

Comments submitted by members of the Ad Hoc Working Group on the Draft Report of the Working Group to the Standing Committee

The Secretariat staff hope fervently that we have collected all of the comments that were sent round. If any should be missing, please advise us. The comments are presented in alphabetical order by country. 15/03/2010

Argentina

5 March 2010

In view of the need to save time during the next meeting I will only make one comment concerning the report, which is a reaction to the comments made by Germany, in its 03.03.10 communication.

Argentina's disagrees with Germany's proposal of modification of paragraphs 26 and 27 of the Chair's draft report.

Germany proposes to change the phrases in the Chairs' draft report:

26. "In the discussion following the three presentations, a number of members expressed satisfaction with the implementation of the Convention under the present arrangement."
27. "Other Members were of the view that the Convention would benefit from administration under UNEP..."

For the following:

26. In the discussion following the three presentations, **some** members expressed satisfaction with the implementation of the Convention under the present arrangement.

27. **Most** members were of the view that the Convention would benefit from administration under UNEP

This is incorrect. Argentina acknowledges that the report of the third meeting shows that at least two members expressed satisfaction with the implementation of the Convention under the present arrangement. On the other hand it appears that only four members indicated that the Convention would benefit from administration under UNEP.

However what "most" of the Members did with regard to this issue was to **keep silent**. In fact the remaining 22 members (or in other words "most" of the Members) did not say anything about what is most convenient for RAMSAR.

Thus, given the abovementioned, Argentina supports the Chairs' draft text with regard to paras. 26 and 27, as originally submitted to Members.

Best regards,
Rodrigo Bardoneschi
Mission of Argentina

Germany

3 March 2010

Please find enclosed the German comments and suggestions on the draft report. Best wishes
Matthias Schauer

Matthias Schauer
Head of Economic Section
Mission of Germany

Para. 15 The SG reviewed the actions taken by the Secretariat on each of the ten problems identified. With the exception of two problems (“legal liability of host organization for Ramsar actions” and “host organization controls the Secretariat’s financial procedures in ways that may not be suitable”) under discussion with IUCN, the other eight problems were deemed to be no longer a problem, and that actions taken by the Secretariat would lead to finding a solution. In the case of one problem (ability to enter into international cooperation agreements), this was a difficulty faced not only by the Ramsar Secretariat, but was a problem for the secretariats of all conventions. [add: Two problems (“difficulty of obtaining travel visas for staff without international organization legitimization” and “difficulty in obtaining recognition of Ramsar Secretariat staff at major international meetings”) can be solved under UNEP administration.]

Para. 23: The UNEP representative stressed that should the Ramsar Secretariat be administered by UNEP it would fall under the UN rules and regulations. In which case, all the present staff positions would have to be advertised and that the staff would have to apply for their positions. She noted that the Executive Director of UNEP is not in a position to waive this requirement, [add: but individual or interim solutions might be possible]. However, there were a number of possibilities for staff who do not intend to join UNEP and those near retirement. In this respect, she suggested that interim arrangements could be made for such staff. Finally, she drew attention to the possible benefits for Ramsar staff, such as, career development and mobility within the UN system.

Para. 26: In the discussion following the three presentations, [substitute: some] members expressed satisfaction with the implementation of the Convention under the present arrangement. A number of questions were raised in relation to the future of the Secretariat’s relationship with IOPs, especially with regard to the Danone/Evian project, the impact of UNEP option on staff, and also with respect to the internship programme.

Para 27: [substitute: Most] members were of the view that the Convention would benefit from administration under UNEP, enjoy cooperation with other biodiversity related conventions and would be better integrated with other UNEP administered MEAs, and that synergies could be achieved as a full member of UNEP.

Para 34: In the ensuing discussion, it was agreed that the current status for eight of the putative problems remain unchanged. In the case of two of the eight problems, i.e. on the issue of problem number 4: “International cooperation agreements”, the Group in addition to the unchanged current status, agreed with the SG and added in the conclusion column that [Rewrite: since the ability to enter into cooperative agreements depends on the powers granted to the Secretariat by both the Conference of the Parties and the host organization, it would in turn be

determined by the powers held by the host organization in addition to those of the Conference of the Parties].

Japan

5 March 2010

Japan wishes to make the following comments on the draft of "Report of the Ad Hoc Working Group on Administrative Reform to the 41st meeting of the Standing Committee."

