

CONVENTION ON WETLANDS (Ramsar, Iran, 1971)  
5<sup>th</sup> Meeting of the Ad Hoc Working Group on  
Administrative Reform  
Gland, Switzerland, 29 March 2010

## Report of the 5<sup>th</sup> Meeting of the Ad Hoc Working Group on Administrative Reform

**Contracting Parties present:** Algeria, Argentina, Australia, Belgium, Cameroon, Canada, Chile, Czech Republic, Germany, Indonesia, Islamic Republic of Iran, Japan, Mauritius, Namibia, New Zealand, Panama, Paraguay, Republic of Korea, Serbia, Sudan, Switzerland, Tunisia, USA, Venezuela

**Resources:** Mr Kofi Addo, consultant

1. **The Co-Chair (Chile)** welcomed the participants to the Working Group's last meeting before the 41<sup>st</sup> meeting of the Standing Committee (SC41) in late April.
2. **The Secretary General** thanked the participants for their work and their support for the Convention throughout this process. He felt that the work had reached a stage where the SC could look at the results, and he hoped for consolidated outcomes from this meeting.

### Agenda item 1: Adoption of the provisional agenda

3. The agenda was adopted by consensus.

### Agenda item 2: Revision of the Draft Report to the 41<sup>st</sup> meeting of the Standing Committee

4. **The Co-Chair (Chile)** drew attention to the draft report that was posted on the Ramsar website and to the compilation of comments on it that had been submitted by Parties. He invited the Parties that submitted those comments to introduce them so that amendments to the report could be agreed.
5. **Argentina** explained his country's preference for the original wording of paras. 26 and 27 over Germany's proposed changes but expressed a willingness to discuss the matter.
6. **Germany** explained that the amendment was intended to point out that two delegations had expressed dissatisfaction with the UNEP option and four had been in favor of it, and it was felt that the language ought to reflect that difference. She noted that some delegates said that they were speaking on behalf of an "Africa group" and it was not known how to evaluate that. In the interests of transparency, Germany would welcome finding new language for that text.
7. **The USA** felt that to enumerate the speakers would not reflect the opinions of all, since most delegations were silent.
8. **Switzerland** requested that the WG make a synthesis of all of the issues, as the SC members cannot be expected to read all of the papers. She proposed that the consultant

might make a comparative table of all of the pros and cons. She suggested that “Africa group” makes a large majority in favor of the UNEP option.

9. **Cameroon** insisted that the Africa group speaks as one voice and its opinion was clearly expressed at the 10<sup>th</sup> meeting of the Conference of the Parties in Changwon. He felt that there should be no need to repeat that opinion every time.
10. **Belgium** noted that the report and recommendation should constitute an overall assessment of the delegations’ opinions, so these paragraphs are not so important in themselves.
11. **The Co-Chair (Chile)** agreed that the recommendation should be clear about opinions and he suggested leaving these amendments open and coming back to them later if necessary.
12. **The USA** felt that since there was no poll at the time of the meeting being reported, in transparency the report should only record what was actually said. **The Co-Chair (Australia)** suggested that the delegations present could be asked what their position was. **Sudan** pointed out that at that meeting the African delegations were of one opinion.
13. **Germany** introduced proposed changes to para. 15 concerning the difficulty for staff of obtaining visas and of obtaining recognition at international meetings. **The USA** observed that the UNEP representative had clearly said that the UN passport does not automatically solve all problems. **Cameroon** said that there is a need to be factual: he felt that there is a totally different situation when one has an international passport as opposed to merely a national one. **Germany** noted that at the meeting there was a consensus that the UN passport would make travel easier, even if it would not solve all problems. **The Co-Chair (Chile)** observed that contrasting views had been expressed at the meeting, both by countries and by Ramsar staff members, and he felt that therefore it is valid to point to the existence of problems.
14. **Canada** pointed out that it is not clear in the table of problems whose conclusions are reported, the Working Group’s or the Secretary General’s. She noted that several MEAs have had trouble applying for and obtaining recognition by some organizations, so it would be inaccurate to say that the problem would be solved under UNEP. **Cameroon** said that if there is a problem, it should be reported, and the report should not obscure any facts.
15. **The Co-Chair (Chile)** noted that clearly problems do exist and they cannot be solved here; the WG can only report that the perceptions of problems exist. **The USA** recalled that the problems exist for all types of passport, but the WG was told by the Secretary General that it was not a particularly serious problem. She felt that the WG should have moved on from those problems that had been reported as solved or not serious and should not have kept reintroducing them as current.
16. **Switzerland** felt that the WG should report on all of the problems to the SC and let the SC determine whether they are large or small ones.

