisited if necessary. The meeting then empowers the Chair of the SC or President of the COP to approve the last plenary session on its behalf. The SG noted that this time some participants sent their comments after the deadline, but they were incorporated into the report anyway. He suggested that for the next report the draft should be circulated as quickly as possible, with one week permitted for comments, and when those comments have been incorporated it should be considered to have been adopted.

11. **The Co-Chair (Australia)** noted that an onerous process was not contemplated in the Group's mandate and agreed that the model of the SC meetings would not be useful here. He urged that the report should be sorted out between meetings – it could then be adopted at the beginning of the next meeting, but time should not be spent going over it in detail. He urged all delegations to provide clear comments in the first round that would accurately reflect what was said in the meeting.
12. **Ghana** urged that each meeting should come to conclusions that should be agreed at the end of the meeting and that there should be a deadline after which no further comments will be accepted and the report adopted. **The Co-Chair (Australia)** said the draft resolution tried to avoid resort to intensive process. **Switzerland** suggested that the report could be called the “minutes” and finalized intersessionally, whereas the text of a page of conclusions or decisions could be agreed before the end of the meeting. **Germany, Chile, and Côte d'Ivoire** concurred with that suggestion.
13. **The USA** stated that the US position is that everyone who has worked on this issue should be thanked for their efforts but that in fact eight out of the ten putative problems have been found to be problems no longer. She felt that the whole exercise has dragged on for four years and need not go on too much longer. The US feels that Option 1 on the IUCN status quo is clearly the best option.
14. **The Co-Chairs, Chile and Australia**, noted that there will still be a need to record various decisions along the way (perhaps in one or two pages) and, not to waste further time, they promised to accommodate the additional comments of Germany and others intersessionally.
15. **Cameroon** expressed the view that the text of the Convention indicates that the status of the Secretariat is a temporary one that was meant to evolve over time. The purpose of the Working Group is to study how to improve the situation. He indicated that at the first meeting the Group went through all of the problems and found that there are some problems remaining, and they should be further considered. He agreed that there should not be a second version of a meeting's report after the first version has been adopted.
16. **Australia** promised to revisit the issue of reporting at the end of this meeting.
17. Turning to the SG's remarks regarding the GEF process, the **Republic of Korea** inquired about what the Secretariat hoped to achieve from involvement with the GEF. **Switzerland** said that it is a matter of concern that the GEF might drop the international waters programme and called against its deletion since the programme could help with the

implementation of the Convention. Concerning GEF replenishment, **Germany** stated the position that the GEF should be opened to other multilateral environment agreements, including Ramsar, and not be restricted only to United Nations conventions.

18. **The SG** indicated that from involvement with the GEF he hopes to gain recognition of the importance of wetlands and an understanding of the range of wetland types; in this regard, he and the Chair of the Ramsar Scientific and Technical Review Panel (STRP) participated in a GEF meeting on the international waters segment in Paris in December. He said that the GEF Secretariat does understand our position but he seeks the understanding of the GEF Council as well, and he called for the help of the Ramsar Parties that are represented on the Council.
19. **The SG** also lamented that the Ramsar Administrative Authorities have not been using the opportunity of gaining access to GEF resources through the biodiversity and climate change focal areas as well as through international waters. He would like to attend the next GEF Council meeting and he asked for the Parties' support.
20. **Ghana** said that, despite what the SG had said, some Parties do still have problems with paying their Ramsar contributions to an NGO like IUCN. **The Co-Chair (Australia)** said Ghana's comments will be reflected in the report since the problem is identified in table 2. **The SG** replied that we have a separate bank account, not part of IUCN, and all of our financial decisions are made by the Ramsar COP and Standing Committee, with no influence from IUCN. Thus, he said, if any Party should have such a problem, it would be cleared up easily by an explanation. Nonetheless, he noted that we have never heard of any specific country that has actually had that problem.
21. **The Senior Regional Advisor for Africa** said that the African countries have agreed that some countries still do not want to pay their contributions to an NGO. Since their Ramsar Administrative Authorities frequently do not have the resources to pay their contributions directly, these have to be paid by the Ministry of Foreign Affairs, and thus it is better if they are paid to a UN institution. He added that some Ramsar Parties are not members of IUCN.
22. **Switzerland** voiced the view that this is an internal problem for the Parties concerned – if a country has ratified the Convention, it has taken on the responsibility to sort itself out and meet its obligations.
23. **Côte d'Ivoire** requested an explanation of the situation concerning the categorization of work permits into B and C. **Switzerland** explained again that once one has been employed by Ramsar, Swiss work permits are granted, and both permits B and C can be used to seek other employment later – the ability to find work with those permits is restricted only by the individual's qualifications for the jobs applied for

