

Convention on Wetlands (Ramsar, Iran, 1971)
6th Meeting of the Ad Hoc Working Group on
Administrative Reform
Geneva, Switzerland, 28 May 2010

Draft Report of the 6th Meeting of the Ad Hoc Working Group on
Administrative Reform

Contracting Parties present: Argentina, Australia, Barbados, Belgium, Bosnia Herzegovina, Brazil, Canada, Chile, Colombia, Ecuador, France, Germany, Ghana, Indonesia, Islamic Republic of Iran, Japan, Kenya, Mauritius, Mexico, Panama, Republic of Korea, Serbia, South Africa, Sudan, Switzerland, USA, Venezuela.

Resources: IUCN, UNEP; Mr Kofi Addo, consultant

Introductory remarks by the Co-Chairs

1. The **Co-Chair (Chile)** welcomed all participants and said that this was the first meeting of the Working Group after the meeting of the 41st Standing Committee. He stated that the decision of the Standing Committee is to prolong the work of the Ad Hoc Working Group. He proposed that the Group look at the decision and decide on the way forward. He stated that the meeting was normally scheduled for the whole day, but the Co-Chairs thought that the Group would only need the morning session.
2. The **Co-Chair (Australia)** also welcomed all participants. She introduced Mr. Kofi Addo as the note taker for the meeting and then opened the floor for suggestions on the way forward.
3. **Argentina** thanked the Co-Chairs for sharing their views on the work of the Group. He called attention to the need to give participants sufficient time in advance of the scheduled meeting date in order to allow for proper consultations with national authorities and stakeholders. This in his view would enable adequate internal discussions on the issues under consideration in the Working Group. He also drew attention to the need for receiving a provisional agenda, as it is the usual practice for all meetings.
4. **Argentina** also stressed the point that even following the decision of the Standing Committee to seek more clarification on a UNEP-administered Convention, it does not prove that a UNEP hosted Secretariat would allow for more efficiency in the Secretariat's work, nor would it lead to effective implementation of the Ramsar Convention by the Contracting Parties. Secondly, given that the Convention has worked and continues to work efficiently, there is no need for a change to an uncertain scenario. He said that Argentina is not aware that the Working Group has identified any problems with regard to the functioning of the Secretariat that has affected or impaired the implementation of the Convention by the Contracting Parties. He noted that Argentina on the contrary believes that the actual configuration has allowed, and in some cases, favoured the implementation of actions and programmes to fulfil the objectives of the Convention.
5. **Argentina** again pointed out that it is of utmost importance to have a clear picture of all the elements that would justify changing the institutional host of the Convention. He noted that any unwarranted urgency in making a rapid decision should be based on detailed analysis and an evaluation of all the political, technical, administrative and financial aspects

of a change in institutional hosting. He felt that with respect to the decision to draft a resolution including a plan for implementation of a UNEP-administered Ramsar Secretariat for consideration by the 42nd meeting of the Standing Committee, Argentina was concerned that the Standing Committee decision narrows the COP10 mandate, given that a UNEP hosted Secretariat is only one of the options to be considered.

