

## Report of the Working Group on Institutional Strengthening

### Actions requested:

The Standing Committee is invited to:

- i. take note of the draft “challenges and options report” (Annex 3);
- ii. review and approve the draft resolution at Annex 4 for consideration by the 15th meeting of the Conference of the Parties.

### Report on progress and future tasks

1. During the 63rd meeting of the Standing Committee (SC63) in June 2024, South Africa and the United States of America, as Co-Chairs of the Working Group on Institutional Strengthening (ISWG), presented the report of the Working Group contained in document SC63 Doc.12, providing an update on the progress to date of the Group, and summarizing future steps towards developing a draft resolution for consideration by the Standing Committee at SC64. The presentation, which included an overview of the findings of the synthesis report, fostered a discussion between participants regarding challenges related to the institutional strengthening of the Convention.
2. Contracting Parties took note of the report of the Working Group and approved the next steps proposed by the Group through Decision SC63-10, including actions to prepare a draft of a report on the challenges and options for the institutional strengthening of the Convention, as well as a stakeholder engagement plan to solicit views, including from relevant organizations and all geographic regions, with a plan to develop a draft resolution on the basis of these deliberations, for consideration by SC64.
3. The ISWG held its seventh meeting on 20 August 2024, to gather input and updates from theme leaders (Australia, Colombia, South Africa and Switzerland) on the challenges and options assessments. Key aspects of this task included (i) verifying if the challenge was still a challenge, (ii) identifying any new challenges, (iii) determining the root causes, (iv) determining whether additional or alternative options could be found, (v) clearly unpacking what the implications would be for each option, (vi) how feasible the option is, and (vii) how solving this challenge or implementing a certain option would really benefit the implementation of the Convention. The Working Group also heard a summary of a meeting with the Chief Human Resources Officer for IUCN which had taken place on 9 August.
4. Following updates from theme leaders and a discussion on the way forward, the Co-Chair proposed an approach to try to eliminate challenges that had been sufficiently addressed, to identify a narrow set of issues that required additional investigation and discussion by the

Working Group and Contracting Parties. Following a discussion, the Group agreed that regional briefings would be scheduled to allow for broad consultation, on the basis of a draft table of challenges and options. The Working Group planned its eighth meeting following the regional briefings, to prepare materials ahead of SC64 deadlines.

5. On 15 and 16 October, the Working Group Chair, Co-Chair, and theme leader Australia hosted regional briefings for Europe, Africa, Asia/Oceania, and the Americas, providing an in-depth overview of the progress, findings, and draft options as found in the draft report on challenges and options. Interpretation was provided and a question-and-answer session following each briefing allowed Contracting Parties time to gather more information as required.
6. On 22 October, the ISWG met for its eighth meeting to discuss the outcomes of the regional briefings and to finalize the report to SC64, which would transmit the “Review of Challenges and Related Options for the Institutional Strengthening of the Convention on Wetlands” (the challenges and options report) and a draft resolution. The Working Group found that the briefings had been successful, though they were marked by low participation and few questions by Contracting Parties. A decision was made to circulate the briefing presentation to all Contracting Parties.
7. Following initial interventions, a Working Group member expressed concerns that the draft report on challenges and options did not accurately reflect all of the facts and presented a list of requested changes to the report. Following a discussion, the Group requested any additional comments and edits to the draft report to be compiled before 25 October, to allow for sufficient time for the Working Group Co-Chairs to produce a clean draft by SC64 deadlines.
8. The draft resolution was also presented to the Working Group, which was found to require only minor amendments and edits. As with the previous item, final comments were also requested by 25 October. The Co-Chair also presented on the draft report that would accompany the documents prepared and agreed to by the Group.
9. Following reviews and discussions of the ISWG theme leaders and Co-Chairs, the challenges and options report, the ISWG report to SC64, and the draft resolution were updated to include “follow-on actions” seeking to assign implementation of remaining tasks to the relevant existing working groups with appropriate mandates to undertake required actions. The remaining themes that were found to require additional investigation and evaluation were referred to a proposed new working group.

## Annex 1

### Institutional strengthening challenges and recommended working groups for follow-on actions

Theme	Challenge	Status	Follow-on actions to be implemented by
Administration	Ability to enter into contracts with donors / third parties and difficulties in the implementation and management of projects	Effective measures are already in place to address this should it arise	N/A
	Difficulties in paying annual contributions to the Convention on Wetlands	Options to be evaluated	Subgroup on Finance
	Difficulties for Contracting Parties to pay contributions to the Convention due to its legal status	Effective measures are already in place to address this should it arise	N/A
	Risks posed to the Convention by legal provisions applied to the management of outstanding arrears	Linked to non-payment of contributions: Options to be evaluated	Subgroup on Finance
	Lack of clear formalized financial mechanisms for Convention funding	Options to be evaluated	Subgroup on Finance
Governance	Lack of sufficient communication and virtual information management mechanisms	Currently being addressed by the Secretariat	Management Working Group
Leadership	Procedure for electing a Secretary General	Addressed by another working group: Management Working Group	Management Working Group
Human Resources independency	Recruitment of staff and reduction of staff turnover	Options to be evaluated	New working group
	Legal liability of IUCN for Secretariat actions	Not a challenge	N/A
	No residence permits for staff after contract ends	Not in the ambit of the Convention to address	N/A
	Travel visas and security for staff on missions	May partially be resolved but potential solutions pose certain problems	N/A
High-level representation and visibility	Limited visibility of the Convention at high-level UN processes and meetings	Options to be evaluated	New working group
Cross cutting	Lack of a legal personality	Options to be evaluated	New working group

**Annex 2**  
**ISWG workplan**

<b>Task</b>	<b>Activity</b>	<b>Due Date</b>	<b>Comments</b>
Develop a framework for the evaluation matrix	Draft framework developed	16 March 2024	<ul style="list-style-type: none"> <li>Workshop with a sub-group of volunteering members from the ISWG to discuss how to present the challenges, opportunities and options in a way that will enable decision making and develop a draft table, discuss the approach to use to populate the table.</li> </ul>
	ISWG sub-group meeting to refine and agree on layout and approach	20 March 2024	
	List all challenges and organize into sub-themes	25 March 2024	<ul style="list-style-type: none"> <li>Extract challenges from Synthesis Report and group per sub-group and indicate which of the challenges are being addressed through other processes / working groups – for further confirmation once framework has been developed</li> </ul>
	Compile examples/ complete administrative arrangements sections	12 April 2024	<ul style="list-style-type: none"> <li>Australia to compile and share via email prior to WG meeting.</li> </ul>
	ISWG Meeting 5	16 April 2024	<ul style="list-style-type: none"> <li>Present and discuss layout (with an example for admin issues) of Rev 0 of the table</li> <li>Present approach that will be followed to complete the table</li> </ul>
	Update framework and approach	19 April 2024	<ul style="list-style-type: none"> <li>Update framework based on comments from ISWG</li> </ul>
Develop Rev 0 (populated with synthesis Report)	Table populated with outcomes from Synthesis Report	16 May 2024 (Same date as sub-group meeting)	<ul style="list-style-type: none"> <li>Populate table with outcomes from Synthesis Report</li> <li>Identify key questions that will assist to unpack the challenge (identify root causes) and describe the implications (pros and cons) of the options. Identify who to engage to obtain answers to those questions.</li> <li>Confirm list of challenges</li> <li>Identify which challenges are being dealt with through other processes</li> <li>Confirm/review the sub-themes</li> </ul>

Task	Activity	Due Date	Comments
	Sub-Group Meeting to go through updated table	16 May 2024, 12:00	<ul style="list-style-type: none"> <li>Go through populated table</li> <li>Present list of challenges and grouping (including identification of challenges being addressed)</li> <li>Decide on which challenges to take forward for governance and leadership</li> <li>Plan for workshop with WG</li> </ul>
	Produce Rev 0	22 May 2024	<ul style="list-style-type: none"> <li>All the work of the theme leaders will be incorporated into 1 table</li> </ul>
Develop Rev 1 (populated with inputs from WG)	<b>ISWG Meeting 06.</b> Workshop with WG (To be held in Gland, Switzerland (hybrid meeting) from 16:00-20:00 (extended from original time of 18:00))	3 June 2024, 16:00-20:00	<ul style="list-style-type: none"> <li>Workshop on Rev 0: discuss challenges and root causes, questions that need clarity, options and implications/benefits</li> <li>Planning for stakeholder engagements and identification of roles and responsibilities of WG Members.</li> </ul>
	Sub-Group Meeting	5 August 2024	<ul style="list-style-type: none"> <li>Sub-group meeting after the WG meeting to discuss any comments received from WG and plan next steps</li> </ul>
	Rev 01 Developed	20 August 2024	<ul style="list-style-type: none"> <li>Table on objectives, problem statement challenges, options, outlining costs and benefits and other implications of various options as well as short and long term recommendations.</li> </ul>
	ISWG meeting 07	20 August 2024	<ul style="list-style-type: none"> <li>Discussion on Rev 1 and way forward: next steps towards gathering evidence to verify the challenges and unpack the implications for the options</li> </ul>
Develop Rev 2 (populated with inputs from engagements and final comments from WG)	Engagements held	September -October 2024	<ul style="list-style-type: none"> <li>Undertake engagements to refine the challenges and options report/ evaluation matrix with amongst others <ul style="list-style-type: none"> <li>the Convention Secretariat,</li> <li>IUCN</li> </ul> </li> </ul>
	Sub-Group Meeting	Aug/Sep 2024	<ul style="list-style-type: none"> <li>Discussions to incorporate inputs from engagements</li> </ul>

Task	Activity	Due Date	Comments
	Regional Briefings	15-16 October 2024	<ul style="list-style-type: none"> <li>• Briefing meetings with Ramsar Regions on the work and progress of the Working Group on Institutional Strengthening</li> <li>• During this briefing the Co-Chairs will remind Contracting Parties of the mandate of the Working Group and inform Parties on the work undertaken during the triennium and the outcomes of the Group. Meetings held as follows: <ul style="list-style-type: none"> <li>○ Europe (Tue 15 Oct)</li> <li>○ Africa (Wed 16 Oct)</li> <li>○ Asia/Oceania (Tue 15Oct)</li> <li>○ Americas (Wed 16 Oct)</li> </ul> </li> </ul>
	<b>WG Meeting 08:</b> discuss options report, report to SC64 and draft Resolution	22 October 2024	<ul style="list-style-type: none"> <li>• Discussion on Stakeholder Workshop outcomes, updated report and finalise Options</li> <li>• start discussions on the content for a draft resolution.</li> </ul>
	Produce Rev 2	28 October 2024	<ul style="list-style-type: none"> <li>• Evaluation Matrix /options report finalised, ready for submission to accompany the resolution to be sent to SC64.</li> </ul>
<b>Develop Resolution</b>	First draft Resolution to be based on outcomes of options report	22 October 2024	<ul style="list-style-type: none"> <li>• First draft Resolution to be based on outcomes of options report</li> </ul>
	Circulate draft resolution to parties for comment	October/ November 2024	<ul style="list-style-type: none"> <li>• Circulate draft resolution for comment by Working Group</li> </ul>

**Annex 3**  
**Challenges and options report**



**INSTITUTIONAL STRENGTHENING WORKING GROUP**

**Review of Challenges and Related Options for the Institutional  
Strengthening of the Convention on Wetlands**

*Rev 2*

*30/10/2024*

## 1. EXECUTIVE SUMMARY

COP14 instructed the Secretariat to produce an institutional strengthening report that has required the Working Group to review the work of past consultancies going back more than a decade. Therefore, some of the matters discussed may have been practically resolved some time ago. Although there were many reports, each took a slightly different approach. The final advice in each was not comprehensive, and did not draw any conclusions.

One of the solutions proposed through past Working Groups included hosting the Convention under UN Environment Program (UNEP). No consultant or Working Group has undertaken a comprehensive investigation in collaboration with UNEP as to the feasibility or the requirements of such a change. In line with the terms of reference, this report is not able to provide a conclusive answer as to whether this is an option that would improve the Convention's effectiveness.

The Group does conclude that this would be a significant change requiring all Parties' consideration of the objectives and intent of the Convention, as well as the capacity, funding provisions and interest of the UNEP in hosting. Details are provided in the body of this report.

The Working Group was able to conclude that the Secretariat is able to, and does, effectively enter into and manage contracts with donors. Similarly, although there have been a few instances where Contracting Parties have had difficulties in paying contributions due to the Secretariat's legal status ultimately the Secretariat has been able to receive these funds following bilateral conversations and Contracting Parties taking action to make exceptions or override payment approval processes within their country.

In terms of challenges raised regarding the fact that non-Swiss staff need to leave Switzerland once their contracts with the Convention have ended, the Working Group has noted that this challenge is not an issue that is within the ambit of the SC or COP to address as the Convention, insofar as the Secretariat is obliged to adhere to the agreement between IUCN and Switzerland, based on the Swiss Host State Act.

Lastly in terms of challenges which have largely been resolved, although Secretariat staff do not have the same benefits in terms of obtaining diplomatic status for travel and security of missions as UN Staff, this could be improved under the current arrangement if, for example, national focal points facilitate travel procedures when feasible and Secretariat staff undertake missions where they align with the IUCN's safety requirements.

A number of the challenges which have been raised previously are currently being addressed through existing working groups and the work of the secretariat and SC and include the clarification of the process to recruit the Secretary General (being addressed by the Management Working Group), the need for systems to improve communications between Contracting Parties (being addressed by the Secretariat).