17. **The Co-Chair (Australia)** explained that States did not necessarily apply the same rules for visas for UN/diplomatic passport holders and other passport holders. There could be different visas for different nationalities and this was the case in Australia and many other States. Processing times for different visas varied and this could be problematic for the Secretariat. **Sudan** pointed out that the USA has introduced more rigorous scrutiny for nationals of 14 countries following a bomb attempt in Detroit.
18. It was agreed to amend the text to “might be solved” for the question of recognition at international meetings and to address the visa problem separately by saying “While the UN passport does not automatically guarantee . . .”, the problem “could be mitigated” if one had a UN passport.
19. **Germany’s** proposed amendments to paras. 23 and 34 were agreed.
20. **Japan** explained the request under para. 36 that tables showing estimated budgets and total contributions for Parties under the UNEP and IUCN options should be included. **The Co-Chair (Chile)** proposed that these would be included as appendices at the end of the report but not at para. 36, and that was agreed.
21. **The USA’s** proposed amendment to para. 21 was agreed. **The USA** also proposed an amendment to para. 24 that the consultant’s personal opinion, since it was subjective and not factual, should be deleted. There was considerable discussion of whether subjective opinions should be kept out of the report, in favor of a comparative factual review of the options, or whether it was necessarily part of the consultant’s role (and his Terms of Reference) to provide his assessment as well as the facts. **Canada** suggested amending the wording to “He expressed the opinion”, and that was agreed.
22. **The USA’s** suggested amendment to para. 38, indicating that the budget tables are illustrative and not authoritative, was agreed.
23. To **the USA’s** suggestion that potential costs in para. 41 should mention the IUCN’s estimate of a maximum potential cost of 1 million CHF in the event of staff terminations, it was agreed to add the phrase: “such as contract termination costs (estimated by IUCN to potentially cost up to a maximum of 1 million CHF if all contracts were to be terminated, noting that the Secretariat has a reserve of 200,000 CHF available), as well as physical moving, etc.”
24. **The Co-Chair (Chile)** opened the floor for additional amendments to the draft WG report to the SC, and there were none. The draft report was adopted for transmission to SC41, except for paras. 26 and 27 still to be resolved.
25. **The Co-Chair (Chile)** inquired about what additional materials should be provided as annexes to the report to the SC. **Switzerland** and **the Co-Chair (Australia)** suggested that the latest version of the comparative table with financial figures and the table with problems should be included. There was general agreement with **Argentina’s** suggestion that all of the WG’s documentation should be submitted to the SC, so that the SC members could decide what they want to read. **Mauritius** suggested some additional information, such as the composition of the staff and the geographical distribution of

projects financed by the Convention. **The Co-Chair (Australia)** explained that these are issues that fall outside the scope of the WG.

26. **Canada** suggested deleting the “Conclusions” column from the problems table and moving the single conclusion into the “current status” column. This was agreed.
27. It was agreed that the table of figures will be prominently marked as illustrative only and not a real budget.

