

Secretariat report on institutional strengthening to support the implementation of the Convention

Actions requested:

The Standing Committee is invited to:

- i. Take note of the Secretariat's report on institutional strengthening to support the implementation of the Convention in response to Resolution XIV.6, paragraph 22;
- ii. Take note of the recommendations of the interested Contracting Parties and the Secretariat reflected in Annex 2 of the report;
- iii. Establish a Working Group to lead the process to achieve organizational robustness to support the implementation of the Convention, including the preparation of a draft resolution for the consideration of the Standing Committee at its 63rd meeting; and
- iv. Request the Management Working Group to prepare a draft resolution that establishes the process for recruiting a new Secretary General to respond to Decision SC59-40, for consideration by the Standing Committee at SC63.

Background

1. In Decision SC55-12, the Standing Committee instructed the Secretariat, with support from an informal group of interested Contracting Parties, to bring forward a structured proposal regarding the possibility of the Convention obtaining observer status at the United Nations General Assembly, taking into account the various options, for consideration at its 57th meeting (SC57).
2. The report of the informal group of interested Contracting Parties to SC57 on observer status in the United Nations bodies noted some limitations experienced by the Secretariat due to it not having legal personality, such as:
 - a. limited visibility of the Convention in UN processes and meetings;
 - b. difficulties in the management of projects, in particular when donors request that project agreements be signed by IUCN and do not accept the delegation of authority to the Secretary General;
 - c. year-on-year increases in the provision for contributions in arrears required under Swiss financial regulations and law, and;

- d. challenges in the recruitment and retention of staff given that the Convention does not compete with the conditions and benefits (salary scales, pensions and education allowance) of the UN.
3. The Standing Committee at SC57, through Decision SC57-14, requested an analysis of the different options proposed, and others that may not have been addressed, for the Secretariat to have observer status at the United Nations General Assembly, and endorsed the continuity of the Observer Status Working Group.
 4. Two consultancies were carried out at the request of the Observer Status Working Group related to the identified limitations:
 - an independent analysis of the legal status of the Secretariat¹; and
 - a financial analysis of the legal status of the Secretariat².
 5. At its fourteenth meeting (COP14), the Conference of the Contracting Parties adopted Resolution XIV.6 on *Enhancing the Convention's visibility and synergies with other multilateral environmental agreements and other international institutions*³, in which paragraph 22:

“instructs the Secretariat, in consultation with interested Contracting Parties, to prepare an institutional strengthening report with recommendations reflecting the needs of the Secretariat to achieve organizational robustness to support the implementation of the Convention, including but not limited to those related to administrative arrangements, governance, leadership, human resources independency, high-level political engagement, and the Convention’s visibility objectives, and requested the Secretariat to present the report with recommendations to the 62nd meeting of the Standing Committee (SC62) for discussion and a subsequent draft resolution to SC63 for its consideration”.

Consultation with interested Contracting Parties on the preparation of the report on institutional strengthening of the Secretariat

6. In response to paragraph 22 of Resolution XIV.6, 25 Contracting Parties from the six regions of the Convention expressed interest in participating in the consultation process. These Parties are listed at Annex 1 of the present document.
7. The Secretariat organized two meetings of interested Contracting Parties on 24 April and 13 July 2023 to discuss the preparation of the report of the Secretariat to SC62. During the first meeting the Secretariat was tasked with preparing a summary table identifying opportunities to further strengthen the Secretariat, to inform the preparation of the present report.
8. In accordance with the above, the Secretariat prepared a table describing the opportunities in each of the areas mentioned in paragraph 22 of Resolution XIV.6.
9. At the 13 July meeting, the interested Contracting Parties agreed on the prioritization of opportunities to strengthen the Secretariat in the summary table, assigning the priority as follows:
 - *Administrative arrangements*: 5, high priority

¹ See <https://www.ramsar.org/document/independent-analysis-legal-status-secretariat-convention-wetlands-ramsar-convention>.

² See <https://www.ramsar.org/document/financial-analysis-legal-status-ramsar-secretariat>.

³ See <https://www.ramsar.org/document/resolution-xiv6-enhancing-conventions-visibility-and-synergies-other-multilateral>.

- *Governance*: 1, low priority
- *Leadership*: 3, medium priority
- *Human resources independency*: 3, medium priority
- *High-level political engagement, and the Convention's visibility objectives*: 5, high priority

The highest priority issues are the elements interested Contracting Parties consider of great importance.

10. In addition to establishing these priorities, the interested Contracting Parties proposed recommendations for action that included:
 - a. the preparation of a draft resolution for consideration of the Standing Committee and the COP;
 - b. the full transition of the Secretariat to the United Nations System;
 - c. the identification of both short- and long-term solutions;
 - d. involvement of the Management Working Group and Subgroup on Finance;
 - e. bilateral meetings with the host country and Contracting Parties not present at the meeting; and
 - f. the establishment of a working group to take the process forward including through the preparation of a draft resolution.