In paragraph 36, the estimations for the budget/the total annual contribution for both the UNEP option and the present arrangement should be clearly stated in the final report to the SC 41.

This is for the following reasons:

(1) According to the Terms of Reference (Resolution X.5), in order to compare these options, it states that the costs and consequences for the operation of the Secretariat must be fully addressed.

(2) Since the staffing costs were provided by the UNEP in paragraph 22, the final report should state like-wise the budget/the total annual contributions that were disclosed at the Ad-hoc Working Group.

We would also like to have an opportunity to make further comments on the Co-chairs' final report before the fifth meeting of the AWG.

Regards,

Masaaki Yamada
Advisor
The Permanent Mission of Japan

Switzerland

3 March 2010

Dear Colleagues,

I thank the co-chairs for their draft report.

While we have to inform the Standing Committee on the work we did during our meetings with a report and recommendations that we will draft on 29 March, this should be accompanied by a synthesis of the data on which we based our work. The format could be comparative tables or else, so that differences, advantages, disadvantages would appear. The structure of the decision could be used. The consultant could develop this synthesis. We cannot expect the members of the SC to have a look at all the documents we considered.

Sincerely Yours

Sibylle Vermont
Swiss Federal Office for the Environment
3003 Berne

United States
5 March 2010

Greetings,
Attached please find US comments to the Report. We would also appreciate some understanding of how the co-chairs plan to address comments from various member countries.
Best Regards, Lisa

Lisa Brodey
First Secretary
Environment, Science and Technology Officer
Office of Economic and Science Affairs
U.S. Mission to the United Nations and Specialized Agencies in Geneva

Para 21: The UNEP representative stated that even though Ramsar is not operating in isolation since it is a full member of the biodiversity cluster of MEAs, it still remains outside the UN administered agreements. She [rewrite: expressed the view] that Ramsar under UNEP would increase the Secretariat's opportunities for interchange, cooperation, communication in data transfer, scientific work, and discussions of common policy. She noted how the Secretariat [rewrite: could] benefit under UNEP in the following areas: better access to funding; a network of regional offices; a specialized legal office; strengthened data management; part of the international environmental governance; the possibility of better access to GEF funding and other sources of funding available only to UN organizations. [With comment: The benefits in these areas are not guaranteed under a UNEP arrangement, but rather are a possibility. Ramsar is also already a part of IEG discussions, and is currently working with GEF implementing agencies on various GEF projects.]

Para 24: The legal consultant retained through the generosity of the Government of Australia to provide a comparative review of the reports of IUCN and UNEP also presented his report. [Delete: <He was of the view that UNEP provided a much thorough response, and that UNEP appeared to offer more opportunities for Ramsar> with comment: This view in particular is an entirely subjective opinion and should not be included in the report.] He presented his review based on five headings: (i) institutional hosting; (ii) enhancing implementation; (iii) legal personality; (iv) staff issues, and (v) administrative services. He noted that in spite of the [added: assumed] benefits of Ramsar under the administration of UNEP, nevertheless, the benefits of joining UNEP would depend first on a review of the cost implications of the Convention's obligations under the present arrangement, and second on the negotiations that the COP would enter into with UNEP. He noted that these negotiations should cover all the areas, by taking a critical look at the MEAs that UNEP administers and to determine the level of flexibility that the UN system would allow.

Para 38: The UNEP representative also pointed out that the structure of the draft budget estimates was different from a UNEP prepared budget. The Working Group whilst agreeing with this comment also pointed out that irrespective of the differences in budget structure, the bottom lines [substitute: should more or less be as indicated in the attached illustrative

budget].(note: budget table that was notionally agreed by the UNEP reps and Ramsar Sect should be attached to this report.) [With comment: We do not recall this was agreed. Rather, UNEP indicated they would be unable to put the Ramsar budget into the format / budget framework used by UNEP unless a transition were to in fact occur.]

Para 41. On the issue of what form the information on transition costs should take, one member acknowledged that drawing up a table of transition costs posed some difficulties. Another member stated that it might be impossible to provide concrete figures on transition costs, however, suggested that some important components of the transition costs should be taken into account, such as contract termination costs [added: (estimated by the Ramsar Secretariat staff to potentially cost over 1 million CHF)], physical moving etc. [note: actually estimated by the IUCN representative]