

Agenda item 8

**Report of the Ad Hoc Working Group on Administrative Reform to
the 41st meeting of the Standing Committee**

Introduction

1. This report from the Ad Hoc Working Group on Administrative Reform covers the Working Group's deliberations from January 2009 – March 2010.¹ The report includes recommendations for Standing Committee consideration.
2. The Ad Hoc Working Group on Administrative Reform was established pursuant to Resolution X.5 of the Conference of the Parties. The mandate of the Working Group was to evaluate the success of steps already taken to improve the effectiveness of the Convention and to recommend additional ways of improving the current operations of the Ramsar Secretariat (Option 1), and determine whether the Secretariat should be provided by UNEP (Option 3).
3. The Resolution provided that the Working Group should comprise at least two members from each Ramsar region. The Resolution also provided that the Working Group may invite representatives of IUCN, UNEP, other International Organizational Partners (IOPs) and other organizations to attend in fulfillment of its mandate.
4. In accordance with its objective to recommend efficient and effective measures to improve the capacity and operation of the Ramsar Secretariat to support and facilitate the implementation of the Convention and serve the interests of the Contracting Parties, the Working Group developed a detailed work-plan and agreed on a list of activities to guide its work. The Group between January 2009 and March 2010 held five meetings.
5. The Working Group, guided by the three items under "Work Required" in the Annex to Resolution X.5, decided to focus its first meeting on organizational issues and the second meeting on its work programme and the wording of the letters sent to both UNEP and IUCN. The purpose of the letters was to solicit from both organizations detailed and specific information on the costs and benefits to the Convention on whether the Convention should continue to be hosted by IUCN or change to be institutionally hosted by UNEP. In addition, the first and second meetings were devoted to identifying measures to improve the administration of the Convention under Option 1 (improved status within IUCN).

¹ For ease of reference, the minutes of the Working Group meetings and all documentation relevant to the work of the Working Group are attached.

6. The third meeting discussed the possibility of whether the Convention should be administered by UNEP (Option 3). The fourth meeting, in addition to seeking clarifications for written enquiries submitted by Contracting Parties, filled out a table of the 10 problems identified under Option 1 in Table 2 (COP10 DOC.20, adds. 1, page 7), indicating the current status of each problem, and discussed the COP-approved Ramsar budget and the budgetary estimates under UNEP. The Group decided at the fourth meeting that since Parties would need time to consult capitals and also have regional consultations, the fifth meeting was devoted to drafting the report on its activities and recommendations to the 41st meeting of the Standing Committee.

1. First meeting

7. The first meeting of the Ad Hoc Working Group on Administrative Reform was held in Gland on 19 January 2009. The meeting was declared open at 10.30 a.m. by the Secretary General (SG) of Ramsar Secretariat. The SG welcomed members of the Working Group and thanked Switzerland, IUCN and UNEP for their technical and financial support.
8. The Working Group acting on the suggestion of the SG agreed to appoint two Co-Chairs. Australia and Chile were nominated, and since there were no objections, the nominations of Australia and Chile were accepted. Australia and Chile continued to serve as Co-Chairs for all five meetings of the Working Group.
9. In carrying out its work at the current meeting, the Working Group focused on Number 1 under "Work Required" of the Group in the Annex to Resolution X.5. The Group, in identifying immediate actions which could be taken to improve the effectiveness of the Convention, reviewed the 10 problems identified under Option 1 in Table 2 of COP10 DOC 20, add. 1, page 7.
10. The Group identified the immediate actions that could be taken to resolve the 10 problems. The Group agreed that no further action was required with respect to six of the identified problems. The Group also agreed that, with regard to two problems, the Secretary General was to work to address them and report back to the Group. In respect of one of the problems, the Group agreed that further information would be required before any possible immediate action could be identified (annex to DOC WG-AR1-1).
11. The Working Group agreed that with respect to attendance by other organizations, the Group welcomed the assistance of IUCN, UNEP and other IOPs, but not as members of the Working Group. The organizations will only be invited to participate in the meetings of the Group.
12. On the subject of seeking assistance from both UNEP and IUCN, the Group agreed that the Co-Chairs should send a letter to UNEP requesting additional information, which should include the costs and benefits of Option 3 (The Ramsar Secretariat administered by UNEP). Following a request by some Parties, the Group also agreed to send a letter to IUCN to

request further information on what IUCN could do to enhance the work of the Convention. The Working Group discussed the need for a legal consultant to provide advice to the Working Group during the latter part of its work, and agreed that legal assistance should be sought using voluntary contributions.