### Agenda item 3: Drafting of the Working Group’s recommendation to SC41

28. Following a break to allow for informal discussions of a proposed wording for the recommendation, **the Co-Chair (Chile)** noted that there was no consensus between the UNEP and IUCN options. The Co-Chairs’ proposed text for the recommendation recognized that fact and provided an opportunity for Parties to associate themselves by name in each place if they wish to go on the record as believing that there is sufficient evidence to recommend the UNEP or wish to go on the record as believing that there is not sufficient evidence. **The Co-Chair (Australia)** pointed out that no States would be put on the spot – only those that wished to be associated with one or the other position would be named.
29. **Sudan** expressed his understanding that the recommendation was to be based on a consensus or majority. He said that Sudan would prefer that Ramsar would join UNEP and he felt that most delegates present would hold the same view. The WG should come together and do things together, he felt, and thus the Group should recommend the UNEP option and note any reservations, so that democracy would prevail.
30. A number of Parties expressed doubts about the idea of naming countries’ names and suggested summarizing them as “some States”, “other States”, etc. **The Co-Chair (Australia)** felt that most States seem to prefer the UNEP option, but she would prefer not to make a recommendation only to have a few Parties dissociate themselves from it. **Belgium** argued that, if a consensus could not be found, at least there should be a way to convey a sense of the meeting, with an overwhelming majority in favor and the few dissenters named. **Argentina** noted that transparency would require that the text would then need to show that many delegations did not express any position whatever.
31. **The Czech Republic** said that the WG was not mandated to come up with an either/or recommendation, necessarily, and is not representative enough to speak for all Parties. He suggested creating a third paragraph for those Parties that wish to reserve their positions until a decision at the SC or COP meetings.
32. **Germany** inquired whether the “Africa group” should be enumerated; **the Co-Chair (Australia)** noted that some states form regional groupings and speak through one spokesperson, as is the case with the African group in most UN fora.
33. **Indonesia** questioned the merit of naming names and suggested that if the majority of delegations do not wish to go on the record, it is doubtful whether there should be a recommendation at all. **The Co-Chair (Australia)** pointed out that some States had definitely said that they do wish to place their names on the record and had instructions to

do so. A number of delegations reported that they have been instructed not to place their names on the record in this way, and they said that they would need time to get clearance to do so from their capitals.

34. **Switzerland** pointed out that the proposed text is not so much a recommendation as a conclusion.
35. **The Co-Chair (Australia)** proposed that the WG consider two options: 1) no recommendation, with Parties that wish to do so placing their names in support of either the UNEP option or not, or 2) recommending the UNEP option, with dissenting Parties recording their reservations.
36. **The USA** pointed out that the delegations presently in the room did not represent all participants in the Working Group. **The Co-Chair (Chile)** noted that the WG was set up to be open to all Parties that wished to participate. He observed that this was not a vote, so in this case those who abstain could be assumed to have joined the consensus.
37. **Indonesia** noted that there is another group of delegations present, those who have dissenting opinions but do not wish to state their views.
38. **Cameroon** noted that the Africa group expressed its views clearly at COP10, so for Africa, there is no problem about who is here and who is not. The whole of Africa is in favor of the UNEP option. He felt that delegations have the right to consult their capitals about placing their names on the record, but not to block progress. He felt that the majority is in favor of the UNEP option but do not want their names mentioned.
39. In the afternoon session, **the Co-Chair (Australia)** proposed that the WG adopt the first option, placing the names on the record for and against the UNEP option, and allow 24 hours for delegations to advise the Co-Chairs whether they wish to be associated with one or the other option by name. Those that did not wish to be associated with either option could remain silent.
40. **Canada** suggested that, to avoid proposing to the capitals something the delegates had been instructed not to do, Parties could place their names in favor of option 1 whilst “some other states”, unnamed, could be cited under option 2. **The Co-Chair (Australia)** explained that to be “placed on the record” a State would need to be named. **The Co-Chair (Chile)** reiterated that the WG must decide whether to name names or to recommend the UNEP option with some dissenters.
41. **Cameroon** felt that the WG should work in a constructive manner and go directly to the point, and that the only option is to give the capitals time to respond. **Argentina** pointed out that if delegations consult their capitals and the capitals should refuse, the WG would be back at the start, and Canada has proposed a way out of that problem. **Belgium** felt that Canada’s proposal created an asymmetry. **Germany** observed that “some other states” could mean 2 or 25 others and is too ambiguous; the proposed text clearly asks ‘do you wish to go on the record or not?’
42. **Japan** reported that the capital has instructed not to use names and not to go with the UNEP option. **Argentina** called for a compromise. **Indonesia** suggested adding a third

