

Terms of reference of the Executive Team

Actions requested:

The Standing Committee is invited to approve the terms of reference of the Executive Team presented in the Annex.

1. At its 13th meeting (COP13) the Conference of the Contracting Parties, through Resolution [XIII.4](#), paragraph 16, requested the Executive Team to define its terms of reference for approval by the Standing Committee at its 57th meeting.
2. Proposed terms of reference and relevant background information, submitted by the Executive Team in response to this request with support from the Convention's Legal Advisor and the Secretariat, are presented in the Annex.

Annex 1

Proposed Terms of Reference of the Executive Team

Background

1. Resolution [XIII.4](#), on *Responsibilities, roles and composition of the Standing Committee and regional categorization of countries under the Convention*, in paragraph 16, “REQUESTS the Executive Team to define its terms of reference for approval by the Standing Committee at its 57th meeting.”
2. The role of the Executive Team is set out in Resolution XIII.4, paragraph 4, which notes “that the Standing Committee’s oversight of the Secretariat is conducted on its behalf between meetings of the Standing Committee by its Executive Team (Chair, Vice chair, and Chair of the Subgroup on Finance) with the Secretary General”. This is a reiteration of Resolutions XI.19, on *Adjustments to the terms of Resolution VII.1 on the composition, roles, and responsibilities of the Standing Committee and regional categorization of countries under the Convention*, paragraph 3, and Resolution XII.4, on *The responsibilities, roles and composition of the Standing Committee and regional categorization of countries under the Ramsar Convention*, paragraph 4, both of which have been superseded.
3. The functions of the Standing Committee that relate to the oversight of the Secretariat are set out in Resolution XIII.4, Annex 1, paragraph 19, subparagraphs a, c and d. These are therefore the functions that the Executive Team would conduct on behalf of the Standing Committee between sessions. Specifically:
 - 3.1 Subparagraph a. specifies that the function of the Standing Committee is to “carry out, between one ordinary meeting of the Conference of the Parties and the next, such interim activity on behalf of the Conference as may be necessary...”. The same principle of carrying out “interim activity” “as may be necessary” could be applied to the Executive Team in relation to the Standing Committee.
 - 3.2 Subparagraph a. further specifies that the Standing Committee is to give “priority to matters on which the Conference has previously recorded its approval and noting that the Standing Committee is not mandated either to take decisions that would normally be taken by the Conference of the Contracting Parties or to amend any decision taken by the Conference of the Parties”. The Executive Team could therefore apply the same two principles; that is, give priority to matters for which there is approval from the Conference of the Parties or Standing Committee, and adhere to the policies and guidance established by the Conference of the Parties or the Standing Committee.
 - 3.3 Subparagraph c. states that the Standing Committee will “supervise, as a representative of the COP, the implementation of activities by the Secretariat, the execution of the Secretariat’s budget, and conduct of the Secretariat’s programmes”.
 - 3.4 Subparagraph d. states that the Standing Committee will “provide guidance and advice to the Secretariat on the implementation of the Convention, on the preparation of meetings, and on any other matters relating to the exercise of its functions brought to it by the Secretariat”.

