

Proposed draft resolution on Rights of Nature in Wetlands

Submitted by Sri Lanka

Action requested:

The Standing Committee is invited to review and approve the attached draft resolution for consideration by the 15th meeting of the Conference of the Contracting Parties.

Secretariat cover note

The draft resolution proposes to embed the recognition of Rights of Nature in Wetlands into the Convention's corpus of Resolutions, to foster transformative change towards conservation and wise use of all wetlands.

The text makes note of ongoing international efforts such as court decisions, UN Resolutions, the Kunming-Montreal Global Biodiversity Framework and other initiatives that provide a basis for recognising rights of Nature and expresses the benefit of applying this idea to wetlands, as a contribution to achieving the Convention's mission.

Operational paragraph 22 invites Contracting Parties to submit their own examples of Rights of Nature in Wetlands and paragraph 23 requests the Secretariat to develop and maintain a living archive of examples on how Rights of Nature in Wetlands can be integrated into wetland protection and management. The Secretariat would welcome greater clarity as to the purpose, structure and functionality of the archive to ensure this database has value for the Contracting Parties, and to determine what resources would be required to implement this action

The draft resolution does not require a review by the STRP.

Introduction

Information for Standing Committee

The attached **Information Paper**¹ provides additional information in support of the proposed draft resolution.

Financial implications of implementation

This resolution concerns the endorsement of legal and policy principles. There are no financial implications for the Convention.

¹ See <https://www.ramsar.org/document/proposal-draft-resolution-be-considered-ramsar-cop15-rights-nature-wetlands-explanatory>.

Draft Resolution XV.x on Rights of Nature in Wetlands

1. RECALLING the obligations undertaken by the Parties to the Convention on Wetlands of International Importance especially as Waterfowl Habitat (1971) to make general or specific recommendations to the Contracting Parties regarding the conservation, management and wise use of wetlands and their flora and fauna;
2. ACKNOWLEDGING the interdependence of people and their environment and the fundamental ecological functions of wetland ecosystems as regulators of water regimes and climate, and as habitats supporting a characteristic biodiversity, thereby constituting a resource of great economic, cultural, historical, scientific, and recreational value, the loss of which would be irreparable;
3. GRAVELY CONCERNED that despite existing conservation and management efforts, wetland areas continue to decline and degrade as evidenced by the outcomes of Global Wetland Outlook², the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) Global Assessment Report on Biodiversity and Ecosystem Services³ and the Global Biodiversity Outlook⁴ ;
4. NOTING that most of the existing management measures for wetlands are anthropocentric without adequate consideration of the intrinsic values⁵ of other living entities;
5. ACKNOWLEDGING that all communities, whether explicitly or implicitly, have a close relationship with wetlands and their intrinsic values which are intricately intertwined;
6. CONSIDERING that the interconnectedness of all communities with nature needs to be increasingly recognized to ensure governance, policy and law for wetlands including the living beingness⁶ of wetlands;
7. RECOGNIZING that all wetlands have a right to function, to exist and to be restored when degraded, and CONSIDERING that the benefits from ecocentric approaches to manage wetlands for their own right should be encouraged;
8. RECOGNIZING the concept of Rights of Nature in Wetlands as a practical opportunity for implementing the Convention's mission, goals and targets as well as other related Convention aspirations for wise use and sustainability;
9. NOTING the adoption in 1982 by the 37th session of United Nations General Assembly of the World Charter for Nature⁷, representing a global consensus to move towards a more respectful

² Convention on Wetlands. (2021). Global Wetland Outlook: Special Edition 2021. Gland, Switzerland: Secretariat of the Convention on Wetlands.

³ IPBES. (2019). Global assessment report on biodiversity and ecosystem services of the Intergovernmental Science- Policy Platform on Biodiversity and Ecosystem Services (M. G. S. Díaz, J. Settele, E. S. Brondízio E.S., H. T. Ngo, S. M. S. J. Agard, A. Arneth, P. Balvanera, K. A. Brauman, S. H. M. Butchart, K. M. A. Chan, L. A. Garibaldi, K. Ichii, J. Liu, Y. J. S. G. F. Midgley, P. Miloslavich, Z. Molnár, D. Obura, A. Pfaff, S. Polasky, A. Purvis, J. Razzaque, B. Reyers, R. Roy Chowdhury, and C. N. Z. (eds. I. J. Visseren-Hamakers, K. J. Willis, Eds.). IPBES secretariat, Bonn, Germany.

⁴ Secretariat of the Convention on Biological Diversity (2020) Global Biodiversity Outlook 5. Montreal.

⁵ All beings are interdependent, and every form of life has regardless of its worth to human beings (Earth Charter Commission, 2000)

⁶ The Condition or quality of having life and being alive

⁷ UN General Assembly. 1982. World Charter for Nature. 37th session.

relationship with nature, and the subsequent continuing development of this ethos through the adoption between 2009 and 2018 of nine UN Resolutions on Harmony with Nature⁸, which refer, *inter alia*, to the need for a new relationship with the Earth and provide examples of approaches to recognize Rights of Nature;

