

## Review and consolidation of current Resolutions

### Actions requested:

The Standing Committee is invited to:

- i. note the action taken by the Secretariat reported in this document;
- ii. select two categories of Resolutions for which draft consolidations will be prepared for consideration at SC63, and forwarding to COP15, on the basis of the list in paragraph 16;
- iii. agree that a third category will be “Inventories”, using the draft that was already presented in document SC59 Doc.13.3;
- iv. agree to the allocation of surplus funds for consultancies to support the process of consolidation and revision of Resolutions; and
- v. agree to the three-step process in paragraph 23 for maintaining the list of Decisions of the Standing Committee.

### Introduction

1. At its 14th meeting (COP14, Wuhan and Geneva, 2022) the Conference of the Contracting Parties adopted Resolution XIV.5 on *Review of Resolutions and Recommendations of the Conference of the Contracting Parties*, which includes the following paragraphs specifying actions to be taken by the Secretariat:
  4. *INSTRUCTS the Secretariat to maintain, on the website of the Convention:*
    - *a list of all current Resolutions of the COP, and*
    - *a separate list of Resolutions that are no longer in effect, including previous versions of Resolutions that have been revised;**with both lists providing links to the texts of the Resolutions concerned to ensure that all Resolutions that have been adopted by the COP are readily accessible;*
  5. *INSTRUCTS the Secretariat to maintain, on the website of the Convention, a list of all other “Decisions of the Conference of the Parties”, that are designed to have a short-term effect. These will be numbered and will include only: instructions or requests to committees, panels, working group, other Convention bodies or the Secretariat, unless they are part of a long-term procedure; and recommendations or other forms of decision that are time-bound*

*or expected to be implemented soon after their adoption and will then be obsolete. This list will be updated by the Secretariat after each meeting of the COP;*

9. *AGREES that:*

- a) *the Resolutions and Recommendations that are defunct will be removed from the list of current Resolutions and Recommendations. They will remain “on the record”, and accessible on the Convention website, as having previously been adopted by the COP; and*
- b) *in any case where any part of a Resolution or Recommendation is agreed to be defunct, the Secretariat will publish a revised version of that Resolution or Recommendation without the parts that are defunct, and edited only to ensure that the sense is retained, and with no other amendment to the substance. In each such case, the revised version of the Resolution or Recommendation will be renumbered with the addition of “Rev. COPXX”, where “XX” represents the number of the meeting at which the amendment of the text was agreed; and*
- c) *in cases where any Resolution is amended and renumbered as indicated in paragraph b) above, or is repealed and replaced, the Secretariat will correct the references to the amended or repealed Resolutions, in any Resolutions that remain in effect at that time. If the repealed Resolution is referred to in another Resolution, the Secretariat should annotate the reference with a footnote to indicate that the Resolution (or paragraph) being referred to was repealed.*

10. *DECIDES to establish, subject to available resources, an iterative process for the consolidation of Resolutions of the COP, as follows:*

...

- b) *after each meeting of the COP, the Standing Committee will select a small number of subject categories (generally two to four) from the list of categories of Resolutions in Annex 2 of the present Resolution, for which the Secretariat (or its consultant) will prepare draft consolidated resolutions for consideration at the following COP;*

13. *DECIDES that the procedure for recording and maintaining the Decisions of the Standing Committee will be decided by the Standing Committee itself, provided that all current and previous Decisions are easily accessible through the website of the Convention.*

### **Lists of Resolutions**

- 2. With regard to the instruction in paragraph 4 of the Resolution, the Secretariat notes that, at the time of writing, a redesign of the Convention website is almost complete. The new site will be launched in June 2023 and the two lists that are required will then be readily accessible on the website. The list of current Resolutions of the COP will take into account the status of Resolutions and Recommendations indicated in Annex 1 of Resolution XIV.5.
- 3. In accordance with paragraph 9.a) of Resolution XIV.5, Resolutions and Recommendations that the Conference of the Parties has agreed are defunct will be removed from the list of valid Resolutions. The texts of those Resolutions and Recommendations will remain available on the Convention website for reference and marked as non-valid.

