

## Review and consolidation of current Resolutions: Introduction

### Actions requested:

The Standing Committee is invited to consider the four draft consolidated resolutions in documents SC63 Doc.16.2, SC63 Doc.16.3, SC63 Doc.16.4 and SC63 Doc.16.5, and to submit them for adoption by the Conference of the Parties at its 15th meeting.

1. At its 59th meeting (SC59, 2021), the Standing Committee considered a series of documents regarding the initiation of a process for consolidation of Resolutions and Recommendations that have previously been adopted by the Conference of the Contracting Parties. The documents considered included:
  - document SC59 Doc.13.1 on *Review of all previous Resolutions and Decisions: Process for conducting the review* which contained a draft resolution on this subject as its Annex 1; and
  - document SC59 Doc.13.3 on *Draft consolidated resolution on "Inventories"*.Following the discussion, the Standing Committee agreed to submit the draft resolution on the process for consolidation for consideration at the 14th meeting of the Conference of the Parties.
2. At its 14th meeting (COP14, 2022), the Conference of the Contracting Parties considered the draft resolution regarding the review and consolidation of existing Resolutions, and the options that were presented, and adopted Resolution XIV.5, on *Review of Resolutions and Recommendations of the Conference of the Contracting Parties*, establishing the consolidation process.
3. One of the key elements of Resolution XIV.5 is the decision to establish a process for the consolidation of existing Resolutions and Recommendations of the Conference of the Parties. As stated in paragraph 10 of the Resolution:
  - "a) *The general objective of the consolidation is to facilitate the understanding and implementation of Resolutions by combining into a single Resolution the texts from existing Resolutions that deal with the same subject, or sub-subject, using the words from the existing Resolutions as far as possible, while eliminating discrepancies and inconsistencies, clarifying the meaning, standardizing the terms used, correcting grammatical errors, updating parts that are out of date and eliminating parts that are defunct;*
  - b) *after each meeting of the COP, the Standing Committee will select a small number of subject categories (generally two to four) from the list of categories of Resolutions in Annex 2 of the present Resolution, for which the Secretariat (or its consultant) will prepare draft consolidated resolutions for consideration at the following COP;*

- c) *the document presenting each draft consolidated resolution will indicate the origins of the texts presented and explain any differences from the existing Resolutions;*
  - d) *draft consolidated resolutions will not include any new concepts, policies, rules or guidance that have not previously been agreed by the COP;*
  - e) *the text of each draft consolidated resolution will indicate that it repeals the Resolutions that are being consolidated and that it is designed to replace;*
  - f) *each draft consolidated resolution prepared by the Secretariat will be presented to the Standing Committee, which will guide the Secretariat and approve the draft to be submitted for adoption by the Conference of the Parties when it is satisfied that the draft has been correctly prepared [...]"*
4. At its 62nd meeting (SC62, September 2023), in accordance with paragraph 10.b) of Resolution XIV.5, the Standing Committee adopted Decision SC62-25, as follows:  
*The Standing Committee selected "Inventories", "CEPA", "Water, water-related, and water-management-related" and "Assessment of wetland values and services" as categories for which draft consolidations will be prepared for consideration at SC63.*
  5. Accordingly, the Secretariat contracted a consultant to prepare a draft consolidated resolution on each of these subjects. These are presented in the documents SC63 Doc.16.2, SC63 Doc.16.3, SC63 Doc.16.4 and SC63 Doc.16.5.
  6. Although the process of consolidation of Resolutions has been initiated in several environmental Conventions, this is the first time it is being done for the Convention on Wetlands. For that reason a very cautious approach has been taken to ensure that Parties can have confidence that – in the process of assembling existing agreements into a single document on each broad subject – nothing which may still be in effect is being lost.
  7. The role of the Standing Committee at the present stage, and of the Conference of the Contracting Parties in reviewing the texts, is only to ensure that the consolidation of Resolutions and Recommendations has been correctly done, that nothing new has been introduced and that there are no changes in substance, so that the consolidated text effectively reflects what has already been agreed by the Conference of the Parties and that remains valid. The Conference of the Parties has clarified this point in Resolution XIV.5, paragraph 10.g), as follows:
    - g) *as the process of consolidation of Resolutions is not intended to revise the substance of decisions previously made by the Conference of the Parties, the Rules of Procedure for considering and adopting draft consolidated resolutions will be different from those for consideration of other draft resolutions in the sense that, as a general rule, the substance should not be presented for discussion as it has in principle already been agreed by the Parties. The primary decision to be made by the Conference is whether the consolidation has been correctly done.<sup>1</sup>*
  8. It is understood that there may be a wish to amend the substance of what has previously been agreed. In accordance with the consolidation process, the time for proposing such changes is after the Conference of the Parties has adopted the draft consolidated resolution.

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<sup>1</sup> Emphasis added by the Secretariat for the purpose of the present document.

9. It is important to emphasize that the aim of the consolidation process is to put into a single document all of the decisions, interpretations and recommendations of the Conference of the Parties relating to a single subject. This is to ensure that Parties need to look at only one text for guidance on that subject.
10. The first step to achieve this is to consolidate all of the existing guidance without discussing the substance, so that the decisions that have already been taken by the Conference of the Parties, and that remain valid are clear and form the basis for any further considerations. This is why the substance itself is not discussed in the process of agreeing on draft consolidations of existing Resolutions and Recommendations.
11. To ensure that there remains only one resolution on each subject for which the consolidation has been initiated, any further texts on the same subject should be proposed as amendments to the consolidated resolution, and not as new resolutions.
12. This is the approach that is followed in other environmental conventions, including the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention on Biological Diversity and the Convention on Migratory Species.
13. The Standing Committee is invited to consider and approve the four draft consolidated resolutions that accompany the present document.