

Review of the Rules of Procedure

Actions requested:

The Standing Committee (SC) is invited to take note of the contents of this document and:

- i. to review the gaps and inconsistencies identified by the Secretariat;
- ii. to request the Secretariat – on the basis of the input provided at SC57, and with additional input from interested Parties – to prepare revised Rules of Procedure for the Conference of the Parties (COP) and new Rules for the Standing Committee (to apply *mutatis mutandis* to other subsidiary bodies) for consideration at SC58;
- iii. to request the Secretariat - on the basis of the input provided at SC58 and with additional input from interested Parties – to finalise a draft of revised Rules for the COP and new Rules for the Standing Committee for consideration at SC59; and
- iv. to recommend that the Conference of the Parties at COP14 adopt the revised Rules for the COP and new Rules for the SC, to be approved at SC59.

1. This document has been prepared by the Secretariat and the Legal Adviser.

Background

2. In Resolution XIII.4, on *Responsibilities, roles and composition of the Standing Committee and regional categorization of countries under the Convention*, in paragraph 26, the Conference of the Parties requests the Secretariat to:
 - a. *conduct a review of the Rules of Procedure, identifying text, if any, that may no longer be valid or applicable, is contradictory, is otherwise inconsistent with current Ramsar practices, and the Rules' applicability to subsidiary bodies including the Standing Committee, working groups, and Friends of the Chair groups and, at SC57, report its findings, including information on how it reached these conclusions;*
 - b. *in conducting the aforementioned review, give due consideration to any proposed amendments to the Rules of Procedure that were not considered at the 13th meeting of the Conference of the Contracting Parties; and*
 - c. *develop, as appropriate, based on its findings and Contracting Parties' feedback on its report to SC57, recommendations for Parties at SC58, to consider revisions that might be made to the Rules of Procedure, in preparation for COP14.*
3. By way of further background, Rule 25.5 states that "Unless otherwise decided by the Conference of the Parties, these rules shall apply *mutatis mutandis* to the proceedings of

subsidiary bodies ...” with certain exceptions. However, it is at times unclear which rules apply to meetings of these other bodies, thereby giving rise to confusion.

4. It should be noted that document COP13 Doc.4.2, presented at the 13th meeting of the Conference of the Contracting Parties (COP13) sets out proposed amendments to the Rules of Procedure advanced by Japan, Sweden and the United States of America.

Part 1: Method

5. For the purposes of the present meeting (SC57), the Secretariat is required to address the elements set out in subparagraphs 2.a and 2.b, above.
6. Subparagraph 2.a may be divided into two discrete components:
 - Identify text that is no longer valid or applicable, that is contradictory, or that is otherwise inconsistent with current Ramsar practices.
The analysis regarding this component is set out in **Table 1**, below.
 - Identify the applicability of the Rules to subsidiary bodies including the Standing Committee, working groups, and Friends of the Chair groups.
The analysis regarding this component is set out in **Table 2**, below.
7. Subparagraph 2.b implies that the Secretariat is to propose amendments, giving due consideration to amendments that were not considered at COP13. Proposed amendments are included, as necessary, in **Tables 1 and 2**, below (and are explicitly linked to the issues identified in those tables).

Part 2: Rules that are no longer valid or applicable, that are contradictory or that are otherwise inconsistent with current Ramsar practices (and recommended amendments)

Table 1

	Rule	Issue¹	Recommendation regarding amendments
1	Rule 1: Purpose	States that the Rules apply to any meeting of the COP. However, certain rules only apply to specific meetings of the Standing Committee (SC) (for example Rules 5.1 and 34.1, which logically concern the SC meeting at which proposals for the following meeting of the COP are discussed). This is contradictory and may give rise to confusion.	Create separate Rules for the SC which apply <i>mutatis mutandis</i> to other subsidiary bodies. ² Alternatively, specify in Rule 1 that the Rules apply to any meeting of the COP unless otherwise specified.

¹ No longer valid or applicable; contradictory; inconsistent with current Ramsar practices; ambiguous or poorly drafted.

² This is consistent with CITES Rules of Procedure for its Standing Committee (see Rule 17.4).