## Updating the texts of Resolutions and Recommendations

4. The Secretariat has started the process of revising Resolutions and Recommendations, in accordance with the instructions of the Conference of the Parties in paragraph 9.b) of Resolution XIV.5. Although this process has been done for some other Conventions (notably the Convention on International Trade in Endangered Species of Wild Fauna and Flora), the Secretariat recognizes that this is a new process for the Convention on Wetlands, and that it is important to ensure that Contracting Parties are comfortable with the way in which the revision is done. Therefore, in case of any doubt or lack of clarity, it will present the draft of the revised Resolution or Recommendation to the Standing Committee for approval before publishing the revised version.
5. The Secretariat has noted that in some cases, where there are several existing Resolutions identified as requiring revision but dealing with the same subject, it may be preferable to postpone the revision and instead earmark these Resolutions for early consolidation. The Secretariat will be able to make a proposal regarding these at SC63.
6. The task allocated to the Secretariat in paragraph 9.c) of Resolution XIV.5 requires action only after the instruction in paragraph 9.b) has been implemented in relation to any specific Resolution. In order to do this systematically, the Secretariat will first prepare an annotated list of Resolutions, indicating in which other Resolutions they are referred to. This will allow corrections to be made quickly after each revision is made in accordance with paragraph 9.b).

## List of Decisions of the Conference of the Parties

7. Paragraph 3 of the preamble of Resolution XIV.5, states that the Conference is:  
*CONVINCED of the need to ensure that the Resolutions and Recommendations of the Conference of the Contracting Parties, as the “soft law” of the Convention, expressing the policy, rules and guidance of the Parties, should be clear, concise and readily accessible.*
8. This statement provides the background not only for the process of consolidation of current Resolutions, and retiring Resolutions (or paragraphs) that are defunct, but also for the new approach to preparing Resolutions, to exclude, as far as possible, instructions and recommendations that have only a short period of validity. The Conference of the Parties has decided that these texts that have a short-term effect should be included in a new series of “Decisions of the Conference of the Parties”.
9. Consequently, paragraph 12 of Resolution XIV.5 *“REQUESTS Parties, chairs of committees, panels and other Convention bodies and the Secretariat, to follow the guidance in Annex 3”. Annex 3 of the Resolution contains “Guidelines on the Preparation and recording of future Resolutions and Decisions of the Conference of the Contracting Parties”.*
10. Specifically, the Guidelines state that:  
*Unless practical considerations dictate otherwise, draft resolutions should not include:*
  - a) *instructions or requests to the Standing Committee, the Scientific and Technical Review Panel, or other subsidiary bodies or the Secretariat, unless they are part of a long-term procedure; or*
  - b) *recommendations (or other forms of decision) that will be implemented soon after their adoption and that will then be obsolete.**These types of decisions, if adopted, will be included in the “Decisions of the Conference of the Parties”.*

11. The Secretariat proposes to remind the Parties of these Guidelines well in advance of the 15th meeting of the Conference of the Parties (COP15), when Parties are preparing draft resolutions for consideration at that meeting.
12. Paragraph 5 of Resolution XIV.5 requires the posting on the website of the “Decisions of the Conference of the Parties”. The agreement to establish this new set of Decisions only came into effect after COP14, and the first set of such Decisions will therefore be adopted at COP15. The Secretariat has prepared for including these Decisions on the Convention website after that meeting.