Agenda item 4: Summary of agreements and negotiations with IUCN

24. **The Co-Chair (Australia)** called on the Secretariat to introduce DOC. WG-AR2-4. **The SG** invited the Ramsar Finance Officer to go through the document with the WG. **The Finance Officer** explained that a new agreement to cover IUCN's provision of services and facilities to the Secretariat is currently being finalized, and that no major changes to the present relationship are foreseen. To **Israel's** query about the duration of the new agreement, she explained that the agreement will last until either party chooses to

terminate it, with one year's termination notice. To **Germany's** question about approval of the new agreement, she explained that the Chair of the Standing Committee will approve the new agreement, as appropriate, and that it is on the agenda of the SC40 meeting. To the **Republic of Korea's** query regarding the summary of the document she said it would be done by the Standing Committee.

25. **The Co-Chair (Chile)** summarized that the Working Group has taken note of the document (WG-AR2-2) on the present state of agreements with IUCN.

Agenda item 5: Requests to UNEP and IUCN

26. **The Finance Officer** explained that the Group's first meeting decided that the Co-Chairs should write to UNEP seeking information on relevant questions. The letter is about to be released by the Co-Chairs with the "terms of reference" shown in Annex 1 to their letter, which has been distributed at this meeting. She said that the Co-Chairs are also considering requesting a meeting with IUCN to ask what IUCN can offer, similar to the requests to UNEP, and they will seek approval to do that.
27. **The Chair** noted that the representatives of UNEP and IUCN have left the room for this discussion.
28. **The USA** asked whether the Secretariat has assessed any costs that might be incurred by the analysis of the replies to these inquiries.
29. **Japan** noted that there has been no time to consider the "terms of reference" document and to consult with the capitals. She asked that all documents be circulated a few weeks in advance.
30. **Ghana** suggested that the names of possible venues for relocation of the Secretariat should be omitted. She called for the looking at other locations without necessarily being Geneva, Gland and in that case consideration to be given to Montreal and Germany.
31. **Germany** agreed that more time is needed to consider the document and asked whether the same annex of questions is intended for IUCN as well.
32. **Switzerland** also expressed surprise at receiving the document only now (in the morning), and sought clarification about the meaning of "change the image of the Convention". She understood the wish to improve the efficiency of the Convention, but wondered where the idea of changing the image has come from. Further, she noted that, in para. F.1, it is not up to UNEP to make recommendations about the location of the Secretariat, and she asked that that should be removed.
33. **Israel** noted answers and not questions as the most important issue. **Côte d'Ivoire** sought clarification about the legal status of IUCN.
34. Concerning the question about location, **the Finance Officer** explained that all possibilities have cost implications, and the intention of the question is to get all of these out into the open. Concerning cost implications of the analysis, she noted that it is assumed that UNEP will provide the requested information at no cost to Ramsar, but that

there will be costs in staff time in interacting with UNEP and IUCN and analyzing their responses.