	Rule	Issue ¹	Recommendation regarding amendments
2	Rule 2: Definitions	Certain terms employed in the Rules are not explicitly defined in Rule 2, on 'Definitions'. For example: 'Conference Bureau' ³ ; 'session' ⁴ ; 'recommendation' ⁵ ; 'amended proposal' ⁶ ; and sponsor ⁷ .	<p>All terms that have a particular meaning within the context of the Convention and its meetings should be defined in Rule 2. This would allow for ease of reference and avoid any possible confusion regarding the meaning of terms.</p> <p>Rule 2(g): The definition of 'proposal' should be amended to clarify that only a Contracting Party, the SC, the Conference Bureau <i>or any other subsidiary body approved by the COP</i> may submit a proposal.</p> <p>Note that the suggested addition (above) of "any other subsidiary body approved by the COP", in the definition of 'proposal', brings this into line with current practice, particularly regarding the Scientific and Technical Review Panel (STRP). That is, other bodies have historically sponsored proposals but this is not captured in the definition.</p> <p>The term 'sponsor' should also be defined to clarify that it means 'submit' to the COP for consideration. This recommendation is based on the facts that: the term 'sponsor' is used in Rule 7.5; and the use of the word 'submit' can give rise to confusion, as noted in row 13 of Table 1.</p>

³ Defined in Rule 21.

⁴ Rules 3, 4 and 5 sit beneath the heading "Sessions", a term which, in this context, appears to be used interchangeably with the term 'meetings'. However, the manner in which it is employed in Rules 28.1 and 29 suggests that it is a reference to a convening of the Parties within the context of an overall meeting. This is potentially contradictory and, in any case, gives rise to some ambiguity.

⁵ Rule 2.g defines 'proposal' to include a 'recommendation'. However, the term 'recommendation' is not defined, although it is referred to throughout the Rules [see: Rules 5.1, 10, 19.3, 25.5.e), 34.3 and 34.4]. It is not *prima facie* clear how a 'recommendation' differs from a draft resolution or decision.

⁶ Rule 42.

⁷ Rule 7.5.

	Rule	Issue ¹	Recommendation regarding amendments
3	Rule 5: Notification	<p>Rule 5.1: states that “only Parties, the Standing Committee and the Conference Bureau shall be entitled to submit proposals”. It is common practice for subsidiary bodies and/or the Secretariat to contribute to the drafting of proposals. This is implicitly authorised by Rule 34.2, which states that the “Standing Committee may also decide that differences of opinion on a proposal drafted by a subsidiary body or the Secretariat may be shown in brackets and if appropriate with explanatory comments.”</p> <p>Rule: 5.1: states that the deadline for submissions of proposals “shall normally be 60 calendar days prior to the opening of the Standing Committee meeting at which recommendations are made for documents...”. This logically does not apply to the submission of documents for COP meetings (that is, it only applies to the meeting of the SC at which proposals for the following COP are discussed).</p>	<p>Rules 5.1/34.2: Clearly defined rules entitled (for example) “Submission of proposals” and “Drafting of proposals”, respectively, should be included in the Rules. Note that this would not alter the content of the current Rules, but rather clarify their meaning to avoid confusion. This would ideally help to distinguish the two senses of the term ‘submitting’ a proposal; separating the administrative sense of giving it to the SC from the sense of sponsoring a proposal.</p> <p>Rule 5.2: Remove and place in separate Rules of Procedure for subsidiary bodies. If the Parties do wish the SC to consider all proposals before they are considered by the COP, this should be clearly indicated in the Rules.</p> <p>Alternatively, it could be considered whether it is necessary for all proposals to be reviewed by the SC before they are submitted to the Secretariat for consideration by the COP.</p>
4	Rule 4: Dates of Meetings	<p>Rule 4.3, which provides for an extraordinary meeting to be held, states that such a meeting may be held in two circumstances. The first is at the request of any Contracting Party, provided that, within six months, it is supported by at least one-third of the Parties, in a ballot organized by the Secretariat. The second is when it is deemed necessary by the COP. However, the latter is inconsistent with Article 6 of the Convention, which states that extraordinary meetings shall be convened “at the written requests of at least one-third of the Contracting Parties.</p>	<p>Amend Rule 4.3 so that it is consistent with Article 6 of the Convention (that is, delete “at such times as may be deemed necessary by the Conference of the Parties, or”.)</p>

