

<p>CONVENTION ON WETLANDS (Ramsar, Iran, 1971) 38th Meeting of the Standing Committee Changwon, Republic of Korea, 27 October 2008</p>
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Report of the 38th meeting of the Standing Committee (SC38)

SC members present: Austria, Bahamas, Benin, China, Czech Republic, Ecuador, El Salvador, Gabon, Georgia, Kenya, Korea (Republic of), Samoa, Slovenia, Thailand, Uganda, United States

Permanent Observers present: Netherlands, Switzerland; IUCN, Wetlands International, WWF International

Observer Parties present: Argentina, Australia, Brazil, Canada, Chile, France, Germany, Iraq, Japan, Mexico, Peru, Suriname, United Kingdom

Agenda item 1: Welcoming remarks

1. **The Chair of the Standing Committee (Paul Mafabi, Uganda)** welcomed the participants and expressed the Standing Committee's gratitude to the host country, the Republic of Korea, for the wonderful hospitality and preparations. He said that the purpose of the SC38 meeting is to make a final check of the COP preparations and tie up any loose ends. There will not be any substantive debates on the content of the draft Resolutions but rather a determination of how the issues should be addressed by the Conference of the Parties (COP). He looked forward to a successful meeting.
2. The proposed agenda in DOC. SC38-1 was adopted by consensus.
3. **The Republic of Korea** welcomed the participants and hoped that everyone would appreciate the beautiful autumn season in Changwon. He said that each COP is an opportunity to highlight the values of wetlands, and he felt that COP10, with its theme of *Healthy wetlands, Healthy people*, would be a turning point in the Convention's history, because it opens the door to additional important contemporary issues, like poverty reduction, impacts of climate change, etc. He promised Korea's utmost efforts to make this an excellent event.
4. **The Secretary General (SG)** said that it has been a pleasure working with Korea on the COP preparations and that he is very happy with the achievement. He noted that it was a particularly difficult year in document preparation because there were only two months to get everything ready between the approvals of SC37 in early June and the obligatory mailing of draft Resolutions at the end of July. He thanked the Secretariat staff for their work on the preparations, in particular the CEPA Programme Officer, Sandra Hails, for overseeing logistics and the Deputy Secretary General, Nick Davidson, for overseeing document preparation.

Agenda item 2: Report on COP10 preparations

5. **The Republic of Korea** welcomed the participants and drew attention to the practical information in the participants' handbook distributed at registration. He highlighted the Carbon Offset Fund, whereby voluntary contributions to the fund will go to the Ramsar Secretariat for wetland projects in developing countries. He described the Green Growth

project and the solar-powered Green Ark and provided information on the Opening Ceremony.

Agenda item 3: COP10 Provisional Agenda

6. **The Deputy Secretary General (DSG)** described the minor changes in Rev. 2 of the Provisional COP10 agenda and enumerated the new documents that have been posted since the CD-ROM was sent out. There are Rev. 1 versions of DR 2 on finances, correcting some inaccuracies in the table of Parties' contributions, and of DR 13 on the status of Ramsar sites, with an update of information following analysis of the Parties' National Reports. The English Rev. 1 of DR 13 was posted on 21 October and the translation teams are working on French and Spanish versions for posting on the Web site this week.
7. In addition, COP10 DOC. 20 addendum 1 provides additional analysis and information on progress concerning the legal status of the Secretariat, and DOC. 35 is the legal consultant's full report, in English only. DOCs. 29, 34, 36 are also new, and DOC. 37 provides a useful guide that correlates the agenda items and relevant DRs and information documents.

Decision SC38-1: The Standing Committee approved the Provisional Agenda in COP10 DOC. 1, Rev. 2, for transmittal to the Conference of the Parties for adoption under COP Agenda item III.

Agenda item 4: COP Rules of Procedure

8. **The SG** described the amendments to the current COP Rules of Procedure, most significantly, the addition to Rule 18 of a procedure for changing the Head of Delegation during the COP and the addition to Rule 23 and elsewhere of a procedure for electing an Alternate President in addition to the President and two Vice-Presidents, who would substitute for the President during long absences. There is also a proposal to amend the deadline for draft Resolutions (DRs) submitted by Parties from 40 to 60 days prior to the last full SC meeting prior to the COP.
9. **China** inquired about whether the short interval between SC meetings allowed sufficient time for Parties to prepare draft Resolutions. **The DSG** reviewed the existing procedures for DR submissions and pointed out that, given the obligation to distribute documents for Standing Committee meetings 30 days prior to the opening of the meetings, the 40-day deadline allowed only 10 days for discussions with the Parties about the form and content of the proposed DRs.
10. **The DSG** noted that, unlike some conventions, Ramsar has a voting procedure, though there is also a proud tradition that it has never had to be used on a substantive matter. Whilst urging Parties to try to achieve consensus on all issues, he assured them that the Secretariat is prepared to carry out a vote if one should be needed.