6. **Argentina** said that since no consensus was found within the Working Group, Argentina envisages difficulty in advancing in this direction. He made reference to the report of the 41st meeting of the Standing Committee (SC41 Report of the Meeting), in particular to paragraph 194, whereby the Chair of the Standing Committee noted that “in Decision 41-4 the SC did not make a substantive decision on the issues but merely sought more information”. This in his opinion is the task that the Working Group should concentrate on, and Argentina looks forward to engaging constructively in that endeavour. He further stated that several issues like increases, if any, in annual contributions and transition costs have not been addressed. And that Argentina could not support any increase in budget to finance a project it does not support.
7. **Japan** requested that all documents for the next meeting should be pasted on the Ramsar Convention website at least one month before the meeting to allow for sufficient time to consider the issues.
8. **Kenya** thanked the Co-Chairs for the report that was presented at the 41st meeting of the Standing Committee. She stated that Kenya warmly welcomed the Standing Committee Decision SC41-4, mandating the Working Group to determine the concrete modalities for implementing the transfer of the Ramsar Secretariat to UNEP. She noted that the decision resonated well with the Nusa Dua Declaration by Environment Ministers during the 11th Special Session of the UNEP Global Ministerial Environment Forum. During this session, the Ministers expressed their commitment to strengthening the role of UNEP as the “leading global environmental authority that sets the global environmental agenda.” She said that Kenya looked forward to broad and transparent consultations, as the Working Group drafts a Resolution for consideration during the 42nd Standing Committee.
9. **USA** said that it would base its decision on facts and evidence, and given the facts and evidence presented at the previous five meetings of the Working Group, USA did not think there was a case for moving Ramsar to UNEP. She pointed out that if all Parties had looked at the issue solely on the facts and evidence presented, the majority would not have reached the decision that the Secretariat be hosted by UNEP. She said that the USA was not surprised that despite a lack of consensus Parties are back together to determine how to implement a transfer of the Ramsar Secretariat to UNEP.
10. **USA** remarked that the previous five meetings were marked by a lack of transparency, and the discussions seemed to be a proxy for negotiations on other issues: international environmental governance, the clustering of biodiversity conventions and even the geographic location of future secretariats. She noted that these issues are all under negotiations at their appropriate fora, and that to take up these issues in the meetings of the Working Group is to pre-determine and pre-negotiate outcomes beyond the Group’s mandate. She added that in order to set the tone of the Group’s discussions, the USA thought it should further clarify the terms of reference of the Group. In this regard, the USA seeks formal clarification on three points, since they believed that the issue of the hosting arrangement is of utmost importance to the Convention and has the potential to substantially affect the Convention’s future operations and efficiency. The three points are:

- the Group should conduct its efforts according to the principles of transparency, evidence-based recommendation, and stringent avoidance of any conflicts of interest;
 - the Group should conduct its detailed study without prejudice to the ultimate decision on the Convention's hosting arrangement, which can only be made by the Conference of Contracting Parties, and
 - any outside consultants or experts should be independent (without prejudice for a preferred hosting arrangement and without connection to Ramsar, UNEP or IUCN) and selected with the full approval by the Working Group.
11. **Mexico** said that it was convinced of the efficient way in which the Ramsar Convention has been functioning, and that a better view of the benefits of transferring the administration of the Convention to UNEP should be taken. He raised concerns about the financial impact of the hosting decision.
 12. **Co-Chair (Australia)** referred to the decision of Standing Committee and recommended that the Group work on the basis of the mandate given the Group. She pointed out that representatives of IUCN and UNEP were on hand to answer any questions that participants may have.
 13. **Co-Chair (Chile)** drew attention to the way the Standing Committee decision came about. He said that the Co-Chairs had a meeting with the Standing Committee the day before the decision was made. The Co-Chairs informed the Standing Committee of the outcome of the Group's meetings at which the Group had the opportunity to listen to UNEP, and that a large number of the Group approved of the move to a UNEP-administered Convention, but also informed the Standing Committee that note should be taken of the Parties which did not approve. He stressed that the mandate from Kobuleti is the same as from COP10, and that the decision only allows the Group to look into the option that the large majority agreed on at the 4th meeting. Co-Chair (Chile) agreed with the approach recommended by Co-Chair (Australia) that the Group look at paragraph 1 and the sub-paragraphs of the Standing Committee decision.
 14. **Co-Chair (Chile)** noted that the impression is that many of the Parties are worried about an increase in contributions, and this appears to be a major reason for not moving to UNEP. He, however, thought there are pragmatic reasons, for example, why sub-paragraph (a) calls on UNEP to prepare different scenarios between the cost now and the move to UNEP. This he pointed out relates to another issue that of overheads paid to IUCN vis-à-vis UNEP. He noted that whereas UNEP charges a 13% programme support cost, IUCN states that it charges overhead based on calculations of the services provided, which amounts to almost 13%. He raised the question of what the Convention will receive in return for the 13% programme support cost paid to UNEP. He added that there appears to be no clear understanding of what UNEP would offer in return. On the issue of transition arrangements, the Co-Chair inquired about how the move to UNEP would affect Ramsar Secretariat staff who are about to retire. On the classification of posts, he noted that jobs descriptions do not translate directly from the present system under Ramsar to the UN system, and requested that UNEP work on the matter of equivalence, i.e. comparing "apples with apples". The **Co-Chair** pointed out that the Group has until the 42nd meeting of the SC (to be held 16-20 May 2011) to come up with a text for the Standing Committee's consideration. He said that although many of the added benefits have already been provided, the Standing Committee would like to see again the added benefits of the

Convention should it be administered by UNEP. He asked that the Group discuss the timeframe for its mandate, how many meetings the Group have depending on how much time UNEP would need to respond to the Group's queries.