	Rule	Issue ¹	Recommendation regarding amendments
5	Rules 6 and 7: Observers	<p>Rule 7 is entitled “Participation of other bodies or agencies”. The "other" implies other than the United Nations and its specialized agencies, referred to in Rule 6. However, there are aspects of Rule 7 that could also apply to observers from the bodies referred to in Rule 6, such as the limitations on seating referred to in Rule 7.6. This lack of clarity could lead to misunderstanding and should be avoided.</p> <p>Rule 7.5 states that "Proposals made by observers" may only be put to the vote if sponsored by a Contracting Party. This is not consistent with the definition of ‘Proposal’ in Rule 2. Moreover, Rule 5.1 states that only Parties, the SC and the Conference Bureau may submit proposals. It appears that the terms ‘submit’ and ‘sponsor’ are used interchangeably in Rule 5.1. If this is the case, an observer may draft a proposal, but that, consistently with Rule 5.1, it must be sponsored (that is, submitted) by a Contracting Party. However, this is not entirely clear and should be resolved.</p> <p>Rule 7.3 refers to “Bodies or agencies recognized as observers...”, while Rule 7.7 refers to bodies or agencies "previously approved to be observers". However, the Rules do not clearly set out a process for recognition or approval. In practice, observers are approved/recognized by the COP. See for example Item 7 of the Agenda of COP 13, which is entitled “Admission of observers”.</p>	<p>Rules 6 and 7 should be consolidated into one rule that is clear and consistent in its application to observers.</p> <p>Rule 7.5: if it is the intention of the Parties that an observer may draft (or announce) a proposal which is in turn submitted by a Contracting Party, this should be clarified. This clarification could – for example – occur in Rules entitled “Drafting of proposals” and “Submitting of proposals” (as recommended above under “Rule 5: Notification”).</p> <p>Rule 7.7: Clarify that the list of observers provided by the Secretariat to the COP must be approved by the COP in accordance with Rules 7.1, 7.2 and 7.3. Avoid using the terms ‘recognized’ and ‘approved’ interchangeably; and choose one term and apply it consistently.</p> <p>See also recommendation regarding the definition of ‘proposal’ in Rule 2(g).</p>

	Rule	Issue¹	Recommendation regarding amendments
6	Rule 8: Preparation of provisional agenda	The Secretariat is to prepare the provisional agenda for a meeting of the COP for consideration by the SC at its annual meeting in the year following the previous COP. This means that the provisional agenda is to be prepared two years in advance of the COP. It may be questioned whether this is efficient and necessary, especially given the likely developments over the following two years.	Consider amending this rule to require the provisional agenda to be made available one year before the COP (for example). ⁸
7	Rules 11 - 12: Provisional agenda	<p>Under Rule 11, the Secretariat may, with the agreement of the chairperson, include in a supplementary provisional agenda a proposal received from a Party after the publication of the provisional agenda (which is three months before a meeting of the COP).</p> <p>However, as the deadline is not specific (“...before the opening of the meeting”) there may be insufficient time for the documents to be translated and for Parties to consider them in advance of a meeting. This is in conflict with Rule 50.1, which requires all official documents of the meetings to be translated into other official languages. It may also be prejudicial if Parties are unable to properly consider the documents.</p> <p>Under Rule 12, the COP considers the Agenda and the supplementary provisional agenda and may only add items to the agenda if it considers them to be "urgent and important". But it is ambiguous whether the items in</p>	<p>Possible amendments:</p> <p>It should be clarified that any items that appear in the supplementary provisional agenda, and that were not in the provisional agenda published three months before the meeting, will be included in the final agenda only if the COP considers them to be "urgent and important".</p> <p>It would be helpful to apply the same condition to the preparation of the supplementary provisional agenda if it needs to continue to exist. In this case, consideration should be given to the need for the preparation and distribution of related documentation in the official languages.</p>

⁸ In CITES, a draft agenda is prepared for consideration by the SC at the meeting preceding the COP (that is, the previous year). However, it contains only the standing items and the follow-up to decisions. The Secretariat then has to add any item submitted by any Party before the 150-day deadline.