Remaining challenges include the historical and a persisting non-payment of assessed annual contributions by a large number of Contracting Parties, with a concomitant implication that this increases the annual debt provisions that need to be made by the Convention, as per Swiss Laws. The limited budget of the convention has further impacted the ability to ensure that the Secretariat recruitment process is competitive compared to other UN MEAs and the IUCN, where the average salary for convention staff remains lower in the salary grade than the salaries of IUCN peers. Staff turnover has shown signs of stabilising since a peak of 39.3% (total levels) in 2022, whether this remains a challenge requires further investigation. In addition, whilst much has been achieved to



raise the profile of the convention in global processes and to attend meetings in the conventions own right and not as part of the IUCN, challenges regarding the ability of the Convention to attend high-level UN meetings, in particular the HLPF has persisted.

A new challenge which has been identified includes the lack of sufficient funding or formal funding mechanisms to support the national implementation of projects by Contracting Parties.

To resolve the challenges which have not already been effectively addressed or are already being dealt with through other current processes, various options have been identified by the Working Group. These options are based largely on the outcomes of the 2020 legal analysis<sup>1</sup> and 2022<sup>2</sup> financial analysis and are as follows:

1. IUCN continue hosting, with improvements and by exploring solutions that don't involve changing the legal status. Specific options that could be implemented as a whole or partially under this option would include:
  - A COP Resolution which clarifies the ability to enter into contracts and legal standing of the Secretariat
  - Negotiate a new DOA or LOA with improvements that address remaining concerns
  - Undertake a process to identify and implement mechanisms for CPs to pay contributions.
  - Increase Secretariat salaries by addressing arrears and/or increasing CP contributions
  - Establish a Working Group to identify options to look into options for strengthening mechanisms for funding for CPs to implement the Convention
  - Continue to pursue UNGA observer status through holding a meeting of the missions from New York, Geneva and capitals in order to co-ordinate efforts to advance approval of Uruguay's proposal
  - Retire the request to UNGA and resubmit to ECOSOC, with a detailed document on qualifying criteria
2. The Secretariat is hosted by UNEP (equivalent to Option B1 in the 2020 Legal Analysis Report)
3. Register the Secretariat as an independent legal international governmental organisation (equivalent to Option A1 in the 2020 Legal Analysis Report)
4. The Secretariat Institutional linkage to the UN (equivalent to Option A3 in the 2020 Legal Analysis Report)

Option 1 presents a number of actions that are procedurally simpler than changes to the hosting arrangements and could be undertaken in the short to medium term. Options 2, 3 and 4 all include a change in the hosting arrangements for the Secretariat and are procedurally more complex processes which present a number of potential advantages and disadvantages for the implementation of convention. Of these 3 options, as mentioned above and as suggested by the

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<sup>1</sup>Legal Analysis, 2020 Report:

[https://www.ramsar.org/sites/default/files/documents/library/independent\\_analysis\\_legal\\_status\\_secretariat\\_2020\\_e.pdf](https://www.ramsar.org/sites/default/files/documents/library/independent_analysis_legal_status_secretariat_2020_e.pdf)

<sup>2</sup> Financial Analysis, 2022 Report:

[https://www.ramsar.org/sites/default/files/documents/library/financial\\_analysis\\_legal\\_status\\_secretariat\\_2020\\_e.pdf](https://www.ramsar.org/sites/default/files/documents/library/financial_analysis_legal_status_secretariat_2020_e.pdf)

2020 legal analysis, the hosting of the Secretariat by UNEP could potentially address most challenges currently identified.

The Working Group has concluded that no single option would solve all the issues. Moving to other institutional arrangements could potentially give the convention more recognition and visibility, and *may* attract more donor funding. However, the willingness of any future host, as well as the financial and legal implications must be clearly understood.

Whilst work to fully understand the challenges has proceeded well, further work by one or more dedicated working groups is needed to both implement the short to medium term options (should they be supported) and to fully understand the implications of the longer term options.

## 2. BACKGROUND

At its fourteenth meeting (COP14), the Conference of the Contracting Parties adopted Resolution XIV.6 on Enhancing the Convention's visibility and synergies with other multilateral environmental agreements and other international institutions, in which paragraph 22:

“instructs the Secretariat, in consultation with interested Contracting Parties, to prepare an institutional strengthening report with recommendations reflecting the needs of the Secretariat to achieve organizational robustness to support the implementation of the convention, including but not limited to those related to administrative arrangements, governance, leadership, human resources interdependency, high-level political engagement, and the Convention's visibility objectives, and requested the Secretariat to present the report with recommendations to the 62nd meeting of the Standing Committee (SC62) for discussion and a subsequent draft resolution to SC63 for its consideration.”

In line with Paragraph 22, the Secretariat provided a report at SC62<sup>3</sup> based on two consultations with interested parties, which included various options to address challenges under five topics:

- 1) administrative arrangements,
- 2) governance,
- 3) leadership,
- 4) human resources interdependency,
- 5) high-level political engagement, and the Convention's visibility objectives

The Standing Committee at SC62:

- a. Took note of the Secretariat's report on institutional strengthening to support the implementation of the Convention in response to Resolution XIV.6, paragraph 22.
- b. Took note of the recommendations of the interested Contracting Parties and the Secretariat reflected in Annex 2 of the report.
- c. Established a Working Group to lead the process to achieve organizational robustness to support the implementation of the Convention, including through the preparation of a draft resolution for the consideration of the Standing Committee at

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<sup>3</sup> See document SC62 Doc.11 at <https://www.ramsar.org/document/sc62-doc11-secretariat-report-institutional-strengthening-support-implementation>.

its 63rd meeting and requested that the terms of reference for the working group be tabled at SC62. (Decision SC62-17)

- d. Took note of the terms of reference agreed by the Working Group presented to SC62 in document SC62 Com.2. (Decision SC62-51)<sup>4</sup>

### 3. PURPOSE OF THIS REPORT

The purpose of this report is to provide the findings of the Institutional Strengthening Working Group (ISWG) on the challenges, their root causes, and potential solutions for strengthened institutional arrangements. This would serve to revise and strengthen the table presented by the Secretariat in document SC62 Doc.11, Annex 2, towards informing future deliberations on next steps and where suitable on the preferred options.

### 4. APPROACH

In formulating the approach that would be followed by the ISWG to lead the process to achieve organizational robustness to support the implementation of the Convention, the following key aspects were considered:

- 1) Recommendations made by Contracting Parties at SC62 for the further development of document SC62 Doc.11, Annex 2<sup>5</sup>, which included:
  - the need for further work to be undertaken to determine the potential implications of the draft recommendations prior to their inclusion in a possible draft resolution and
  - the need for greater consultations with Contracting Parties on the challenges and options that have been identified
- 2) The matter of institutional strengthening of the Convention has been a discussion in the Convention for a significant period of time (since COP2) and a number of reports, assessments and recommendations have been made during this time.

Taking into consideration the above points, the approach followed by the Working Group towards the development of this report consisted of:

- 1) The creation of a document portal that would enable all Working Group members to have access to all previous reports and documents relevant to the subject of institutional strengthening
- 2) The development of a Synthesis Report, which would document the process followed to date (from COP 2 to SC62) and would synthesise all relevant documents in terms of the challenges, options and implications.
- 3) The development of a document on the challenges, options and their implications to guide the development of a draft resolution on institutional strengthening for consideration by the Standing Committee.
- 4) Engaging with key stakeholders, including the IUCN and others on the challenges and options to obtain their views and inputs

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<sup>4</sup> ISWG Terms of Reference : [https://www.ramsar.org/sites/default/files/2023-09/SC62\\_com2\\_WG\\_institutional\\_strengthening\\_tors\\_e.pdf](https://www.ramsar.org/sites/default/files/2023-09/SC62_com2_WG_institutional_strengthening_tors_e.pdf)

<sup>5</sup> SC62 Report and Decisions : <https://www.ramsar.org/document/report-decisions-62nd-meeting-standing-committee>

- 5) Engaging and consulting with Contracting Parties through ensuring that all Contracting Parties are made aware of and are invited to attend Working Group meetings and through holding regional briefing meetings.

This approach is summarised in the figure below and is outlined in detail in Appendix II of this report.

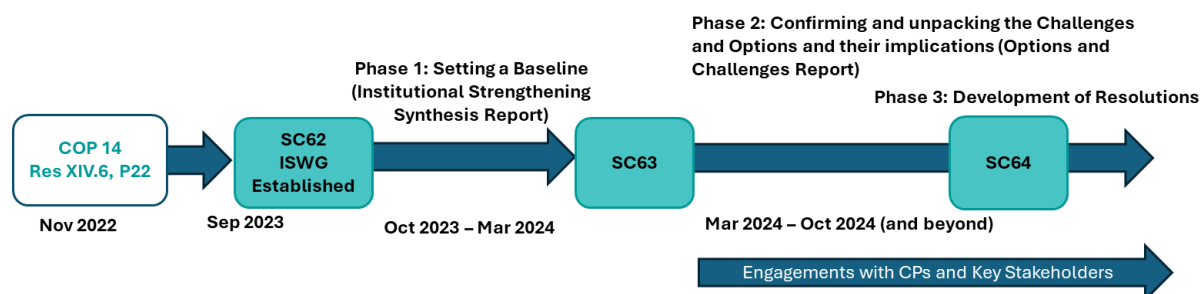


Figure 1. Schematic illustrating the 3 project phases implemented by the ISWG

In line with the above, in February 2024 a *Governance Synthesis Report on the Institutional Strengthening of the Secretariat of the Convention on Wetlands*<sup>6</sup> was developed (Thirion, 2024) and was submitted to SC63. This report synthesised and further contextualised the challenges (retaining the 5 themes from SC62. doc 11), and synthesised the various options documented through previous Working Groups. Some observations from the report are that:

- In a number of cases questions still remain on the extent, significance and root causes of the challenges, whether the challenges are still relevant or whether they have been solved through the work that has already been conducted.
- For many of the options a number of questions still remain that require answers to determine their implications.
- Most of the reports and previous work did not clearly state what the real need was/what solving the challenge aimed to achieve and how it would benefit the implementation of the Convention.

The first step towards addressing the above gaps or uncertainties and establishing a challenges and options report was to bring over the 5 themes that were noted in Resolution XIV.6 paragraph 22 and the challenges described in the Synthesis Report into an evaluation table.

For each challenge that was listed the following questions were then posed:

1. Why is it a challenge /what objective is that the Convention trying to realise by addressing this challenge?
2. What are the root causes for the challenges?
3. Is it still a challenge?
4. What are the options that have been identified to solve the challenge?
5. What are the implications of each option in terms of:
  - a) financial implications,
  - b) staff or human resources implications,

<sup>6</sup> Governance synthesis report on institutional strengthening: <https://www.ramsar.org/document/governance-synthesis-report-institutional-strengthening>

- c) procedural implications, and
- d) legal implications.

6. How will the option benefit the implementation of the Convention? will it achieve what is expected as described in Question 1?
7. How feasible is the option? For example, very lengthy and costly options may be less feasible than a short-term option that may achieve the same objective.

In addition to the above, Working Group members were requested to identify pertinent questions that would help determine the answers to the above questions and were asked to identify whether there were any new challenges or options that had not previously been documented/considered.

Outputs from the challenges and options evaluation matrix (**Appendix I**) were then synthesised into the main sections of this report, following which engagements were conducted to garner further inputs with Contracting Parties through four regional meetings (consisting of Europe, Africa, Asia/Oceania, and the Americas) held on the 15<sup>th</sup> and 16<sup>th</sup> of October 2024.

## 5. OVERVIEW OF CHALLENGES

The section below provides a list and brief description of the challenges that have been identified which affect the institutional robustness of the Secretariat and the implementation of the Convention. This represents the full list of challenges sourced from the Governance Synthesis Report on Institutional Strengthening (Thirion, 2024) and through engagements with the IUCN and Contracting Parties:

### 5.1 ADMINISTRATIVE ARRANGEMENTS

#### 1. Ability to enter into contracts with donors / third parties and difficulties in implementation and management of projects

In this theme, the Working Group reviewed previous assessments and current circumstances regarding the ability of the Secretariat to enter into national and international contracts and financial agreements with donors and third parties.

While the Secretariat has, based on the terms of the 1993 Delegation of Authority (DoA), the capacity to enter into contractual arrangements on behalf of the IUCN, but in a manner that is autonomous from the IUCN (i.e. without the need for IUCN to sign on behalf of, or in conjunction with, the Ramsar Secretariat)<sup>7</sup>, a key challenge highlighted in previous reports (including SC62 Document 11) was the fact that in some cases, due to the lack of a legal personality, donors had insisted on project signatures from the IUCN.

The Working Group confirmed with the Secretariat that there have been two instances historically where there were issues in receiving funds from donors due to the lack of a legal personality. These occurrences were resolved and did not prevent donor funding being contracted. Resolution was achieved through discussion, cooperation and flexibility on the part of IUCN and the donor.

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<sup>7</sup> The Secretariat Staff signs on behalf, *i.e.* in the name of IUCN (which legally is and remains the party to any given agreement signed by the Secretariat). Thus, the delegation of authority does not confer legal personality or legal capability to the Secretariat, but merely authorises the Secretary General to sign on behalf of IUCN for matters that relate to and are for the benefit of the Convention (IUCN Legal Office, 2024)

The issue of difficulties in implementation and management of projects, due to the ability of the Secretariat to enter contracts was perceived as a challenge. Investigation revealed that this is an issue of perception – Some donors have a perception that this is an issue, the reality is that the Secretariat has the capacity to enter into and manage projects.

