

**CONVENTION ON WETLANDS (Ramsar, Iran, 1971)
40th Meeting of the Standing Committee
Gland, Switzerland, 11-15 May, 2009**

DOC. SC40-8

Agenda item 8.4

Status and summary of Secretariat services agreement with IUCN

Action requested: The Standing Committee is requested to note the progress of discussions with IUCN and to offer any advice as to the way forward.

1. Until March 2009 there were three key agreements with IUCN:
 - 2005 Services Agreement – terminated February 2008, effective February 2009
 - 1991 Memorandum of Understanding on Headquarters Facilities
 - 1993 Delegation of Authority
2. In March 2009 the Ramsar Secretariat (in the person of the Chair of the Standing Committee) and IUCN (the Director General) signed the 2009 Letter of Agreement on Provision of Services, which consolidates the first of the two agreements in para. 1 above, and covers services in the following areas.
 - Accounting and finance
 - Human relations
 - Facilities management
 - Information technology
3. The new 2009 Agreement was required in order to remove from the agreement specific services that in recent years we have not required or received from IUCN and do not want to be charged for. It also incorporates explicit changes required by IUCN's Internal Control Systems (ICS), required by recent legislative changes in Switzerland. It also makes the charges for services more specific and transparent and embeds the decisions by the Standing Committee and Conference of the Parties concerning a cap of 13% of the core budget being spent on services from IUCN. All relevant provisions of the high level framework of the 1991 Memorandum of Understanding on Headquarters Facilities have also been successfully incorporated into the 2009 Agreement.
3. IUCN charges to Ramsar for 2009, based on the new Agreement, are currently being finalised and will be communicated to the Standing Committee meeting in May.
4. Following various COP decisions to have Ramsar hosted by IUCN and establish the Standing Committee to supervise the activities of the Convention, the Standing Committee and IUCN concluded the 1993 Delegation of Authority in order to delegate various authorities to the IUCN Director General and the Secretary General of the Convention. Ramsar's position, as analyzed by our legal advisor in his October 2008 report, is that the existing delegation of authority is satisfactory – “clear evidence exists of the complete and unequivocal transfer of authority to the SC on all financial, budgetary and financial matters”, and this vests “sufficient legal personality in the Secretariat.” Together with the

decisions of the Conference of the Parties, Ramsar has “sufficient international legal personality”. However, IUCN has some residual concerns about the delegation of authority in relation to its special legal relationship and responsibilities with Switzerland and would in due course like to modify the delegation of authority. The Secretary General has indicated that the Secretariat will work with them when they are ready to do so, but will obviously consider the deliberations of the Working Group on Administrative Reform and consult the Standing Committee.

5. The Secretariat has no detailed information from IUCN as to how the current construction of a new building will impact upon Ramsar, other than verbal assurances that we will not practically or financially suffer any significant consequence. The Secretary General will continue dialogue with IUCN as their plans are being developed.

Note: The 2009 Agreement on Provision of Services is available for reference at http://www.ramsar.org/sc/40/key_sc40_doc08_add1.pdf.