

**Proposed draft resolution on
improving the terms of reference for the
Executive Team and the Management Working Group**

Submitted by Sweden

Action requested:

The Standing Committee is invited to review and approve the attached draft resolution for consideration by the 15th meeting of the Conference of the Contracting Parties.

Secretariat cover note

The draft resolution proposes new terms of reference (TORs) for the Executive Team and the Management Working Group. The current TOR for the Executive Team can be referenced as Annex 8 in the meeting report of the 57th meeting of the Standing Committee.

A complete TOR as a single reference for the Management Working Group does not exist. The composition of the Management Working Group can be found in Resolution IX.24 para (8) which is reaffirmed in the Annex of Resolution X.4. Some broad duties of the Management Working Group are provided in both Resolutions. Subsequently, Resolution XII.5 assigns oversight of the STRP to the Management Working Group and Resolution XII.9 calls for the CEPA Oversight panel to report to the Management Working Group. The view of the Secretariat is that as governance matters have evolved since COPs 10 and 12, the Convention could benefit from an updated TOR for the Management Working Group.

Should Contracting Parties desire to update the TORs of the Executive Team and the Management Working Group this could be done through a Conference of the Parties resolution as proposed or alternatively as a task assigned to a future Working Group such as the Working Group on Institutional Strengthening proposed for the next triennium in the draft resolution on institutional strengthening of the Convention on Wetlands referenced in SC64 Doc.12 Annex 4.

Introduction

This draft resolution has the intent to improve efficiency and legitimacy in some of the Convention's subsidiary bodies. It is changing the composition of the Management Working Group to achieve a better regional representation and possibly a higher percentage of COP-elected members participating at MWG meetings, being able to have a quorum. It also improves the regional representation in the Executive Team, making one member of the group representing an additional region that would otherwise be without representation. The principles for regional representation used for the MWG can also be applied for other subsidiary bodies of the Convention. It might improve the efficiency.

The DR includes the existing Terms of Reference from Decision SC57-32 with few amendments, lifting the decision from the Standing Committee to the COP. This might also simplify future consolidation of old decisions.

The proposal also repeals some older decisions, consolidating and developing the old decisions on the topic.

Financial implications of implementation

Paragraph (number and key part of text)	Action	Cost (CHF)
All paragraphs	All actions	0

Draft Resolution XV.x on Improving the terms of reference for the Executive Team and the Management Working Group

1. RECALLING Resolution XIV.2 “Responsibilities, roles and composition of the Standing Committee and regional categorization of countries under the Convention on Wetlands”;
2. RECALLING Resolution IX.24 “Improving management of the Ramsar Convention”, (where the Management Working Group was established) and Resolution X.4 “Establishing a Transition Committee of the Management Working Group”, (reaffirming the establishment of the Management Working Group and the establishment of a Transition Committee);
3. RECALLING Resolution XII.5 “New framework for delivery of scientific and technical advice and guidance on the Convention”, (adding tasks about the oversight of the STRP to the responsibility of the Management Working Group);
4. RECALLING Standing Committee Decision SC57-32 on the Executive Team and its Terms of Reference, and its content in the SC57 report Annex 8;
5. RECALLING the consultant report “Ramsar Convention on wetlands: Review of governance Structures and Procedures - Findings”, written for the Effectiveness Working Group in April 2020, by the SRI Executive, focusing on clarity, legitimacy, accountability, effectiveness and cost for the Convention and its bodies;
6. AWARE that the SRI report, mentioned in paragraph 5, had some concerns for some subsidiary bodies of the Convention, based upon the output from an online survey among Contracting Parties and interviews with a subset of representatives being part of subsidiary bodies during the COP13-COP14 triennium;
7. AWARE that there are big differences between the present six regions when it comes to the number of countries in each region, the capacity for smaller regions to take on more work when new working group are established and that smaller regions in some cases may have less representatives than larger ones;
8. EMPHASIZING that Contracting Parties need the Convention’s different subsidiary bodies to be composed in a way that allows good regional representation, high participation and efficiency;
9. AWARE of the importance of inherited knowledge in ensuring a smooth transition at the beginning at each triennium from a former subsidiary body to the future one, and CONCERNED to find a low-cost mechanism to ensure transfer of knowledge and experience;
10. AWARE that the Executive Team members need to be limited in number, but ALSO AWARE that until COP15 half of the regions have not been represented in the Executive Team, which prevents their representation;
11. EMPHASIZING the need for the Secretariat to conduct its work in a manner that meets the needs of the Contracting Parties in the most transparent and efficient manner possible; and
12. AFFIRMING the desire of the Contracting Parties to continuously improve the functioning of the management structures of the Convention and their linkages with the Secretariat;

THE CONFERENCE OF THE CONTRACTING PARTIES

13. DECIDES to consolidate and improve the decision on the Management Working Group, including its Terms of Reference according to Annex 1;
14. DECIDES to consolidate and improve the decision on the establishment of the Executive Team and change its Terms of Reference according to Annex 2;
15. DECIDES to repeal Resolutions IX.24 and X.4 in their entirety, and ALSO DECIDES to repeal Standing Committee Decision SC57-32, including its annex;
16. ENCOURAGES the participants, both in the Executive Team and in the Management Working Group, to make contact with former members when it is necessary to get background information; and
17. INSTRUCTS the Secretariat to make sure that representatives in the Executive Team and the Management Working Group receive the agenda and the call for the meetings in good time as well as better information about what is to be discussed under the different agenda points, especially if there are agenda point that are problematic and/or involves taking a stand.

