

DELEGATION OF AUTHORITY

TO THE

SECRETARY GENERAL
CONVENTION ON WETLANDS OF INTERNATIONAL IMPORTANCE
ESPECIALLY AS WATERFOWL HABITAT (RAMSAR)

INTRODUCTION

A) Article 8.1 of the Ramsar Convention provides that IUCN shall perform the continuing bureau duties under the Convention until such time as another organization or government is appointed by a majority of two-thirds of all Contracting Parties.

This was accepted by IUCN at the Ramsar plenipotentiary Conference in 1971.

B) In 1987, by decision of the Third Meeting of the Conference of the Contracting Parties to the Convention, the Bureau was established as an integrated unit within IUCN, headed by a Secretary General administratively responsible to the Director General of IUCN who was in turn responsible to the Conference of the Parties for financial and personnel administration. The Conference also established a Standing Committee of the Contracting Parties empowered, inter alia, with supervision of the Bureau's programme, policy, and budget.

This change, whereby IUCN was asked to provide an integrated Bureau rather than perform itself continuous bureau duties, was accepted by IUCN in a letter from the IUCN Director General to the Ramsar Standing Committee in June 1987.

C) In 1990, by decision of the Fourth Meeting of the Conference of the Contracting Parties, the Bureau was transformed into an independent unit co-located with the Headquarters of IUCN. The Secretary General was given sole responsibility for administration of Convention funds and for all administrative matters other than those requiring the exercise of legal personality. For those latter matters, formal responsibility rests with the Director General of IUCN. In addition the mandate of the Standing Committee was expanded to include supervision for personnel issues.

The Director General of IUCN, who participated in the discussion of these changes indicated to the Conference that he concurred with the terms of the decisions.

D) The development of the Convention over the years including increased membership from countries throughout the world, and an expanded conservation programme, has led the Standing Committee to seek increased authority and flexibility for the Secretary General in the implementation of the Convention's programme.

E) In keeping with the decision of the Conference of the Parties and in the desire to assure effective and efficient management of Convention affairs, the Director General of the IUCN makes the following delegations of Authority to the Secretary General:

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I) FINANCIAL AND BUDGETARY MATTERS

A) Background

The Resolution on Financial and Budgetary Matters (annex to C.4.13 Rev.) of the Fourth Meeting of the Conference of the Contracting Parties directs the Secretary General to administer Convention funds in accordance with certain terms of reference related to financial administration. The Resolution on Secretariat Matters (annex to C.4.15 Rev.) provides that the Convention budget, as approved by the Conference of the Contracting Parties, shall be administered by the Secretary General, with budgetary disbursement in accordance with the budgetary provisions and instructions given by the Conference or by the Standing Committee. The Resolution on the Standing Committee (annex to C.4.14 Rev.) empowers the Standing Committee to supervise, as a representative of the Conference, the execution of the Bureau's budget. At the request of the Conference, and in agreement with the Standing Committee, the Director General of IUCN has established a separate Ramsar bank account.

B) Delegation

The authority of the Director General of IUCN to receive and expend Convention funds, including payment of Bureau staff salaries and benefits; purchase and rental of supplies, materials, and equipment; authority to enter into contracts; and otherwise provide for the financial administration of the Convention's funds by means of a separate Ramsar account is hereby delegated to the Secretary General. The Secretary General, with the approval of the Standing Committee, may purchase services from IUCN to assist with financial administration.

C) Limitations

1) As the exercise of this authority reflects upon the fiscal and institutional integrity of IUCN, the Director General reserves the right to impose limitations upon the above delegation of authority, subject to the agreement of the Standing Committee, or to request the Standing Committee for a review of Bureau financial practices by the Standing Committee or an outside agency.

2) Nothing in this delegation shall excuse the Secretary General from the requirement to provide for an annual audit of Convention accounts to the Contracting Parties, copies of which shall be provided to the Director General of IUCN.