35. **Switzerland** reiterated the impropriety of asking UNEP about relocating the Secretariat. She asked to know more about the questions to be asked of IUCN, as the delegates may have suggestions for them as well.
36. **The Co-Chair (Australia)** noted that the objective is to be able to compare the advantages of UNEP and IUCN relationships, so similar questions would be an advantage. It was felt that as many questions as possible should be asked, to gain as full a picture as possible, and so asking about venue implications should be part of that. Concerning the “image of the Convention”, he noted that people seem to keep bringing that up, so it was felt that it should be included. He observed that the Group has been mandated to write to UNEP and that the longer we take in formulating the questions the less time there will be for reply.
37. **The USA** indicated that question B.1, on UNEP’s views on enhancing the image of the Convention, etc., is too subjective. She noted that the document needs to be referred back to the capitals. **Indonesia** concurred on both points.
38. **The Co-Chair (Chile)** said the letters written will be followed up by the Co-Chairs and not the Working Group. The terms of reference will be transparent and take into account the concerns of the Group. He indicated that the picture will be much clearer when the response was received from UNEP. He explained that the IUCN letter should not be identical to that of UNEP, because in many cases we already know what their services are. The intention is to inform IUCN of the Group’s work and explain that the COP has asked what IUCN can do to enhance the work of the Convention. He referred to the timeline mandated by Resolution X.5 and noted that the issue cannot be deferred to the next meeting, so he asked the delegates to trust the Chairs to prepare the questions.
39. **Côte d’Ivoire** expressed the wish for the Group to see the two letters before they are sent. He said it was not a question of the Group not trusting the Co-Chairs but it was the Group’s desire to ensure that UNEP took their concerns on board. **Chile** responded that the letters are based on the base document agreed at Ramsar COP10, which is Resolution X.5.
40. **Germany** said that it would be inappropriate for Ramsar to seek to impose “terms of reference” upon UNEP and suggested that they be called “questions” instead. **Chile** concurred. **Cameroon** agreed that “terms of reference” should not be used and felt that governments will wish to see the letters before they are sent. Moreover, he noted that using questions would be helpful.
41. **Indonesia** noted that the Group has not heard the Secretariat’s preferences amongst the options under consideration. **The Co-Chair (Chile)** indicated that that would be a time-consuming exercise.
42. **Israel** urged that part A of the TOR should become part of the letter and that parts B onward should be a “questionnaire” annexed to the letter. He felt that the same questionnaire should be sent to both UNEP and IUCN. **Ghana** agreed that since the same information is sought from both institutions they should both have the opportunity

to reply to the same questions. **The USA** concurred and said that a fact-based questionnaire should be sent to both institutions. She asked to whom the letters would be sent, since different parts of UNEP would need to be involved in the responses.

43. **The Co-Chair (Chile)** indicated that, since the services sought are not equivalent, there are doubts about sending the same questions. **The Finance Officer** explained that the intention was for the letter to IUCN to show them the questionnaire sent to UNEP and seek IUCN's input to the analysis. It would be difficult for IUCN to answer the same questions but they could be asked to address the same issues from their point-of-view. She saw it as a two-way process of discussing the questions with UNEP until the full response was achieved. She said letters would be sent to Achim Steiner, the Executive Director, who could organize the information from within UNEP, and the Director-General of IUCN.
44. **The Co-Chair (Chile)** mentioned the possibility of meeting with Achim Steiner and other UNEP staff in May and discussing the questions with him then. He was reluctant to open the letter and questionnaire to the process of compiling comments from the capitals, since the idea is not to delay this unduly, as the letters must be sent soon in order to have the analysis prepared by 30 September.
45. **Argentina** noted that the letters address options 1 and 3 (IUCN and UNEP) but he recalled that, according to Resolution X.5, option 2 on becoming an international organization has not been excluded. According to him option 2 may not even be Argentina's position but sometime in the future the option might become a solution. **The Co-Chair (Australia)** agreed that all three options are still on the table, but noted that the Working Group's mandate required a recommendation to the SC on options 1 and 3. Following that, the SC may request further study of option 2 as well.
46. **The USA** agreed with the need for deadlines but reiterated that, since the Co-Chairs represent the Working Group, whose members represent their governments, the governments should approve the letters and questionnaires. **Switzerland** agreed and again expressed discomfort about question F.1 concerning a change of venue. She called for reasons why the hosting of the Secretariat at Gland should be changed. **Cameroon** amplified that, in discussions at COP10, option 2 was considered the best one but not to be feasible. Thus it was felt that the Group should report on options 1 and 3 first, and the SC could come back to option 2 if necessary.
47. **The Co-Chair (Chile)** summarized that some delegations are uncomfortable with the letter being sent at this time and agreed that electronic versions of the letter to UNEP, the letter to IUCN, and the draft questionnaire will be supplied to participants today. **Australia** promised that comments will be taken on board, especially those that add to rather than subtract from the information sought. He hoped that individual questions would not have to be negotiated at length.
48. It was agreed that delegates will receive the drafts today and will have one week, until next Tuesday, to consult their capitals and return their comments. The Co-Chairs will then take the comments into account and send the letters.