	Rule	Issue ¹	Recommendation regarding amendments
		the supplementary provisional agenda are already considered as included in the provisional agenda.	
8	Rules 16 – 20: Representation and Credentials	<p>It is not clearly stated that a representative of a Contracting Party may not participate and vote in the absence of accepted credentials. Specifically:</p> <ul style="list-style-type: none"> • Rule 18.5 states that a representative may not vote unless their name is clearly and unambiguously listed in the credentials. However, there is no rule that explicitly states that a person whose name is listed on credentials may not vote because the credentials have not been accepted by the COP as being consistent with the criteria set out in Rule 18. • Rule 20 states that representatives shall be entitled to participate provisionally in the meeting pending a decision on their credentials by the COP. This implies that participation is possible even if credentials have not been presented, but it is not explicitly stated and to that extent is not clear. (The equivalent rule in the CITES Rules of Procedure says "Pending a decision on their credentials, delegates may participate provisionally in the meeting but not vote.") <p>Rule 18.4 concerns the format of credentials. As various combinations of seal, signature and letterhead are permissible, it can give rise to some confusion.</p>	<p>The Rules need to clearly set out the circumstances in which a representative may participate and vote. If participation or voting (or both) requires that credentials have been accepted, then this should be unambiguously stated in the Rules (including in Rule 39.5, which says that "Contracting Parties...who do not have appropriate credentials shall be considered as not voting". It is not clear if "appropriate" is intended to be synonymous with "accepted" by the COP).</p> <p>The Rules should be structured so that all of the technical requirements regarding the format of credentials are clearly set out in one sub-rule.</p> <p>Terminology should not be used interchangeably. That is, each term should be applied consistently throughout the Rules to avoid confusion.</p> <p>The specifications for credentials should be clearly articulated in one individual rule.</p> <p>The Rules should clearly state that the report of the Credentials Committee will have to be considered by the COP, and a decision made by the same, before any vote can occur.</p> <p>It may be useful to consider adding a rule regarding presentation of the equivalent of credentials also for observers, in</p>

	Rule	Issue ¹	Recommendation regarding amendments
		<p>Further, the person who is authorized to sign the credentials (Head of State, Minister for Foreign Affairs etc. as set out in Rule 18.3) and the term 'appropriate authority' appear to be used interchangeably, but it is not entirely clear.</p> <p>The specifications regarding the contents of credentials are spread out across various sub-rules within Rule 18. It is therefore necessary to read parts of different sub-rules to understand what credentials must contain. This is unnecessarily complex.</p> <p>Rule 19.3 states that the Credentials Committee shall examine all credentials and make recommendations to the COP. However, it does not establish a deadline for making a recommendation and in turn for the COP to make a decision. This is problematic if a vote is required before credentials are accepted by the COP.</p> <p>This assumes that a delegate must have had their credentials approved before voting, which is not clearly specified.</p>	<p>the form of a simple letter from an appropriate person indicating that the observer is authorized to represent the organization concerned and can speak on their behalf.</p>
9	Rule 21: Conference Bureau	<p>Rule 21.1 concerns, <i>inter alia</i>, the election of the officers of the Conference Bureau. One of the two Vice-Presidents is to serve as rapporteur. As each meeting of the COP is staffed by one or more professional rapporteurs, it is unclear what the duties of the nominated Vice-President are in this regard. Is the Vice-President to produce a formal report after each session of the COP, for example?</p>	<p>The role of the Vice-President acting as rapporteur should be clarified.</p> <p>All rules specifically concerning the Conference Bureau should be grouped together.</p>

	Rule	Issue ¹	Recommendation regarding amendments
		There are other rules concerning the functioning of the Conference Bureau elsewhere in the Rules (for example Rule 25.1(a)). This makes it difficult to clearly understand the roles and responsibilities of the Conference Bureau.	
10	Rule 22: Role of the President	Rule 22.3 states that the President, in the exercise of the functions of that office, remains under the authority of the COP.	The rule should be amended to link it to rule 32 (which sets out the process for ensuring that the President remains under the authority of the COP).
11	Rule 25: The establishment of subsidiary bodies	<p>Rules 25.1 and 25.4 do not explicitly clarify whether a non-voting member of the SC may join, vote in or be an elected officer of, an SC subgroup or working group.</p> <p>Rule 25.4 says “subject to paragraph 4”. This is an error as this text is in paragraph 4. It is therefore unclear what the rule is supposed to be subject to (if anything).</p> <p>Rule 25.5.e) concerns informal working groups “in addition to subsidiary bodies”. However, the fact that these groups are provided for in a rule concerning subsidiary bodies gives rise to confusion, in particular regarding the application of Rule 25 to their formation and functioning.</p> <p>Further, Rule 25.5.e) is not technically consistent with the definition of a ‘subsidiary body’ provided for in Rule 2.k). This is because it says that ‘subsidiary body’ “means all committees or working groups established by the Conference of the Parties...”.</p>	<p>The ability of non-voting members of the SC to join, vote in, or act as an officer of, one of its subgroups or working groups should be clarified to remove any ambiguity.</p> <p>The referencing error in Rule 25.4 should be eliminated.</p> <p>To avoid confusion, informal working groups should be provided for in a separate rule which makes it clear that they are not subsidiary bodies.</p> <p>Further, the definition of ‘subsidiary body’ provided in Rule 2.k) should be amended to refer to “...all <i>formal</i> committees or working groups” and to explicitly exclude the informal groups provided for in Rule 25.5.e).</p>
12	Rule 27: Functions of the Secretariat	Rule 27.f) requires the Secretariat to prepare a draft report of the meeting for consideration by the	The necessary amendments should be made to ensure consistency between these rules.