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II) PERSONNEL MANAGEMENT

A) Background

The Resolution on Secretariat Matters (annex to C.4.15 Rev.) of the Fourth Meeting of the Conference of the Contracting Parties indicates that the Bureau of the Convention shall be comprised of the Secretary General, appointed by the Director General of IUCN in consultation with and on the basis of a proposal from the Standing Committee, and other staff members appointed by the Director General of IUCN in consultation with and upon the proposal of the Secretary General. That Resolution also indicates that the IUCN salary scale along with IUCN personnel provisions shall apply to Bureau personnel, subject to the approval of the Standing Committee. The Resolution on the Standing Committee (annex to C.4.14 Rev.) empowers the Standing Committee to supervise, as a representative of the Conference, Bureau personnel matters.

B) Delegation

The authority of the Director General of IUCN to select, hire or dismiss Bureau staff and assign salary levels, tasks and job descriptions, set performance standards, evaluate performance, and provide for employee awards, all in line with IUCN personnel provisions is hereby delegated to the Secretary General.

All staff positions within the Bureau, except that of the Secretary General, shall be classified by the Secretary General, after consultation with the Director General, in accordance with IUCN classification standards to assure that similar positions in the two bodies are salaried at the same level and that transfers of staff between IUCN and the Bureau are not impeded.

To enhance co-operation, the Secretary General will be invited to designate a staff member to sit in an ex officio capacity on the IUCN Staff Liaison Committee, the Secretary General will participate ex officio in appropriate IUCN Management Committees and all Bureau staff are invited to IUCN staff meetings. Finally the Secretary General, with the approval of the Standing Committee, may purchase services from IUCN to assist with personnel administration.

C) Limitations

1) This delegation does not apply to the selection or removal of the Secretary General, or to the establishment of a salary grade and scale, tasks and job description, performance evaluation and employee awards for the Secretary General, which shall require agreement with the Standing Committee. Furthermore the Standing Committee may request the IUCN Director General to suspend certain IUCN personnel provisions for Bureau staff in view of Convention finances.

2) As the exercise of this authority reflects upon the institutional integrity of IUCN as well as upon questions of equity for staff under contract with IUCN, the Director General reserves the right to impose limitations upon the above delegation of authority, subject to the agreement of the Standing Committee.

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III) FACILITY MANAGEMENT

A) Background

The Resolution on Secretariat Matters (annex to C.4.15 Rev.) of the Fourth Meeting of the Conference of the Contracting Parties provides that the Convention Bureau shall be co-located with the Headquarters of IUCN, as an independent unit funded from the Convention budget. In 1988 the Swiss Federal Government, Government of the Canton of Vaud, and the Government of the Commune of Gland provided IUCN with funds and the use of a parcel of land for the construction of a new headquarters facility. It was noted by Swiss officials on numerous occasions that the facility was being provided for both IUCN and the Ramsar Bureau.

On 6 November 1991 the Director General of IUCN and the Chairman of the Ramsar Standing Committee signed a Memorandum of Understanding on Headquarters Facilities which provided for allocation of space within the new building for the Ramsar Bureau, appropriate indication on the building and its grounds to reflect the fact that the facility was also the home of the Bureau, and for reimbursement by Ramsar of its fair share of the cost of maintenance, heating, lighting, and ventilation as well as the possibility to contract for other agreed costs and services. Provision was also included for consultations between the Director General of IUCN and the Secretary General of the Ramsar Bureau in the case of any dispute or for any request by Ramsar for additional space in the building.

B) Delegation

The authority of the Director General of IUCN for facility management for that space within the IUCN Headquarters Building assigned to the Convention Bureau is hereby delegated to the Secretary General. This authority shall include office arrangements and equipment, and siting of staff members. The Secretary General, with the approval of the Standing Committee, may purchase facility services from IUCN. The Secretary General shall agree with the Director General on matters such as the maintenance, fittings, decoration, use of common space or other issues relating to the Headquarters building where a uniform approach is necessary.