### **Consolidation of Resolutions**

13. In accordance with paragraph 10.b) of Resolution XIV.5, the Standing Committee is invited to select two to four categories of Resolutions for which the Secretariat will prepare draft consolidations for consideration at the 15th meeting of the Conference of the Parties. The list of categories is presented in Annex 2 of the Resolution (available at <https://www.ramsar.org/document/resolution-xiv5-review-of-resolutions-and-recommendations-of-the-conference-of-the>).
14. To facilitate the decision of the Standing Committee, the Secretariat recalls that a draft consolidated resolution on “Inventories” was presented in document SC59 Doc.13.3, and was presented to the Standing Committee at the resumed session of its 59th meeting (SC59/2022) in May 2022. This was part of the background that led to the preparation of the draft resolution that was adopted as Resolution XIV.5. The Secretariat therefore suggests that “Inventories” be selected as one of the categories, as the work is already done.
15. For this first selection of categories for which draft consolidated resolutions are to be prepared, the Secretariat suggests that a total of three categories be selected (i.e. “Inventories” plus two others) for preparation of drafts by an experienced consultant, under the supervision of the Secretariat. Limiting the number would take account of the resources required, and give the Standing Committee and the Conference of the Parties the opportunity to ensure that they are comfortable with the process before advancing too far.
16. If this is agreed, the Secretariat would propose that the Standing Committee select two subjects from the following categories indicated in Resolution XIV.5, Annex 2):
  - CEPA  
(Recommendations 4.5, 5.8; Resolutions VI.19, VII.9, VIII.31, IX.18, X.8, XII.9 plus XIV.8 which was adopted at COP14)
  - Climate change  
(Resolutions VIII.3, IX.24, XI.14, XII.11, XIII.13, XIII.15, XIII.16)
  - Water, water-related, and water-management-related  
(Resolutions VI.23, VII.18, VIII.1, VIII.34, VIII.40, IX.3, X.19, XII.9)
  - Assessment of wetland values and services  
(Recommendations 1.6, 6.10, Resolutions VI.21, VIII.8, XIII.17)
17. The reason for suggesting these categories is that the number of Resolutions concerned is manageable, and that they are among the topics that are of current relevance or importance – while recognizing that there are others.

18. When the Standing Committee has chosen the categories for which it wishes the Secretariat to prepare draft consolidated resolutions, the Secretariat will then arrange a consultancy for the preparation of these documents for consideration at the Committee's 63rd meeting.
19. As indicated in document SC62 Doc.8.1 paragraph 33.a), the Secretariat proposes authorization to use surplus funds for this work on consolidation of Resolutions. The Secretariat requests authorization to use up to CHF 22,000 for this work.

### **Decisions of the Standing Committee**

20. Since it was created, the Standing Committee has adopted hundreds of Decisions. A review of these Decisions shows that the majority are instructions requiring action to be taken in the short term. Longer-term instructions and policies are established by the Conference of the Parties. For the Secretariat, the important question is what are the needs of the Standing Committee?
21. It seems probable that two things are needed.
  - The first would be to ensure that there is a complete set of Decisions of the Standing Committee, readily accessible.
  - The second need may be for an updated list of Decisions that remain in effect.
22. To meet the first need, the Decisions previously adopted by the Standing Committee, back to SC16 (September 1995), and the minutes of the earlier meetings, which did not include distinct Decisions, are already provided on the Convention website. Since 1999 (SC24) the Decisions of the Committee have been provided separately from the report of the meeting, as well as in the report. For the earlier meetings back to SC16, the Decisions are recorded only in the minutes of the meetings.
23. To meet the second need, the Secretariat seeks the guidance of the Standing Committee. The Secretariat proposes three steps for consideration.
  - a) As a first step the Standing Committee could decide to consider all Decisions adopted before a specified meeting of the Committee date as defunct, in order to avoid the need to review hundreds of old Decisions unnecessarily. The Secretariat suggests that, for example, SC50 (2015) be established as the cut-off date.
  - b) The second step would be for the Secretariat to prepare a document listing all Decisions of the Standing Committee from SC50 onwards, with a note against each one to indicate the status.
  - c) The third step would then be for the Secretariat to provide an updated version of the list of current Decisions at each meeting of the Standing Committee, indicating what had been done and which Decisions could then be marked as completed or defunct. The list for each meeting would then exclude the Decisions that had been agreed as no longer in effect.

### **Recommendations**

24. The Secretariat recommends to the Standing Committee to:
  - note the action taken by the Secretariat reported in this document;
  - select two categories of Resolutions for which draft consolidations will be prepared for consideration at SC63, and forwarding to COP15, on the basis of the list in paragraph 16;

- agree that a third category will be “Inventories”, using the draft that was already presented in document SC59 Doc.13.3;
- agree to the allocation of surplus funds for consultancies to support the process of consolidation and revision of Resolutions; and
- agree to the three-step process in paragraph 23 for maintaining the list of Decisions of the Standing Committee.