	Rule	Issue ¹	Recommendation regarding amendments
		<p>Conference Bureau first, followed by final approval by the COP. This suggests the Secretariat need prepare only one draft report to cover the entire meeting of the COP (noting earlier comments regarding the difference between a “session” and a “meeting”).</p> <p>However, Rule 25.1.a) requires the Secretariat to produce draft reports of each day for consideration by the Conference Bureau the following day. Further, there is no explicit requirement that these daily, draft reports then be approved by the COP.</p>	<p>Alternatively, consider whether the Conference Bureau needs to perform this role.</p>
13	Rule 34: Proposals and amendments to proposals	<p>Rule 34.1 implies that proposals to be considered by the COP must first be approved by the Standing Committee (cf "...meeting at which approvals are made..."). It states that this is required by Rule 5. However, Rule 5 refers to the SC "meeting at which recommendations are made". It is unclear whether the use of the word 'recommendation' is in this context synonymous with 'approval'. This should be clarified.</p> <p>Rule 34.2 indicates that the Secretariat or a subsidiary body may draft proposals.</p> <p>Note that it is common practice for the Secretariat to draft proposals under instruction from a Contracting Party or subsidiary body, and to then make them available to the Standing Committee/COP/ Contracting Parties. Note that providing them to these entities is an administrative act and not the same as 'submitting' a proposal (where the term 'submitting' is a</p>	<p>Rule 34.1: If proposals must be approved by the Standing Committee prior to being submitted to the COP, the wording of these rules should explicitly say so.</p> <p>However, it may be useful to consider whether it is efficient to require proposals to first be 'approved' by the SC before they can be considered by the COP, particularly as they may also be considered by the STRP and at each of five regional meetings before they are considered by the SC. These procedural layers are not consistent with other Conventions, where proposals may be considered just once, at the COP. (Note, if the SC is not to be involved, an amendment will be required to remove the reference to the SC).</p> <p>Regarding Rules 34.2 and proposals more generally: see the recommendation in row 3 regarding the drafting and submitting of proposals.</p>

	Rule	Issue ¹	Recommendation regarding amendments
		<p>synonym for ‘sponsoring’). However, this process has given rise to some confusion.</p> <p>Rules 34.4 and 34.6 both deal with new proposals. It is unclear why the requirements are spread out over two sub-rules.</p>	<p>See also the recommendation regarding the definition of ‘proposal’ in Rule 2.g), as well as the recommendation to include a definition of ‘sponsor’.</p> <p>Rules 34.4 and 34.6 should be consolidated so that requirements regarding new proposals are clearly set out in one sub-rule.</p> <p>Note the definition of an “amendment to a proposal” is set out in Rule 42 (which is a sub-rule under the heading “Voting”). This definition should be included under Rule 2.</p>
14	Rule 48: Official languages	This rule specifies the ‘official’ and ‘working’ languages of the Convention. It is unclear what a ‘working language’ is.	This should be clarified. It may be unnecessary to include the term ‘working language’, as it is not used in any other rule.
15	49: Interpretation	This rule allows a Contracting Party to speak in a language other than an official language, as long as that Party provides for interpretation into an official language. However, it is unclear whether they must provide an official, accredited interpreter and whether arrangements must be made with the Secretariat in advance.	If a Party wishes to provide its own interpreter/s for a non-official language, the arrangements must be made in advance with the Secretariat. Nothing needs to be said in the rules about accreditation if it is made clear that the Party concerned is responsible for the words spoken by the interpreter.
16	50: Languages of official documents	Rules 50.1 and 50.4 deal with the notion of an ‘official document’, while Rule 50.5 deals with “documents that have not been admitted as official documents”. However, very little guidance is provided regarding the distinction between the two.	<p>Consider amending the rule to provide greater clarity regarding the definition of an ‘official document’ and conversely an ‘unofficial document’ and the circumstances in which the latter may be distributed at a meeting.</p> <p>This should also be in an entirely separate rule (as opposed to forming part of a rule on languages).</p>

Part 3: Applicability of the Rules to subsidiary bodies, including the SC, working groups and Friends of the Chair groups (and relevant amendments)⁹