Agenda item 6: The Working Group's work plan

49. **The Co-Chair (Australia)** referred to DOC. WG-AR2-4 and apologized that it had not been circulated earlier. He noted that the responses from UNEP and IUCN are being sought for the end of September, which will involve a lot of work from the Finance Officer, the Co-Chairs, and UNEP and IUCN. Following analysis of those responses, the Group will be able to meet again to consider them. According to the work plan, the Co-Chairs will prepare a progress report to the 40th meeting of the Standing Committee in May, based on these two meetings and their reports. They will also meet with UNEP and IUCN in July to discuss the progress in responding to the questionnaires.
50. **Ghana** inquired when Table 2 on putative problems will be updated. **The Co-Chair (Australia)** noted that that is now an annex to the meeting report, that table 2 was used for historical reference to structural problems but was focused on discussion of immediate actions to remedy the problems.
51. There was discussion of the timing between the circulation of the UNEP and IUCN reports for comment in October and the 3rd meeting of the Group set for November. It was observed that there will be at least a month and perhaps as long as two months. It was agreed that, after consideration of the dates of other important meetings, the date of the next meeting will be affirmed later.
52. **The Republic of Korea** asked whether the progress report to SC40 would be just informational or would seek further guidance from the SC. **The Co-Chair (Australia)** indicated that it would just be an update on progress without a request for any other action from the SC.
53. **The Co-Chair (Australia)** summarized that the draft Working Group work plan has been adopted, though it can be amended as needed as progress is made.

Agenda item 7: Financial and human resources required

54. **The Co-Chair (Chile)** recalled that the first meeting of the Group discussed the possible need for additional financial or human resources and that, since no resources were allocated by the COP, voluntary contributions would be needed for that purpose.
55. **The USA** insisted that only voluntary contributions should be drawn upon for this work. She urged that a minimum of staff time should be devoted to it, as it is a huge distraction from the other work that needs to be done for the Convention.
56. **The Co-Chair (Chile)** noted the USA's comment. He said that from his personal point-of-view we might need legal expertise around the time of the third meeting, and he urged the delegates to consider whether someone could come forward with an offer of a voluntary contribution. He suggested that the Group just take note of that issue for the time being. **Ghana** noted that such a contribution could also be provided as legal counsel, etc., not just as money.

Agenda item 8: Next meeting of the Working Group

57. It was agreed that the time of next meeting, roughly in November as discussed, will be proposed more exactly when the UNEP and IUCN reports have been received.

Cameroon asked for at least one month's notice in order to allow time to make travel preparations.

Agenda item 9: Any other business

58. **Switzerland** noted that the 17th session of the Commission on Sustainable Development is coming up soon, and she urged African countries to come forward to help to promote the Convention more than they have heretofore. She said that there is a need for all Ramsar Parties to promote the Convention in all of the meetings they attend.
59. **Switzerland** reported on the proceedings at the 5th World Water Forum, where Switzerland and the Secretariat chaired a session on "ecosystems and water", which was quite well attended, and she urged the Parties to work together to propose to the World Water Council a greater emphasis on wetlands for the 6th WWF.
60. **The Senior Regional Advisor for Africa**, responding to Switzerland's call to raise the profile of the Convention, reported that he attended a CSD preparatory meeting in Namibia and found it very difficult because it was a completely UN process. He said that other Parties should also help to raise the profile of the Convention.
61. **The Co-Chair (Australia)** asked all participants to provide their contact details to the Secretariat. He noted that the Co-Chairs will provide the progress report to the SC on the Group's behalf.
62. It was agreed that the draft report of this meeting, prepared by Ghana and the Secretariat, will be circulated for comment as soon as possible, with a deadline for comment. If no proposed amendments are received by the indicated date then a "silent procedure" would apply by which the draft will be considered to have been formally adopted. If proposed amendments are received by the indicated date then the co-chairs will make any necessary changes, check the changes as necessary with the originators of proposed amendments and then circulate a revised final draft to all working group members. A "silent procedure" would then again operate by which the draft will be considered to have been formally adopted in the absence of any objections by an indicated date.
63. **The Co-Chair (Australia)** invited delegates wishing to amend the report of the first meeting to provide textual amendments within a few days. In accordance with the "silent procedure" described in paragraph 61 above, the amended draft would be circulated to members of the working group and if no objections were received by the indicated date, the draft would be considered to have been adopted by the Working Group.
64. It was agreed that the Co-Chairs should meet with UNEP and IUCN in order to follow up on the letters.
65. **The Co-Chair (Chile)** noted that this will be the last Working Group meeting for Co-Chair Guy O'Brien of Australia. There was a round of applause in appreciation of all his work on this issue.
66. **The Co-Chair (Australia)** expressed pleasure at working with the delegates and expressed his appreciation to the Secretariat for its assistance. The meeting was closed.