paragraph for delegates who preferred to remain silent. **The Republic of Korea** thought it would be best to find out what is the majority.

43. **Switzerland** urged that the WG is only indicating tendencies at this point anyway, that the decisions will be taken later by the COP, so there should not be a problem agreeing how to report what delegations feel, based on the evidence at this time.
44. **Iran** suggested using the term “some countries” but naming their names in the report of this meeting.
45. **The Co-Chair (Chile)** proposed, to avoid naming countries, to use the terms “the majority” and “a few Parties” or “some Parties”. This suggestion was supported by **Mauritius, Czech Republic, Switzerland, Japan, and Belgium**. **Indonesia** suggested adding the term “at the WG meeting”, which was supported by **Argentina and the USA**. **Germany and Mauritius** felt that too many compromises had been made already and that the amendment should not be added.
46. **Iran** urged adding a fourth paragraph to the effect that some other States reserve the right to express their opinion at forthcoming SC meetings. **The Co-Chair (Chile)** reminded that the WG has an open membership and Parties can participate if they wish; it is not the WG’s role to reserve the rights of those not present. **The Czech Republic** agreed. **Venezuela** noted that such a fourth paragraph would not speak for those not present, only for those present who are not prepared to endorse either of the two options. **Indonesia** concurred with that view.
47. **The Co-Chair (Australia)** proposed that, to move forward, the phrase “at the WG” be added; **Indonesia** suggested “at the above-mentioned WG”. **New Zealand and the USA** expressed agreement.
48. **Namibia** noted that, although she has not said anything during the meeting, she has instructions to support the Africa group. **Panama** said that his country wishes to follow the majority, but will be represented at the SC41 meeting and will take its decision there.
49. There was considerable discussion of the best terminology to describe the balance of Parties preferring the two options. In the end, **the Co-Chair (Australia)**’s suggestion of a “large majority of States” and “several States”, specifying “at the above Working Group” to paras. 2 and 3, and adding a paragraph to the effect that “Some States at the above Working Group did not express a view”, was agreed. **Indonesia** felt that “large majority” could mean 75%, which would be untrue, but agreed as well.
50. **The USA** requested to be able to attach a white paper of explanations to the report. **The Co-Chair (Chile)** observed that the WG’s report would not be the appropriate place to do that, as additional explanations would better be made at the SC41 meeting.
51. **Mr Kofi Addo** showed on screen the latest version of the illustrative budget to be appended to the report. It was agreed that that will be appended to the report with suitable notice that it is intended to be indicative only.

52. For paras. 26 and 27 of the draft report, **the Co-Chair (Australia)** proposed using the wording of the recommendation to characterize the numbers of Parties there. **Germany** suggested naming the countries in the report, but **Canada** felt that the texts of 26 and 27 should remain the same except for using the terms “large majority” and “several”. Co-Chair Australia’s proposal was agreed.
53. **The Co-Chair (Chile)** confirmed that the WG’s report to the SC has now been adopted, with the latest table of figures and the recommendation.
54. **Argentina** wished to confirm that the questions-and-answers supplied by UNEP and IUCN will also be included as annexes, and **the USA** reminded that the US questions, which were not answered in writing by UNEP at the last meeting because of a problem of timing, should also be attached with UNEP’s response.
55. **The Co-Chairs** expressed their appreciation to the participants for their hard work and eventual success in arriving at an agreed report for the SC. There was a round of applause for the Co-Chairs’ leadership of the Working Group meetings.