Annex 1

Terms of reference of the Management Working Group (MWG)

Members of the Management Working Group

1. The number of Contracting Parties being representatives in the Standing Committee that are members of the Management Working Group is to be adapted to the number of Ramsar regions the Convention has but aiming for a total of 8-10 Contracting Parties as members. In situations with many regions of which some are small, having few Contracting Parties only, smaller ones might have to accept that they may not be given as many representatives as large ones, but only for situations where the number of participants otherwise may exceed 10. Small regions can also abstain from having more than one representative in the group.
2. The participants of the Management Working Group are preferably to be the Chair and Vice Chair of the Standing Committee, the Chair of the CEPA Oversight Panel, the Chair of the STRP and the Chair of the Subgroup on Finance for the forthcoming triennium. The remaining participants are chosen, preferably by other Standing Committee representatives, to achieve as proper regional balance as possible.
3. It is advisable that the host country for the Secretariat takes part as a permanent observer, unless elected to be a representative in the subsidiary body.
4. A representative of the International Organization Partners (IOPs) is invited to participate in the Management Working Group as a member of the group.
5. Any other interested Contracting Party might participate as an observer.
6. The Secretary General participates *ex officio*.
7. The Management Working Group can if needed invite experts to participate in the relevant work the group is considering, subject to there being no implications for the Convention's budget.

Role and functions

8. The Management Working Group functions as a subsidiary body of the Conference of the Contracting Parties; the Rules of Procedure adopted by the Conference of the Parties apply to its operations *mutatis mutandis* within the context of the "Delegation of Authority to the Secretary General of the Convention on Wetlands and its Supplementary Note".
9. The Management Working Group have the following responsibilities:
 - a. on behalf of the Standing Committee between SC meetings oversee the work and progress of the Subgroup on Finance, the CEPA Oversight Panel, and the Working Group for the planning of the coming COP, as well as any temporary working group looking into an issue that is the responsibility of the Management Working Group;
 - b. on behalf of the Standing Committee between SC meetings oversee the work and progress of the STRP, as described in Resolution XII.5 with its Annex 1, or future decisions on the STRP that have replaced it;

- c. examine and review the various management structures and systems including terms of reference in place within the Convention, and suggest improvement to the right decision-making body;
- d. examine and review the existing work methods for the Convention and suggest improvement to the right decision-making body; and
- e. strengthen linkages between the Contracting Parties and the International Organization Partners;

Operation

- 10. As the Management Working Group functions as a subsidiary body of the Conference of the Contracting Parties, the Rules of Procedure adopted by the Conference of the Parties apply to its operations *mutatis mutandis* within the context of the “Delegation of Authority to the Secretary General of the Convention on Wetlands and its Supplementary Note”.

Reporting

- 11. To each meeting of the Standing Committee, the Management Working Group will provide a written report on the activities that have been carried out since the previous Standing Committee meeting, with the exception of the SC meetings back-to-back with the COP, having other specific tasks on their agenda. The report from the MWG will be included in the Chair’s report to the Standing Committee. The last report for the triennium will reflect the activities during the whole triennium, so it can be submitted to the COP as part of the report from the Standing Committee as well.
- 12. Any larger findings or output and results in form of draft resolutions or similar will be submitted in separate documents to the Standing Committee for their consideration.

Annex 2

Terms of reference of the Executive Team

Members of the Executive Team and their representation

1. The Chair and Vice Chair of the Standing Committee, and Chair of the Subgroup on Finance constitutes the Executive Team.
2. Each of the members of the Team represents its own region and one of the regions not otherwise represented. How the representation will be done is to be decided at the Standing Committee meeting right after the COP, when the SC is to constitute.

Role and functions

3. Between the meetings of the Standing Committee, the Standing Committee's oversight of the Secretariat is conducted on its behalf by its Executive Team with the Secretary General.
4. For any matter that arises intersessionally and for which the Standing Committee has not already taken a decision, or where the matter falls outside the policies and guidance already provided by the Conference of the Parties and the Standing Committee, the Executive Team is to request the Secretariat to contact the Standing Committee to ask for a decision to be taken through electronic communication regarding that matter as soon as practicable.
5. Within this context, specific functions to be carried out by the Executive Team as may be necessary between meetings of the Standing Committee are the following:
 - a. provide guidance and advice to the Secretariat on the execution of the Secretariat's budget and the conduct of the Secretariat's work programmes; and
 - b. provide guidance and advice to the Secretariat on the preparation of meetings, and on any other matters relating to the exercise of its functions brought to it by the Secretariat.
6. In carrying out function a. above and, in particular, regarding the guidance and advice on the execution of the Secretariat's budget, the Executive Team will take into account the roles and responsibilities of the Subgroup on Finance specified in Resolution VI.17, on *Financial and budgetary matters*, paragraph 11, in particular, that "the Subgroup Chair, in consultation as appropriate with the Chair of the Standing Committee and, when so required, the Subgroup as a whole, shall provide guidance and advice to the Secretary General in the discharge of his/her duties in connection with the administration of the finances of the Convention...". These responsibilities are reaffirmed in Resolution XIII.2 on *Financial and budgetary matters*, paragraph 12. To implement this, if there are budgetary implications, the Executive Team must inform the broader Sub-group on Finance through its Chair.

Operation

7. As the Executive Team functions as a subsidiary body of the Conference of the Contracting Parties, the Rules of Procedure adopted by the Conference of the Parties apply to its operations *mutatis mutandis* within the context of the "Delegation of Authority to the Secretary General of the Convention on Wetlands and its Supplementary Note".

Reporting

8. At each meeting of the Standing Committee in between COPs, the Executive Team will provide a written report on the activities the Management Working Group have carried out since the previous meeting. This will be included in the Chair's report to the Standing Committee. The last report for the triennium will reflect the activities during the whole triennium, so it can be submitted to the COP as well.