**Status:** Effective measures are in place to address this should it arise.

## **2. Difficulties in paying annual contributions to the Convention on Wetlands**

Annual (assessed) contributions from Parties are used to finance the Conventions' core budget. Each year, the Secretariat invoices Parties for their annual contributions. The Swiss franc invoicing is based upon the approved core budget and the current UN Scale of Assessments. Most Contracting Parties pay their assessed contributions on a timely basis. Some Parties, for a number of (often valid) reasons, do not pay their contributions on such a timely basis, and sometimes not in the year in which they fall due. By December 2023 the total contributions due but not received (in total over all relevant years) amounted to CHF 1,635K (SC63, doc.9.2). Contributions for 2023 had not been received, or not received in full, from 83 Contracting Parties by 31 December 2023 (just less than half off all contracting parties - the same number as at the end of 2022). Of these, 44 countries had not paid their contributions for more than 4 years.

**Status:** Options to resolve the issues of non-payment to be identified

## **3. Difficulties for Contracting Parties to pay contributions to the Convention due to its legal status**

There have been occurrences where Parties have faced challenges in paying their assessed contributions. The cause of this is generally that some Parties request certain documentation that the Secretariat is unable to provide because of its legal status. Ultimately the Secretariat has been able to receive these funds following bilateral conversations and Contracting Parties taking action to make exceptions or override payment approval processes within their country. While this creates difficulty for a few Contracting Parties, it has not historically been a cause of nonpayment of contributions.

**Status:** Effective measures are in place to address this should it arise.

#### 4. Risks posed to the Convention by legal provisions applied to the management of outstanding arrears

The Convention works as follows:

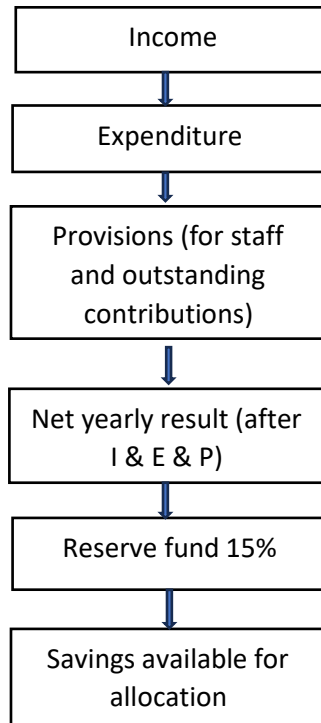


Figure 2. Schematic illustrating the flow of funds of the Secretariat

Under Article 8 of the Convention<sup>8</sup>, the Convention is administered by IUCN, constituted in accordance with Article 60 of the Swiss Civil Code as an international association of governmental and non-governmental members, and is therefore obliged to comply with the Swiss legislation, in comparison UN MEAs follow the International Public Sector Accounting Standards and therefore are not subject to the national law of the host country.

In 2017, the Standing Committee 53 (Decision SC53-36) decided to change the percentages and calculation of the annual provision against dues receivable from Contracting Parties, to align its practice with that of other Conventions such as the Rotterdam, Stockholm and Basel Conventions, and CITES, adopting the International Public Sector Accounting Standards (IPSAS) (Table 1 shows the change to IPSAS (in third column)).

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<sup>8</sup> Article 8 1. The International Union for Conservation of Nature and Natural Resources shall perform the continuing bureau duties under this Convention until such time as another organization or government is appointed by a majority of two-thirds of all Contracting Parties.

Table 1. Comparison of the percentages for provision calculations using the IPSAS standards (column 3) versus the previous percentages that were used for the computation of the annual provision against dues receivable by the Convention (prior to 2017)

Years overdue	Years outstanding for the 2016 provision calculation	Proposed percentages for provision calculation to be applied to each outstanding balance based on the age of the outstanding balance (%)	Current provision percentages applied to the total outstanding balance for each Contracting Party based on the age of the oldest outstanding balance (%)
1	2016	20%	5%
2	2015	20%	20%
3	2014	60%	40%
4	2013	80%	60%
5	2012	100%	80%
6 and over	2011 and earlier	100%	100%

In 2019, upon advice of the Swiss external auditors (due to increasing arrears from CP) and with a view to avoid a qualified audit, the SC 57 (Decision SC57-39) agreed that the accounting principles applied in the preparation of the financial statements of the Convention would move from IPSAS to be in accordance with the provisions of commercial accounting as set out in the Swiss Code of Obligations (Art. 957 to 963b CO). The change meant that the provision was increased to 100% for all balances outstanding for less than five years, for Contracting Parties which have not made a contribution payment in the past four years.

Every annual increase in the provision, due to increasing non-payment of annual contributions by Parties reduces the core funds available to spend for all Parties. It means all Parties bear the burden of that debt.

In 2023, the provision for non-collection was increased by CHF 211K to CHF 1,413K at the end of 2023. The full provision of 100% was applied to 44 Contracting Parties with total outstanding contributions.

The challenge that has therefore been raised is that increased arrears by Contracting Parties has a major impact on the core budget, not just in terms of lowering the budget, but also in terms of the need to now make high provisions for these arrears. Options to solve the non-payment of contributions would thus also solve this problem.

**Status:** linked to challenges on arrears. Options to be evaluated

## 5. Lack of clear formalised financial mechanisms for Convention funding (new)

Funding from donors and/or third parties forms a key component of the Convention's resource mobilization approach. This funding is essential to enable the implementation of various projects and programmes that support the implementation of the Convention by both the Secretariat (e.g. for the production of World Wetlands Day materials) and Contracting Parties (e.g. for the development of national inventories).

Many Contracting Parties have noted that the core issue and concerns is the availability of and /or lack of clarity regarding the funding and funding mechanisms that are available for specific work



streams. Of particular concern is the availability of funding to fund wetland and Ramsar Site related initiatives by Contracting Parties. Examples of mechanisms which exist are available for a number of other treaties, including for example the World Heritage Site Fund, and the GEF.

A possible move to the UN was put forward as a potential solution to improving access to funding, but further work is required to assess if this is correct. Should the option to create a financial mechanism e.g. a Ramsar Site Fund, be pursued, the challenge would then be to determine the necessary procedures e.g. for applications for funding, and to determine what the funding source for such a mechanism would be. It is noted that the Small Grant Fund was discontinued by Parties some years ago given difficulties in funding the program. Several questions are thus pertinent here regarding the feasibility of such an option.

## 5.2 GOVERNANCE

### 1. Lack of sufficient communication and virtual information management mechanisms

Following the pandemic the challenge of effective governance under any unforeseen circumstances was pointed out. Through Resolution XIV.3 on the effectiveness and efficiency of the Convention on wetlands a need for improved systems to facilitate collaboration between Contracting Parties intersessionally was established. It has been highlighted that by improving communication channels, the Convention can better support Parties and foster a greater sense of community among all stakeholders.

This challenge has been included in this report as it was contained within the report to SC 62 (document 11) under the Governance theme. The solutions for addressing this need will however be addressed through the Secretariat.

**Status:** This challenge is being addressed by the Secretariat<sup>9</sup>

## 5.3 LEADERSHIP

### 1. Procedure for electing a Secretary General

The value of ensuring that all Contracting Parties have a good understanding of the process that is followed to recruit the Secretary General was highlighted during various discussions of previous Working Groups (including the Facilitation Working Group). This led to Decision SC59-40, where the Standing Committee entrusted the Management Working Group to develop a draft resolution to guide the process for recruiting a new Secretary General.

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<sup>9</sup> [xiv.3\\_effectiveness\\_e\\_0.pdf \(ramsar.org\)](#). ... INSTRUCTS the Secretariat, in consultation with interested Contracting Parties including as appropriate Contracting Parties of the Management Working Group, to assess the challenges affecting the practices of the Convention during the global pandemic period and propose any ways to enhance decision-making procedures and to maintain the full and effective participation of all Contracting Parties to enable the effective operation of the Convention during exceptional circumstances, including by identifying any possible amendments to the Rules of Procedure and taking into account best practices of other international bodies as appropriate; and REQUESTS the Secretariat to present the review and proposals for consideration by Parties at COP15, if not before;

This challenge has been included in this report as it was contained within the report to SC62 (document 11) under the Leadership theme. A proposal to address this need is being led through the Management Working Group for decision by the SC

**Status:** This challenge is being addressed by the Management Working Group

## 5.4 HUMAN RESOURCES INDEPENDENCY

### 1. Recruitment of staff and reduction of staff turnover

Standing Committee 62, document 11 noted that the Secretariat staff recruitment process and compensation are not competitive in comparison to the UN Recruitment system and its benefits. While IUCN regularly undertakes a global market benchmarking analysis to understand how IUCN and Secretariat compensation and benefits compare to other Swiss based international organisations and business, it was highlighted that the IUCN table of equivalencies between IUCN and UN jobs showed IUCN was not on the same level as the UN. The compensation of Secretariat staff falls below IUCN staff for similar positions and grades. This may be a factor in driving the turnover rate of Secretariat staff and hampering the retention of expert staff which would be beneficial to the implementation of the Convention. This is mostly due to the budget constraints met by the Convention through decisions of Contracting Parties at each COP. The cost of increasing the Convention’s salaries to be more on par with IUCN’s salaries for comparable positions would result in an estimated core budget increase of 150’000 CHF for salaries per year.

In terms of staff turnover, whilst turnover rates reached a peak in 2022, these rates have largely stabilised (table 2). Although the IUCN has noted that a voluntary turnover rate of below 10% is considered as being healthy, some Contracting Parties have proposed that turnover rates are still an issue of concern, based on the total turnover ratios. Clarifying whether turnover is still an issue within the Secretariate may thus require further investigation and monitoring of trends.

*Table 2. Turnover Rates at the Convention Secretariat between 2020-2023*

Annual turnover ratios				
Period	End of contract	Involuntary	Voluntary	Total
2020	4.40%	0.00%	13.30%	17.70%
2021	8.70%	4.30%	8.70%	21.70%
2022	21.80%	4.40%	13.10%	39.30%
2023	13.60%	0.00%	9.10%	22.70%

**Status:** Options to be evaluated

## **2. Legal liability of IUCN for secretariat actions**

The legal liability of IUCN for Secretariat staff has been identified as a challenge. With Secretariat staff being under IUCN contracts<sup>10</sup>, Convention employees are legally IUCN employees and thus ultimately IUCN is responsible for their conduct as well as for the compliance of their employment with applicable Swiss regulations. The convention is therefore protected by IUCN from any misconduct from staff. Such matters are not dealt with by IUCN without discussing it with the secretary general or manager of the person in the convention, but certainly in the organisation if there is gross misconduct the IUCN would have to take action in terms of their obligation as an employer. However, it is important to note that these arrangements also imply full confidentiality of HR matters related to Secretariat staff and, consequently, that accountability for such matters falls directly onto IUCN and may not be exercised by Contracting Parties; similar to the UN System.

**Status:** not a challenge but a benefit for the Secretariat

## **3. No residence permits for staff after contract ends**

Before 2017, IUCN employees (including Secretariat staff) could remain in Switzerland at the end of their contract. Since 2017, following the request of IUCN's management, the 1986 agreement was amended to include an exemption from the limitation on foreigners. The IUCN, which is under the same immigration regime as the UN and other international agencies within Switzerland, has benefited from this facility, so that its foreign staff members recruited from abroad receive, without application of the ordinary Swiss conditions, a legitimation card from the Federal Department of Foreign Affairs (FDFA). Whilst the legitimation card is limited to the duration of the employee's duties, which obliges them to leave Switzerland within 60 days of the end of their contract, these work authorizations are not submitted to any immigration restrictions and thus the time for the new employee to be allowed to start working is a few weeks as opposed to several months, and the IUCN can recruit from any country in the world without being subjected to quotas.

**Status:** Not a relevant challenge for the Convention. Recommendation is to remove this challenge as it cannot be dealt with under the Convention

## **4. Travel visas and security for staff on missions**

Travel visas : In terms of benefits provided, IUCN does not have the same advantages as UN Agencies as IUCN is not recognized as a UN entity or even as an international organisation in some countries and as such cannot provide diplomatic status and the exemption that goes with this status.

To assist with this challenge it has been referenced that the National Focal Points may assist in facilitating visas for the Convention staff.

Security on missions: In terms of safety and security the IUCN works with international SOS which is a company which provides travel advice and support for global organisations. IUCN requests all staff to record their travel in a database when they leave so that IUCN can track them. The IUCN has a unit that oversees staff security and manages incident reports and emergencies. IUCN recommends that staff work with the governments concerned while they are traveling. IUCN also has a review process for high security travel and in some cases will they advise staff not to travel.

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<sup>10</sup> [Transparency | The Convention on Wetlands, The Convention on Wetlands](#)

**Status:** May be partially resolved if the National Focal Points are in the position to facilitate visas for the Convention staff and undertake missions where they align with the IUCN's safety requirements.

## 5.5 HIGH LEVEL REPRESENTATION AND VISIBILITY

### 1. Limited visibility of the Convention at high level UN processes and meetings

The question of the visibility of the Convention on Wetlands' objectives and its participation in major international meetings and synergies with other MEAs has been a major component of the debates that have occurred in the past decades. While the Convention on Wetlands, which was signed before UNEP was created, started from the ground, in comparison other Conventions such as the Rio Conventions were signed by summits of Head of States which gave them a high profile.