2. Second meeting

13. The second meeting of the Ad Hoc Working Group on Administrative Reform was held in Gland on 24 March 2009. During this meeting, the Working Group focused on Number 2 under “Work Required”, which was to evaluate the success of steps already taken to improve the operations of the Secretariat and to review progress made under Work Required Number 1.
14. The Co-Chairs drew the attention of the Group to the updated table of problems annexed to the minutes of the first meeting, stating that the conclusions of the discussions of the first meeting had been taken into account.
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. The question of obtaining recognition as international meetings might be solved under the UNEP option. While the UN passport does not automatically guarantee an easier path for obtaining travel visas for staff members, any difficulties could be mitigated under the UNEP option.
16. The Secretariat informed the Working Group that the letters to be sent to UNEP and IUCN agreed upon during the first meeting were about to be released by the Co-Chairs based on the terms of reference as indicated in the annex to the letter of the Co-Chairs provided to Parties at the meeting. The Working Group agreed that the Co-Chairs should meet with both UNEP and IUCN requesting information as a follow up to the letters sent.

3. Third meeting

17. The third meeting of the Ad Hoc Working Group on Administrative Reform took place in Gland on 3 December 2009. At this meeting the Working Group focused on the responses submitted by both IUCN and UNEP in reply to the questionnaires sent by the Co-Chairs in April 2009, and the report of the consultant.
18. The SG highlighted the activities of the Secretariat in working in partnership with IOPs and other organizations outside the Ramsar community. The SG stated that the Secretariat was

working closely with UN-administered conventions and mentioned in particular the Secretariat's activities with the UN Habitat and the World Tourism Organization.

19. The Co-Chairs invited representatives of both IUCN and UNEP to give presentations of the reports that both organizations provided in response to the questionnaire sent by the Co-Chairs in April 2009.
20. The representative of IUCN gave a brief presentation of the response of IUCN to the questionnaire of the Co-Chairs. He stated that IUCN responded as both the host of the Secretariat and also as an IOP. He noted that IUCN as an IOP had no position with respect to the host of the Ramsar Secretariat. He stated that IUCN mainly cooperates with Ramsar through joint projects, and suggested that there are opportunities for enhancing the working relationship, for example, through the IUCN regional offices. He noted that even though IUCN was in a position to host the Ramsar Secretariat for the foreseeable future, their working relationship would not be affected irrespective of the Secretariat's hosting. He also explained how IUCN charges for the services it provides to the Secretariat. The charges are based on the calculation of the services provided, which although they presently add up to 13% are not accurately described as a 13% charge and not comparable to the UN programme support cost (PSC).
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 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 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.
22. On the issue of staffing costs, she noted that UNEP provides a number of services under the 13% programme support costs. She stated that a review of the terms of reference for the Secretariat staff indicated that of the 15 staff members (excluding the four interns), 11 are classified by UNEP as professional and four as support staff. The cost for these staff members under UNEP totaled about CHF 4 million; however, the staff costs of some staff would be covered under the PSC, bringing the cost to about CHF 3.7 million. She again noted that should the four interns be covered under the JPO programme or as staff on secondments it would reduce the staff costs to about CHF 2.9 million.
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, 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.