Decision SC38-2: The Standing Committee approved the proposed amendments to the COP Rules of Procedure, as noted in DOC. SC38-4 (and COP10 DOC. 2, Rev. 1), for transmittal to the COP under COP Agenda item IV.

Agenda item 5: Nomination of the COP10 President and Vice-Presidents

11. **The Republic of Korea** proposed for nomination as President of the COP Mr Maanee Lee, Minister of Environment of Korea, and as Alternate President Mr Kim Chan-woo, Director General of the Ministry of Environment of Korea.
12. **The DSG** explained that after consultations within the regions and following the traditional rotation amongst regions, the Secretariat would like to nominate as Vice-Presidents of the COP Mr Patrick van Klaveren of Monaco for Europe and Ms Rejoice Mabudafhasi of the Republic of South Africa representing Africa.

Decision SC38-3: The Standing Committee agreed to recommend to the COP the nominations of Mr Maanee Lee, Minister of Environment of Korea, as President of the COP, Mr Kim Chan-woo, Director General of the Ministry of Environment of Korea, as Alternate President, and Mr Patrick van Klaveren of Monaco and Ms Rejoice Mabudafhasi of South Africa as Vice-Presidents.

Agenda item 6: Appointment of the Credentials Committee

13. **The DSG** explained the important function of the Credentials Committee in determining the diplomatic validity of Party delegations – especially important in the event of a vote – and noted that Dave Pritchard will be representing the Secretariat as secretary of the Committee. He said that, following consultations with the Parties, the Secretariat could propose a list of six regional representatives to serve.

Decision SC38-4: The Standing Committee agreed to recommend Mauritius, Thailand, France, Chile, Mexico, and Australia for election as regional representatives to the Credentials Committee, with Australia to serve as its Chair.

14. **The DSG** noted the problem encountered at COP9 with Central Asian Parties that were unable to have their credentials signed by their Presidents and explained that any Parties in such a situation could have their Ministries of Foreign Affairs notify the Secretary General of that limitation officially. None have done so thus far.

Agenda item 7: Establishment of other COP committees

15. **The SG** proposed that the core of the COP Committee on Finance and Budget should be composed of the existing SC Subgroup on Finance (Benin, China, Czech Republic, Ecuador, and Samoa, with the USA as Chair and the SG and Finance Officer ex officio) and suggested that additional regional members should be elected by the COP following nominations agreed during the regional meetings. Committee on Finance meetings are normally open to observers as well.
16. **The Chair of the SC** proposed that no other COP committees should be identified at this time to be created under COP Agenda item VI, but rather that such committees and contact groups should be allowed to emerge from the COP's discussions of specific issues.

Decision SC38-5: The Standing Committee agreed to nominate the existing members of the SC Subgroup on Finance for election by the COP to the COP Committee on Finance and Budget and to propose that an additional Party from each region should be elected

as well from nominations from the regional meetings. The SC decided not to propose other COP committees to be created by the COP under Agenda item VI.

Agenda item 8: Establishment of contact groups

17. **The SG** and **DSG** explained the room and time-slot limitations on the number of contact groups that could efficiently be created during the COP and noted that Parties with small delegations are disadvantaged by more than one contact group meeting at any time. They described the procedure by which the President of the COP can suggest bilateral contacts, drafting or contact groups, or additional conference committees to meet specific needs that may emerge from debates in the plenary sessions. For contact groups, normally the President will ask one Party to act as Chair and a member of the Secretariat staff will be appointed to assist.

Agenda item 9: Issues arising from past COP Resolutions

18. **The DSG** noted that most issues from past Resolutions are covered in draft Resolutions for COP10, but two remain to be addressed.
19. **The SG** explained that COP9 DR6 on Transboundary Ramsar Sites was not adopted and the Conference Report outlined a way forward for review at COP10. He noted that discussions with Parties, especially in regional meetings and in the 36th and 37th meetings of the Standing Committee, have not given any indication that Parties wish to have a draft Resolution for COP10 on this matter. Nevertheless, he said, there is a procedural need to close the matter formally.
20. He observed that there are several ongoing processes that are putting interesting collaborative management arrangements into place, especially in Europe but very soon in Africa, too, and the Secretariat encourages that, in line with Article 5 and the third pillar of the Convention. He reported that many Parties do not want a body of prescriptive steps but rather wish just to encourage international management cooperation amongst the Parties in whatever ways they feel is appropriate in their circumstances.
21. **The SG** noted that the second outstanding issue involves the legal status of the Secretariat, and he reviewed the progress so far. He recalled that SC37 asked for more detail on the three options, especially concerning their cost implications, and he was pleased to report that UNEP had provided financial and technical support for a legal report by an independent legal expert and an analysis of financial implications by UNEP. It would be more difficult to provide costs for Option 2 concerning IGO status, but since that option would require an amendment to the Convention, with ratification by two-thirds of the Parties and consequently a very long time-frame, and since the costs of contracting independently for such services as social security, health insurance, etc., would be considerable, it was no longer considered a viable option.
22. **The SG** called for the Parties' support in finding a way forward and suggested the creation of a task force to pursue the matter, perhaps involving the Parties' permanent missions to the United Nations in Geneva.