Contracting Parties noted that there are different views on how this work should be progressed, particularly in respect to hosting of the Secretariat, and that consideration should be given both to benefits from improved implementation of the Convention and to potential risks.

11. Further to the recommendations of the interested Contracting Parties, the Secretariat has provided recommendations to achieve organizational robustness to support the implementation of the Convention. The summary table in Annex 2 of the present document reflects the prioritization and the recommendations proposed by interested Contracting Parties and the Secretariat.

Annex 1

Contracting Parties that expressed interest in participating in the consultation process in response to Resolution XIV.6, paragraph 22

Region	Contracting Party
Africa	Algeria
	Burkina Faso
	Democratic Republic of the Congo
	Gambia
	Liberia
	Mali
	Rwanda
	Uganda
Asia	Indonesia
	Thailand
Europe	Albania
	France
	Switzerland
	The United Kingdom of Great Britain and Northern Ireland
Latin America and the Caribbean	Brazil
	Chile
	Colombia
	Cuba
	Paraguay
	Peru
	Saint Lucia
	Uruguay
North America	Canada
	Mexico
Oceania	New Zealand

Annex 2

Summary table of opportunities to strengthen the Secretariat in line with paragraph 22 of Resolution XIV.6

Opportunities	Elements			Prioritization based on impact: 1: low, 3: medium, 5: high	Recommendations provided by interested Contracting Parties	Recommendations provided by the Secretariat
<p>1. Administrative arrangements</p>	<p><u>Delegation of Authority (DOA) and Letter of Agreement (LOA).</u></p> <p>The Secretariat is empowered to enter into contractual arrangements autonomously from IUCN (i.e. without the need for IUCN to sign on behalf of, or in conjunction with, the Secretariat). However, there are limitations in the ability of the Secretariat to directly contract with donors, implementing partners and third parties as well as difficulties in project management related to legal capacity to sign contracts, in particular when donors do not accept the delegation of authority to the</p>	<p><u>Provisions for unpaid contributions</u></p> <p>To be in accordance with Swiss law, the Standing Committee through Decision SC57-39 (June 2019) agreed to increase the provision to 100% for all outstanding balances for Contracting Parties which have not made a contribution payment in the past four years. Swiss law requires the Convention to book a higher amount as a provision for outstanding contributions than Conventions within the UN that follow IPSAS rules.</p>	<p><u>Lack of staff access when on mission to UN logistical and security assistance</u></p> <p>Secretariat staff do not have access to a network of logistical and security assistance, as UN staff do in countries where there are risks to staff safety and well-being.</p>	<p>5</p>	<ul style="list-style-type: none"> • Establish a Working Group to lead the process to achieve organizational robustness to support the implementation of the Convention including through the preparation of a draft resolution for consideration of SC63 and COP15. • Full transition of the Secretariat to the United Nations system. • The issues may benefit from a diverse approach with consideration of shorter term, administratively more simple options as part of the recommendations. This may include renegotiation of the LOA with IUCN or similar dialogue. • Secretariat to meet bilaterally with other interested Parties which were not present at the meetings in order to gain their views so that the document benefits from diverse perspectives and to facilitate discussions at SC62. 	<ul style="list-style-type: none"> • Support decisions of Contracting Parties on alternative hosting arrangements to achieve organizational robustness to support the implementation of the Convention. • Explore with IUCN, for future projects where IUCN is the legal representative, the development of a revised procedure including project appraisal and contract review, adapted for the Convention Secretariat in the context of the existing DOA/LOA. • Work with the Management Working Group and Subgroup of Finance to assess the feasibility of the Secretariat directly contracting with donors and partners for the implementation of projects. • Inform Contracting Parties in regional meetings of the

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	Secretary General and request projects to be signed by IUCN.			<ul style="list-style-type: none"> • In developing the recommendations, consideration should be given to how they will improve implementation of the Convention as well as potential risks associated with the recommended path forward. • Involvement of the Management Working Group and Subgroup on Finance to assess the feasibility of the Secretariat directly contracting with donors and partners for the implementation of projects. • Verify with the Swiss government possible solutions regarding risks due to non-payment of contributions. • Possible agreements with countries in arrears for the payment of contributions and to look at experiences of other conventions such as the Basel, Rotterdam and Stockholm (BRS) Conventions (e.g payment plans, etc). 	<p>ongoing consultation process for the preparation of the institutional strengthening report in line with Resolution XIV.6 paragraph 22, and encourage active engagement of all Parties in this process.</p> <ul style="list-style-type: none"> • Explore with the new auditor possible alternative approaches to managing the risks due to non-payment of contributions. • Continue to invite Parties with outstanding contributions to agree on a payment plan in line with Decision SC58-15. • Revisit the experiences of other Conventions such as BRS and the biodiversity-related Conventions in facilitating payment of contributions based on document SC58 Doc. 8.3.