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. He expressed the opinion that UNEP provided a much thorough response, and that UNEP appeared to offer more opportunities for Ramsar. 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 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 determining the level of flexibility that the UN system would allow.
25. The members of the Working Group welcomed the responses of IUCN and UNEP and the report of the consultation and the presentations and agreed that they provided a basis for the Group's deliberations on the two options. The Working Group noted that the presentations provided a comparison of the Ramsar Convention under each of the two organizations; however, some members raised a number of issues and felt that the Group should consider additional information not presented in the responses and in the consultant's report.
26. In the discussion following the three presentations, several 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 the International Organization Partners (IOPs), especially with regard to the Danone/Evian project, the impact of UNEP option on staff, and also with respect to the internship programme.
27. A large majority of 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.
28. In spite of the differences in opinion on the impact of either option on the effective implementation of the Convention, the Working Group agreed that clarifications should be sought on the transition costs to a UNEP-administered Convention and impact on the Secretariat's budget and the effect of the UNEP option on the contribution of the Parties. In the discussion on the issues of transition costs, it became apparent that it would be difficult to consider all the variables involved in calculating these costs, and as such impossible to determine the additional costs involved in a possible transition to UNEP.
29. On the impact of the UNEP option on staff, it was noted that more information was needed in comparing the costs under the present arrangement with that of the UNEP-administered Convention. Taking into consideration the amount of information needed, the Working

Group agreed that another meeting be scheduled for IUCN, UNEP and the consultant to respond to their queries.

30. Based on the general comments from Parties and queries, the Working Group agreed that number 3 under “Work Required” of Resolution X.5 (i.e., send a recommendation to the Standing Committee on either Options 1 or 3), could not be achieved without addressing the queries of the Group. The Co-Chairs suggested that questions be sent to them, but should be specific questions which fall within the mandate of the Working Group. The Co-Chairs requested that a table comparing the costs under both IUCN and UNEP be prepared to enable members to better compare the impact of the two options on costs to the Parties.

4. Fourth meeting

31. The fourth meeting of the Ad Hoc Working Group on Administrative Reform was held in Gland on 26 January 2010. The meeting was devoted to seeking clarifications to the queries of Contracting Parties raised at the third meeting. The Working Group also discussed the table of budget comparisons under the present arrangement and under UNEP administration.
32. In response to clarification sought on agenda item 3 (report to Standing Committee) by two members, the Co-Chairs explained that numbers 1 and 2 under “Work Required” of Resolution X.5 were completed during the previous meetings and that number 3 on drafting a recommendation to the Standing Committee was the only remaining work required of the Working Group. The Working Group agreed that the ten putative problems raised during the second meeting should be revisited to determine the current status for each of the problems, agree on a draft recommendation and plan a report to be submitted to the Standing Committee.
33. The Working Group discussed the 10 problems on the basis of a table prepared under the direction of the Co-Chairs comprising four columns, namely: problem; explanation of problem; current status, and conclusions.
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, since the ability to enter into cooperative agreement 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.
35. With respect to problem number 6 on the issue of the difficulty of some Parties in paying their contributions, although the current status remained unchanged, the Working Group agreed that the conclusion column should read that some of the Parties continue to have problems in paying their contributions. Finally, with regard to problem number seven on the Secretariat’s dissatisfaction with the financial procedures of IUCN, the Working Group agreed

that whilst the situation remains unchanged, its conclusion was that it was subject to discussions between the Standing Committee and IUCN.

36. Recalling that at the third meeting members had proposed reviewing a budget estimates table comparing the Secretariat's present budget with that of a comparable UNEP budget, the Co-Chairs introduced a budget estimates table to address the issue of cost implications under the UNEP option vis-à-vis the present arrangement. The Ramsar budget was the COP-approved 2010 budget, the UNEP estimates were based on UNEP staff cost estimates for 2010, in place of the Ramsar staff costs, plus the rest of the Ramsar budget. The UNEP estimates were presented in two tables: (i) low cost scenario (interns classified as JPOs), and (ii) high cost scenario (interns classified as P1/P2).
37. The UNEP representative took the Working Group through the budget estimates noting that a number of items in the budget raised questions on certainty and might under UNEP increase by about 15%, such as travel, while other budget lines might be decreased. In response to the question by a member of the Working Group why UNEP pays for three staff in some convention secretariats from the 13% PSC, but is only proposing the payment of two staff, the UNEP representative noted that in the proposed staff costs, UNEP provided a conservative estimate of paying for two staff members under the programme support cost, but that it may perhaps be possible to pay for three staff members, as is the case with some other UNEP-administered MEAs.
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 should more or less be as indicated in the attached illustrative budget.
39. The Working Group agreed that the figures are only for the purposes of estimation and provided only an illustration that should not be considered as a proposed budget. The Working Group also concluded that the budget estimates were not meant to be binding, but still provided useful figures for consideration by the Contracting Parties.
40. The Working Group also discussed a table indicating the voluntary contributions to the Ramsar Secretariat between 2005 and 2008. The Working Group sought clarifications from the Secretariat staff on the projects that have been funded using voluntary contributions. The Senior Advisor for the Americas explained the use of voluntary contributions in some of the projects in Latin America. The Finance Officer of the Secretariat also explained to the Working Group the use of voluntary contributions provided by the Star Alliance, which is mainly used for airline tickets for some nonstaff travel related to Convention activities.
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, but suggested that some important components of the transition costs should be taken into account, such as contract termination costs (estimated by IUCN to potentially cost up to a

