

# **The Legal Development of the Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat (2 February 1971)**

by  
**Cyril de Klemm**  
in collaboration with  
**Isabelle Créteaux**

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Disponible auprès de/Available from/Disponibile en: Ramsar Convention Bureau, Rue Mauverney 28, CH-1196 Gland, Switzerland. Telephone: +41 22 999 0170. Fax: +41 22 999 0169. Internet: ramsar@hq.iucn.org.

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## **Introduction**

### **The historical development of the Ramsar Convention**

Concerned at the rapidity with which large stretches of marshland and wetlands in Europe were being reclaimed or otherwise destroyed, the International Union for the Conservation of Nature and Natural Resources (IUCN) joined forces with the International Waterfowl Research Bureau (IWRB [note 1](#)) and the International Council for Bird Preservation (ICBP [note 2](#)) to launch a programme to increase awareness of the importance of wetlands to humanity and to contribute to their conservation. The programme was entitled Project MAR ([note 3](#)).

In November 1962, an international conference was organised in Saintes-Maries-de-la-Mer in the Camargue (France) under the auspices of Project MAR, for the purpose of reviewing the range of problems associated with wetland conservation. The Conference recommended inter alia that a list should be drawn up of wetlands of international importance located in Europe and North Africa, to be known as the "MAR List" and to provide a basis for the preparation of an international wetlands convention. Parallel to Project MAR, lists of peatbogs and other aquatic sites of ecological significance were compiled within the framework of existing wetland projects, respectively entitled the TELMA and AQUA Projects.

A year later, in 1963, IWRB convened the First European Meeting on the Conservation of Wildfowl, in St. Andrews (Scotland), in order to build on the discussions begun in Saintes-Marie-de-la-Mer. The Conference recommended the creation of a European network of refuges for wild birds and the adoption of an international convention to ensure the effective and coordinated operation of this network.

In 1965, IWRB drew up a list of issues which might be covered by a convention of this kind, together with the first preliminary draft of the text.

In 1966, the Second European Meeting on Wildfowl Conservation was convened in Noordwijk (the Netherlands) by IWRB and the Dutch Government. Having reviewed the position of wetlands in the

various countries involved and explored the possible content of a convention, the conference requested the Dutch Government to prepare a new preliminary draft, which it duly did. This text was succeeded by a further draft which took into account observations made by IWRB in 1967.

In 1968, a further international conference, on the Conservation of Waterfowl and their Resources, was held in Leningrad. The conference recommended that the adoption of a convention on the conservation of wetlands of international importance should be accelerated.

At its annual meeting in 1969, held in Vienna, the IWRB Council spelt out in greater detail the possible content of the convention. A new draft was consequently prepared by the Dutch Government and thereafter officially submitted to a technical meeting of experts in Espoo (Finland) in March 1970.

The definitive text of the draft convention, taking into account the observations made at the Espoo meeting, was then drawn up by IWRB and submitted to the conference of plenipotentiary delegates convened to adopt the text of the Convention. This conference was held in Ramsar, a small town on the shores of the Caspian Sea in Iran, from 30 January to 3 February 1971.

The Convention entered into force on 21 December 1975, four months after the deposit of the seventh instrument of ratification, pursuant to Article 10 thereof.

Shortly before the Convention entered into force, another international Conference on Wetlands and Waterfowl was held, in Heiligenhafen (Germany) from 2 to 6 December 1974. This conference was organised jointly by IWRB and the Federal Republic of Germany. One of its main objects was to review progress in the ratification of the Ramsar Convention. It was the last of the non-governmental conferences devoted to this subject, following those of Saintes-Marie-de-la-Mer, St. Andrews, Noordwijk and Leningrad. After the entry into force of the Ramsar Convention in 1975, this role has been taken over by the Meetings of the Conference of the Contracting Parties to the Convention.

Over the years, the Ramsar Convention has been modified on two occasions, firstly by the Paris Protocol of 3 December 1982 and then by an extraordinary Conference of the Parties, which was held in Regina (Canada) from 28 May to 3 June 1987.

When the need to amend the Convention became apparent, it was realised that the text adopted at Ramsar did not provide for any amendment procedure. In order to introduce such a procedure, it was therefore necessary to conclude a protocol, namely a new treaty amending the first one. The Conference of the Parties made a recommendation to this effect during its first session in 1980 in Cagliari, stipulating that such a protocol should include an amendment procedure based on the

corresponding provisions of Article X of the Bonn Convention on the Conservation of Migratory Species of 1979 (Recommendation REC. C.1.7).

Pursuant to this recommendation, an extraordinary Conference of the Parties, chaired by the Indian representative, Mr Nalni D. JAYAL, was held in Paris from 2 to 3 December 1982 at the invitation of UNESCO, the Depository of the Convention, in order to adopt the said protocol.

The Conference examined the draft text prepared by the delegation from the United Kingdom and, with a few amendments, adopted it by consensus. The most important provision of the text involved the insertion into the body of the Convention of a new provision, Article 10 bis, which instituted an amendment procedure (Article 1 of the Protocol). The Protocol also designated the French, German and Russian versions of the text of the Convention as authentic versions of the latter. Up until then, the only authentic version of the Convention had been the English text.

The Protocol entered into force on 1 October 1986, after it had been ratified by two-thirds of the States which were Contracting Parties to the Convention at the date on which the Protocol was opened for signature (Article 6 of the Protocol). From this date onwards, it has therefore been possible to amend the Convention in accordance with the procedure established by the Protocol.

The Conference of the Parties had already recommended at Cagliari that certain amendments to the Ramsar Convention would facilitate the realisation of its fundamental aims (Recommendation REC. C.1.8). Amongst the series of amendments identified as highly desirable to achieve this aim were provisions for:

- the organisation of periodic ordinary meetings of the Conference of the Parties;
- the adoption of rules of procedure by the Conference of the Parties;
- the conferring of new powers upon the Conference of the Parties;
- the authority of the Conference of the Parties to create a scientific committee and to utilise the outstanding expertise of IWRB;
- the establishment of a permanent secretariat;
- the expansion of the functions of the permanent secretariat;
- the attendance of observers, particularly those from non-governmental organisations;
- the inclusion of an appendix to the Convention containing the criteria for the selection of wetlands of international importance;
- a procedure for the settlement of disputes;
- the right of Contracting Parties to adopt stricter domestic measures than those provided for in the Convention.

Pursuant to this recommendation, a preliminary draft of possible amendments was drawn up on the basis of a report by the Environmental Law Centre of IUCN. The proposed amendments were presented to the Second Conference of the Parties in Groningen, the Netherlands, in 1984. Since the Paris Protocol had still not entered into force, however, the Conference could not adopt the proposed amendments. Moreover, the Conference considered that the preliminary draft should be revised and refined and set up a task force for this purpose. The Task Force was also instructed to examine different options concerning the creation, within the framework of the Convention, of a permanent structure for administrative, scientific and technical support, in other words a proper secretariat.