Table 2

	Rule	Application to Standing Committee, working groups and Friends of the Chair groups	Recommendation regarding amendments
1	Rule 3: Place of meetings	As SC meetings are traditionally held in Gland, ¹⁰ this rule is inconsistent with current Ramsar practice and to that extent does not apply. Similarly, meetings of the STRP and other subsidiary bodies are not in practice subject to this rule.	<p>Separate Rules of Procedure could be established for the SC¹¹, and possibly STRP, which could incorporate any procedural rules set out in Resolution XIII.4.¹²</p> <p>These rules could, for example, incorporate any relevant procedural requirements set out in COP resolutions regarding the STRP and other formal subsidiary bodies in an Annex to be updated after each COP.</p> <p>The rules could apply <i>mutatis mutandis</i>¹³ to other subsidiary bodies, subject to the requirements set out in the above-mentioned Annex. Drafting would need to be very clear and unambiguous to avoid confusion regarding the application of the rules <i>mutatis mutandis</i> to these other bodies.</p>

⁹ Note that Table 2 prioritises those rules that have or may give rise to some ambiguity regarding their application to subsidiary bodies. Additional analysis can be undertaken if deemed necessary by the Contracting Parties at SC57, and presented together with final recommendations regarding the Rules of Procedure at SC58.

¹⁰ With the exception of those held directly before and after each meeting of the COP.

¹¹ This is consistent with other Conventions, including CITES.

¹² Responsibilities, roles and composition of the Standing Committee and regional categorization of countries under the Convention.

¹³ This is consistent with CITES' Rules of Procedure for its Standing Committee (see Rule 17.4).

	Rule	Application to Standing Committee, working groups and Friends of the Chair groups	Recommendation regarding amendments
2	Rule 4: Dates of meetings	<p>Rule 4.1: As SC meetings are held annually (and thrice annually in a COP year), this provision is not applicable.</p> <p>Rule 4.2: Similarly, the dates and duration of each SC meeting¹⁴, as well as meetings of other subsidiary bodies¹⁵, are not determined at the first substantive meeting of the SC after the COP.</p>	Refer to recommendation in row 1 of Table 2.
3	Rule 5: Notification	<p>Rule 5.1: The requirement to notify all Contracting Parties of the dates, venue and provisional agenda of an ordinary meeting at least 12 months before the meeting is due to commence does not apply to the SC¹⁶. It would be impractical to apply it to other subsidiary bodies, too.</p>	Refer to recommendation in row 1 of Table 2.
4	Rule 6 and 7: Observers	<p>Note that, in Resolution XIII.4, Annex 1, paragraphs 10-15 inclusive set out the observers who may attend a meeting of the SC. It is therefore not clear if other observers may be admitted to attend a meeting of the SC pursuant to Rules 6 and 7, or whether the process set out in Rule 7 applies to these meetings.</p> <p>Further note that Resolution XIII.8, Annex 3, sets out the observers who may attend a meeting of the STRP. The wording makes it clear</p>	<p>Refer to recommendation in row 1 of Table 2.</p> <p>It would be necessary to clarify this issue in such rules.</p>

¹⁴ Resolution XIII.4, Annex 1, paragraph 11 states that “The Secretariat will continue to notify all Contracting Parties of the date and agenda of meetings of the Standing Committee at least three months in advance of each meeting, so that they may, as appropriate, make arrangements to be represented at the meeting as observers.” Annex 4 of this Resolution further includes a schedule of indicative meeting times for the Standing Committee between 2018 and COP14.

¹⁵ For example, Resolution XIII.8, paragraph 16 requests the Secretariat to “schedule the second STRP meeting in conjunction with the second Standing Committee meeting of the triennium, starting with the 58th meeting of the Standing Committee and continuing in future triennia...”

¹⁶ Ibid, Note 12.

