

Agenda item 7.2

Preparation and consideration of draft Resolutions for COP9

Action requested: The Standing Committee is invited to note the recommendations of the Secretariat and the Standing Committee's Subgroup on Resolution VIII.45 and the Decisions of the Subgroup on COP9 concerning these matters, in relation to the presentation of Draft COP9 Resolutions and annexed guidelines under Agenda items 8 to 11.

Note by the Ramsar Secretariat

1. In March 2005 the Standing Committee's Subgroup on COP9 considered recommendations from the Secretariat and the Subgroup on Resolution VIII.45 concerning streamlining of COP9 Resolution processes. These recommendations are provided as an Annex to this note.
2. The Subgroup on COP9 agreed several Decisions on these matters, which relate to the style of presentation and processes for finalization of various types of draft Resolutions for this meeting and COP9.
3. Concerning the procedures for submission of draft Resolutions by Contracting Parties, the Subgroup on COP9 instructed the Secretariat to send a diplomatic notification to the Parties requesting them to submit all draft Resolutions for COP9 to the Standing Committee in advance of its 31st meeting, and to circulate all such draft Resolutions with technical content to the STRP for review and advice to the SC and COP; the Subgroup also requested the Secretariat to review the COP Rules of Procedure with a view to institutionalizing that process (Decision COP9 SG -2). The Secretariat sent this diplomatic notification on 21 March 2005. Any such draft Resolutions received will be considered under Agenda item 11 of this meeting. Proposals for amendments to the Rules of Procedure are covered under Agenda item 12.
4. The Subgroup also requested the Secretariat to draft a COP9 Resolution urging Parties to implement the guidance in existing Resolutions in preference to drafting new Resolutions, to promote dissemination of existing decisions to stakeholders, and to develop an index of existing Resolutions (Decision COP9 SG-2). The Secretariat recommends that these matters can be most effectively addressed through their incorporation into COP9 DR2 on future priorities for Convention implementation (Agenda item 8.11).
5. Concerning proposals for regional initiatives in the framework of the Convention (Resolution VIII.30), the Subgroup requested the Secretariat to circulate the proposed application form for regional initiatives to the Contracting Parties as soon as possible, and to ask the Parties to complete and submit the forms by 30 April for preparation for discussion at SC31 (Decision COP9 SG-11). This was done under the diplomatic

notification of 21 March 2005. Any such proposals received by the Secretariat will be considered under Agenda item 9.4.

6. Concerning scientific and technical Resolutions and guidelines, the Subgroup welcomed the STRP's proposal for a Technical Reports series. The Subgroup approved the plan to bring to the COP two technical draft Resolutions, one containing proposed guidance as annexes and the other recommending future work (Decision COP9 SG-3). Draft COP9 materials in this form are presented under Agenda item 8.1 to 8.11.

Annex

Proposals for streamlining COP Resolution processes

Background

1. There has been a trend over the past few COPs for Parties to submit an increasing number of draft Resolutions. For example, COP5 adopted nine Resolutions (and 15 Recommendations), COP6 adopted 23 Resolutions (and 18 Recommendations), COP7 30 Resolutions (and four Recommendations), and COP8 46 Resolutions.
2. Draft Resolutions reach the COP through one of several processes:
 - i. prepared by the Scientific and Technical Review Panel (STRP) - on technical issues - and considered by the Standing Committee before their transmittal to the COP; or
 - ii. prepared by the Standing Committee itself – generally on administrative, procedural and policy issues; or
 - iii. submitted by one or more Contracting Party – up to 60 days prior to the start of the COP.
3. The Rules of Procedure also make provision for, exceptionally, a draft Resolution to be submitted during the COP (subject to the approval of the Conference Committee) on an emerging issue which could not have been previously anticipated, or which becomes necessary as a consequence of the COP debates.
4. For COP8, of the 46 Resolutions, 17 (37%) were prepared by the STRP, 17 (37%) by the Standing Committee, and 12 (26%) were submitted by one or more Contracting Party.
5. A majority of the Resolutions submitted by Parties to COP8 had technical content, and indeed two also included annexed technical guidelines which had not been subject to scrutiny by the Scientific and Technical Review Panel. Given that it is the task of the STRP to provide advice on scientific and technical matters to the Convention, it is appropriate to develop a clearer mechanism so that all such technical materials reach the COP only with the advice of the STRP, as is the common practice with other biodiversity-related conventions
6. Resolution VIII.45 (*Operation of the Conference of the Contracting Parties and the effectiveness of Ramsar Convention Resolutions and Recommendations*) recognised the need to streamline technical and other Resolution processes prior to, and during, the COP so as to maximise