The Task Force, which was comprised of delegates of Canada, Denmark, the Netherlands, Senegal and Tunisia, met in The Hague from 28 to 31 May 1985 under the presidency of the Dutch representative and reached agreement on the draft amendments which should be submitted to the Parties once the Paris Protocol had entered into force. In contrast to the draft amendments presented at Groningen, which were in turn based on those submitted at Cagliari, the Task Force's recommendations were limited to institutional and financial matters. The Task Force considered in essence that the broadening of the secretariat's functions, the participation of observers in the meetings of the Conference of the Parties and the addition of an appendix to the Convention setting out the criteria for the inclusion of sites in the List of Wetlands of International Importance could all be achieved without having to amend the text of the Convention, for example through the adoption of resolutions or recommendations or the insertion of specific provisions into the rules of procedure of the Conference.

With regard to the other issues identified at Cagliari as appropriate subject-matter for future amendments to the Convention, such as the creation of a scientific committee, the establishment of a dispute resolution procedure and the recognition of the right of Parties to adopt stricter national measures for wetland conservation than those laid down by the Convention, the Task Force simply recommended that these should be abandoned.

Use of the new amendment procedure became possible after the entry into force of the Paris Protocol on 1 October 1986. An extraordinary Meeting of the Conference of the Parties was accordingly convened in 1987 to examine and possibly adopt the Task Force's proposed amendments. This meeting was held in Regina, Canada, during the Third Ordinary Meeting of the Conference and was chaired by the Danish representative, Mr Veit KOESTER.

The extraordinary Conference adopted the proposals of the Task Force and amended Articles 6 and 7 of the Ramsar Convention accordingly. The amendments formally establish the Conference of the Parties as an institution of the Convention and confer certain powers upon the Conference,



principally to examine and promote the implementation of the Convention and to adopt financial regulations and a budget. Parties are required to contribute to this budget in accordance with a scale of contributions which they must adopt unanimously.

Pending the entry into force of the Regina amendments, the Parties decided to implement them on a provisional basis, adopting a resolution to this effect, and consequently to pay voluntary financial contributions to finance the operation of the Convention ("Resolution on Provisional Implementation of the Amendments to the Convention").

The Regina amendments entered into force on 1 May 1994 following their ratification by Denmark on 3 January that year. As a result, any State which ratifies the Convention or accedes to it after this date will automatically be party to the amendments.

The Conference of the Parties has held five meetings since the Convention entered into force, at the following times and places:

- Cagliari (Italy), 24-29 November 1980
- Groningen (the Netherlands), 7-12 May 1984
- Regina (Canada), 27 May-5 June 1987
- Montreux (Switzerland), 27 June-4 July 1990
- Kushiro (Japan), 9-16 June 1993

At each of these meetings, the Conference has adopted several resolutions and recommendations, of which the most important are probably the following:

- the resolution on secretariat matters (Regina, 1987);
- the resolution on financial and budgetary matters (Regina, 1987);
- the resolution on the establishment of a Standing Committee (Regina, 1987);
- Recommendation REC. C.3.3 defining wise use of wetlands (Regina, 1987), Recommendation REC. C.4.10 on guidelines for the implementation of the wise use concept (Montreux, 1990), and Resolution RES. C.5.6 on the wise use of wetlands (Kushiro, 1993);
- Recommendation REC. C.4.2 establishing criteria for identifying wetlands of international importance (Montreux, 1990);
- Resolution RES. C.4.3 on a Wetland Conservation Fund (Montreux, 1990);
- Recommendation REC. C.4.7 on mechanisms for improved application of the Ramsar Convention and establishing the Monitoring Procedure (Montreux, 1990);
- Resolution RES. C.5.1 on the Kushiro Statement and the framework for the implementation of the Ramsar Convention (Kushiro, 1993);

- Resolution RES. C.5.4 on the record of Ramsar sites where changes in ecological character have occurred, are occurring or are likely to occur (Kushiro, 1993) ("Montreux Record").

Other important resolutions and recommendations adopted by the Conference of the Parties will be referred to later in this paper, in the context of the articles of the Convention to which they refer.

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### **A short description of the Convention**

The preamble to the Convention sets out the principles accepted by the Contracting Parties:

- Man and his environment are interdependent;
- Wetlands have fundamental ecological functions as regulators of water regimes and as habitats supporting a characteristic flora and fauna, especially waterfowl;
- They constitute a resource of great economic, cultural, scientific and recreational value;
- The progressive encroachment on and loss of these wetlands must be stemmed;
- Waterfowl in their seasonal migrations may transcend frontiers and should therefore be regarded as an international resource;
- The conservation of wetlands and their flora and fauna requires far-sighted national policies combined with coordinated international action.

**Article 1** defines "wetlands" and "waterfowl" very broadly.

**Article 2** establishes a List of Wetlands of International Importance. When depositing its instrument of ratification or accession, each Contracting Party shall designate at least one wetland for inclusion in the List. Every Party has the right to delete or restrict wetlands already included by it in the List because of its urgent national interests.

**Article 3** provides that Contracting Parties shall formulate and implement their planning so as to promote the conservation of the wetlands included in the List and the wise use of wetlands in general. Any change in the ecological character of the wetlands included in the List must be notified without delay to the Secretariat.

Pursuant to Article 4, Contracting Parties undertake to establish nature reserves on wetlands, to compensate for any loss of wetland resources after the deletion of a listed wetland particularly by creating additional nature reserves, to encourage research and publications regarding wetlands, to endeavour to increase waterfowl populations on wetlands and to promote the training of personnel competent in the fields of wetland research, management and wardening.

**Article 5** requires Contracting Parties to consult with each other about implementing obligations arising from the Convention, especially in the case of wetlands or water systems shared by several Parties. Parties are also required to endeavour to coordinate their policies concerning the conservation of wetlands and their flora and fauna.

**Article 6**, amended at the extraordinary Conference of the Parties at Regina in 1987, establishes a formal Conference of the Parties and defines its powers. The article also deals with the rules of procedure of the Conference of the Parties, as well as the financial regulations of the Convention.

**Article 7**, which was also amended in Regina, specifies the membership of delegations and the voting procedures at such Conferences.

**Article 8** sets out the duties of the permanent bureau and designates IUCN to perform them.

**Article 9** lays down the conditions for becoming a Party to the Convention.

**Article 10 bis**, added by the Paris Protocol in 1982, provides that the Convention may be amended at a meeting of the Contracting Parties convened for this purpose and also covers the procedure to be followed to amend the Convention.

**Articles 10 and 11** are the final clauses and deal with the entry into force of the Convention, and the withdrawal therefrom, for each Contracting Party.