15. **Japan** sought clarification that the Standing Committee had not concluded that the Ramsar Convention should be transferred to UNEP. He pointed out that the final decision should be taken by the Conference of the Parties. **Co-Chair (Australia)** explained that the final decision can only be taken by the Conference of the Parties. However, the Standing Committee was of the opinion that there are many questions not answered, and there was the need to look into the issues.
16. **Germany** agreed with the decision of the Co-Chairs to go through the Standing Committee decision and raise queries for UNEP to respond to. **Germany** noted that cost reduction is a major point, and that cost neutral analysis should be conducted, and also request that UNEP come up with a budget indicating a reduction in costs. She stressed that transition arrangements are important so as not to lose the efficient working of the Secretariat and have a negative impact on the staff. She requested that UNEP look into the grading system of the UN and make a decision on the staffing arrangements.
17. **Mexico** raised the question on how the transfer of the Convention to UNEP would impact the Convention's relationship with the international organisation partners (IOPs) and partnerships with other organisations.
18. **USA** inquired whether the Group would draft a resolution for a move to UNEP or should there be no consensus whether there was an option for lack of consensus. **Co-Chair (Australia)** responded that at this stage the Group needs to look at the first paragraph of the Standing Committee decision rather than discuss the nature of the resolution. **USA** said that it was asking for an interpretation of paragraph 2 of Standing Committee decision 41-4, and wanted to know what the Co-Chairs considered as their mandate.
19. **Argentina** felt that the main concern for Parties is the added benefits and cost benefits of moving to UNEP. He suggested that UNEP provide cost scenarios and formally sign a document stating the contributions of each Party under a UNEP-administered Convention. **Co-Chair (Australia)** clarified that UNEP would be tasked to provide a cost neutral analysis.
20. **Mauritius** thanked the Co-Chairs for a transparent process and agreed that the Group discuss the issues which fall under paragraph 1 of the Standing Committee decision. He said that there are a few areas that the UNEP representative did not provide information, but Mauritius would like to ask for more information on the added benefits to the Convention moving to UNEP such as the issue of funding and the Convention's relationship with the IOPs, in order to give everyone a clear picture.
21. **South Africa** suggested that with regard to paragraph 1(a) of Decision 41-4, the Group should ensure first and foremost to arrive at the best possible arrangement. She said that the Group should not concentrate solely on cost, but focus on other issues and look later at cost. **Co-Chair (Australia)** responded that since other participants want to know about cost the Group should proceed with the list of issues to be addressed by UNEP based on paragraph 1 of the Standing Committee decision. She suggested that the Group raise queries starting with paragraph 1(a).

List of issues identified by the Ad Hoc Working Group under Decision SC41-4(1) to be addressed by UNEP¹:

Paragraph 1(a): Further options for reducing the costs of a UNEP-administered Ramsar Secretariat

22. **Argentina** felt it is important to state that the scenario or budget to be prepared by UNEP should be realistic. UNEP should also state the contributions of each Party under the UNEP option.

Paragraph 1(b): Transition arrangements

23. **Argentina** felt that the issue of transition costs has not been clarified enough for Parties, and recommended that transitional arrangements should include costs, costs which UNEP foresees as practicable costs and its impact on the Ramsar Secretariat's budget. **Argentina** further recommended that the cost estimates provided by UNEP should be a formal signed document.

Paragraph 1(c): Timing and a timeline for implementation

24. It was suggested that UNEP provide a possible timeframe for the provision of the Ramsar Secretariat by UNEP.

Paragraph 1(d): The best possible staff arrangements

25. **Germany** felt that Parties had to be sure that answers are found for staff about to go on retirement, and that the situation of interns should be clarified. Germany inquired if the present Ramsar staff would have to reapply for their positions should the Convention be transferred to UNEP.
26. **Co-Chair (Australia)** said that Parties would need clarification from UNEP as to how UNEP intends to go about the staff arrangements. She suggested that UNEP look at the job classifications, since the exercise carried out by UNEP classified quite a number of the Ramsar staff at the P5 level, which appears to be inconsistent with the practice under other UNEP-administered MEAs.
27. **USA** suggested that UNEP should provide cost scenarios comparing the Ramsar staff budget as at now and costs should the Convention be transferred to UNEP.
28. **Co-Chair (Chile)** recalled that there were some problems with the job classifications exercise carried out by UNEP, and suggested that UNEP look closely at the job descriptions of the Ramsar staff.