- 3.5 The Executive Team could therefore, on behalf of the Standing Committee, carry out the functions stated in paragraphs c. and d. between sessions of the Standing Committee as may be necessary.
4. The Standing Committee could also include in the Terms of Reference of the Executive Team the reporting requirement equivalent to that stipulated in subparagraph 19.k of Annex 1 of the Resolution. That is, the Executive Team could report to the Standing Committee through its Chair on the activities it has carried out between ordinary meetings of the Standing Committee.
 5. It should be noted that in carrying out the Standing Committee's role of "supervising....., the execution of the Secretariat's budget" (Resolution XIII.4, Annex 1, paragraph 19, subparagraph c), the Executive Team would have to 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. The practice in recent years was that the Executive Team would consider requests from the Secretary General and decide whether the issue could be dealt with by the Team or whether it needed to be referred to the Subgroup on Finance, in which case, the Chair of the Subgroup would send the request to the whole Subgroup.
 6. It should be noted that there have been instances where a matter has arisen for which there are no recorded decisions from the COP or Standing Committee and for which a decision was required before the next meeting of the Standing Committee. The practice in recent years in such cases has been for the Secretariat to contact the Standing Committee directly via email regarding the matter in question, and for the Standing Committee, in turn, to take a decision through electronic communication. This has worked well in several instances (for example regarding the signature of the Memorandum of Understanding with the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, also known as IPBES). In such cases the Executive Team could contact the Standing Committee for its decision.
 7. Other functions that have historically been assigned to the Executive Team because of exceptional circumstances have been superseded by the resolutions of COP13. For these reasons, the proposed Terms of Reference (ToR) below are based on the only two Resolutions that are current and relevant, namely Resolutions XIII.2 and XIII.4.
 8. Finally, given that the functions of the Executive Team are to provide the Secretariat with supervision, guidance and advice as may be necessary in between sessions of the Standing Committee, it should operate in accordance with: firstly, the resolutions adopted by the Conference of the Parties on the management of the Secretariat; and secondly, the "Delegation of Authority to the Secretary General of the Convention on Wetlands and its Supplementary Note". Further, as the Executive Team is a subsidiary body of the Convention, the Rules of Procedure adopted by COP13 would apply to its operations *mutatis mutandis*.

Draft Terms of Reference for the Executive Team

Members of the Executive Team

1. Chair and Vice Chair of the Standing Committee, and Chair of the Subgroup on Finance.

Role and functions

2. “The Standing Committee’s oversight of the Secretariat is conducted on its behalf between meetings of the Standing Committee by its Executive Team (Chair, Vice Chair, and Chair of the Subgroup on Finance) with the Secretary General” (Resolution XIII.4, paragraph 4).
3. Within the policies agreed by the Conference of the Parties and the Standing Committee, the function of the Executive Team is to carry out, between ordinary meetings of the Standing Committee, such interim activity on behalf of the Standing Committee as may be necessary, giving priority to matters on which the Conference of the Parties and the Standing Committee have previously recorded their approval through Resolutions of the Conference of the Parties and decisions of the Standing Committee, and noting that the Executive Team is not mandated either to take decisions that would normally be taken by the Conference of the Parties and the Standing Committee or to amend any decision taken by the Conference of the Parties or the Standing Committee (adapted from Resolution XIII.4, Annex 1, paragraph 19, subparagraph a).
4. Within this context, specific functions to be carried out by the Executive Team on behalf of the Standing Committee, on an interim basis, as may be necessary between meetings of the Standing Committee are the following:
 - a. supervise, as representative of the Standing Committee, the implementation of activities by the Secretariat, the execution of the Secretariat’s budget, and the conduct of the Secretariat’s work programmes (adapted from Resolution XIII.4, Annex 1, paragraph 19, subparagraph c); and
 - b. provide guidance and advice to the Secretariat on the implementation of the Convention, on the preparation of meetings, and on any other matters relating to the exercise of its functions brought to it by the Secretariat (adapted from Resolution XIII.4, Annex 1, paragraph 19, subparagraph d).
5. In carrying out function a. above and, in particular, regarding the supervision of 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, the Executive Team will consider whether any request from the Secretary General could be dealt with by the Team or whether it needs to be referred to the Subgroup on Finance.
6. 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

shall 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.

Operation

7. The Executive Team operates in accordance with the resolutions adopted by the Conference of the Parties and decisions of the Standing Committee (Resolution XIII.4, Annex 1, 19a) on the management of the Secretariat and within the context of the “Delegation of Authority to the Secretary General of the Convention on Wetlands and its Supplementary Note”. As the Executive Team is 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*.

Reporting

8. At each ordinary meeting of the Standing Committee, the Executive Team will report to the Committee on the activities it has carried out since the previous ordinary meeting (adapted from Resolution XIII.4, Annex 1, paragraph 19, subparagraph k).