**Article 12** designates the depositary as UNESCO. This organisation is also the depositary of the Paris Protocol.

This article is followed by a clause, modified by the Paris Protocol of 1982, stating that the text of the Convention is done in a single original in the English, French, German and Russian languages, all texts being equally authentic.

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This paper deals only with those articles of the Convention which have been the subject of amendments or of resolutions or recommendations by the Conference of the Parties.

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## **I. The List of Wetlands of International Importance**

### **A. Listing of sites (Articles 2 and 3.2)**

#### **1. Criteria for the identification of wetlands of international importance (Article 2.2)**

Only wetlands of international importance may be included in the Ramsar List. The Convention gives States virtually no indication, however, as to the meaning of this term. Article 2.2 simply lists categories of values which may justify inclusion in the List (ecological, botanical, zoological, etc.), without giving Parties or future Parties any further guidance in their choice of sites.

It was therefore necessary to establish selection criteria. The criteria adopted by the International Conference on Conservation of Wetlands and Waterfowl in Heiligenhafen in 1974 served initially as a point of reference and have evolved further since then. To date, four sets of criteria have succeeded one another, following their adoption by the Conferences of Heiligenhafen, Cagliari, Regina and Montreux. These will be examined here only briefly, but are reproduced in full in the annex to this paper.

The evolution of these criteria reflects that of scientific opinion and the policy of the Parties. As far as the negotiators of the Convention were concerned, true to the spirit of the MAR Project and the preceding international conferences, the principal objective of the Convention had to be the protection of wetlands of international importance for waterfowl. Nevertheless, it has become increasingly apparent over the years that there are many other equally valuable reasons justifying the inclusion of a wetland on the List. The protection of the habitats of aquatic birdlife has therefore become less preeminent as an objective, which explains why the criteria have had to be modified accordingly.

#### **a) The criteria adopted by the International Conference on Conservation of Wetlands and Waterfowl, Heiligenhafen, 1974**

The criteria first used to identify wetlands of international importance were adopted at the International Conference on Conservation of Wetlands and Waterfowl in Heiligenhafen in 1974, before the Ramsar Convention entered into force. Developed on the basis of recommendations by Szijj (1972) and Atkinson-Willes (1976), these criteria were mainly drawn from a set of analogous criteria used for the TELMA and AQUA Projects and the MAR List, which was completed and published by IUCN in 1965. Four different groups of criteria were drawn up:

Quantitative criteria, relating to the importance of a wetland for populations and species of birds (Criterion 1), according to which a wetland should be considered internationally important if it "regularly supports 1% (being at least 100 individuals) of the flyway or biogeographical population of one species of waterfowl" (1, i); or "regularly supports either 10,000 ducks, geese and swans; or 10,000 coots; or 20,000 waders" (1, ii); or "supports an appreciable number of an endangered species of plant or animal" (1, iii). The criterion known as the "1% rule" was fixed so as to take all species into consideration without assessing their relative abundance. Criteria based on scientific data of this kind were felt to be preferable to vaguer general criteria.

Qualitative criteria concerning the selection of representative or unique wetlands (Criterion 2), according to which a wetland should be considered internationally important if it "is a representative example of a wetland community characteristic of its biogeographical region" (2, i); or "exemplifies a critical stage or extreme in biological or hydromorphological processes" (2, ii).

Criteria concerned with the research, educational or recreational values of wetlands (Criterion 3).

Criteria concerned with the practicality of conservation and management (Criterion 4) which stipulated inter alia that a wetland should only be included in the List of a wetland of international importance if it was free from any significant threat posed by pollution, hydrological interferences or land development and industrial activities (Criterion 4, ii).

Between 1974 and 1980, these criteria were tested and the concept of quantitative and qualitative criteria appeared to be effective. Their applicability was the central theme of discussions at a Technical Meeting on the Assessment of Wetlands for the Purposes of Conservation (Bonn-Bad Godesberg, 8 to 9 October 1977). This meeting culminated in a series of recommendations which were subsequently used by IUCN and IWRB to prepare draft amendments to the Heiligenhafen Criteria to be submitted to the First Meeting of the Conference of the Parties, held in Cagliari in 1980. The purpose of the proposed amendments was to broaden the Heiligenhafen Criteria to allow for a more comprehensive assessment of each type of wetlands.

#### **b) The criteria adopted by the First Conference of the Contracting Parties, Cagliari, 1980**

The Cagliari Conference consequently adopted new criteria based on the proposals submitted by IUCN and IWRB. These criteria are divided into three distinct categories:

The first category includes quantitative criteria concerning waterfowl, aimed solely at identifying those wetlands which contain sufficient waterfowl for these areas to be considered of international importance. It also introduces specific norms for nesting populations, based on breeding pairs rather

than individuals. Criterion 1 provides that a wetland should be considered as internationally important if:

- a) it regularly supports either 10,000 ducks, geese and swans; or 10,000 coots; or 20,000 waders; or
- b) it regularly supports 1% of the individuals in a population of one species or subspecies of waterfowl; or
- c) it regularly supports 1% of the breeding pairs in a population of one species or subspecies of waterfowl.

The second category deals with general criteria concerning flora and fauna and, in particular, encompasses rare and endangered species and subspecies. Criterion 2 provides that a wetland should be considered as internationally important if:

- a) it supports an appreciable number of a rare, vulnerable or endangered species or subspecies of plant or animal; or
- b) it is of special value for maintaining the genetic and ecological diversity of a region because of the quality and peculiarities of its flora and fauna; or
- c) it is of special value as the habitat of plants or animals at a critical stage of their biological cycles; or
- d) it is of special value for its endemic animal and plant species or communities.

The third category contains a single criterion which is designed to assess the value of unique or representative wetlands. A wetland should be considered internationally important if it is a particularly good example of a specific type of wetland characteristic of its region.

The Cagliari Conference rejected the criteria dealing with research and education, considering that a zone should be selected for its own qualities. It also rejected the criteria relating to the practical aspects of conservation and management on the grounds that listing could not be made conditional upon a site being free from threats from pollution, hydrological interference or other destructive activities.

Having revised the criteria, the Conference recommended that Contracting Parties should make use of them for the identification of wetlands suitable for designation for the List and for the compilation by competent international organisations of a "shadow list" of wetlands meeting these criteria, in

order to monitor progress towards the creation of a network of wetlands of international importance. The Conference requested the competent international organisations (principally IWRB and IUCN) to formulate guidelines on how to select sites for designation from those meeting the criteria revised at Cagliari as well as on the management of designated sites (Recommendation REC. C.1.4).

With regard to groups of species other than waterfowl or other scientific characteristics, the Cagliari Criteria did not prove effective in helping Contracting Parties to select sites for which inclusion was a priority. For this reason, the Second Conference of the Parties, held in Groningen in 1984, included in its list of Action Points for Priority Attention (Recommendation REC. C.2.3) "the development of common criteria for evaluating the importance of wetlands at local, national or international level, and, in particular, expansion of the existing Cagliari criteria to cover also ecological factors concerning life other than waterfowl".

