

Secretariat of the Convention on Wetlands

Terms of reference

Financial analysis on the legal status of the Secretariat of the Convention on Wetlands

1. Background

The Convention on Wetlands is an intergovernmental treaty, which provides the framework for national action and international cooperation for the conservation and sustainable use of wetland biodiversity and services. It was the first of the modern global multilateral environmental agreements and remains the only one devoted to a specific critical ecosystem.

The Secretariat of the Convention on Wetlands has its headquarters in Gland, Switzerland where the International Union for Conservation of Nature (IUCN), provides some administrative services for the operations of the Secretariat.

The Standing Committee discussed the issue of Observer Status and the submission made in this regard to United Nations General Assembly (UNGA) at its 54th and 55th meetings (SC54, April 2018 and SC55, Dubai October 2018). At these meetings, several Contracting Parties stressed the importance of better engagement for the Convention in the environment and sustainable development related processes that take place within fora of the United Nations.

At SC55 the Chair reported on the steps taken so far and noted that this matter had been further postponed for consideration at the 74th session of the UNGA, in 2019, since there was still no consensus among Member States, and in 2019 it was deferred again until 2020. The Secretariat recalled the various options that had been pursued to try to raise the visibility of the Convention within the UNGA.

Following a discussion, SC55 adopted the following decision:

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, taking into account the various options, for consideration at SC57.

At SC57 (Decision SC57-14) the Standing Committee agreed the following way forward on Observer Status:

- a) Endorsement by SC57 of the continuity of the Observer Status Working Group of the Standing Committee (previously informal group) with the inclusion of Mexico, the Russian Federation and Switzerland;
- b) Analysis of the different options and other options that might not yet have been addressed including the inputs from the Legal Adviser and the ones received from Contracting Parties during the meeting;
- c) Allocation of funds from the surplus for an independent analysis to be presented at the 58th meeting of the Standing Committee.

The Observer Status Working Group on its call on 17 October 2019, agreed that the terms of reference for independent legal analysis should include:

- a) Analysis of the different options identified by the Working Group and review and update the existing relevant documents (e.g. Doc COP10-35).
- b) To look at other examples of MEA Secretariats including possible options such as independent organizations (e.g. the International Whaling Commission).
- c) For each one of the options analyse how they would be implemented, including any legal implication such as treaty modification.

The Working Group also agreed that the Secretariat draft TORs for a consultancy to undertake the legal analysis using the input above from the Group and to share it with the Group for its feedback.

In line with the above decisions, the Secretariat hired consultant services to undertake the independent analysis on the legal status of the Secretariat of the Convention on Wetlands to be presented at the 58th meeting of the Standing Committee. After the approval of the consultant's report, the Working Group agreed to undertake an in-depth financial analysis of the selected options with consultant's support that could be presented as part of the report of, and the recommendations from, the Working Group to SC59.

2. Work to be undertaken

2.1 Prepare a comparative analysis of the three options identified by the Working Group plus the current arrangement of the Secretariat of the Ramsar Convention hosted by IUCN, as follows:

- a) Secretariat of traditional IGOs (A1)
- b) Multilateral environmental agreement (MEA), Institutional linkage to the UN (A3)
- c) Part of UNEP (Option B1)
- d) Current scenario with Secretariat of the Convention/IUCN

2.2 For each of the four options evaluate:

- a) Costs of operation and administrative service arrangements (including fees required by the hosting organization and services and staff provided by hosting organization in exchange for the fees when applicable).
- b) Staff cost and benefits implications
 - type of contract for staff,
 - salary
 - pension scheme,
 - staff insurance including old age and survivors insurance/Disability insurance/Insurance against loss of earnings for service and maternity, accident insurance, unemployment insurance, medical insurance, travel insurance, salary entitlement in case of illness or accident,
 - Employee benefits package, e.g., family allowance, schooling allowances, housing allowance, holiday and home leave benefits, etc.
 - commuting by public transport
 - taxes
 - any additional costs
 - Analysis of whether all current staff would need to compete in order to retain their positions under a new hosting arrangement,

c) The steps and approximate time of each option (e.g., if governing bodies of various organizations need to agree to a change, what is the process both for the hosting organization and the Secretariat) such as the process and timeline for amending the Convention text or voting to change the hosting arrangements as well as elaborating those procedures and timelines required for the entity that might host the Convention as its new host.

2.3 The analysis will be presented using two scenarios as follows:

a) Use the current number and position levels of Secretariat staff to calculate the cost to have the same number of positions for each of the options, taking into account equivalency of positions.

b) Use the current approved budget, including costs of salaries, benefits and administrative fees/overhead and identify the number and level of positions that could be retained using the current approved budget for each of the hosting scenarios.

2.4 The consultant should review, existing relevant documents (e.g. Doc COP10-35 “Report on the Legal Personality of the Convention on Wetlands Secretariat”), documents of the Ad Hoc Working Group on Administrative Reform (e.g. Document COP10 Doc.20 Addendum, Document SC37-02, COP11 Doc17), Consultants report “Independent analysis on the legal status of the Secretariat of the Convention on Wetlands (Ramsar Convention), July 2020” as well as other relevant documents from Standing Committee and meetings of the Conference of the Parties where this matter was discussed. In addition, the consultant should contact relevant UN agencies and IUCN directly to seek information.

3. Consultant deliverables and time frame

The consultancy is to commence as soon as the consultant is selected and will conclude upon satisfactory and timely completion of all tasks to be undertaken, but not later than 11 June 2021.

The main deliverables expected from the analysis in section 2 are as follows:

Report that includes

- a) Summary of the findings
- b) Brief summary review of the existing relevant documents and sources as indicated in item 2
- c) In- depth financial analysis of each of the four options according to the criteria specified in items 2.2. a) and b).
- d) Comparative analysis of the four selected options using the issues indicated in item 2.2.
- e) Comparative analysis of the four options using the two scenarios specified in item 2.3: a) one scenario that would use the current number and position levels of Secretariat staff; b) one scenario that would use the current approved budget, including costs of salaries, benefits and administrative fees/overhead and identify number and level of positions.

The report will be shared with the Working Group for its feedback and presented to Standing Committee 59.

4. Expertise and profile of the consultant

The consultant should have the following experience and profile:

- Education
 - Graduate degree in international law, finance, administration or other relevant degree

- Experience required
 - Minimum 10 years of experience in financial and human resources/personnel experience, providing advice on financial/human resource issues to international treaties and international organizations
 - Good knowledge of multilateral environmental agreements including the context of the Convention on Wetlands
 - Good knowledge of the UN system, in particular, UN bodies hosting environmental conventions and providing their Secretariats
 - Experience having undertaken a similar project/consultations

- Skills required
 - Analytical skills
 - Writing skills
 - Ability to read, write, and communicate in English. Fluency in spoken and written English is required, and another Convention language (French and or Spanish) is also desirable.
 - Knowledge of various legal and finance research sources, including electronic, and ability to conduct research and analyse information on a wide range of legal issues.
 - Ability to apply good legal judgment in the context of assignments given.

Note: Interested candidates must contact the Secretariat (rivera@ramsar.org) for the Consultants report “Independent analysis on the legal status of the Secretariat of the Convention on Wetlands (Ramsar Convention), July 2020” and must submit to the email above a proposal that includes a detailed work plan of activities and estimated budget and timeline.