C) Limitations


1) The Secretary General is not authorized to waive or abridge those regulations imposed by Swiss law upon the IUCN Headquarters Building for reasons of health, safety, or access to the disabled.

2) As the exercise of this authority reflects upon the institutional reputation of IUCN, the Director General reserves the right to advise the Standing Committee of any space usage viewed as inappropriate or inconsistent with general space usage within the facility and may impose limitations upon the above delegation of authority, subject to the agreement of the Standing Committee. Requests for reduced Bureau space usage or for an expansion of Bureau offices, either within the facility or external to it, shall be the subject of written agreement between the Director General of IUCN and the Standing Committee.

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INTERPRETATION

In the event of differences of interpretation of administrative requirements under the Convention, or under the above-mentioned delegations of authority, such differences shall first be subject to consultation between the Director General and the Secretary General, or if requiring policy attention, in writing between the Director General and the Chairman of the Standing Committee. In the event that they cannot be resolved at these levels, referrals shall be made to the governing bodies of both IUCN and Ramsar.

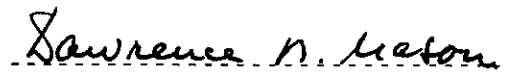


Director General, IUCN

29 January 1993

Date

Concurrence



Chairman, Standing Committee

29 January 1993

Date

DELEGATION OF AUTHORITY FROM THE DIRECTOR GENERAL, IUCN
TO THE SECRETARY GENERAL OF THE RAMSAR CONVENTION

SUPPLEMENTARY NOTE

This note records certain points raised in discussion of the formal paper on Delegation of Authority, which seem more appropriately dealt with in a separate memorandum.

Legal and Financial Liability

IUCN, as the legal persona to which the Ramsar Bureau is attached, must inevitably retain ultimate liability for the actions of the Secretary General, in exercising the authority delegated to him.

It is agreed that in his own interests, and in order to minimize any risk to IUCN, the Secretary General will:

- a) ensure that adequate and up-to-date accounts are kept by the Bureau, so as to disclose any excesses of expenditure over income promptly, and before they become difficult to correct. The internal accounting procedures used will be agreed between the Secretary General and the Director of Finance of IUCN, and statements of the financial position of the Bureau will be made to the Standing Committee twice yearly, at mid- and end-year, and copied to the Director General of IUCN;
- b) give early warning to IUCN of the likely termination of any contracts, including contracts of staff employment, which could lead to financial or legal liability;
- c) ensure that potential risks of financial or legal liability are, to the maximum extent practicable, covered by insurance, and that the Director General of IUCN is informed of the nature and extent of such cover. In particular, the Secretary General will ensure that all Bureau staff are insured against claims for alleged professional negligence.

In the event that the Secretary General decides to pay staff salaries other than through IUCN, the arrangements will be discussed with the Director General who will need to be satisfied that they provide adequately for deduction of taxes and other charges, and for payments to a fund that can be drawn upon to compensate staff who become entitled to unemployment benefit.

Personnel Management

The costs of all Ramsar Bureau staff salaries and associated benefits will be provided for in the budget of the Convention. The Ramsar budget will also bear the costs of severance payments, repatriation, unemployment benefit and other costs in respect of Bureau staff whose contracts are terminated on the decision of the Secretary General. Where staff have served both the Bureau and IUCN, severance costs will be divided in accordance with the cost sharing agreement between the Director General and the Chair of the Standing Committee dated 27 February 1992.

It is agreed that IUCN cannot be required to take onto its own direct payroll staff engaged by the Secretary General but no longer required by the Ramsar Bureau, unless IUCN has an appropriate vacancy.

Cooperation and Reporting

The Director General and Secretary General will report annually to the Standing Committee on the cooperation between them. Such reports will be as brief and informal as possible: the aim is to minimise the time devoted by the Standing Committee to such administrative details.

mwh/Ramsar/rev. 29.1.93

Mr. H. H. H. H. H.
29 January 1993

Mr Mason
29 January 1993

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