Despite the success of the Convention, the definition of wetland sites of international importance was still proving to be a source of confusion in practice. Many States wishing to accede to the Convention were having great difficulty in identifying sites on the basis of the existing criteria.

### **c) The criteria adopted by the Third Conference of the Contracting Parties, Regina, 1987**

Further progress was made three years later, when the criteria for identifying wetlands of international importance were revised at the Regina Conference in 1987.

The order in which the Cagliari Criteria were arranged was reversed. The criterion for assessing the value of representative or unique wetlands was now listed first. Its content was unaltered but, given its very general nature, guidelines were formulated to facilitate its implementation. Pursuant to these guidelines, a wetland could be considered for selection under Criterion I if: "it is an example of a type rare or unusual in the appropriate biogeographical region" (Guideline a), or "it is a particularly good representative example of a wetland characteristic of the appropriate region" (Guideline b).

The general criteria for using plants or animals to identify wetlands of importance remained in second position. The only change to these criteria in comparison to those of Cagliari concerns Criterion 2, a: a wetland should be considered internationally important if "it supports an appreciable assemblage of rare, vulnerable or endangered species or subspecies of plant or animal, or an appreciable number of individuals of any one or more of these species".

The specific criteria for using waterfowl to identify wetlands of importance to waterfowl now came third. The Cagliari Criteria were changed quite considerably. The new criteria provided that a wetland should be considered internationally important if "it regularly supports 20 000 waterfowl" (3, a), "it regularly supports substantial numbers of individuals from particular groups of waterfowl,

indicative of wetland values, productivity or diversity" (3, b), or "where data on populations is available, it regularly supports 1% of the individuals in a population of one species or subspecies of waterfowl" (3, c).

It follows from the above that the criterion based on the number of breeding pairs of waterfowl has disappeared. On the other hand, the "1% rule" of individuals of a population of one species or subspecies has been retained.

Although these various changes indicate a degree of recognition by the Conference of the Parties of the need to take factors other than waterfowl into account when identifying wetlands of international importance, quantitative criteria are still difficult to establish in most cases. It is generally easier to calculate numbers of waterfowl, which means that quantitative criteria remain of use.

Whilst the Regina Conference recommended the use of these criteria for the identification of wetlands to include in the List, it nevertheless accepted that most of them were not sufficiently detailed - particularly with regard to developing countries - and above all, that they did not take certain social and economic factors into account which are of major significance for such countries. It was therefore considered advisable to undertake a further revision of the criteria.

In consequence, the Conference recommended that a working group should be established "in order to examine the ways in which the criteria and guidelines for identifying wetlands of international importance might be elaborated" (Recommendation REC. C.3.1). The Working Group was set up by the Standing Committee of the Convention at its Third Meeting on 5 June 1987. It was composed of seven Contracting Parties, one for each region represented on the Standing Committee of the Convention, namely Australia, Chile, Iran, Mauritania, Norway, Poland and the United States. The Working Group met on 30 January 1988 in San José, Costa Rica, after the Fourth Meeting of the Standing Committee. It was chaired by Mr. Steinar ELDÖY, the Norwegian representative, in the presence of a large number of observers from other Parties. Thereafter the Group conducted its work principally by correspondence and submitted its report and its proposed criteria to the Fourth Meeting of the Conference of the Parties in 1990 ([note 4](#)).

#### **d) The criteria adopted by the Fourth Conference of the Contracting Parties, Montreux, 1990**

On the basis of the Working Groups's report, the Fourth Conference of the Contracting Parties carried out a further revision of the Criteria at Montreux in 1990 (Recommendation REC. C.4.2). The new criteria place even less emphasis on the protection of waterfowl habitats than did their predecessors.



Based on the guidelines adopted by the Regina Conference, the revision concentrated principally on the first category of criteria, which was considerably expanded. Pursuant to these changes, a wetland should be considered to be of international importance if "it is a particularly good representative example of a natural or near-natural wetland, characteristic of the appropriate biogeographical region" (Criterion 1, a); or "it is a particularly good representative example of a natural or near-natural wetland, common to more than one biogeographical region" (Criterion 1, b); or "it is a particularly good representative example of a wetland which plays a substantial hydrological, biological or ecological role in the natural functioning of a major river basin or coastal system, especially where it is located in a trans-border position" (Criterion 1, c); or "it is an example of a specific type of wetland, rare or unusual in the appropriate biogeographical region" (Criterion 1, d).

The general criteria based on plants or animals (Criterion 2) and the specific criteria based on waterfowl (Criterion 3) have remained unaltered.

In order to help Contracting Parties to decide whether a specific wetland should be included on the List, guidelines were formulated for the application of the criteria. A wetland may accordingly be considered to be of international importance under Criterion 1 if, because of its outstanding role in natural, biological, ecological or hydrological systems, it is of substantial value in supporting human communities dependent on the wetland. In this context, such support would include the provision of food, fibre or fuel, the maintenance of cultural values, or support of food chains, water quality, flood control or climatic stability (Guideline a).

Furthermore, "a wetland could be considered of international importance under Criterion 1, 2 or 3 if it conforms to additional guidelines developed at regional or national level. Elaboration of such regional or national guidelines may be especially appropriate:

- where particular groups of animals (other than waterfowl) or plants are considered more suitable as a basis for evaluation;
- or where waterfowl and other animals do not occur in large concentrations (particularly in northern latitudes);
- or where collection of data is difficult (Guideline b)."

With regard more specifically to Criterion 3, b on waterfowl, the guidelines set out a list of "particular groups of waterfowl" which are "indicative of wetland values, productivity or diversity".

Finally, the guidelines also provide that the specific criteria based on waterfowl numbers are applicable to wetlands of varying size in different Contracting Parties and that, while it is impossible

to give precise guidance on the size of an area in which these numbers may occur, wetlands identified as being of international importance under Criterion 3 should form an ecological unit, and may thus be made up of one big area or a group of smaller wetlands (Guideline d).

Recommendation REC. C.4.2 urges that the new criteria should "be used for identification of wetlands to be designated for the List under Article 2 of the Convention". It also recommends, after several successive changes in the criteria, that further amendments to the criteria should, as far as possible, be avoided "so as to facilitate establishing a definite basis for uniform application of the Convention".

In order to facilitate the identification of sites of international importance for waterfowl, the Montreux Conference in its Recommendation REC. C.4.12 urged Contracting Parties to participate in internationally coordinated waterfowl surveys and to undertake within their territories special surveys to identify wetlands of international importance for waterfowl. The same recommendation also instructed the Bureau, "within the limits of its budget, to prepare a report for the Conference of the Contracting Parties, summarising available information on the current status of migratory waterfowl populations in order to assist the Parties in identifying appropriate wetlands for designation onto the List according to the 1% criterion" adopted at Regina.

