

Summary of agreements and current negotiations with IUCN regarding the Provision of Services, Headquarters Facilities and Delegation of Authority

Currently there are 3 key Agreements:

2005 Services Agreement

1991 Memorandum of Understanding on Headquarters Facilities

1993 Delegation of Authority and its supplementary note

New Letter of Agreement on the provision of Services and Headquarter Facilities

April 2009 – Ramsar (Chair of SC) and IUCN (DG) plan to sign a new framework Letter of Agreement which consolidates the first of these two agreements. The 2005 Services Agreement has been terminated. No fundamental changes to the Services most recently received in the following areas are intended.

Accounting and Finance

HR

Facilities Management

IT

The main changes are to incorporate explicit changes required by IUCN's Internal Control Systems (ICS), required by recent legislative changes in Switzerland, to make the charging for services more specific and transparent and to embed the COP and SC decisions re 13% cap on Core budget being spent on Services from IUCN. Also to remove from the agreement services which we have not in recent years required or received, and for which we do not want to be charged for.

We have 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. SG-Ramsar to continue dialogue as IUCN plans are being finessed. The high level framework of the 1991 Memorandum of Understanding on Headquarters Facilities has been successfully incorporated into the 2009 Letter of Agreement on the Provision of Services.

Delegation of Authority

Following various COP decisions to have Ramsar hosted by IUCN and establish the Standing Committee to supervise the activities of the convention, SC and IUCN concluded the 1993 Delegation of Authority which delegates various authorities to the DG-IUCN and the SG-Ramsar. Ramsar position, as advised by our legal advisor in his October 08 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 that this vests "sufficient legal personality in the Secretariat." Together with the decisions of COP, Ramsar has "sufficient international legal personality". However, IUCN have 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. We have indicated that we will work with them when they are ready to so, but obviously considering the deliberations of the Working Group on Administrative Reform.