10. RECOGNIZING the United Nations Declaration on the Rights of Indigenous Peoples⁹, which states, “Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources to uphold their responsibilities to future generations in this regard” (Article 25) and “Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources” (Article 29.1), thus emphasizing the need and right of people for measures that lead to better management of wetlands;
11. FURTHER NOTING the adoption in 2022 by the 15th meeting of the Conference of the Parties to the Convention on Biological Diversity of the Kunming-Montreal Global Biodiversity Framework¹⁰, which identifies the consideration and recognition, where appropriate, of the Rights of Nature/Mother Earth;
12. AWARE that global movements to ensure that rights of nature are in progress including the development in 2020 by the Society of Wetland Scientists and its collaborating partners of a Universal Declaration of the Rights of Wetlands¹¹, development in 2017 by the Earth Law Center and its collaborating partners of a Universal Declaration of River Rights, and development in 2018 of the Declaration of the Living Forest (Kawsak Sacha Declaration)¹² by the Kichwa People of Sarayaku, Ecuador;
13. NOTING that the recognition of Rights of Nature in Wetlands will support many Resolutions of the Conference of Contracting Parties, including Resolution VII.8 (Guidelines for establishing and strengthening local communities’ and Indigenous people’s participation in the management of wetlands), Resolution VIII.19 (Guiding principles for taking into account the cultural values of wetlands for effective management of sites), Resolution IX.21 (Taking into account the cultural values of wetlands), Resolution XIII.15 (Cultural values and practices of Indigenous peoples and local communities and their contribution to climate change mitigation and adaptation in wetlands), Resolution XII.2 (The Ramsar Strategic Plan 2016-2024, which “ENCOURAGES Parties to promote, recognize and strengthen active participation of Indigenous peoples and local communities as key stakeholders for conservation and integrated wetland management” and “RECOGNIZES that the wise and customary use of wetlands by Indigenous peoples and local communities can play an important role in their conservation . . .”);

https://ecojurisprudence.org/wp-content/uploads/2022/07/A_RES_37_7-EN.pdf

⁸ UN General Assembly, 2010. Harmony with Nature. 65th session. 65/164.

<https://documents.un.org/doc/undoc/gen/n10/522/38/pdf/n1052238.pdf>

⁹UN General Assembly. 2007. United Nations Declaration on the Rights of Indigenous Peoples. 61/295.

https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

¹⁰ Conference of the Parties to the Convention on Biological Diversity. 2022. Kunming-Montreal Global Biodiversity Framework. CBD/COP/DEC/15/4. <https://www.cbd.int/doc/decisions/cop-15/cop-15-dec-04-en.pdf>

¹¹ Society of Wetland Society. 2020. <https://www.rightsofwetlands.org>

¹² UN General Assembly. 2012. Kawsak Sacha–The Living Forest. https://ecojurisprudence.org/wp-content/uploads/2022/08/KAWSAK_SACHA_DECLARATION-2018.pdf

14. FURTHER NOTING that the recognition of Rights of Nature in Wetlands is an effective complementary means to enhance delivery of the Ramsar Strategic Plan 2016–2024 (Resolution XII.2), including enhancing delivery of Strategic Plan paragraph 31: “Strengthen and support the full and effective participation and the collective actions of stakeholders, including Indigenous peoples and local communities, for the existence of sustainable, comprehensive and wise use of wetlands”, and Strategic Plan Target 10: “The traditional knowledge, innovations and practices of Indigenous peoples and local communities relevant for the wise use of wetlands and their customary use of wetland resources are documented, respected, subject to national legislation and relevant international obligations, and fully integrated and reflected in the implementation of the Convention, with a full and effective participation of Indigenous peoples and local communities at all relevant levels.”
15. DESIRING to build upon all of the aforementioned national and international Rights of Nature initiatives by applying the paradigms they embody specifically to wetlands of all types;
16. CONVINCED that recognizing the enduring rights and living beingness of wetlands in all situations around the world will support a paradigm shift in human–nature relationships towards greater understanding, reciprocity and respect, leading to a more sustainable, harmonious and healthy global environment that supports the well-being of both humans and nature;
17. RECOGNIZING that such initiatives will enhance sustainable interactions with wetlands supporting economic and social upliftment of all communities including businesses that depend on the natural capital of wetlands while increasing resilience to face climate change impacts;
18. ACKNOWLEDGING that the Convention on Wetlands provides a framework for the designation of Wetlands of International Importance, recognizing their critical role in supporting biodiversity and ecosystem functions, and emphasizing the need for their conservation and sustainable use, alongside the principles of conservation and wise use as essential for effective management of wetlands, which can be enhanced through the integration of Rights of Nature in wetlands;
19. ENCOURAGING Contracting Parties to foster collaboration and consultation, as emphasized in the Convention, to enhance collective efforts in recognizing and implementing the Rights of Nature in wetlands, thereby promoting a holistic approach to wetland conservation and wise-use and reinforcing commitments made under the Convention on Wetlands;

THE CONFERENCE OF THE CONTRACTING PARTIES

20. INVITES Contracting Parties and International Organizations and other relevant partners to support the implementation of this resolution for the protection, management and conservation of wetlands, while fostering innovative practices that honor the intrinsic value of wetlands as living ecosystems;
21. ENCOURAGES Contracting Parties to recognize the application of Rights of Nature in Wetlands within their national procedures and operational processes in ways appropriate to them and to invite relevant organizations and stakeholders to assist in ensuring that these rights are understood, respected and upheld;
22. INVITES Contracting Parties to submit their own examples of Rights of Nature in Wetlands to the Secretariat for compilation into a living archive of examples;

23. REQUESTS the Secretariat to make this Rights of Nature in Wetlands living archive available to Contracting Parties via the Convention's website and other appropriate means; and
24. REQUESTS the Secretariat, subject to the availability of resources, to compile the listed and any other relevant examples as an initial report on how Rights of Nature in Wetlands are integrated into wetland protection and management.