This review of developments should be concluded by mentioning that consideration was given to amending the Convention through the addition of an appendix setting out the criteria for the selection of wetlands of international importance (Recommendation REC. C.1.8). This idea was rejected by the Task Force, which decided that the same result could be achieved by other measures taken by the Conference of the Parties (DOC. C.3.5). Each set of criteria have therefore been adopted by ordinary recommendation of the Conference, which means that they are not binding in law. It should nevertheless be borne in mind that a Conference recommendation carries considerable weight and that the Parties which accepted the recommendation have, at the very least, a moral obligation to comply with its terms.

#### **e) The decisions taken at the Fifth Conference of the Contracting Parties, Kushiro, 1993**

The Kushiro Conference in 1993 did not amend the criteria or guidelines previously adopted, but it was nevertheless anxious to continue the shift, already begun, in favour of species other than waterfowl. For this reason, taking note of the presentation made by a representative of IUCN about populations of wetland species other than waterfowl, the Conference called on Contracting Parties to "use the concept and examples provided in IUCN's presentation as a basis for application of section 2 of the Ramsar Convention", namely the section containing the General Criteria (Resolution RES. C.5.9).

Turning more specifically to fish, the Conference adopted a recommendation devoted to this subject (REC. C.5.9). Recalling that fishes found in wetlands may form the basis of valuable fisheries and, in particular, that "coastal wetlands form an important nursery for fisheries, including offshore fisheries", the text recognises that "more effective identification and management of wetlands of importance as fish habitat and as a source of traditional fisheries would improve the quality of life of local people and increase the relevance of the Ramsar Convention to developing countries". It therefore recommends that "criteria and guidelines be developed on the importance of wetlands for fishes, both as regards biodiversity and fishery yields, and taking into account the wise use principle". The Bureau of the Convention is instructed to formulate proposals on criteria and to present the results of this work to the Sixth Meeting of the Conference of the Contracting Parties in 1996.

With regard to the detailed criteria already drawn up for waterfowl (section 3 of the criteria), the Conference heard a presentation by a representative of IWRB who emphasised that the number of waterfowl visiting a given site could vary in time and that variations of this kind must be taken into account when applying the criteria for the identification of wetlands of international importance for waterfowl. In its Resolution RES. C.5.9, the Conference called on Contracting Parties to use the figures submitted by IWRB as a basis for the application of section 3 and, in particular, subsection 3(c) of the Ramsar criteria and encouraged them to provide IWRB with comments and regular updates of these figures.

In this way, the Conference is gradually moving towards the amplification of the criteria regarding species other than waterfowl and the adaptation of the criteria on waterfowl to biological data compiled by scientists. This tendency is reflected in the mandate of the new Scientific and Technical Review Panel which was established by the Conference. The Panel's terms of reference explicitly include the review of the criteria for identifying wetlands of international importance, particularly as regards habitat for fish populations (RES. C.5.5).

## **2. Recommendations for particular wetlands to be included in the List**

Certain recommendations adopted in 1971 by the Ramsar Conference itself urged individual States to protect specified wetlands of international importance within their territory. Recommendation 1, in particular, called on Denmark, the Netherlands and the Federal Republic of Germany to examine the possibility of including the Wadden Sea in the List of Wetlands of International Importance.

The First Meeting of the Conference of the Parties, held in Cagliari in 1980, called on Parties to increase the number of wetlands included in the List, paying particular attention to areas located outside the Western Palearctic or to wetlands of types poorly represented within that region (Recommendation REC. C.1.3).

At its Meeting in Groningen in 1984, by which time the Netherlands had included in the List the part of the Wadden Sea under its jurisdiction, the Conference called on the two other Parties concerned, the Federal Republic of Germany and Denmark, to do likewise for all remaining parts of this marine and coastal area. The Conference backed up its request by formally noting the vital link between the Banc d'Arguin in Mauritania and the Wadden Sea for certain species of migratory birds, such as *Limosa lapponica* and *Calidris canutus* (Recommendation REC. C.2.5). These two States have subsequently included the parts of the Wadden Sea under their respective jurisdiction in the List.

The Groningen Conference also recommended the inclusion in the List of several other wetlands, namely Lake Tata (Hungary), the Venice Lagoon, the northern part of the Po Delta and Lake Trasimene (Italy), Lake Izunuma (Japan), Oued Massa (Morocco), Lake Aleg and Lake Mâl (Mauritania) and the Gulf of Gabès (Tunisia) (Recommendation REC. C.2.9).

The Montreux Conference in 1990 recommended, in its turn, the listing of the middle reaches of the River Vistula in Poland and the Melaleuca forests ([note 5](#)) in Viet Nam, together with sites found in the USSR and Yugoslavia (Recommendation REC. C.4.9).

At Kushiro in 1993, the Conference of the Parties reiterated its appeal to Poland and Viet Nam. The Conference called once again on Viet Nam to designate at least one site in the Mekong Delta for the Ramsar List together with the Tien Hai part of the Red River Estuary (REC. C.5.1).

### **3. Application of the criteria for identification**

The adoption of criteria was primarily intended to prevent the listing of wetlands of little value or which had been seriously damaged. It was therefore necessary that Parties should only be called on to list wetlands actually fulfilling the criteria. It was also important to develop a procedure for removing from the List those wetlands which meet none of the criteria and which should therefore never have been listed.

This is the objective of Resolution RES. C.5.3 adopted by the Kushiro Conference in 1993. This resolution urges Contracting Parties to ensure that any new sites to be added to the List fulfil one or more of the criteria established by Recommendation REC. C.4.2 and, in case of doubt, to enter into informal consultations with the Convention Bureau prior to listing new sites. Parties are also requested to supply a completed Ramsar datasheet upon designation of a wetland for the List, to consult existing regional wetland inventories to assist them in the identification of potential Ramsar sites and to establish their own national inventories. Lastly, the Bureau is instructed to identify listed sites which may not meet the criteria established by Recommendation REC. C.4.2.

A review procedure is appended to Resolution RES. C.5.3 and must be followed by the Convention Bureau. In conjunction with the newly-created Scientific and Technical Review Panel, the Bureau shall review the information submitted by Contracting Parties. If it identifies a site which does not meet any of the criteria, it must consult the Contracting Party concerned in order to seek more information. When, in the light of this information, it becomes clear that the site definitely fails to qualify under any of the criteria and there is no possibility of extension, enhancement or restoration of its functions or values so as to qualify it for inclusion in the List, the Contracting Party concerned must instruct the Bureau to remove the site from the List. As a result of such a removal, the Contracting Party must apply the provisions for compensation set out in Article 4.2 of the Convention by including another site in the List.