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2. Governance	<p><u>Resolution XIV.3</u> <u>The effectiveness and efficiency of the Convention on Wetlands.</u></p> <p>In line with the instructions of the Resolution, the Secretariat has prepared a report on its review and analysis of approaches and possible online systems to facilitate collaboration between Contracting Parties intersessionally, and based on the feedback and decisions of SC62, the Secretariat will take further action to explore and ultimately implement requested systems and tools.</p>		1	<ul style="list-style-type: none"> • Involvement of the Management Working Group and Subgroup on Finance. • Continuing to work on achieving strong and effective communication is essential to share information and best practices and foster collaboration between Contracting Parties. By improving communication channels, the Convention can better support Parties and foster a greater sense of community among all stakeholders. • By providing platforms for Parties to work together intersessionally, exchanging ideas and submitting comments on draft resolutions, the Convention can foster more productive discussions and ultimately better-informed decision-making during formal meetings. • The role of the Secretariat in strengthening training tools, such as virtual workshops and training materials, is crucial for Contracting Parties to effectively implement the provisions of the Convention at the national level. 	<ul style="list-style-type: none"> • Based on the decisions of SC62, the Secretariat will take further action to explore and ultimately implement requested systems and tools to facilitate collaboration between Parties.

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3. Leadership	<p><u>Decision SC59-40</u></p> <p>In Decision SC59-40, the Standing Committee entrusted the Management Working Group to develop a draft resolution to guide the process for recruiting a new Secretary General. On this matter no draft resolution was submitted to the resumed session of SC59 in May 2022.</p>		3	<ul style="list-style-type: none"> Request the Management Working Group to prepare a draft resolution for the consideration of SC63 that establishes the process for recruiting a new Secretary General, to respond to Decision SC59-40. 	<ul style="list-style-type: none"> Support the Management Working Group in the preparation of a draft resolution in response to Decision SC59-40.

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4. Human Resources independency	<p>Some limitations experienced by the Secretariat due to the lack of legal personality:</p> <ul style="list-style-type: none"> Limited competitiveness in terms of recruitment of staff, compared with UN conditions and benefits. Staff recruitment and retention is growing in importance given that the competitiveness of IUCN and UN/other contracts is decreasing. 	<p>Since 2017 for work and resident permit expatriate international members of the staff are entitled to legitimation cards rather than B or C permits, which create some issues for the staff (non-Swiss staff after leaving IUCN are not allowed to take up any work offered in Switzerland and have to apply again to obtain a new Swiss or resident permit). New staff members and their dependents from non-EU/EFTA countries may be required to obtain an entry visa for Switzerland.</p>	<p>IUCN's own table of equivalencies between the IUCN and UN job does not identify clear-cut equivalencies; instead it includes ranges of the possible equivalencies. For example, according to IUCN's table, a P1 position in IUCN may be equivalent to a P1 or P2 under the UN system.</p>	3	<ul style="list-style-type: none"> Prepare comparisons to understand the limitations on competitiveness. Discussion with the host country to find possible short-term solutions. 	<ul style="list-style-type: none"> Discuss with IUCN how the competitiveness of IUCN contracts can be enhanced. Request IUCN to identify clear-cut equivalencies between IUCN and UN positions.

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<p>5.High-level political engagement, and the Convention’s visibility objectives.</p> <p>Three issues were identified by the Observer Status Working Group concerning the international participation and visibility of the Secretariat related to its legal status.</p>	<p>International participation and visibility: (a) Lack of possibility to participate in UN high-level fora and events (such as meetings of High-Level Political Forum on Sustainable Development and the UN General Assembly)</p>	<p>b) Difficulties in participating as member in UN system inter-agency coordination mechanisms (such as ECESA Plus, UN-Oceans, UN-Water).</p>	<p>c) Lack of visibility (in general) of the Convention in UN processes and meeting.</p>	<p>5</p>	<ul style="list-style-type: none"> • The issues will be solved when the administrative arrangements are solved. • Promote a meeting of missions from New York, Geneva and capitals in order to coordinate efforts to advance approval of Uruguay’s proposal in the 78th UN General Assembly agenda to obtain observer status, following a similar process as was carried out for the UN World Wetlands Day Resolution. 	<ul style="list-style-type: none"> • Support the preparation of meetings with the missions in New York to advance Uruguay’s proposal.