Raising the visibility of the Convention and its objectives by taking part in global debates is seen as a key mechanism for increasing awareness of the centrality of wetlands in global processes, elevating the importance of protecting, conserving, and restoring wetlands, increasing the profile of the Convention, attracting donor funding and partnerships and enhancing synergies with other MEAs

Initially, as reported at SC35, three key interlinked challenges were identified, namely

- 1) the need to raise the profile and visibility of the Convention and of wetlands in global processes
- 2) the need for the Convention to be able to attend high level UN level meetings
- 3) the need for the Secretariat of the Convention to be recognized as being an intergovernmental treaty when attending global meetings. The issue was that the Convention was seen as being part of the IUCN delegation, which meant that the Secretariat would need to take the floor under the heading of the IUCN and have to share the time allotted with the IUCN.

Since then, the challenge of being considered as an NGO at events has largely been resolved where the Secretariat now registers and attends engagements in their own right. In addition, a lot of work has been done, particularly in recent years, by the Secretary General to elevate the profile of the Convention and its objectives. This includes<sup>11</sup>:

- 1) participation of the SG in a number of UN high-level meetings<sup>12</sup>,
- 2) establishing partnerships within the UN remit;
- 3) supporting the organization of side events at Conferences on the Convention to raise awareness, and
- 4) regular briefings with the Geneva-based Permanent Missions to the UN and its agencies.

Contracting Parties also have an essential role to play and have undertaken initiatives to raise the profile of the Convention at national levels and to support the participation of the Secretariat at major meetings.

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<sup>11</sup> SC62 Doc.6 Report of the Secretary General, SC63 Doc.6 Report of the Secretary General

<sup>12</sup> Since COP14 the Secretariat has participated in a wide range of forums and programs, including the Senior Officials Meeting of the United Nations Environment Management Group (EMG), the United Nations Water Summit, Conferences of the Parties for various MEAs including the UNFCCC and UNCCD and in online meetings of the "Communications Flotilla", organized by the Secretariat of the Convention on Biological Diversity (CBD) in Montreal, which was established as a way of coordinating communications and achieving synergies among a number of biodiversity-related Conventions and organizations

Despite the increasing visibility of the Convention, in some cases the Secretariat's lack of a legal personality still presents some limitations. In particular, this pertains to the Secretariat's ability to participate in the High-level Political Forum on Sustainable Development (HLPF)<sup>13</sup>. Other potential pertinent platforms include the GEF Council. Whilst it is recognized that the ability for the Secretariat to represent the Convention at various meetings has improved, further work is needed to determine if this is still a challenge at certain meetings such as High level UN meetings. It should also be noted that, in the context of the current administrative arrangements, visibility is not structurally given to the Convention, and thus requires an important amount of work not to lose the spaces that are gained through the efforts of Secretariat staff. This is not a challenge generally faced by other MEAs with a structural link to the UN System.

Lastly whilst the challenge of improving the visibility of the convention is largely being addressed, both the SG and CPs should continue to explore opportunities to increase the visibility of the convention and build on, demonstrate and create awareness on the Convention's programs and successes.

**Status:** Options to resolve the challenge of the ability to participate at High level UN meetings to be evaluated.

## 5.6 CROSS-CUTTING CHALLENGE: LACK OF A LEGAL PERSONALITY

The lack of a legal personality has been raised as a key challenge for the institutional robustness of the convention, this is in particular with regards to the effect a lack of a legal status has on the visibility of the Convention and ability to participate in high level UN processes.

Throughout the Convention's history various reports have been presented regarding legal opinions on the Secretariat's legal status. Of importance the Synthesis Report of 2023 notes that when delving into the legal status of the Secretariat it is crucial to differentiate between the legal status of the Convention, the COP and the Secretariat and between international vs domestic legal personality

Although the Legal status of the Convention on Wetlands is unequivocal in international public law as an accredited intergovernmental treaty (legally binding in international law), the international legal status of the Secretariat has been a subject of prolonged debate and divergent views. On one hand SC36-15<sup>14</sup> holds the view that the Secretariat does not possess independent recognition. The 2008 Report on the Legal status of the Secretariat of the Convention noted that the Secretariat of a MEA is a non-self governing international body and is a subsidiary of the COP and considered that the Secretariat has such legal personality as might be necessary to carry out the functions assigned to it by the COP.

The 2020 legal analysis, in turn, came to the conclusion that the treaty – MEA – as a whole, i.e. its institutional framework as a whole (rather than only one of its bodies, e.g. its COP or its secretariat), may be considered as an IGO, although not a "traditional" one. As such, the MEA (here: the Convention on Wetlands) as a whole enjoys international legal personality and has legal capacity separate from its State Parties and separate from other international organizations, e.g. UN, UNEP, IUCN, etc., irrespective of whether its secretariat is stand-alone or provided by another organization. The international legal personality of the Secretariat itself however, remains an issue of discussion.

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<sup>13</sup> Minutes Conference call, OSWG 17 October 2019, SC62 DOC. 11.

<sup>14</sup> DocSC35-18 (2007): [https://www.ramsar.org/sites/default/files/documents/pdf/sc/35/key\\_sc35\\_doc18.pdf](https://www.ramsar.org/sites/default/files/documents/pdf/sc/35/key_sc35_doc18.pdf)  
DocSC36-15(2008): [https://www.ramsar.org/sites/default/files/documents/pdf/sc/36/key\\_sc36\\_doc15.pdf](https://www.ramsar.org/sites/default/files/documents/pdf/sc/36/key_sc36_doc15.pdf) Report on the legal personality of the Ramsar Secretariate: [Microsoft Word - cop10\\_doc35\\_e.doc \(ramsar.org\)](https://www.ramsar.org/sites/default/files/documents/library/independent_analysis_legal_status_secretariat_2020_e.pdf), [https://www.ramsar.org/sites/default/files/documents/library/independent\\_analysis\\_legal\\_status\\_secretariat\\_2020\\_e.pdf](https://www.ramsar.org/sites/default/files/documents/library/independent_analysis_legal_status_secretariat_2020_e.pdf)

It is proposed that two challenges exist 1) lack of a clear international legal personality of the Secretariat of the Convention and 2) challenges that exist due to the current legal status.

**Status:** Legal status of the Secretariat to be clarified and legal status options to be evaluated

## 6. ANALYSIS OF CHALLENGES

A summary of the challenges which have been identified through the work of the ISWG and the status of those challenges is provided in the table below.

*Table 3. Summary of the challenges and their status. (Green: Resolved, Orange: Being addressed by other mechanisms, red: Options to be evaluated to solve the challenge)*

Theme	Challenge	Status
Administration	Ability to enter into contracts with donors / third parties and difficulties in the implementation and management of projects	Effective measures are already in place to address this should it arise
	Difficulties in paying annual contributions to the Convention on Wetlands	Options to be evaluated
	Difficulties for Contracting Parties to pay contributions to the Convention due to its legal status	Effective measures are already in place to address this should it arise
	Risks posed to the convention by legal provisions applied to the management of outstanding arrears	Linked to non-payment of contributions: Options to be evaluated
	Lack of clear formalised financial mechanisms for Convention funding	Options to be evaluated
Governance	Lack of sufficient communication and virtual information management mechanisms	Currently being addressed by the Secretariat
Leadership	Procedure for electing a Secretary General	Addressed by another working group: Management Working Group
Human Resources independency	Recruitment of Staff and Reduction of Staff turnover	Options to be evaluated
	Legal liability of IUCN for Secretariat Actions	Not a challenge
	No residence permits for staff after contract ends	Not in the ambit of the convention to address
	Travel Visas and Security for Staff on Missions	May partially be resolved but potential solutions pose certain problems
High Level representation and Visibility	Limited visibility of the Convention at high level UN processes and meetings	Options to be evaluated
Cross Cutting	Lack of a legal Personality	Options to be evaluated

## 7. SUMMARY OF OBJECTIVES:

An analysis of challenges and options are best applied when undertaken in the context of what needs to be achieved i.e. a set of objectives. The core objectives that can be synthesised from the analysis of the challenges and options are proposed as follows:

Overarching goal is for improved implementation of the convention by the Secretariat and Contracting Parties.

Specific objectives to achieve this goal are:

- 1) The Convention receives recognition as a major MEA which attracts funders and has political buy in
- 2) The Convention receives increased donor funding and has well established funding mechanisms that enable the implementation of the Convention by Contracting Parties
- 3) The Secretariat is an attractive workplace and has sufficient professional capacity and long-term key staff retention to support the implementation of the Convention
- 4) The Secretariat is transparent and accountable to Contracting Parties for the actions carried out in discharging its functions, in line with the mandate given by the COPs

## 8. OPTIONS

A list and description of potential options the Conference of the Parties may wish to consider is provided below. It is important to note that in some cases several options may be implemented in tandem with each other (i.e. it is not always a case of either/or)

### OPTION 1: IUCN CONTINUES HOSTING THE SECRETARIATE, WITH IMPROVEMENTS

**Challenges addressed:** Ability to enter into contracts with donors, ability to receive funding, and annual contributions, difficulties in the management of projects, competitiveness of the Secretariat and turnover

#### **Option 1A: negotiate a new [DOA or LOA] with improvements that address remaining concerns.**

- Renegotiation of the LoA with IUCN or similar dialogue *and/or*
- Explore a revised procedure with IUCN for project management;

#### **Option 1B. COP Resolution which clarifies, for Contracting Parties, the ability of the Secretariat to enter into contracts**

A COP Resolution which:

- Explicitly recognises that the Secretariat has, based on the terms of the 1993 DoA, the capacity to enter into contractual arrangements on behalf of IUCN.
- Requests the Secretary General and the IUCN Director General to enhance their cooperation through *inter alia* a renegotiation of the Letter of Agreement, Delegation of Authority or a new, combined agreement (i.e. an updated combination of the LoA and DoA).

### **Option 1C: Undertake a process to identify and implement mechanisms for CPs to pay contributions**

Include in the COP15 resolution, preferably the one on Financial and budgetary matters measures to ensure getting the annual contributions and long -time arrears, based on the measures already taken by the other environmental conventions.

### **Option 1D. Increase in Convention budget for staff salaries**

Increase the Convention budget item for salaries to be competitive to similar positions in comparable organizations at the next COP (estimated at present as CHF 150'000/year to be comparable with IUCN)

### **Option 1E. Establish a Working Group to identify options to look into options for strengthening mechanisms for funding for CPs to implement the Convention**

Given the strong commitment to the outcomes of the Kunming Montreal Global Biodiversity Framework, a future working group could consider how the Convention should align itself to new nature positive approaches to market investment in climate change mitigation, biobanking and other approaches to increasing private investment in restoration. It could also revive the work on how investments can be protective of wetlands (see: Resolution XI.20 Promoting sustainable investment by the public and private sectors to ensure the maintenance of the benefits people and nature gain from wetlands)

### **Option 1G(a): Meeting of the missions apply for observer status at UNGA**

To participate in HLPF requires the convention to obtain observer status at either the United Nations General Assembly (UNGA) or at ECOSOC<sup>15</sup>. However, the Secretariat has not been granted a full international legal personality as an Intergovernmental Organisation and therefore does not qualify for observer status at UNGA<sup>16</sup>. To address this it has been suggested that meeting of the missions from New York, Geneva and capitals be held in order to co-ordinate efforts to advance approval of Uruguay's proposal

### **Option 1G(b): Retire the request to UNGA and resubmit to ECOSOC**

The request for an observer status in the UNGA has been deferred since 2017 in the UNGA. Given the observer status of the Convention under the UN Water Conferences and the UN Oceans conferences and its joint custodianship with UNEP of the SDG Indicator 6.6.1 (which monitors change in the extent of water-related ecosystems over time), it might be more appropriate to apply for an ECOSOC observer status as the HLPF is under the auspices of the ECOSOC. In order to do so, the retirement of the request at the UNGA is needed as it hinders any further demarche with another part of the UN. This will require a Contracting Party that is a member of the ECOSOC to apply for the convention to receive observer status. To assist with this a document on the credentials of the Convention could potentially be useful.

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<sup>15</sup> Requirements for participation of the HLPF: <https://sustainabledevelopment.un.org/index.php?menu=3204>

<sup>16</sup> legal opinion 5 August 2008, cites decision 49/426 of 19 December 1994, in which the General Assembly decided that observer status would be confined to States and intergovernmental organizations whose activities cover matters of interest to the Assembly



### **Advantages of Option 1:**

- Under IUCN the Secretariat does have some independence e.g. in terms of hiring staff and ability to enter into contracts.
- Current arrangements cover the infrastructure of the Secretariat (building) making the Secretariat rent free (only services must be paid under the overall Administrative Service Charges with IUCN)
- Addressing arrears will increase the core budget and reduce debt
- Increasing staff salaries through a budget increase to be comparable with IUCN will increase the ability to retain and hire staff
- provides short and medium term actions which are procedurally simpler than changes to the hosting arrangements.

### **Disadvantages of Option 1:**

- Uncertainty as to whether these may fully address structural challenges over the long term.
- Progress in some areas may depend on addressing certain underlying challenges, e.g. reducing arrears.