#### **4. Classification of wetland types and information sheets**

Recommendation REC. C.2.3 adopted by the Groningen Conference in 1984 determined that priority action should be taken for the elaboration of a system of wetland classification or typology and for the preparation of a standard data sheet on wetlands and of guidelines for its use in wetland inventories. A classification of wetland types and a model data sheet were subsequently prepared and are set out in annex II to Recommendation REC. C.4.7 of Montreux. The same recommendation calls on Parties and the Bureau to use the classification system and the data sheet when presenting information for the Ramsar database, in which information on Ramsar sites is entered.

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### **B. Conservation of listed sites**

#### **1. Changes to the ecological character of listed sites (Article 3.2)**

Article 3.2 of the Ramsar Convention provides that "each Contracting Party shall arrange to be informed at the earliest possible time if the ecological character of any wetland in its territory and included in the List has changed, is changing or is likely to change". This provision essentially requires Parties to concentrate their efforts upon prevention. Many wetlands are eliminated or are at risk of elimination as a result of filling, drainage, reclamation and industrial activities or are threatened by pollution or eutrophication, even though their potential value may directly or indirectly exceed that obtained from transforming them into other types of land.

Bearing this in mind, the Cagliari Conference recommended to Parties that "in case of any projected large-scale wetland transformation, the decision is not taken until an assessment of all the values involved has been made, and that ecologists be included in the planning process"

(Recommendation REC. C.1.6). This clearly emphasises the importance of impact assessments prior to wetland development.

Parties must, in addition, obviously intervene as necessary during the execution of wetland transformation projects. The Groningen Conference therefore recommended in 1984 that strategies and techniques of wetland management should be developed to enable the natural characteristics of wetland areas to be retained before, during and after the completion of projects (Recommendation REC. C.2.3, point 6).

In 1987, the Regina Conference adopted Recommendation REC. C.3.9 on changes in ecological character of Ramsar sites, which noted with regret that "notwithstanding protective measures instituted to implement the requirements of the Convention, a number of listed sites have been severely damaged or are under imminent threat of degradation". It urged all Contracting Parties to take "swift and effective action to prevent any further degradation of sites and to restore, as far as possible, the value of damaged sites".

In 1990, the Montreux Conference adopted Recommendation REC. C.4.8, also on change in ecological character of Ramsar sites. Emphasising the fundamental importance of maintaining ecological character of listed sites, the Recommendation once again requested that Contracting Parties, in whose territory are located sites which have incurred or are being threatened with change in ecological character, take swift and effective action to prevent or remedy such changes.

In 1993, the Kushiro Conference adopted Recommendation REC. C.5.2, which emphasised once again the fundamental importance of maintaining the ecological character of listed sites. The Conference acknowledged, however, that further guidance in interpreting the complex Ramsar concepts of "ecological character" and "change in ecological character" would be of value. It therefore instructed the Convention Bureau, with the support of the Scientific and Technical Review Panel and partner organisations, to report to the Sixth Meeting of the Conference on the results of such studies.

## **2. Recommendations for the conservation of listed sites**

Drawing attention to the severity of the threats to the future of Djoudj National Bird Park in Senegal, which figures on both the Ramsar and World Heritage Lists and is thus of symbolic importance, the Groningen Conference recommended that special measures be rapidly taken to safeguard the future of the site (Recommendations REC. C.2.7 and REC. C.2.8).

Concerned at the rate of extraction of water from the Azraq wetland (Jordan) included in the List and the risk of serious changes to its natural properties, the Regina Conference called for a proper assessment of the environmental impact of the pumping and urged that there be established a long-term water resources plan guaranteeing the maintenance of the natural properties of this wetland of international importance (Recommendation REC. C.3.8).

Recommendations concerning the conservation of sites included in the Ramsar List were also adopted by the Montreux Conference in 1990 (REC. C.4.9). These relate to the Doñana National Park (Spain), the Everglades Park (United States), Lakes Balaton and Tata (Hungary), the Myvatn-Laxa site (Iceland), Ramsar sites in Greece, the Hamoun Lake (Islamic Republic of Iran), the Azraq Oasis (Jordan), the Leybucht (Federal Republic of Germany) and the St Lucia site (South Africa).

In 1993, the Kushiro Conference expressed its satisfaction that some of its earlier recommendations concerning listed sites had produced results. It expressed grave concern, however, about the threats facing several listed sites, particularly in Mauritania, the Wadden Sea and St Lucia in South Africa (Recommendation REC. C.5.1). Specific recommendations were addressed to Greece (Recommendation REC. C.5.1.1) and Venezuela (Recommendation REC. C.5.1.2).

### **3. Monitoring Procedure**

In 1987, the Regina Conference requested Contracting Parties on whose territory were located sites which had been damaged or which were at risk of degradation to inform the Convention Bureau of actions undertaken to safeguard these sites (Recommendation REC. C.3.9). In order to implement this Recommendation, a Monitoring Procedure was set up by the Standing Committee at its Fourth Meeting, convened in San José (Costa Rica) in January 1988. This decision was ratified by the Montreux Conference in 1990.

When the Bureau is informed that the ecological character of a wetland included in the List is changing as a result of technological developments, pollution or other human interference, the Bureau must propose to the Contracting Party concerned that the Monitoring Procedure be implemented and shall, at the same time, request additional information on the status of the wetland concerned. Thereafter, if the Party is in agreement and the Bureau considers that the ecological character of a listed wetland is changing significantly, the latter must offer advice and assistance to the Party concerned, usually after a site visit, in order to reach an acceptable solution to the problem. If it does not appear that a solution can be readily found, the Bureau shall immediately bring the matter to the attention of the Standing Committee which must monitor the case.

The Montreux Conference requested the Bureau to implement this procedure whenever it receives information on adverse or likely adverse changes in the ecological character of Ramsar sites (Recommendation REC. C.4.7). In similar vein, the Conference also requested Parties in whose territory are located sites which have incurred or are threatened by change in ecological character, to take swift and effective action. The Bureau was in turn instructed to maintain a record of Ramsar sites where such changes in ecological character have occurred, are occurring or are likely to occur (Recommendation REC. C.4.8).

#### **4. Montreux Record**

The Kushiro Conference determined that the purpose of this record, henceforth to be known as the Montreux Record, is to identify priority sites for positive national and international conservation attention, to guide implementation of the Monitoring Procedure and to guide allocation of resources available under existing financial mechanisms, particularly the Wetland Conservation Fund. It instructed the Bureau to maintain the Montreux Record as part of the Ramsar database and in accordance with the guidelines approved by the Conference. The newly-created Scientific and Technical Review Panel is charged with providing advice on the maintenance of the Record and the conservation of Ramsar sites included therein (Resolution RES. C.5.4).