Paragraph 1(e): The added benefits to the Convention

29. **Co-Chair (Chile)** felt that the whole exercise needed to be pragmatic and not to come up with theories. He said Parties at the 5th meeting wanted more information on the added benefits to the Convention under UNEP. He felt it was important that Parties make clear what they wanted to know in order to clarify any doubts.

¹ A summary of the list of issues identified by the Ad Hoc Working Group is attached as Annex 1

30. **Argentina** agreed that this issue although important is a difficult one, but should be a concrete exercise. He acknowledged the fact that UNEP has already made the effort to provide information on the added benefits to the Convention, but felt it was not convincing enough. He suggested the UNEP concentrate on the benefits it can offer the Convention, i.e., what UNEP can add to what the Convention already has. He said that Parties should not request from UNEP information it has already provided.
31. **Argentina** noted that any change must benefit the Convention and its Contracting Parties, and that efficiency in the work of the Secretariat should come before any image related considerations. As such, the Working Group under its new mandate should clarify the benefits Parties would receive under five specific areas: (i) implementation of the Convention; (ii) financing for capacity building and cooperation projects; (iii) civil society and private sector participation; (iv) regional initiatives, and (v) institutional strengthening.
32. **USA** agreed with Argentina that the issues raised are important and difficult. She requested that UNEP review the USA earlier comments and address the issue of value added.
33. **Indonesia** felt the added benefits issue is very important. His initial position is that if it is not broken then there is no need to fix it. He felt that it would be good not only to concentrate on the added benefits, but also to consider the “liabilities”, for example, obligations that could arise as a result of transfer of funds.
34. **USA** inquired how quickly a programme receives funding comparing the current practice under IUCN management and a UNEP-administered Convention.
35. **Germany** inquired how the move to UNEP would facilitate the efficient functioning of the Secretariat and how it would impact on staff.
36. **Mauritius** inquired how the transfer to UNEP would affect the Convention in terms of (i) access to funding; (ii) management of data between the different wetland organisations; (iii) facilitate the developmental linkages between the regional offices of UNEP; (iv) facilitate collaboration of wetlands within the UNEP regions, and (v) promote regional initiatives.
37. **Ecuador** said that the COP resolution on “Facilitating the work of the Ramsar Convention and its Secretariat” (Resolution X.5) is clear. He said Parties came to the idea of a possible move to UNEP after careful deliberations. The underlying issue is the legal status of the Convention, and this issue should be addressed under the added benefits section. He said the issue came up in 1995, when he was approached by the Ramsar Secretariat on the matter of the Convention’s legal status.
38. **Germany** agreed with the view of Ecuador, and mentioned that though the issue of the legal status of the Convention has been addressed at earlier meetings, she thought it should be raised under this section.
39. **Co-Chair (Chile)** noted that the interesting thing about the host arrangement has been the issue of the legal status of the Convention. He said that complaints at each of the Standing Committee meetings were that the Convention lacked a legal status under Swiss law. He said although the Parties acknowledged the efforts of the Swiss Government in resolving the issue, the situation has not changed. The Co-Chair asked the representative of UNEP for comments.