### **Comments/next steps:**

It may be suitable to regard this as a measure that the Conference of the Parties may wish to consider in the interim, whilst a feasibility study is undertaken on alternative hosting options (see option 2 below)

### **OPTION 2: SECRETARIAT IS HOSTED BY UNEP**

The option of the Secretariat being administered by the UN Environment Program (UNEP) was proposed as a solution to perceived issues including recognised legal personality, access to funding, working conditions and salary competitiveness. *The below needs further work and is an initial synthesis of the implications.*

### **Preliminary implications:**

#### **Advantages of Option 2:**

- Provisions for contributions in arrears may be less. The Convention would go back to UN used International Public Sector Accounting standards (as in 2017), which require less provisions for arrears than the Swiss audit under Swiss law
- Will enable the participation of the convention at HLPF and other UN processes and meetings but they will still be under the heading of UNEP
- Staff would be UNEP staff under UN regulations, with UN salaries & benefits,
- Some CPs believe that this move would provide better exposure to funding from International Funding Institutions, however establishing the facts requires further analysis

#### **Disadvantages of Option 2:**

- Costs may be impacted, though the ISWG did not accurately determine the scale and direction of the change. Some contacting parties believe the procedure under UNEP would

reduce the SG's role in the Convention governance. During WGAR-3 one CP felt that one of the current strengths of the Convention is its independence, for example, with the SG able to appoint staff instead of recommending to the ED of UNEP<sup>17</sup>.

- Any move would be a long process; it would require a vote at COP and time would be needed for the transition to take place. Some parties feel it may also potentially impact on the daily functions of the Secretariat, impacting on their support to the Contracting Parties.
- Staff will need to reapply for their posts under the UN arrangements, this process does not provide certainty to the staff, can take a long time and may result in loss of key staff.
- International legal capacity and the ability to sign contracts may be similar to the current situation under the IUCN. It would be dependent on the DoA with UNEP

**Summary/next steps:** Should CPs support further investigation:

- Further financial analysis should be undertaken on the transition costs and on the running costs of such a move
- Other implications, including for example staffing implications and the willingness and capacity of UNEP to host the Secretariat should be confirmed.

### **OPTION 3: REGISTER THE SECRETARIAT AS AN INDEPENDENT LEGAL GOVERNMENTAL ORGANISATION**

Under Option 3, the Secretariat would be completely independent, not part of UN and would be an Intergovernmental Organisation (IGO). Under this Option, the Convention would become an IGO in the traditional sense (by way of explicit establishment of an IGO under the Convention, e.g. "the Convention on Wetlands Organization"), and the Secretariat of the Convention on Wetlands Organization would be its secretariat (as an organ of the Convention on Wetlands Organization)

**Advantages of Option 3:**

- Could result in higher competitiveness if attractive salary scales and benefit schemes are chosen, noting this is an increased cost to the functioning of the Secretariat.
- Would resolve issues relating to the legal status of the Secretariat and the request for UNGA observer status would likely be granted

**Disadvantages of Option 3:**

- Parties felt this option was a financial risk. Significant financial analysis would be required before pursuing this option. It is difficult to estimate the transition costs, the staffing costs and salary scales
- The change would require an amendment to the Convention (Article 8.1), which means that each country would have to go back to their Parliament to ratify the next convention.
- A new hosting/headquarters agreement would need to be negotiated, and internal policies would need to be developed, as part of a long transition, including the establishment of a new pension fund (the Swiss fund would have to be quitted).

**Summary/next steps:** Should CPs support further investigation:

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<sup>17</sup> Report of the 3rd meeting of the WGAR, Gland, 3 December 2009.

- a financial analysis should be undertaken on the transition costs and on the running costs of such a move as well as on costs and benefits,

#### **OPTION 4: SECRETARIAT HAS AN INSTITUTIONAL LINKAGE TO THE UN- “UNFCCC/UNCCD MODEL”.**

Option 4 is the model of the secretariats of the United Nations Framework Convention on Climate Change (UNFCCC) and the United Nations Desertification Convention (UNCCD), which are largely independent treaty secretariats, but with a particular relationship to the UN: They are “institutionally linked” to the UN, while not being fully integrated in the management structure of any particular UN department or programme.

##### **Advantages of Option 4:**

- Would resolve issues related to limited legal capacity and the request for UNGA observer status would likely be granted.
- Could result in higher competitiveness as Secretariat staff would be under UN contracts
- Would possess more autonomy than if the Secretariat was embedded in the UN i.e. would be largely independent and only institutionally linked, but not integrated into the UN administrative structure.

##### **Disadvantages of Option 4:**

- Highly uncertainty whether UN would be open to such an arrangement – was granted to UNCCD and UNFCCC under specific circumstances (UNGA would need to endorse the arrangement (as done for UNFCCC and UNCCD).
- Likely to be a lengthy process: Indications are that an amendment to article 8.1 would be needed
- Likely to be costly: Administrative and other services currently provided by IUCN would need to be taken care of, to a large extent, by the Secretariat on its own, while in consistency with UN financial and staff regulations and rules. Financial assessment noted further work was necessary to understand the costs.

##### **Summary/next steps:** Should CPs support further investigation:


- Would need to explore whether the legal status of the Secretariat would indeed improve. According to Item 20(e) of the Fifty-second to fifty-fifth session of the Subsidiary Body for Implementation of the UNFCCC (2021) on the Legal status of the secretariat, the legal status of the secretariat remains ambiguous<sup>18</sup>
- Would need explore whether and to what extent the UN – including the UNGA and the UN SG – would be ready to accept a similar arrangement of an “institutional linkage” with the Convention on Wetlands
- Would need to undertake an updated financial analysis to understand the implications

The above are priority options. A few remaining options were identified and have been described in the 2020 legal report. It includes the Convention on Wetlands Secretariat as a fully independent treaty secretariat (“Arms Trade Treaty model”). Parties have generally expressed that Options 3 and 4 are unlikely to garner support from Contracting Parties.

<sup>18</sup> [https://unfccc.int/sites/default/files/resource/note\\_legal\\_status\\_unfccc.pdf](https://unfccc.int/sites/default/files/resource/note_legal_status_unfccc.pdf)

**APPENDIX 1: CHALLENGES AND OPTIONS EVALUATION MATRIX: MATRIX FOR THE FACILITATION OF DISCUSSIONS AND ANALYSIS**

**THEME 1: ADMINISTRATIVE ARRANGEMENTS: SYNTHESIS TABLE OF CHALLENGES AND RELATED OPTIONS**

Sub-Theme	PR (H M L)	Challenges (from Synthesis Report)	Why is it a Challenge /what is the real need (statements towards an objective)	Root Causes/ Questions	Options	Implications	Benefits for the Implementation of the Convention	Feasibility (Y/N or H/L)
<b>Administrative Arrangements</b>								
Donor funding and contract management	H	Ability to enter/sign into national/international contracts with donors/third parties	Contracting Parties require financial support for projects to assist in implementing the Convention, for e.g., inventories, completing RISs, signage at sites/CEPA material that is nationalised, policy development etc	Convention is not recognised by donor funders as a legal entity. As a result, some donors resist the DoA that delegates authority to enter into contracts to the Secretariat, insisting on project signatures by IUCN.	Option 1 IUCN to continue hosting the Secretariat, with significant improvements Split into options 1A and 1B	Financial Increased cashflow from new contracts which could now be entered into. Potential improved cashflow with an updated LOA/project management procedure.	The reduction in difficulties in entering into projects would improve the Convention's reputation as an implementing agency, potentially both increasing the number and quality of potential donors.	Y
	H	Difficulties in management and implementation of projects (incl. ability of Secret to seek, receive, allocate donors funding independently)	The secretariat likewise require financial support (through donor funding) to implement tasks given through resolutions e.g. for WWD materials, scientific research, guideline development.	[South Africa] <b>Question:</b> How many donors have had this issue? Which donors do not recognise this arrangement and why?	Option 1A. A COP 15 Resolution that: • Explicitly states that the Secretariat possesses international legal capacity and has such legal capacity as is necessary for the exercise of its functions; at the domestic level;	Staff/HR An updated LOA could potentially free up some staff time by removing some HR burden. Potential co-benefit through improved staff facilities	This would allow for some new contracts to be entered, increasing funds available to the Secretariat, for specific projects, and improving implementation.	
	M	IUCN control over internal (financial) procedures  Letter of agreement.pdf	To facilitate the needs of the secretariat, the secretariat enter into funding agreements with donors.	The current state of affairs allows for the Secretariat to autonomously enter into domestic and international contractual arrangements.	• requests the Swiss government to formally recognise the legal personality of the Secretariat • Explicitly recognises that the Secretariat has, based on the terms of the 1993 DoA, the capacity to enter into contractual arrangements in a manner that is autonomous from IUCN.	Procedural (e.g short/long term) Negotiation of a COP Resolution, and new arrangements with the Swiss government or the IUCN will all demand time from the WG and the Secretariat respectively.	<b>Question:</b> everyone is looking for more funding for wetlands. moving to the UN was seen as a way of achieving this, but is this an assumption or a fact- other viable opportunities could also be considered	
	H	Ability to enter into international agreements		[South Africa] <b>Question:</b> Does the secretariat actively seek donor funding? i.e. what does it need funding for? Should the secretariat be implementing national level projects or should a financial mechanism for CPs to do this themselves be improved?	• Invites the CPs to recognize legal personality of the Secretariat, as necessary and appropriate, at the domestic level;	Legal Would clarify the current legal arrangement, that the Secretariat can enter contracts. Would also confirm that the Secretariat has legal personality (domestically)		
		No clear financial mechanism for Ramsar funding/ there is but NFPs don't know about it	<a href="#">Resource mobilization and grants   The Convention on Wetlands, The Convention on Wetlands (ramsar.org)</a>	[South Africa] <b>Question:</b> A key challenge here is that there is no clear financial mechanism for countries to obtain financial support. What are the financial mechanisms for CPs to obtain support for wetland projects?  <b>Question:</b> To what extent would leaving the IUCN expose the Secretariat to a range of issues around financial stability, if the costs	Could be combined with Option 1B, or pursued separately	Option 1B Renegotiation of the LoA with IUCN or similar dialogue <i>and/or</i> Explore a revised procedure with IUCN for project management; Could be combined with Option 1A, or pursued separately		
					Option 2 Secretariat would be registered as a legal international, intergovernmental organization (OSWG option A1)	Financial The costs associated with this process (the transition) would include staffing costs; travel; and legal advice.	In general this would resolve the bulk of administrative issues, by allowing the Convention and its Secretariat to	L

Sub-Theme	PR (H M L)	Challenges (from Synthesis Report)	Why is it a Challenge /what is the real need (statements towards an objective)	Root Causes/ Questions	Options	Implications	Benefits for the Implementation of the Convention	Feasibility (Y/N or H/L)
				<p>associated with this transition are more than expected?</p> <p><b>Question:</b> Are there feasible locations to host the Secretariat, and how much appetite is there among potential hosting countries to host a new Convention, noting the burden this may place on the country's government.</p> <p><b>Question:</b> Would an independent version of the Convention be a more attractive target for donor funds?</p>	<p>[Australia comment] Option A1 was chosen as the most feasible. Option A2 is described as having fewer benefits in the synthesis report. Option A3 was not chosen given the unlikelihood of the UN to "replicate" the UNFCCC and UNCCD model again, as noted in the synthesis report, and the earlier consultant's reports.</p>	<p>It is difficult to estimate the staffing costs and salary scales and a deeper financial analysis is recommended to estimate transition costs</p> <p>The cost of the meetings of the subsidiary bodies would need to be covered by the Convention [Australia comment] Advice from colleagues who have worked on reform of the IWC is that a range of unexpected costs are likely to emerge if this option is progressed.</p> <p>Staff/HR Would... be expected to result in higher competitiveness if attractive salary scales and benefit schemes are chosen</p> <p>Procedural Would require an amendment to the Convention, which takes a long time to achieve, and would require a two thirds majority of voting parties at a COP. A new hosting/headquarters agreement would need to be negotiated, and internal policies would need to be developed, as part of a long transition.</p> <p>Legal Would also solve any difficulties related to the legal capacity</p>	<p>enter agreements freely, and to set administrative and financial policies. As with Option 1, this would potentially increase access to donors and therefore funding of projects, leading to increased implementation. These benefits would be offset by potential increased costs or other difficulties around hosting arrangements, and should not be overstated.</p>	
					<p>Option 3 Secretariat would be administered by a UN agency such as UNEP (OSWG Option B1)</p>	<p>Financial Staffing costs under the UN salary system would not necessarily be higher than under current IUCN salaries. A 2008 analysis showed an increase in costs, but salaries are closer now than they were in the past.</p> <p>Staff/HR Likely to solve issues of competitiveness regarding recruitment, as the Secretariat</p>	<p>This would normalise many party's relationships with the Convention, both increasing the number and quality of potential donors, and potentially increasing available funding.</p> <p>The Convention would be able to join with broader UNEP projects,</p>	Y