Agenda item 9.1: COP9 DR6 on Transboundary Ramsar Sites

23. **Iraq** felt that the COP9 DR identified important issues concerning transboundary wetlands and urged that they should be discussed by the COP. **The DSG** pointed out that the focus of the COP9 DR is specifically on Transboundary Ramsar Sites, not on general issues of transboundary wetlands, and that the broader issues are already covered in existing Ramsar guidelines on international cooperation and water issues. He suggested that if the original DR were reopened it would lead to the same confused debates that occurred at COP9, which failed to distinguish between these broader and the more focused matters. The DSG noted that the Convention has already been moving forward with Transboundary Ramsar Sites, that the tools are there and are being used imaginatively by Parties. He felt that proponents and those with difficulties on this issue have not changed their views, and there is no value in repeating the same debates – rather he urged the more flexible, voluntary approach that is currently being developed by interested Parties.
24. **The DSG** noted that the fact that an issue may not have its own DR at the COP does not mean that it is considered to be unimportant. Matters for which the Convention already has guidance do not need to be brought back for reaffirmation by each COP.
25. **Brazil, China, and Argentina** felt that it would be better to allow existing studies and processes to continue to evolve before considering whether a decision is needed from a subsequent COP. **Iraq** expressed agreement with this proposal.
26. **The DSG** suggested that the Secretariat should issue a revised version of DOC. SC38-6 as a COP10 information document [COP10 DOC. 38], including an SC recommendation on this issue.

Decision SC38-6: Following further consideration of issues arising from COP9 DR6, and noting that the broader issues of “basins with water resources that bathe two or more countries” and water management and international cooperation on such matters are already covered by other guidance adopted by Contracting Parties, and confirming that such matters are of continuing high implementation importance for Parties, as is recognized in the draft Strategic Plan 2009-2014 (COP10 DR1), the Standing Committee recommended that:

- i) DR6 should not be reopened for negotiation during COP10;
- ii) the further study on this issue called for in the COP9 Conference Report should be pursued, resources permitting, and the Secretariat is requested to further explore with IUCN and other interested organizations and Parties ways and means of undertaking this; and
- iii) the STRP should be requested to review the adequacy of the current guidance for designation and management of transboundary Ramsar sites in the *Strategic Framework and guidelines for the future development of the List of Wetlands of International Importance* and other relevant guidance adopted by Parties, and as appropriate to prepare further guidance for Contracting Parties on these matters.

Agenda item 9.2: Legal status of the Secretariat

27. **Ecuador** noted that draft Resolution DR 5 is helpful but only addresses some of the problems at issue. He urged that this COP should take firm action and proposed the creation of a contact group to pursue the matter.
28. **China** stressed the importance of the issue but noted that changing the present status is a complicated procedure. For option 2, becoming an independent organization, an amendment to the treaty would be necessary and might take years to enter into force. [It has been established that the treaty presently provides for a change in the body providing secretariat duties, as foreseen by option 3, by means of a Resolution of the COP.] Since there would be cost implications, he urged that the COP Committee on Finance should also be involved in any contact group on this matter.

Decision SC38-7: The Standing Committee agreed to recommend that the COP, under Agenda item XII, should establish a contact group to consider the way forward on the legal status of the Secretariat.

Agenda item 10: The Changwon Declaration

29. **The SG** explained that the Changwon Declaration is intended to take the major decisions of the COP and translate them into a call for action, and thus to serve as a legacy of this COP. He expressed his thanks to Korea and the STRP for their work on the draft text. **The DSG** added that the Declaration is intended to serve as a complement to the Strategic Plan, one that is more accessible to an outside audience.
30. **The Chair of the Scientific and Technical Review Panel (STRP)** expressed appreciation to Korea for hosting the drafting session and noted that the important thing about the Declaration is the way in which it draws a lot of relevant issues together, thus showing how wetlands are central to all of those other sectors. It has been drafted to express these ideas in a way that can be taken to others outside the wetland community, such that it can be implemented cross-sectorally and at all levels from national to local.
31. **The DSG** noted that the language has been kept as simple and jargon-free as possible. **The Republic of Korea** felt that the Declaration will be a powerful tool for delivering the Ramsar message, and he promised that Korea will make the utmost efforts for its distribution and implementation.
32. **Switzerland** felt that the Declaration will be a powerful and useful document if it is well advertised and brought before the public, and noted that events will be needed to ensure that it gets the attention it deserves. On the other hand, he urged that it should take a more direct approach, and he provided new text for the opening paragraphs. **Samoa** urged a greater emphasis upon partnerships between governments and local communities, in order to encourage a greater sense of ownership. **Australia** suggested that the text should provide some indication of how the Declaration and the Strategic Plan can work together. **The Netherlands** and **Slovenia** offered additional suggestions.