The guidelines relating to the Montreux Record are appended to Resolution RES. C.5.4. They basically set out the procedure for including sites in the Register. Where the Bureau is informed that "the ecological character of a Ramsar site may have changed, may be changing or may be likely to change as a result of technological development, pollution or other human interference", the Bureau shall contact the Contracting Party concerned, requesting additional information on the status of the site. When, following such consultations, it is confirmed that the site has undergone, is undergoing or is likely to undergo change in ecological character, the Convention Bureau, in agreement with the Contracting Party concerned, and in consultation with the Scientific and Technical Review Panel, shall add the site to the Montreux Record. The Record shall indicate those sites where the Monitoring Procedure has been or is being implemented. Contracting Parties shall provide annual reports on the conservation situation of sites included on the Montreux Record. The Convention Bureau, in agreement with the Contracting Party concerned, and in consultation with the Scientific and Technical Review Panel, shall remove a site from the Record upon receipt of documents detailing either the remedial actions implemented successfully at the site, or the reasons why the ecological character of a site is no longer likely to change. Finally, a copy of the Record shall in any case be included with the regular circulation of the List of Ramsar sites.

As of the Fourth Conference of the Parties in 1990, 44 Ramsar sites located in 23 countries were included on the Montreux Record. Since then, a few sites, considered to be out of danger, have been removed from the Record, but several others have been added. In January 1994, there were 63 sites situated in 32 countries included on the Montreux Record and a further ten were in the process of being added.

The procedure for listing sites on the Montreux Record was examined by the Standing Committee at its Fourteenth Meeting in October 1993. The Committee held that it was inappropriate for it to take decisions with regard to the listing of sites on the Record, as this was a matter within the exclusive competence of the Parties concerned. Moreover, since the Standing Committee only meets once a year on average, a listing procedure that necessitated the Committee's approval would be too



inflexible because it would prevent regular updating of the Record in accordance with changes in the conservation situation of Ramsar sites.

The Committee therefore decided that the Record should be maintained by the Bureau and that no site should be listed therein without prior bilateral consultations with the Contracting Party concerned and the latter's written agreement. The new Scientific and Technical Review Panel assists in overseeing the implementation of the procedure. At its first meeting in January 1994, the Panel emphasised that the Record should be a flexible instrument and proposed that sites could be added or removed therefrom, subject to the Review Panel examining the documentation submitted by the Contracting Party. The date on which a site is listed should be included in the Record.

## **5. Management plans**

Article 3.1 of the Convention provides that "Contracting Parties shall formulate and implement their planning so as to promote the conservation of the wetlands included in the List". The Conference of the Parties considered that this requirement called for the preparation of management plans in relation to listed sites.

In annex II to Recommendation REC. C.4.2 adopted at Montreux, the Conference called on Parties to give consideration at each listed wetland to the need for management measures and, if measures were deemed appropriate, to develop a management plan and put it into action.

The Kushiro Conference, "conscious that, while wetlands vary enormously throughout the world, a methodology for management planning, both for Ramsar sites and other wetlands, can provide guidance for Contracting Parties", therefore decided (Resolution RES. C.5.7) to call on Parties to develop management plans for each wetland designated for the Ramsar List. Parties are also requested to establish the appropriate legal and administrative structures for the application of such management plans and to provide funds for the implementation of the plans and for training of the necessary staff. "Guidelines on Management Planning for Ramsar Sites and Other Wetlands" are appended to Resolution RES. C.5.7. The Standing Committee and the Scientific and Technical Review Panel created by the Kushiro Conference are requested, in collaboration with the Convention Bureau and partner organisations, to follow up practical application of these guidelines at specific sites and to "consider the need for refinement of these guidelines in the light of experience". Lastly, the resolution emphasises the need to make funds available "from multilateral or bilateral aid sources, through non-governmental channels or from the Convention's Wetland Conservation Fund, for the preparation of management plans and the application of these guidelines at wetlands in developing countries".

The guidelines set out the various issues which should be taken into consideration in management plans and suggests a framework for their development. Each management plan should, in particular, include a general description of the site, an evaluation of its major features, the long-term management objectives and operational objectives as well as an action plan setting out management options and specific areas of work, known as "prescriptions". Management plans must be regularly reviewed, detailing the work which has been completed and the results of monitoring and surveys. A more detailed handbook will be produced in the future by the Bureau to accompany the guidelines.

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## **II. The wise use of wetlands**

One of the primary obligations of the Ramsar Convention is that Contracting Parties to the Convention

"shall formulate and implement their planning so as to promote . . . as far as possible the wise use of wetlands in their territory" (Article 3.1).

### **1. Definition (Article 3.1)**

The term "wise use of wetlands" was interpreted by the First Conference of the Parties at Cagliari in 1980 as involving the maintenance of the ecological character of these areas (Recommendation REC. C.1.5), which automatically means that they must not be destroyed, altered or polluted. Given that in developing countries in particular, the rural economy is heavily dependent on the productivity and hydrological resources of wetlands, appropriate forms of wetland management must be defined in tandem with the conservation of these areas. Since the Cagliari definition, focused solely on conservation, was inadequate for this purpose, it was accordingly necessary to make the concept of wise use under the Ramsar Convention more specific and to broaden it.

The Regina Conference in 1987 defined the wise use of wetlands as "their sustainable utilization for the benefit of humankind in a way compatible with the maintenance of the natural properties of the ecosystem". "Sustainable utilization" is in turn defined as "human use of a wetland so that it may yield the greatest continuous benefit to present generations while maintaining its potential to meet the needs and aspirations of future generations." Natural properties are defined as "those physical, biological or chemical components, such as soils, water, plant and animal species, and nutrients, and the interactions between them" (annex to the Regina recommendations). The Conference did not formally adopt these definitions, but simply recommended that Parties should do so.

## 2. The development of national wetland policies

In order to clarify the meaning of Article 3 of the Convention, the Cagliari Conference recommended in 1980 that comprehensive national policies based on a nationwide inventory of wetlands and their resources should be adopted to benefit the "wise use" of wetlands (Recommendation REC. C.1.5).

A framework document was prepared at Groningen in 1984 with the aim of specifying the content of such policies and facilitating the achievement of the Convention's objectives. This document was intended to serve as a flexible tool, to be adapted to the particular conditions of each country, and to guide the development of national and international measures to further the conservation of wetlands (Recommendation REC. C.2.3, annex). The "Action Points for Priority Attention" included the quantification of both direct (monetary) and indirect (non-monetary) values of wetlands and the formulation of criteria to enable all values to be taken fully into account in the planning of projects which might lead to changes in the ecological character of wetlands (Recommendation REC. C.2.3, point 5).

The different elements of national policies on wetlands were regrouped under categories, dealing in particular with:

- the scientific aspect (including inter alia the compilation of a nationwide inventory);
- policy and law;
- management (especially for the promotion of sustainable management of wetlands to avoid over-exploitation of wetland resources and provide a firm social and economic basis for wetland conservation);
- education and public awareness.

The Conference of the Parties has subsequently adopted more detailed recommendations on all these various matters, which will be discussed later in this paper.