Sub-Theme	PR (H M L)	Challenges (from Synthesis Report)	Why is it a Challenge /what is the real need (statements towards an objective)	Root Causes/ Questions	Options	Implications	Benefits for the Implementation of the Convention	Feasibility (Y/N or H/L)
						<p>staff would be UNEP staff under UN regulations and rules, with UN salaries and benefits. Future hiring would be overseen by the Executive Director of UNEP.</p> <p>The Secretariat would shift to using UN systems such as UMOJA, with a range of new challenges and benefits. The Secretary General would have a reduced role in the Convention's governance.</p> <p><b>Procedural</b> Would require a decision of both the COP and the UN Environmental Assembly, and the associated consensus-building. The Secretariat would need to negotiate a services arrangement with UNEP. A new office facility would need to be identified, along with a range of other changes to the Convention's processes.</p> <p><b>Legal</b> Would probably <u>not</u> enhance the Secretariat's autonomy vis-à-vis the "host organization" regarding legal capacity to sign contracts, since this capacity would be subject to the UNEP DoA Policy and Framework As a UN-based organisation, parties would probably be more comfortable entering into contracts, and legal questions about the</p>	<p>implementing wetland-specific aspects of broader biodiversity, climate, and development projects.</p> <p>The Secretariat using UN systems such as UMOJA, would have a range of challenges and benefits, likely resolved with time.</p>	
<b>CP Contributions</b>	M	<p>Difficulties in paying regular contributions to the Convention on Wetlands</p> <p>CPs payment of contributions through IUCN</p>	<p>Divergent views expressed on this issue:</p> <ul style="list-style-type: none"> <li>- Administrative Authorities frequently do not have the resources to pay their contributions directly</li> <li>- As these have to be paid by the Ministry of Foreign Affairs, it is</li> </ul>	<p><b>Question:</b> Which parties are facing these issues, and is it possible to communicate with these parties to facilitate payments?</p> <p><b>Question:</b> What scope is there to renegotiate the arrangement with</p>	<b>Option 1</b> Explore with new auditor possible alternative approaches to managing the risks due to nonpayment of contributions	<p><b>Financial</b> Would potentially reduce the amount of provision applied, freeing up funds for more productive uses.</p> <p><b>Staff/HR</b> Would require some allocation of staff time to update procedures.</p>	<p>This would potentially reduce amount required for a provision against unpaid contributions, and free up some funds, reducing the long-term financial consequences of unpaid dues.</p>	N The Secretariat, hosted by the IUCN, is subject to Swiss Law regarding

Sub-Theme	PR (H M L)	Challenges (from Synthesis Report)	Why is it a Challenge /what is the real need (statements towards an objective)	Root Causes/ Questions	Options	Implications	Benefits for the Implementation of the Convention	Feasibility (Y/N or H/L)		
		(sometimes considered as a NGO)	<p>better if they are paid to UN institutions, and that some CPs are not IUCN members.</p> <p>Other Parties considered that the legal status of the Secretariat is not a valid reason why some CPs were not paying their dues.</p> <p>The lack of information on how many CPs did not pay their mandatory contributions because of the legal status of the Secretariat has also been pointed out, as this could contribute to assessing the scale of the issue</p>	<p>the host country around the provision for unpaid dues?</p> <p><b>Question:</b> Which other Conventions are similar enough for their experiences in non-payment of dues to be relevant (e.g., CMS, IWC, CITES)?</p>		Procedural Would potentially require some work with IUCN and/or the Standing committee			debt provisions.	
		Risk of CP arrears to Convention and CH legal provisions applied to the management of outstanding arrears			Legal There is a risk of increased risk of liability, should depending on the any new approaches					
		<b>Option 2</b> Revisit the experiences of other conventions in facilitating payment of contributions, and in dealing with arrears  (SC62, Doc 11 Option) Could be combined with Option 1 or 3, or pursued separately			Financial TBC based on the results of the review Staff/HR TBC based on the results of the review Procedural TBC based on the results of the review Legal TBC based on the results of the review	TBC based on the results of the review				TBC
		<b>Option 3</b> Discussions with the host country (Switzerland) on possible solutions (SC62, Doc 11 Option)			Financial Staff/HR TBC based on the results of the discussions Procedural TBC based on the results of the discussions Legal TBC based on the results of the discussions	N/A. The Host country has indicated that the Secretariat, hosted by the IUCN, is subject to Swiss Law regarding debt provisions.				
		Options 4 and 5 are repeats of Options 2 and 3 in the Legal Personality section <b>Option 4</b> Secretariat would be registered as a legal international, intergovernmental organization (OSWG option A1) <b>Option 5</b>			Financial As above, with increased cashflow from annual contributions as the barriers would be removed from parties making payments Staff/HR As above Procedural As above Legal As above	This would probably increase the number of parties paying their annual contributions on time, allowing for a modest increase in available funds. This would obviously improve the ability for the Secretariat to implement the Convention.				As above

Sub-Theme	PR (H M L)	Challenges (from Synthesis Report)	Why is it a Challenge /what is the real need (statements towards an objective)	Root Causes/ Questions	Options	Implications	Benefits for the Implementation of the Convention	Feasibility (Y/N or H/L)
					Secretariat would be administered by a UN agency such as UNEP (OSWG Option B1)			



THEME 2: . GOVERNANCE: SYNTHESIS TABLE OF CHALLENGES AND RELATED OPTIONS WHICH HAS NOT BEEN ADDRESSED BY THE EFFECTIVENESS WORKING GROUP

Sub-Theme	PR (H M L)	Challenges (from Synthesis Report)	Why is it a Challenge /what is the real need (statements towards an objective)	Root Causes/ Questions	Options	Implications	Benefits for the Implementation of the Convention	Feasibility (Y/N or H/L)
Governance								
Communication / Virtual Information Management		Pandemic-related, the challenge of effective governance under any circumstances Effectiveness Working Group <sup>19</sup>	Communication Joint work on line		<i>This challenge is being addressed by the Secretariat- see Resolution XIV.3 The effectiveness and efficiency of the Convention on Wetlands</i>			

THEME 3: LEADERSHIP: SYNTHESIS TABLE OF CHALLENGES AND RELATED OPTIONS

Sub-Theme	PR (H M L)	Challenges (from Synthesis Report)	Why is it a Challenge /what is the real need (statements towards an objective)	Root Causes/ Questions	Options	Implications	Benefits for the Implementation of the Convention	Feasibility (Y/N or H/L)
Leadership								
Recruitment of a SG		Procedure for selecting a SG			<i>This challenge is being addressed by the Management Working Group<sup>20</sup></i>			

<sup>19</sup> Resolution XIV.3 The effectiveness and efficiency of the Convention on Wetlands

[xiv.3\\_effectiveness\\_e\\_0.pdf \(ramsar.org\)](#)

... INSTRUCTS the Secretariat, in consultation with interested Contracting Parties including as appropriate Contracting Parties of the Management Working Group, to assess the challenges affecting the practices of the Convention during the global pandemic period and propose any ways to enhance decision-making procedures and to maintain the full and effective participation of all Contracting Parties to enable the effective operation of the Convention during exceptional circumstances, including by identifying any possible amendments to the Rules of Procedure and taking into account best practices of other international bodies as appropriate; and REQUESTS the Secretariat to present the review and proposals for consideration by Parties at COP15, if not before;

<sup>20</sup> [SC63\\_7.2\\_Recruitment\\_process\\_SG\\_e.pdf \(ramsar.org\)](#)

## THEME 4.HR INDEPENDENCY: SYNTHESIS TABLE OF CHALLENGES AND RELATED OPTIONS

Sub-Theme	PR (H M L)	Challenges (from Synthesis Report)	Why is it a Challenge /what is the real need (statements towards an objective)	Root Causes/ Questions	Options	Implications	Benefits for the Implementation of the Convention	Feasibility (Y/N or H/L)
HR Interdependency								
Staff Turnover/ Human resources		The recruitment and reduction of the turnover rate of Secretariat staff, as compared with other MEAs	<p>“How to increase competitiveness of contracts: With a view to avoid competition, the secretariat requires same competitiveness of working conditions and equivalencies to recruit staff as IUCN/UN, including with same privileges and immunities.</p> <p>The Secretariat staff to be granted privileges and immunities to be able to travel smoothly and without difference in treatment between staff members.”</p> <p>CH comment: the need to stabilize staff for improved implementation</p>	<p>“Limited competitiveness and equivalencies (salaries, pension funds, education allowances)”</p> <p>“Ramsar follows IUCN Staff regulations and policies, which determine the salaries, allowances, leave and other benefits. In accordance with the IUCN Human Resources Guidelines, Ramsar staff salaries include a performance-based bonus provision. Conditions at IUCN: Conditions of Service for Headquarters (Gland, Switzerland)”</p> <p><a href="#">conditions-of-service-for-headquarters-october-2021.pdf (iucn.org)</a></p> <p><a href="#">TRAVEL POLICY (iucn.org)</a></p> <p><a href="#">RAMSAR report.docx</a>: pages 7-</p> <p><a href="#">work at IUCN pay a tax inside - Recherche Google</a></p> <p>Non-Swiss staff are exempt from paying taxes on their IUCN earnings. In order to have one salary scale and to ensure equitable treatment of both Swiss and non-Swiss staff at Headquarters, an internal tax is levied on non-Swiss staff. This is shown as Swiss government tax rebate and included as unrestricted income. (However, to ensure equal treatment between Swiss and non-Swiss staff members, non-Swiss staff are required to pay a “withholding</p>	<p>Option 1 IUCN to continue hosting the Secretariat <b>with significant improvements</b></p> <ul style="list-style-type: none"> <li>• Prepare comparison tables to understand the limitations on competitiveness</li> <li>• Discuss with IUCN how the competitiveness of IUCN contracts can be enhanced</li> <li>• Request IUCN to identify clear-cut equivalencies between IUCN and UN positions</li> </ul>	<p>Financial</p> <p><b>CH comment:</b> No implication as long as IUCN follows the same salary brackets and levels. The only implication would be if within IUCN salary brackets, Ramsar staff are not at the same level for the same tasks as IUCN staff members</p> <p>Any change in higher salaries according to the IUCN classification much depends on the core budget Parties agree at each COP.</p>	No difference to convention implementation on the ground as long as all posts are staffed with qualified personnel and that stay for a certain amount of time	
		Legal liability of IUCN for Secretariat actions (staff disputes, mismanagement of funds, regional initiatives) <sup>22</sup>			<p>Staff/HR</p> <p><b>CH comment:</b> Discussion needed with IUCN for a proper understanding how to face the challenges faced by Secretariat staff</p> <p>Same personnel management ? with additional issues to be added ( ex: are there any differences of access to courses with IUCN staff, ? or other issues)</p> <p>“The current Delegation of Authority provides large independence and decision power to the Secretary General to manage its staff”</p> <p>Procedural Negotiation of a COP resolution</p> <p>Legal</p>			

<sup>22</sup> Ramsar: According to the Delegation of Authority, the Secretary General of the Ramsar Secretariat has the capacity to decide on the recruitment, termination and, in general, the management and supervision of Ramsar’s staff. This shall be done in accordance with IUCN’s Staff regulations.

IUCN: Provide human resource services including the preparation, extension, termination and/or amendments of staff contracts, assistance with relocation, etc.\* - Provide payroll services - Provide staffing budgets, statistics and human capital indicators\* - Provide work certificates and other certificates as necessary and as required by local labour laws. - Invite all Ramsar staff to IUCN staff meetings and official social gatherings - Keep confidential personnel records for all Ramsar staff - Receive applications for new Ramsar positions and support recruiting process\* - Participate in interviews as a member of selection panel\* - Administer selection process for new Secretaries General, in collaboration with the Chair-Ramsar

Sub-Theme	PR (H M L)	Challenges (from Synthesis Report)	Why is it a Challenge /what is the real need (statements towards an objective)	Root Causes/ Questions	Options	Implications	Benefits for the Implementation of the Convention	Feasibility (Y/N or H/L)
				<p>tax” to the IUCN/the Secretariat. Such tax is equivalent to the income tax that a Swiss national would be required to pay under Swiss law.) (Non-Swiss IUCN staff members are exonerated from all direct federal, cantonal and communal taxes on salaries, income and indemnities paid to them by IUCN)</p> <p>Non-Swiss staff after leaving IUCN are not allowed to take up any work offered in Switzerland and have to apply again to obtain a new Swiss or resident permit. Additionally, new staff members and their dependents from non-EU/EFTA countries may be required to obtain an entry visa for Switzerland. The situation would be similar under the UN. FDFA legitimation cards are limited to the duration of the employee’s duties<sup>21</sup>, including a courtesy period of two months.</p> <p>Questions:</p> <p>a) What created such a staff turnover during the last 9 years (need stats over the last 15 years) (IUCN conditions, levels of salaries, Ramsar internal management, etc.?).</p> <p>b) Did the leaving staff go to the UN?</p> <p>c) Is it a challenge to have IUCN contracts?</p> <p>d) Is it a challenge to have IUCN handle all liabilities?</p> <p>e) Within IUCN range of salaries, where does the Ramsar staff stands (lower/upper range?)?</p> <p>f) How many staff members did have a problem with the</p>	<p>Option 2 Secretariat would be registered as a legal international intergovernmental organization (OSWG option A1)</p> <p>“This could be expected to increase the competitiveness of the Secretariat if the salary scale and other benefits would be more attractive than those applicable in the current IUCN situation. The possible improvements of the situation on privileges and immunities for the Secretariat and its staff may also increase the competitiveness and attractiveness of the Secretariat “</p> <p>[South Africa] Question: How does registration as an IO enable higher salaries. Should increasing the salaries, as a stand alone option (separate from legal status) be included as an option</p>	<p>“No difference</p> <p>This option would be very costly and administratively cumbersome, with serious financial and legal consequences”</p> <p>Financial:          “This option would also solve any difficulties related to the legal capacity, be expected to result in higher competitiveness <i>if attractive salary scales and benefit schemes are chosen</i>. However, option A1 would require an amendment which takes a long time to achieve<sup>23</sup>. The costs associated with this process would include staffing costs; travel; and legal advice. It is difficult to estimate the staffing costs and salary scales and a deeper financial analysis is recommended to estimate transition costs<sup>24</sup>.”</p> <p><b>CH comment:</b> A net budget increase : creating new funds, including a totally new pension fund system, which will move the staff away from the Swiss funding. Will be very costly-&gt; increase of Parties’ contributions          More staff to handle HR matters</p> <p>Staff/HR  <b>CH comment:</b> Need for more staff for HR matters, manage a new pension fund, insurance for liabilities, project management, etc.          During transition: risks of uncertainty for staff and consequent changes change of staff with risk of know-how loss and institutional memory,</p>		

<sup>21</sup> Article 17, paragraph 3, of the OLEH, point 9 of the above mentioned related guidelines

<sup>23</sup> See 2020 legal analysis, p. 77, cited FN 3.