the efficiency of the COP procedures. It encourages any Contracting Party considering submitting a draft Resolution (technical or otherwise) to submit these to the Standing Committee before their consideration at the COP. It also encourages Parties to submit proposals for draft technical Resolutions to the Ramsar Secretariat at least 120 days before the start of the COP (i.e., for COP9, by early July 2005) – though noting that nothing in this prejudices the right of a Party to submit a draft Resolution up to 60 days before the start of the COP, in accordance with the Rules of Procedure.

Proposed responses to streamlining the resolution adoption process for COP9

STRP technical resolutions

7. In response to the intent of Resolution VIII.45, the Secretariat and Chair of the STRP are already working to streamline the process and packaging of the Panel's guidelines and other advice to COP, in order to reduce the overall number of technical Resolutions prepared by the STRP for COP9. This approach has been endorsed by the 12th meeting of the STRP (Decision STRP12-1). It is proposed that two draft technical Resolutions will be submitted to the Standing Committee. These are:
 - i. a short draft Resolution to adopt the "Additional scientific and technical guidance for implementation of the Ramsar Wise Use concept" prepared by the Panel, and with each of the new technical guidelines prepared by the Panel provided as an Annex to this draft Resolution; and
 - ii. a draft Resolution on "Future priorities for the scientific and technical implementation of the Convention". It is anticipated that this draft Resolution will have a set of thematic sections, each identifying future implementation actions for Contracting Parties, the Standing Committee, the STRP, the Secretariat, and others (i.e., consolidating the suite of actions previously spread through the operative paragraphs of numerous separate technical Resolutions). This would have the advantage that Parties at COP will be able to more readily consider the overall pattern and balance of proposed future activities for the different organs of the Convention, including a clear view of the priorities for the work requested of the STRP in the 2005-2008 triennium.
8. However, it is anticipated that it may be prove to be appropriate for certain technical implementation topics on emerging high profile issues for the Convention to prepare a small number of separate technical Resolutions on such matters. For example, one such issue could be the Convention's response to mitigating natural disasters such as the tsunami in the Indian Ocean in December 2004. Others identified by STRP12 concern water and wetlands, and sustainable fisheries management.

Standing Committee Resolutions

9. Given the nature of the different administrative, procedural and policy issues covered by draft Resolutions prepared by the Standing Committee, it is anticipated that, as for previous COPs, most will need to be in the form of separate draft Resolutions. However, the COP9 Subgroup when it meets in March 2005 may wish to consider ways and means of consolidating as far as possible the presentation of such matters to the COP.

