

Agenda item 8.4

Review of decisions of the Conference of the Contracting Parties

Action requested: The Standing Committee is invited to approve the proposed process outlined below and authorize the Secretary General to negotiate with IUCN-ELC to agree a budget for a peer review process, not to exceed €10,000 for the triennium.

Introduction

1. In Resolution IX.17, the Conference of the Contracting Parties:
 - (5) INSTRUCTS the Secretariat to undertake, with the Standing Committee and the Scientific and Technical Review Panel, a review of the decisions taken since the first Conference of the Parties with a view to identifying specific areas of conflicting advice or policy, redundancy, and differing interpretation or conflict, and that such a review should be completed within the coming triennium and the results presented to COP10 for decision;
 - (6) INSTRUCTS the Secretariat to develop appropriate Terms of Reference, advise whether a service provider will be required, and identify potential service provider(s) for consideration by Standing Committee at its 34th meeting, and INSTRUCTS the Standing Committee to review and approve the Terms of Reference as deemed appropriate, approve any appropriate service provider(s), and agree a budget; and
 - (7) AGREES that the review is to focus on the Resolutions and Recommendations of the COP and is not to include a review of the text of the Convention itself, and that such a review should, if practicable, be delivered in conjunction with the STRP's proposed review of existing Ramsar guidance.
2. Following COP9 the Secretariat has contacted the IUCN Environmental Law Centre (ELC) to ascertain its willingness and availability to engage the IUCN Commission on Environmental Law to undertake this work as a "service provider". The ELC has responded with a figure of €50,000 for such an exercise. This figure, while realistic, is too much for the budget of the Convention for the FY 2006.

A proposal

3. A different solution has however emerged. The RSPB has generously agreed to allow David Pritchard to spend some time with the Secretariat to address a number of issues during the year, as well as allocating some of his office time for desk-related project work. This would allow Mr Pritchard, essentially as an in-house consultant, to undertake an initial review, with input and support from Dwight Peck in the Secretariat.

4. The results of that review could then be communicated to the Scientific and Technical Review Panel (STRP) for its observations, consistent with the terms of the Resolution, and a more definitive document produced.
5. This document, essentially the review referred to in the Resolution, could then be studied by IUCN-ELC, which would highlight and advise on any issues of international law arising from the initial review.
6. A fee for the ELC has not been formally discussed or agreed, but should not exceed €10,000.
7. The results of this two-stage review process would then be transmitted to the Standing Committee for its consideration, leading to the development of a proposal on this matter for consideration at COP10.
8. With the generous offer of consultant time from RSPB, it seems this exercise could be undertaken and completed for COP10. We would also wish to examine how this review could be regularly updated after each COP to ensure its relevance and currency.