<sup>24</sup> 2022 Financial analysis, p.19, cited FN 26.

Sub-Theme	PR (H M L)	Challenges (from Synthesis Report)	Why is it a Challenge /what is the real need (statements towards an objective)	Root Causes/ Questions	Options	Implications	Benefits for the Implementation of the Convention	Feasibility (Y/N or H/L)
				<p>conditions of IUCN employment and did not stay?</p> <p>g) Is the inside IUCN tax for non Swiss an issue?</p> <p>h) “Staff feeling of inequality has also been raised on several occasions”: – how many staff members/22 and on which topic: need of entry visa to get another contract after end of a Ramsar contract, no possibility to stay in CH after end of contract</p> <p>i) Lack of intergovernmental expertise: is this the crucial point for all staff members versus technical expertise?</p> <p>j) Could the possible improvements of the situation on privileges, immunities for the Secretariat and its staff also increase the competitiveness and attractiveness of the Secretariat? Which ones would they be?</p> <p>k) Is there a difference in salary between IUCN and Ramsar staff for the same job? i.e. what is the competitiveness.</p>		<p>interference with the work of the staff within the countries, creating huge uncertainties about the staff, location and travelling</p> <p>Procedural Negotiation of a COP resolution</p> <p>Legal <b>CH comment:</b> Amendment to the convention to be ratified by all Parties, introducing uncertainties related to their financial contributions, in between regimes for the staff Such an independent organisation would need a new host country agreement The convention will have to handle all the liabilities (need insurances)</p>		
					<p>Option 3 Secretariat would be administered by a UN agency such as UNEP (OSWG Option B1)</p>	<p>Financial : <b>CH comment:</b> without a proper comparison between post levels and years of experience and diverse benefits (was not done thoroughly in both previous reports) – this is impossible to judge Need a proper comparison between non UN and UN (salaries-same level of experience, benefits) (unlike the last financial report)</p> <p><b>Staff/HR :</b> “loss of human resources independency - one of the current strengths of the Convention is its independence, for example, with the SG able to appoint staff instead of recommending to the ED of UNEP”</p>		

Sub-Theme	PR (H M L)	Challenges (from Synthesis Report)	Why is it a Challenge /what is the real need (statements towards an objective)	Root Causes/ Questions	Options	Implications	Benefits for the Implementation of the Convention	Feasibility (Y/N or H/L)
						<p><b>CH comment:</b> No more SG recruitment by the convention Parties No quick benefits for implementation as all staff would have to reapply for their posts within a much wider competing environment. During transition: risks of uncertainty for staff and consequent changes change of staff with know-how loss and institutional memory, interference with the work of the staff within the countries, creating huge uncertainties about the staff, location and travelling</p> <p><b>From report....:</b> “This option would be expected to solve issues of competitiveness regarding recruitment, as the Secretariat staff would be UNEP staff under UN regulations and rules, with UN salaries and benefits, as applicable to UNEP”. Procedural Negotiation of a COP resolution</p> <p>Legal <b>CH comment:</b> This new addition of a new convention administration to UNEP family would have to be adopted by a UNEA session.</p>		
Loss of Benefits		No residence permits for staff after contract ends			<b>Option 1:</b> Recommendation is to remove this challenge as it cannot and should not be dealt with under the convention.	Financial Staff/HR Legal Financial		
	M	Travel visas for staff				Financial		

Sub-Theme	PR (H M L)	Challenges (from Synthesis Report)	Why is it a Challenge /what is the real need (statements towards an objective)	Root Causes/ Questions	Options	Implications	Benefits for the Implementation of the Convention	Feasibility (Y/N or H/L)
Staff on missions		Lack of access on missions to logistical and security assistance	<p>Secretariat staff do not have access to a network of logistical and security assistance, as UN staff do in countries where they are at risks to staff safety and well-being. Several ways to mitigate this impairment have been tabled during the discussions of the WGs. It has been raised that the staff visiting the field should seek information from the Administrative Authorities of the country they are visiting and ask them to provide support on the ground.</p> <p>Views are diverging between CPs with some considering that the risks can be considerably mitigated by building relationship with local governmental agencies abroad, and others considering that this could be an issue and would be resolved by joining the UN.</p>	<p><b>Question:</b> Are there any possibilities to negotiate for the use of UN logistical networks, without joining the UN itself?</p> <p><b>Question:</b> Is it appropriate for the Convention to be operating in locations where there is a risk to staff safety and well-being?</p> <p><b>Question:</b> What has the Secretariat's experience been in negotiating access to facilities with the country of mission in the past?</p>	<p>Option 1 is a repeat of Option 3 in the Legal Personality section</p> <p>Option 1 Secretariat would be administered by a UN agency such as UNEP (OSWG Option B1)</p>	<p>As per Theme 1: administrative arrangements, with reduced cost for missions, and other meetings</p> <p>Staff/HR As per Theme 1: administrative arrangements, with increase in staff safety and ease of conducting missions.</p> <p>Procedural As per Theme 1: administrative arrangements, noting that staff would need to be trained in and use UN procedures for missions.</p> <p>Legal As above</p>	<p>Missions could be conducted more safely, and potentially with fewer administrative hurdles than currently. The effectiveness of missions could also be increased, with access to a network of staff with an understanding of local contexts. Other meetings would see similar benefits, and it is possible that this would facilitate new opportunities, do to the reduced cost and difficulty of arranging missions.</p>	
					<p>Option 2 Negotiate access to facilities with country of mission on an ad-hoc basis</p>	<p>Financial This would maintain the status quo</p> <p>Staff/HR This would maintain the status quo</p> <p>Procedural This would maintain the status quo</p> <p>Legal This would maintain the status quo</p>		

**THEME 5: HIGH LEVEL REPRESENTATION AND VISIBILITY: SYNTHESIS TABLE OF CHALLENGES AND RELATED OPTIONS**

Sub-Theme	PR (H M L)	Challenges (from Synthesis Report)	Why is it a Challenge /what is the real need (statements towards an objective)	Root Causes/ Questions	Options	Implications	Benefits for the Implementation of the Convention: what would it really change?	Feasibility (Y/N or H/L)			
<b>High Level Representation &amp; Visibility (Legal Status)</b>											
Visibility in UN Processes	H (S G6 2)	Difficulty in obtaining recognition of Wetland’s delegation at major international meetings	[South Africa Inputs and Comments] There is a need to raise the visibility of both the Convention and of the importance of wetlands.	To participate in HLPF requires the convention to obtain observer status at UNGA. Secretariat has not been granted a full international legal personality as an Intergovernmental Organisation and therefore does not qualify for observer status at UNGA ( legal opinion 5 August 2008, cites decision 49/426 of 19 December 1994, in which the General Assembly decided that observer status would be confined to States and intergovernmental organizations whose activities cover matters of interest to the Assembly. <a href="https://contacts.ramsar.org/notification/view/428">https://contacts.ramsar.org/notification/view/428</a> )  Question: what is the stumbling block for requesting observer status to ECOSOC? UNGA blocks ability to apply to ECOSOC	<b>Option 1:</b> Advance Uruguay’s proposal to obtain observer status at UNGA through a meeting of missions from New York, Geneva and capitals in order to co-ordinate efforts to advance approval of Uruguay’s proposal (following a similar process as was carried out for the UN World Wetlands Day)  The Secretariat does not meet the requirements due to its legal personality, will a meeting help?	Financial Participation in the HLPF would mean that the SG would need to include this in her list of current responsibilities and costs of attendance would also need to be included in the annual budget.	It is not clear whether there would be a true benefit for the convention to be an observer on the UNGA	Not feasible. Countries oppose giving the Secretariat observer status			
		Limited Convention visibility in UN processes and meetings/ Difficulty in participating as a member in UN System inter-agency coordination mechanisms	Question: what is the scale of the problem:-participation across the board at high level/other meetings or is the problem only in terms of a few platforms? It is only about visibility at high level political forums or also with the general public?			Staff/HR None					
		UN observer status versus Secretariat legal status (Permanent observer status UNGA/ECOSOC) <sup>26</sup>	Noting that a lot has been achieved since COP14 to improve the visibility of the Convention, and that the SG has appeared at many events to represent the convention and wetland management needs, is the main need to have observer status on the HLPF? Why do we want this status?			Procedural Short Term /relatively quick process					
		Better coordination with GEF processes and need for permanent observer status at the GEF council (Request by SG, 2007)				Legal					
		A key issue has been that the Secretariat has been classified as an NGO at major meetings	Potential reasons (to assist in defining objectives): The Convention Secretariat needs to be represented at the HLPF to raise the image, visibility and recognition of the Convention and wetlands— why? To increase funding for interventions for wetlands in other processes, to attract donor funding and partnerships to help achieve			Option 2.(Sub-Group) retire UNGA request and apply to ECOSOC to join the HLPF as an IGO			Financial Time costs to apply	Ability to obtain observer status on HLPF	Y
						Staff/HR None					
		Procedural Can invite Uruguay to retire their proposal on UNGA.  Is a process that can be followed, Sibylle can obtain the procedure. In ECOSOC it would need to be									

26 Challenges were raised early on in the Convention, as far back as 2005, and has been the key driver behind requests for reviews of legal status so as to enable the secretariat’s engagement in UN events and raise the visibility of the convention. After consultations with UN Office for Legal Affairs, a process was started with the aim of obtaining observer status in the UN General Assembly and in 2017 the Permanent Mission of Uruguay (as chair of the SC) submitted on behalf of Australia, Kenya, the United Arab Emirates, the United States of America and Uruguay a request to the United Nations addressed to the Secretary-General to add the observer status as an agenda item to UNGA.

The item entitled “Observer status for the Ramsar Convention on Wetlands Secretariat in the General Assembly” was included in the agenda of the seventy-second session of the Assembly held in August 2017 at the request of Uruguay **A decision on this was deferred to the next meeting and since then has been deferred at all subsequent meetings.** At UNGA in November 2023, the chair noted that a communication was sent by the permanent mission of Uruguay indicating that the sponsored delegation request that the committee recommend a deferral to 2024. The UNGA recommend the deferral. The next meeting will take place on 2 October 2024

Sub-Theme	PR (H M L)	Challenges (from Synthesis Report)	Why is it a Challenge /what is the real need (statements towards an objective)	Root Causes/ Questions	Options	Implications	Benefits for the Implementation of the Convention: what would it really change?	Feasibility (Y/N or H/L)
			<p>the conventions aims, to raise the profile of wetlands with political principles at national levels to support implementation<sup>25</sup>, to ensure wetland management principles are mainstreamed into other MEAs.</p> <p>Question (South Africa): Is applying to UNGA for observer status the only way to obtain credentials necessary to participate in the HLPF?</p> <p>Question (South Africa): Which other platforms would benefit the convention and have not yet been explored (i.e. applications made)? GEF Council, ECOSOC?, Others?</p> <p>Question (South Africa): What else may be done to raise visibility? is it up to SG or Focal points also have a role? NFPs also have role at an international level. Will increased demonstration increase visibility</p>			<p>proposed by someone in the Bureau. Just need someone to propose it. Could have Convention on Wetlands focal points to address the mission in New York.</p> <p>Need to develop a document stating our credentials to make our case to join the HLPF Is possible that we could motivate:</p> <ul style="list-style-type: none"> <li>• Convention is a co-custodian for SDG6.6</li> <li>• Convention is on UN Water and other UN platforms</li> </ul>		
						Legal None		
					<p><b>Option 3:</b> COP 15 resolution that explicitly states that Secretariat possesses international legal capacity and has such legal capacity as is necessary for the exercise of its functions</p> <p><b>Question (South Africa):</b> Will a Resolution assist to give us credentials for application?</p>	<p>This would only be feasible if it is internationally recognised under international law and confirmed by a resolution. A resolution on its own does not infer a legal personality</p>		N
					<p><b>Option 4:</b> Obtain recognition by Switzerland of the Secretariat as an intergovernmental organisation seated in its country, to facilitate observer status at UNGA</p>			Very low <b>CH:</b> Not possible for Switzerland to do
					<p><b>Option 5:</b> Broaden the possibilities to participate in UN processes in the context of the reform of the</p>		Ability to participate in UNEA, UNGA – improved visibility and status	

<sup>25</sup> See: Synthesis report of information and conclusions concerning hosting arrangements for the Ramsar Convention, 2012



Sub-Theme	PR (H M L)	Challenges (from Synthesis Report)	Why is it a Challenge /what is the real need (statements towards an objective)	Root Causes/ Questions	Options	Implications	Benefits for the Implementation of the Convention: what would it really change?	Feasibility (Y/N or H/L)
					modalities for participation in the HLPF <sup>27</sup>			
					Option A1 (Traditional IGO)	As per 2020 Legal Report table 1		
					Option A3 (Independent UN MEA Secretariat)	As per 2020 Legal Report table 1		
					Option B1 (Independent UNEP MEA Secretariat)	As per 2020 Legal Report table 1		
					Option B2 (Integrated UNESCO MEA Secretariat)	As per 2020 Legal Report table 1		

<sup>27</sup> This option is now outdated. The General Assembly further adopted, on 25 June 2021, [resolution 75/290 A](#) on the Review of the implementation of GA resolution 72/305 on the strengthening of ECOSOC and [resolution 75/290 B](#) on the Review of the implementation of GA resolutions 67/290 on the format and organizational aspects of the HLPF and 70/299 on the follow-up and review of the 2030 Agenda for Sustainable Development at the global level.