Draft Resolutions submitted by Contracting Parties

10. Two characteristics concerning draft Resolutions submitted by Parties to previous COPs are apparent. These are that:
 - i. many such draft Resolutions concern scientific and technical implementation of the Convention; and
 - ii. several separate such draft Resolutions address closely related topics (for example at COP8 Resolutions VIII.39, 41, 43 and 44 relating to regional initiatives) – or are closely related to topics which were also the subject of draft Resolutions prepared by the STRP/Standing Committee (for example, COP8 Resolution VIII.33 cf. VIII.11; and VIII.40 cf. VIII.1).
11. The current process for submission under the Rules of Procedure mean that there is little or no opportunity for the STRP or Standing Committee to identify such congruence and to propose ways of consolidating such closely similar draft Resolutions in order to reduce the overall number of separately debated proposals and provide more coherent presentation to COP on such matters.
12. Since the Scientific and Technical Review Panel is the subsidiary body charged by the COP to provide it with advice on scientific and technical matters, it follows that it is inappropriate to have a parallel process through which some draft Resolutions with a scientific or technical content are considered and adopted by COP without the benefit of any review and advice from the STRP. Thus, draft Resolutions with a scientific or technical content and/or with technical implementation guidelines that have been submitted by Parties should receive scrutiny and advice from the STRP. This may require proposals for changes to the Rules of Procedure to be made at COP9.
13. Notwithstanding that nothing in Resolution VIII.45 should prejudice the right of any Contracting Party to submit draft Resolutions according to the current COP Rules of Procedure, the intent of Resolution VIII.45 is clear in seeking to address such anomalies in current procedures in its encouragement to Parties to:
 - i. submit draft Resolutions ('technical' or otherwise) to the Standing Committee before COP consideration (paragraph 16.); and
 - ii. submit draft technical Resolutions to the Secretariat at least 120 days prior to the start of the COP (paragraph 17.).
14. However, this creates some anomalies in such recommended procedures, in that the 120 days prior to COP9 falls in early July 2005, which will be after the Standing Committee has met for its 31st meeting (note that this has arisen because the dates of the Standing Committee meetings during the triennium are not decided until some time after the end of the COP and its adoption of such Resolutions), and that this procedure does not create any mechanism for draft Resolutions with a technical content submitted by Parties to be examined by the STRP.

Recommendations

15. The Subgroup on COP9 may therefore wish to request the Secretariat to prepare recommendations to the 31st meeting of the Standing Committee and COP9 for amendments to the Rules of Procedure, pursuant to the intent of COP8 Resolution VIII.45, such that:
 - i. all draft Resolutions with a technical content prepared by Contracting Parties be submitted to the Scientific and Technical Review Panel (STRP) for its review and provision of advice to the Standing Committee and COP; and
 - ii. all non-technical Resolutions prepared by Contracting Parties be submitted not later than 30 days prior to the full meeting of the Standing Committee which takes place approximately six months prior to COP.
16. So as to streamline the draft Resolution procedures for COP9, the Subgroup on COP9 may wish to:
 - i. by way of a diplomatic note from the Secretariat, urge Contracting Parties to provide all such draft Resolutions prior to the 31st meeting of the Standing Committee in June 2005, so that the Committee may consider advising on any consolidation of similar draft Resolutions, including where appropriate the incorporation of any scientific and technical implementation issues raised into the proposed draft Resolution on “Future priorities for the scientific and technical implementation of the Convention” (see paragraph 7.ii. above); and
 - ii. for resolutions with a technical content submitted by Contracting Parties, request that the Secretariat circulate all such draft Resolutions to the STRP for an electronic consultation procedure, so that the STRP can provide its advice on such matters prior to COP9.
17. The Subgroup on COP9 may also wish to consider requesting the development of a draft COP9 Resolution on these matters, which emphasises, *inter alia*:
 - i. the need to make future Resolutions and Recommendations more concise and user-friendly for site managers and other stakeholders, including through the use of summaries and case studies;
 - ii. the need for Parties to shift from drafting and submitting to COP further new Resolutions to ensuring that the guidance adopted in existing Resolutions is fully applied so as to bring about improved management of Ramsar sites and other wetlands;
 - iii. the need to promote outreach mechanisms to disseminate Resolutions and Recommendations to stakeholders beyond the Convention’s national Administrative Authorities; and
 - iv. the need to develop an index of current Resolutions and Recommendations by subject matter and geographic relevance, so that countries can concentrate on the implementation of Resolutions and Recommendations that are most relevant to their situations.