Decision SC38-8: The Standing Committee approved the draft Resolution (DR 32) with the Changwon Declaration, to be transmitted to COP10, taking account of the suggestions from this meeting.

33. **The Chair of the SC** agreed with Samoa that managing wetlands is a “shared responsibility”.

Agenda item 11: The Opening Ceremony and social functions

34. **The Republic of Korea** reiterated the need for participants to pass the security and enter the plenary hall as far as possible in advance of the 16:30 beginning of the Opening Ceremony. Some regional meetings are scheduled to end at 16:00 and those participants should come as quickly as they can. He explained the programme of the Opening Ceremony in detail.
35. **France** announced that the EU Cocktail is intended for EU and francophone countries only.

Agenda item 12: Conference Committee

36. **The DSG** explained that the Standing Committee becomes the Conference Committee as the COP commences and will meet daily to discuss matters related to the progress of the COP. They will be administrative meetings closed to observers unless invited. There will be interpretation but any needed documents will be in English.

Agenda item 14: The agenda for the 39th meeting of the Standing Committee

37. **The DSG** explained that the main business of the newly-elected SC will be to elect its Chair and Vice-Chair and the members and Chair of the Subgroup on Finance. The USA asked that discussion of a meeting of the Transition Committee should be added.

Agenda item 13: Small Grants Fund

38. **The SG** explained that this is an item of Standing Committee business and not directly related to the COP.
39. **The Senior Advisor for Europe** explained the process, as in the past, of arriving at the Secretariat's recommendations for ranking the project proposals. He noted that fundraising for the SGF began later this year, in order not to interfere with fundraising for the COP, and so far there have been no contributions, though he hoped that some contributions would still be forthcoming. Some 41,000 Swiss francs are available from unused money from past years, and the Secretariat is recommending the one project that can be funded from that as well as a ranking of additional project proposals in case additional funds should become available.
40. **The Senior Advisor** noted that, if the draft Resolution proposing a portfolio approach for supplementary fundraising should be adopted by the COP, the portfolio, which is nearly ready for publication, will be distributed straightaway.
41. **Austria** supported the Secretariat's proposed rankings, and **the SC Chair** urged Parties to make additional contributions to the SGF if possible.

Decision SC38-9: The Standing Committee approved the Secretariat's proposals for Small Grants Fund 2008 appropriations and ranking of proposals as found in DOC. SC38-8.

Agenda item 14: Any other business

42. **Austria** drew attention to the fact that the COP10 provisional agenda does not include a statement from the International Organization Partners, and he suggested that the traditional IOPs' statement could come at the end of the COP to give a sort of wrap-up from their point of view.

Decision SC38-10: The Standing Committee agreed that the statement from the International Organization Partners should be added to the COP agenda and charged the Conference Committee with deciding the best place to fit it in.

43. **The Secretary General** pointed to the need to consider, in addition to the SGF, how to use other ongoing processes, such as the Global Environment Facility, the Netherlands Committee of IUCN small grants fund, and other opportunities through embassies, etc.
44. **Switzerland** noted that at the recent AEWA Meeting of the Parties the participants concluded that there is a need for synergies among these funding opportunities, especially to help exploit the possibilities for cofinancing, and he urged Ramsar to liaise with others in this effort.
45. **Japan** offered to fund one of the SGF Asian projects in this cycle and emphasized the need to pursue funding opportunities outside of the Ramsar Convention.
46. **The USA** noted that this is the last full Standing Committee for the present Chair and he expressed the SC's gratitude to Paul Mafabi of Uganda for his fantastic job over the past three years. There was a round of applause.
47. **Paul Mafabi** thanked the members of the Standing Committee for their work and their support and noted that the success of the SC this term has also been a "shared responsibility". He thanked the Secretariat for its support, and he noted the SC's success in progressing the Convention and identified the challenges still facing it, especially the increasingly crucial issue of funding the Convention's work. He especially thanked his Vice-Chair, the Bahamas; the Chair of the Subgroup on Finance, the USA; and the Chair of the Subgroup on COP10, the Republic of Korea.
48. **The SG** thanked the Chair and all of the SC members for their generous support for him in his first year and a bit more as Secretary General.