Source : <https://hlpf.un.org/ecosoc-hlpf-reviews>

Results of the legal analysis on this option to be updated with latest developments.

**APPENDIX II: TIMETABLE OF STEPS FOLLOWED TO COMPLETE THE CHALLENGES AND OPTIONS REPORT**

Task	Activity	Responsibility	Due Date	Comments
Develop a framework for the evaluation matrix	Draft framework developed	SA	16 Mar 2024	<ul style="list-style-type: none"> <li>Workshop with a sub-group of volunteering members from the ISWG to discuss how to present the challenges, opportunities and options in a way that will enable decision making and develop a draft table, discuss the approach to use to populate the table.</li> </ul>
	ISWG Sub-Group meeting to refine and agree on layout and approach	All	20 March 2024	
	List all challenges and organise into sub-themes	Switzerland	25 March 2024	Extract challenges from Synthesis Report and group per sub-group and indicate which of the challenges are being addressed through other processes / working groups – for further confirmation once framework has been developed
	Compile examples/ complete administrative arrangements sections	Australia	12 April 2024	Australia to compile and share via email prior to WG meeting.
	ISWG Meeting 5	South Africa & Australia	16 April 2024	<ul style="list-style-type: none"> <li>Present and discuss layout (with an example for admin issues) of Rev 0 of the table</li> <li>Present approach that will be followed to complete the table</li> </ul>
	Update framework and approach	South Africa	19 April 2024	<ul style="list-style-type: none"> <li>Update framework based on comments from ISWG</li> </ul>
Develop Rev 0 (populated with synthesis Report)	Table populated with outcomes from Synthesis Report	group members per theme (Theme Leaders) Australia – Admin Arrangements Switzerland- Human resources independency Colombia – Governance South Africa - High-level political engagement, and the Convention’s visibility objective	16 May 2024 (Same date as sub-group meeting)	<ul style="list-style-type: none"> <li>Populate table with outcomes from Synthesis Report</li> <li>Identify key questions that will assist to unpack the challenge (identify root causes) and describe the implications (pros and cons) of the options. Identify who to engage to obtain answers to those questions.</li> <li>Confirm list of challenges</li> <li>Identify which challenges are being dealt with through other processes</li> <li>Confirm/review the sub-themes</li> </ul>

Task	Activity	Responsibility	Due Date	Comments
	Sub-Group Meeting to go through updated table	Chair	16 May 2024, 12:00	<ul style="list-style-type: none"> <li>Go through populated table</li> <li>Present list of challenges and grouping (including identification of challenges being addressed)</li> <li>Decide on which challenges to take forward for governance and leadership</li> <li>Plan for workshop with WG</li> </ul>
	Produce Rev 0	South Africa	22 May 2024	<ul style="list-style-type: none"> <li>All the work of the theme leaders will be incorporated into 1 table</li> </ul>
Develop Rev 1 (populated with inputs from WG)	<b>ISWG Meeting 06.</b> Workshop with WG (To be held in Gland, Switzerland (hybrid meeting) from 16:00-20:00 (extended from original time of 18:00))	Facilitator: Australia/Other interested Working Group Member Presenters: Theme leaders	3 June 2024, 16:00-20:00	<ul style="list-style-type: none"> <li>Workshop on Rev 0: discuss challenges and root causes, questions that need clarity, options and implications/benefits</li> <li>Planning for stakeholder engagements and identification of roles and responsibilities of WG Members.</li> </ul>
	Sub-Group Meeting	Theme Leaders	5 August	Sub-group meeting after the WG meeting to discuss any comments received from WG and plan next steps
	Rev 01 Developed	Chair, Co-Chair, ISWG Theme leaders	20 August 2024	Table on objectives, problem statement challenges, options, outlining costs and benefits and other implications of various options as well as short and long term recommendations.
	ISWG meeting 07	Theme leaders present	20 August 2024	Discussion on Rev 1 and way forward: next steps towards gathering evidence to verify the challenges and unpack the implications for the options
Develop Rev 2 (populated with inputs from engagements and final	Engagements held	Chair, Co-Chair, ISWG Theme leaders	September-October 2024	<ul style="list-style-type: none"> <li>Undertake engagements to refine the challenges and options report/ evaluation matrix with amongst others <ul style="list-style-type: none"> <li>the Convention Secretariat,</li> <li>IUCN</li> </ul> </li> </ul>
	Sub-Group Meeting	Theme Leaders	Aug/Sep 2024	<ul style="list-style-type: none"> <li>Discussions to incorporate inputs from engagements</li> </ul>

Task	Activity	Responsibility	Due Date	Comments
comments from WG)	Regional Briefings	Chair, Co-Chair	15-16 October 2024	<ul style="list-style-type: none"> <li>Briefing meetings with Convention Regions on the work and progress of the Institutional Strengthening Working Group</li> <li>During this briefing the Co-Chairs will remind Contracting Parties of the mandate of the Working Group and inform Parties on the work undertaken during the triennium and the outcomes of the Group. Meetings held as follows: <ul style="list-style-type: none"> <li>Europe (Tue 15 Oct)</li> <li>Africa (Wed 16 Oct)</li> <li>Asia/Oceania (Tue 15 Oct)</li> <li>Americas (Wed 16 Oct)</li> </ul> </li> </ul>
	<b>WG Meeting 08:</b> discuss options report, report to SC64 and draft Resolution	South Africa	22 October 2024	<ul style="list-style-type: none"> <li>Discussion on Stakeholder Workshop outcomes, updated report and finalise Options</li> <li>start discussions on the content for a draft resolution.</li> </ul>
	Produce Rev 2	ISWG Sub-Group	28 October 2024	<ul style="list-style-type: none"> <li>Evaluation Matrix /options report finalised, ready for submission to accompany the resolution to be sent to SC64.</li> </ul>
*Develop Resolution (next step)	First draft Resolution to be based on outcomes of options report	ISWG chairs and theme leaders	22 October 2024	<ul style="list-style-type: none"> <li>First draft Resolution to be based on outcomes of options report</li> </ul>
	Circulate draft resolution to parties for comment	November 2024	October/November 2024	<ul style="list-style-type: none"> <li>Circulate draft resolution for comment by Working Group</li> </ul>
	Second draft Resolution for submission	November 2024	November 2024	

## Annex 4

### Proposed draft resolution on Implementing the institutional strengthening of the Convention on Wetlands

*Submitted by the Working Group on Institutional Strengthening to support the implementation of the Convention on Wetlands*

#### Introduction

At the 62nd meeting of the Standing Committee (SC62), the Secretariat provided a report on institutional strengthening to support the implementation of the Convention in response to Resolution XIV.6, paragraph 22. The Standing Committee took note of the report, including the recommendations of the interested Contracting Parties provided in Annex 2 of the report.

SC62 established a Working Group to lead the continuation of the process to achieve organizational robustness to support the implementation of the Convention, including through the preparation of a draft resolution for the consideration of the Standing Committee at its 63rd meeting. The Working Group was unable to prepare a draft resolution for consideration by SC63 given the ongoing consultations required to fully understand the relevant challenges and options for addressing these challenges. The Standing Committee was informed of this delay and that the Working Group would present a draft resolution to SC64. This draft resolution for consideration by SC64 is in response to the instruction provided in SC62 Decision SC62-17.

#### *Financial implications of implementation*

Paragraph (number and key part of text)	Action	Cost (CHF)

## **Draft Resolution XV.xx on Implementing the institutional Strengthening of the Convention on Wetlands**

1. RECALLING Resolution XIV.6 on *Enhancing the Convention's visibility and synergies with other multilateral environmental agreements and other international institutions*, which instructed the Secretariat to prepare an institutional strengthening report with recommendations reflecting the needs of the Secretariat to achieve organizational robustness to support the implementation of the Convention, including but not limited to those related to administrative arrangements, governance, leadership, human resources independency, high-level political engagement, and the Convention's visibility objectives;
2. RECALLING Resolution X.5, Resolution IX.10, Resolution XI.1, Resolution XII.3, Resolution XIII.7 and Resolution XIV.6, which commenced a series of processes to review and improve the hosting and governance arrangements of the Secretariat of the Convention, and of the Convention itself;
3. ALSO RECALLING the work of several earlier working groups, such as the Working Group on the Observer Status of the Secretariat and the Working Group on Administrative Reform, as well as the various consultancies and analyses produced by these working groups;
4. NOTING WITH APPRECIATION the work of the Working Group on Institutional Strengthening which has consolidated the work of earlier groups, identified challenges which have been resolved, and identified gaps in information; and
5. ACKNOWLEDGING that issues relating to the governance of the Convention are complex, and that there remain gaps in information;

### THE CONFERENCE OF THE CONTRACTING PARTIES

6. REQUESTS the Standing Committee, at its 66th meeting, to review and approve the tasking of follow-on actions within the identified challenge themes, as listed in Annex 1 of the present Resolution, to existing working groups which have the appropriate mandate to investigate and address these challenges, by requesting the working groups listed below to provide updates on these follow-up actions within their respective reports at SC67:
  - a) The Management Working Group: Lack of sufficient communication and virtual information management mechanisms; Procedure for electing a Secretary General; and
  - b) The Subgroup on Finance: Difficulties in paying annual contributions to the Convention on Wetlands; Risks posed to the Convention by legal provisions applied to the management of outstanding arrears; Lack of clear formalized financial mechanisms for Convention funding;
7. REQUESTS the Standing Committee, at its 66th meeting, to establish a new working group to continue the remaining work of the Institutional Strengthening Working Group, particularly the structural issues of improving staff recruitment and reducing staff turnover, limited visibility of the Convention at high level United Nations processes and meetings, and a lack of a legal personality, by:
  - a) Sourcing information to fill the gaps and answer the remaining questions identified by the Working Group on Institutional Strengthening in its final report, as provided in Annex 1;

- b) Identifying methods used by other multilateral environmental agreements to address some of the issues outlined in Annex 1, including arrears in the payment of annual contributions; and
  - c) Reporting to the 16th meeting of the Conference of the Contracting Parties with a draft resolution to further strengthen the governance and institutional strengthening of the Convention;
8. CONFIRMS that the Secretariat of the Convention has the capability to enter into administrative and contractual agreements, by virtue of the Letter of Agreement between the International Union for the Conservation of Nature (IUCN) and the Convention<sup>28</sup>, and the Delegation of Authority to the Secretary General of the Convention<sup>29</sup>; and
9. INSTRUCES the Secretary General of the Convention to continue to work with IUCN to identify improvements in the hosting arrangements relating to human resources, facilities, and administrative arrangements, in consultation with the Executive Team and the Management Working Group.

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<sup>28</sup> See <https://www.ramsar.org/document/letter-agreement-provision-services-between-iucn-ramsar-convention>.

<sup>29</sup> See <https://www.ramsar.org/document/delegation-authority-secretary-general-convention-wetlands-international-importance>.

## Annex 1 to the draft resolution

### Output of the Working Group on Institutional Strengthening

Theme	Challenge	Status	Follow-on actions to be implemented by
Administration	Ability to enter into contracts with donors / third parties and difficulties in the implementation and management of projects	Effective measures are already in place to address this should it arise	N/A
	Difficulties in paying annual contributions to the Convention on Wetlands	Options to be evaluated	Subgroup on Finance
	Difficulties for Contracting Parties to pay contributions to the Convention due to its legal status	Effective measures are already in place to address this should it arise	N/A
	Risks posed to the Convention by legal provisions applied to the management of outstanding arrears	Linked to non-payment of contributions: Options to be evaluated	Subgroup on Finance
	Lack of clear formalized financial mechanisms for Convention funding	Options to be evaluated	Subgroup on Finance
Governance	Lack of sufficient communication and virtual information management mechanisms	Currently being addressed by the Secretariat	Management Working Group
Leadership	Procedure for electing a Secretary General	Addressed by another working group: Management Working Group	Management Working Group
Human Resources independency	Recruitment of staff and reduction of staff turnover	Options to be evaluated	New working group
	Legal liability of IUCN for Secretariat actions	Not a challenge	N/A
	No residence permits for staff after contract ends	Not in the ambit of the Convention to address	N/A
	Travel visas and security for staff on missions	May partially be resolved but potential solutions pose certain problems	N/A
High-level representation and visibility	Limited visibility of the Convention at high-level UN processes and meetings	Options to be evaluated	New working group
Cross cutting	Lack of a legal personality	Options to be evaluated	New working group