	Rule	Application to Standing Committee, working groups and Friends of the Chair groups	Recommendation regarding amendments
		<p>that observers are not limited to the list provided (but that to be admitted as an observer the entity must otherwise satisfy the broad definition provided above the list). However, it is not clear whether observers may be admitted to attend and participate in a meeting of the STRP pursuant to Rule 6 or whether the process set out in Rule 7 applies to these meetings.</p> <p>It is not clear whether Rules 6 and 7 apply to meetings of other subsidiary bodies or to informal working groups formed pursuant to Rule 25.5.e) [noting that informal working groups formed pursuant to Rule 25.5.e) are not subsidiary bodies¹⁷].</p>	
5	Rule 8: Preparation of provisional agenda	<p>The Secretariat is to prepare the provisional agenda for consideration by the SC at its annual meeting in the year following the COP. This means that the provisional agenda is to be prepared two years in advance of the COP. This logically does not apply to the SC or to other subsidiary bodies. Rather, the agenda for the SC is made available three months in advance of the next SC meeting.¹⁸</p> <p>The agendas for meetings of other subsidiary bodies are determined on the basis of instructions from the COP and/or SC and in consultation with the Chair of the relevant body. However, this process is not provided for in the rules.</p>	<p>Refer to recommendation in row 1 of Table 2.</p> <p>The rules could explicitly provide for the process that is currently used to determine items for provisional agendas for subsidiary bodies, and with appropriate timing.</p>

¹⁷ 25.5(e) states that “In addition to subsidiary bodies, the COP may establish small informal working groups...”. The use of the phrase “in addition to” indicates that these informal groups are not subsidiary bodies.

¹⁸ Ibid, note 12.

	Rule	Application to Standing Committee, working groups and Friends of the Chair groups	Recommendation regarding amendments
6	Rule 9: Items on the provisional agenda	<p>This would apply to meetings of the SC.</p> <p>It would not logically apply to meetings of other subsidiary bodies (given the nature of the items). The items to be included in the provisional agendas for meetings of other subsidiary bodies are determined on the basis of instructions from the COP and/or SC and in consultation with the Chair of the relevant body. However, this process is not provided for in the rules.</p>	Refer to recommendation in row 1 of Table 2.
7	Rule 10: Distribution of documents	<p>This rule would apply to meetings of the SC.</p> <p>It could in principle apply to meetings of other subsidiary bodies. However, documents have not been provided in all official languages for the STRP as there was no budget for this. In addition, the three-month deadline for distribution of documents has not been applied for the STRP.</p>	<p>Refer to recommendation in row 1 of Table 2.</p> <p>However, if documents for the STRP must be provided in the official languages, this requirement would have budgetary implications.</p>
8	Rule 11: Supplementary provisional agenda	<p>This rule would apply to meetings of the SC.</p> <p>There is no logical reason why it would not apply to meetings of other subsidiary bodies (subject to the “chairperson of the SC” being substituted with “the chairperson of subsidiary body X”).</p>	Refer to recommendation in row 1 of Table 2.
9	Rule 12: Examining the provisional agenda	<p>This rule would apply to meetings of the SC.</p> <p>There is no logical reason why it would not apply to meetings of other subsidiary bodies.</p>	Refer to recommendation in row 1 of Table 2.

	Rule	Application to Standing Committee, working groups and Friends of the Chair groups	Recommendation regarding amendments
10	Rules 16 – 20: Representation and Credentials	<p>The rules regarding credentials do not appear to apply to the SC¹⁹ or other subsidiary bodies, in particular because the Credentials Committee is formed “on the basis of a proposal from the Conference Bureau.” The Conference Bureau is particular to a meeting of the COP.</p> <p>Further, these rules do not clearly apply to the STRP as it is not made up of country representatives per se (and the rules regarding credentials clearly apply to delegates representing a Contracting Party). However, credentials could be required for observers representing States and documents equivalent to credentials for observers representing organizations.</p>	<p>Refer to recommendation in row 1 of Table 2.</p> <p>It would be necessary to specify in these rules whether the requirements concerning credentials apply to the SC and other subsidiary bodies.</p> <p>Note that, in CITES, credentials are required for representatives of States at SC meetings, both members of the Committee and observers. In addition, organizations wishing to be represented must formally notify the Secretariat of the names of their observers in advance. Consideration could be given to a similar provision for the Ramsar SC.</p>
11	Rule 21: Conference Bureau	<p>The concept of a Conference Bureau does not apply to the SC (noting that the Conference Bureau includes the SC, as per Rule 21.1).</p> <p>Rule 21.1, which sets out the election of the officers of the Conference Bureau, does not apply to the SC.</p>	<p>Refer to recommendation in row 1 of Table 2.</p>
12	Rule 22: Role of President	<p>It is unclear whether this applies to the chairperson of the SC (or equivalent elected officer of a subsidiary body).</p>	<p>Refer to recommendation in row 1 of Table 2.</p> <p>These rules would need to clearly set out the role and powers of elected officers of all subsidiary bodies.</p>

¹⁹ Note that Resolution XIII.4, Annex 1, paragraph 9 provides as follows: “Contracting Parties that are voting members of the Standing Committee will convey to the Secretariat, through their diplomatic channels, the name(s) of the officer(s) in the designated national Ramsar Administrative Authority who act as their delegates on the Standing Committee, as well as the names of their substitutes, should they be needed.”