40. **The representative of UNEP** said that UNEP was willing to take on the challenge of addressing the issues raised by the Parties, for example, questions on costs, how the Ramsar Secretariat would function under UNEP administration. He said that UNEP was prepared to carry out a comprehensive exercise, and requested that UNEP be given ample time to respond to all queries.
41. **Co-Chair (Chile)** inquired if there was any information that UNEP was not in a position to provide. The **representative of UNEP** said that UNEP is in a position to respond to all queries.
42. **Co-Chair (Chile)** said that Argentina mentioned five areas, but looking carefully at these five areas there are some which are decided by the COP not UNEP. MEAs have legal autonomy, a governing body – the COP, which has the mandate to decide on the work programme of the Secretariat. He explained that there are different arrangements for each of the MEAs. The COP negotiates with UNEP, and the question is what is the line between what the COP can do and what UNEP can do.
43. **Switzerland** observed that things were getting clearer, and that the decision of the Standing Committee is that more clarification is needed. She suggested that in addition to the text of the meeting, a table summarising the issues that need clarification should also be provided.
44. **Co-Chair (Australia)** proposed that the Co-Chairs would prepare a list of the issues identified and send it out to Parties for comments, after which the list of issues would be sent to UNEP for their response. She proposed a timeline of one month for UNEP to respond.
45. **The representative of UNEP** said that due to the upcoming holidays, and that most of his colleagues who will be involved in responding the queries would be away during July and August, UNEP would need about two months to respond.
46. **Canada** pointed out that the Co-Chairs in setting the date for the next meeting look at the UN calendar so that there are no overlaps. **Co-Chair (Australia)** said that the Co-Chairs would consider the times of the different meeting.
47. **Japan** suggested that no matter what happens while this process is on-going the Ramsar Secretariat should continue to work closely with IUCN.
48. **The representative of IUCN** said that IUCN is thoroughly committed to supporting the process, and requested that issues which fall outside the mandate of the Working Group could be directed to IUCN.
49. **Co-Chair (Chile)** said that the Co-Chairs would send the list of issues to all Parties by 7 June, allow two weeks for comments till 27 June and then send it on to UNEP. He said the Co-Chairs would hold discussions on the date for the next meeting.
50. **The Co-Chairs** thanked the participants for their work and thanked the Secretariat, UNEP, and IUCN for their support.

Annex 1

**List of issues identified by the Ad Hoc Working Group on Administrative Reform
at its sixth meeting under Decision SC41-4(1) to be addressed by UNEP**

SC41-4(1)	Issues identified by the WG
A. Further options for reducing the costs of a UNEP-administered Ramsar Secretariat	<ol style="list-style-type: none"> 1. Provide cost scenarios under a UNEP-administered Convention. Including scenarios that keep total costs the same (i.e. cost neutral) or reduce the costs. 2. State the contributions of each Party under each cost scenario (i.e. under the present arrangement and under a UNEP administration).
B. Transition arrangements	<ol style="list-style-type: none"> 1. Clarify the costs which UNEP foresees as practicable costs and its impact on the Ramsar Secretariat's budget.
C. Timing and a timeline for implementation	<ol style="list-style-type: none"> 1. Provide a possible timeframe for the provision of the Ramsar Secretariat by UNEP.
D. The best possible staff arrangements	<ol style="list-style-type: none"> 1. Provide information on: <ol style="list-style-type: none"> a. the situation of staff about to go on retirement; b. the situation of the present interns and the internship programme as a whole, and c. whether the Secretariat's staff members would have to apply for their positions. 2. Review the job classifications already undertaken by UNEP based on the positions and job descriptions of the Ramsar Secretariat. For example, the number of P5s under the UNEP job classification appears to be inconsistent with the practice under other MEAs. 3. Provide staff cost scenarios comparing the present situation and a UNEP-administered Convention.
E. The added benefits to the Convention	<ol style="list-style-type: none"> 1. What are the added benefits of a UNEP-administered Convention vis-à-vis the present situation of the Ramsar Convention? 2. What are the benefits to Parties should the Ramsar Secretariat be administered by UNEP in terms of the following: <ol style="list-style-type: none"> a. financing for capacity building and cooperation projects; b. civil society and private sector participation; c. regional initiatives, and d. institutional strengthening.

	<ol style="list-style-type: none">3. Provide information on the obligations that could arise as a result of transfer of funds.4. How quickly can a programme or project receive funding, comparing the Ramsar Convention practice under IUCN and a UNEP-administered Convention?5. How will the move facilitate the efficient working of the Ramsar Secretariat and its impact on staff?6. How would the Ramsar Convention under UNEP be affected in terms of:<ol style="list-style-type: none">a. access to funding;b. management of data between the different wetland organisations;c. facilitate the developmental linkages between the regional offices of UNEP;d. facilitate collaboration of wetlands within the UNEP regions, ande. promote regional initiatives.7. What would be the legal status of the Ramsar Convention as a UNEP-administered Convention?
--	--