maximum of 1 million CHF if all contracts were to be terminated, noting that the Secretariat has a reserve of 200,000 CHF available), as well as physical moving, etc.

42. The Working Group agreed that reaching a consensus on either of the two options was difficult at this stage since Contracting Parties would need time to study the documents given out at this meeting in order to form their various positions. In light of this, the Working Group agreed that a fifth and final meeting should be scheduled to review the report to the Standing Committee and draft recommendations.

5. Fifth meeting

43. The fifth meeting of the Ad Hoc Working Group on Administrative Reform was held in Gland on 29 March 2010. The meeting focused on reviewing the draft report and drafting recommendations to the 41st meeting of the Standing Committee.

Recommendation

After careful review of the information that has been collected, the Ad-hoc Working Group on Administrative Reform could not reach consensus on whether the Ramsar Secretariat should be provided by UNEP or continue to be hosted by IUCN.

A large majority of States at the above Working Group concluded that there is strong evidence that a Ramsar Secretariat provided by UNEP would more effectively implement the Ramsar Convention and recommend that the Secretariat be hosted by UNEP.

Several States at the above Working Group concluded that there is not enough evidence to suggest that if hosted by UNEP the Ramsar Secretariat would more effectively implement the Ramsar Convention and recommend that, at this time, the Secretariat continue to be hosted by IUCN.

Some States at the above Working Group did not express a view.

Annexes

Indicative table of comparative Ramsar budget estimates under UNEP and IUCN:

http://www.ramsar.org/pdf/sc/41/sc41_doc33_anx01.pdf

Updated status of ten problems identified in Resolution X.5:

http://www.ramsar.org/pdf/sc/41/sc41_doc33_anx02.pdf

Report of the Working Group's first meeting (19/01/09):

http://www.ramsar.org/pdf/mtg/mtg_adhoc_wg-ar1-1.pdf

Report of the Working Group's second meeting (24/03/09):

http://www.ramsar.org/pdf/mtg/mtg_adhoc_wg-ar2-rpt.pdf

Report of the Working Group's third meeting (03/12/09):

http://www.ramsar.org/pdf/mtg/mtg_adhoc_wg_ar3_rpt_final.pdf

Report of the Working Group's fourth meeting (26/01/10):

http://www.ramsar.org/pdf/mtg/mtg_adhoc_wg_ar4_rpt_final2.pdf

Report of the Working Group's fifth meeting (29/03/10)(draft):

http://www.ramsar.org/pdf/mtg/mtg_adhoc_wg_ar5_rpt_draft.pdf

UNEP responses to the Working Group's questions (02/04/09):

http://www.ramsar.org/pdf/mtg/mtg_adhoc_wg_ar3-02a.pdf and

http://www.ramsar.org/pdf/mtg/mtg_adhoc_wg_ar3-02a-13-18.pdf

IUCN responses to the Working Group's questions (14/07/09):

http://www.ramsar.org/pdf/mtg/mtg_adhoc_wg_ar3-03.pdf

Consultant's comparative report on the UNEP and IUCN responses (November 2009):

http://www.ramsar.org/pdf/mtg/mtg_adhoc_wg_ar3-10.pdf

All documents of the Ad Hoc Working Group on Administrative Reform:

http://www.ramsar.org/cda/en/ramsar-documents-ad-hoc-group/main/ramsar/1-31-433_4000_0