	Rule	Application to Standing Committee, working groups and Friends of the Chair groups	Recommendation regarding amendments
13	Rule 23: Role of Alternate President	It is unclear whether this applies to the Vice Chair of the SC (or equivalent elected officer of a subsidiary body).	Refer to recommendation in row 1 of Table 2. These rules would need to clearly set out the role and powers of elected officers of all subsidiary bodies.
14	Rule 24: Replacement of an officer	It is unclear whether this applies to a member of the Executive Team of the SC (or an elected officer of a subsidiary body).	Refer to recommendation in row 1 of Table 2. These rules would need to clearly set out the circumstances in which an officer may be replaced, and how this shall occur.
15	Rule 27: Functions of the Secretariat	Rule 27.f) requires the Secretariat to draft the report of the meeting for consideration by the Conference Bureau. It is unclear whether the Secretariat is required to perform the equivalent task for the executive of other subsidiary bodies.	Refer to recommendation in row 1 of Table 2. These rules would need to clearly set out the role of the Secretariat in relation to all subsidiary bodies.
16	Rule 28: Meetings	Rule 28.3 states that delegations are seated in accordance with the alphabetical order of the English language names of the Contracting Parties. The use of the term “Contracting Parties” suggests that this does not apply to the STRP (as the STRP comprises experts from Contracting Parties, as opposed to Contracting Parties <i>per se</i>). However, this is not entirely clear.	Refer to recommendation in row 1 of Table 2. These rules would need to clearly set out which subsidiary bodies are subject to the requirement regarding seating.
17	Rule 34: Proposals and amendments to proposals	Some of these sub-rules apply to meetings of the SC (Rules 34.1, 34.2), while others do not (Rules 34.4, 34.5, 34.6). Rule 34 would not apply to meetings of other subsidiary bodies.	Refer to recommendation in row 1 of Table 2. These rules would need to clearly set out the role and powers of the SC in relation to proposals and amendments to proposals.
18	Rules 39 – 45: Voting	Some of these sub-rules apply to the SC and subsidiary bodies,	Refer to recommendation in row 1 of Table 2.

	Rule	Application to Standing Committee, working groups and Friends of the Chair groups	Recommendation regarding amendments
		<p>whereas others do not.</p> <p>For example, Rules 39.1, 39.2, 39.3, 39.4, 39.5 apply to the SC and subsidiary bodies comprising Contracting Parties to the extent that they are required to cast votes in relation to a particular matter. Note that Rule 25.5.c) implies that matters being contemplated by a subsidiary body may result in a vote.²⁰</p> <p>However, the use of the words “Contracting Parties” throughout suggests that they do not apply to the STRP, which is made up of expert delegates. Conversely, if the rules are applied <i>mutatis mutandis</i> to meetings of the STRP, it may be possible to replace the term ‘Contracting Parties’ by ‘delegates’. However, the fact that there is ambiguity in relation to this issue is problematic.</p> <p>Rule 40 does not appear to apply to the SC or other subsidiary bodies, as this rule arguably concerns voting on proposals for the purpose of their adoption by the COP. However, the wording could be amended to provide greater clarity.</p> <p>It does not appear that Rules 41 to 43 inclusive apply to the SC or other subsidiary bodies insofar as these rules arguably concern voting on proposals for the purpose of their adoption by the COP. This is reinforced by the fact that there are separate rules concerning the consideration of proposals by the SC. Specifically,</p>	

²⁰ This sub-rule states that “The Chair of a subsidiary body may exercise the right to vote.”

	Rule	Application to Standing Committee, working groups and Friends of the Chair groups	Recommendation regarding amendments
		<p>Rules 34.1 and 34.2 explicitly concern amendments to proposals being considered at the meeting of the SC where documents for the following COP are considered. However, the wording of Rules 41 to 43 could be amended to provide greater clarity.</p> <p>Rule 44, which concerns voting procedure, and Rule 45, which concerns voting conduct, would arguably apply to meetings of the SC and subsidiary bodies.</p>	
19	Rules 46 – 47: Elections	These rules would apply to the SC and any other subsidiary body with elected officials.	
20	Rule 49: Interpretation	Rule 25.5.d) specifically applies to the SC and other subsidiary bodies with respect to interpretation.	