The Regina Conference recommended in 1987 that Parties should pay particular attention to the wise use of wetlands by promoting wetland policies (Recommendation REC. C.3.3). "Guidelines for the Wise Use of Wetlands" (appended to the Regina recommendations) laid down the content of such policies. The following factors were in particular to be taken into account:

- the compilation of a national inventory of wetlands;
- the identification of the benefits and values of these wetlands;
- the definition of the priorities for each site in accordance with the socio-economic conditions in each country;

- the assessment of environmental impacts before development projects are approved;
- the use of development funds for projects which permit conservation and sustainable utilisation of wetland resources; and finally
- the regulated utilisation of wild fauna and flora with a view to avoiding their over-exploitation.

Until such time as these detailed policies have been established, action should be taken immediately with particular regard to the development of legislation and policies which will stimulate wetland conservation action, including the amendment as appropriate of existing legislation.

### **3. The development of guidelines on wise use**

The Working Group set up as a result of the Regina Conference to propose a revision of the criteria for identifying wetlands of international importance was also charged with examining the ways in which the wise use provisions of the Convention might be applied "in order to improve the worldwide application of the Convention."

The Working Group duly drew up guidelines for the wise use of wetlands which were subsequently adopted by the Fourth Meeting of the Conference of the Parties in Montreux in 1990.

The formulation of national wetland policies was acknowledged, however, to be a long-term process. The guidelines were therefore intended to initiate this process by encouraging Parties to take immediate action. For this reason, they included not only elements for inclusion in comprehensive national wetland policies but also priority actions of a more urgent kind (Annex to Recommendation REC. C.4.10).

As regards national policies, the guidelines set out a list of general measures which should be taken by Parties. These deal in particular with: institutional structures; integrated planning; legislation; sectoral policies which may adversely affect wetland conservation; increasing knowledge about wetlands and awareness of their importance; the execution of pilot wise use projects; training of staff; the compilation of a national inventory of wetlands; the definition of conservation priorities; environmental impact assessments; regulation of the exploitation of natural wetland resources; formulation and implementation of management plans; the creation of nature reserves; and the restoration of damaged wetlands.

The guidelines urge Contracting Parties not to wait for national policies to be drawn up but to focus immediately on certain priority actions, emphasis being placed upon those which would facilitate the preparation of national wetland policies and "avoid delay in the practical implementation of wetland conservation and wise use" ("Priority Actions at National Level", annexed to Recommendation REC.

C.4.10). In parallel, it became obvious that urgent action might be required in order to prevent the destruction or degradation of important wetland values at particular wetland sites. Whenever development is proposed which might affect major wetlands, environmental considerations should accordingly be integrated from the outset, evaluation should continue during the execution of the works and the full implementation of necessary environmental measures should be assured.

The Montreux Conference recommended that Parties should adopt and applied the guidelines drawn up by the Working Group. It also decided to reconstitute the Group to allow it to continue its "wise use" work and, in particular, to develop and refine these guidelines to make them applicable "to a diversity of wetland types, regions, resources and uses" (Recommendation REC. C.4.10).

In parallel, between 1990 and 1993, the Bureau coordinated a project on the wise use of wetlands which was carried out with financial support from the Government of the Netherlands and technical assistance from the Wetlands Programme of IUCN and the University of Leiden in the Netherlands. This project was conducted in collaboration with the Working Group on Wise Use of Wetlands and with the help of experts who met on three occasions:

- 27 November 1990, on the occasion of the IUCN General Assembly at Perth, Australia;
- 1 to 3 October 1991, in The Hague, the Netherlands; and
- 8 to 10 September 1992, on the island of Texel, the Netherlands, with the participation of government representatives.

A small working group met thereafter in Washington from 23 to 25 February 1993, at the invitation of the United States. It worked on the action plan appended to the final report of the project and, pursuant to the conclusions of the Texel meeting, drew up additional guidelines to supplement some of the guidelines adopted in Montreux.

The result of this work was a book, published in 1993 under the title *Towards the Wise Use of Wetlands*, which contains 17 case studies illustrating the application of the wise use concept in different ecological and socio-economic situations throughout the world. These studies demonstrate that the wise use of wetlands, adapted to local conditions and respectful of ecosystem functions, is indeed possible.

Having closely followed the implementation of the project, the Working Group also duly drew up "Additional Guidance for the Implementation of the Wise Use Concept", based on the conclusions derived from the case studies. This additional guidance retains the various chapter headings of the guidelines adopted at Montreux whilst amplifying and refining them. It sets out a battery of measures

which could be taken by Parties to comply with the obligations which they undertook upon ratifying the Convention (annex to Resolution RES. C.5.6).

The Kushiro Conference in 1993 took note of the additional guidance and called on Parties to implement it (Resolution RES. C.5.6). The Working Group on Wise Use was not reconstituted by the Conference as the Group had completed its work. Monitoring of the implementation of the guidelines and the additional guidance will be carried out by the newly-created Scientific and Technical Review Panel (Resolution RES. C.5.5).

#### **4. National inventories**

The preparation of national inventories constitutes, in the view of the Conference of the Parties, an essential component of the national policies which Parties are called on to elaborate. The need for such inventories is highlighted in the guidelines on the wise use of wetlands which are annexed to the Regina recommendations, the guidelines for the implementation of the wise use concept annexed to Recommendation REC. C.4.10 of Montreux and the additional guidance for the implementation of the wise use concept annexed to Resolution RES. C.5.6 of Kushiro.

The Conference of the Parties has also adopted on several occasions more specific recommendations related to national inventories, of which the principal recommendations are as follows:

Recommendation REC. C.1.5 of the Cagliari Conference which urges Contracting Parties to prepare inventories of wetlands and their functions as soon as possible "as an aid to the formulation and implementation of national wetland policies";

Recommendation REC. C.2.3 (annex) of the Groningen Conference which calls for the development of national wetland inventories covering all habitats listed in Article 1.1 of the Convention;

Recommendation REC. C.4.4 of the Montreux Conference which, acknowledging "the role of national wetland inventories in aiding the identification of sites in need of protection", "urges Contracting Parties to compile national inventories detailing the location and value of wetlands";

Recommendation REC. C.4.6, also of Montreux, which recommends that Contracting Parties establish national scientific inventories showing, in particular, those wetlands which are of international importance according to the criteria adopted by the Conference of the Parties, and which also requests the Bureau to promote the development of those inventories by Contracting Parties and to assist those Parties that may request it in implementing this recommendation.

## **5. Restoration**

Recommendation REC. C.4.1 of the Montreux Conference requested Parties to examine the possibility of establishing appropriate wetland restoration projects for damaged or destroyed wetlands. The text emphasises that the maintenance and conservation of existing wetlands is always preferable and more economical than their subsequent restoration and that degraded wetlands should be restored before destroyed ones. Contracting Parties are recommended to provide the Bureau with available documentation on the different wetland restoration projects under way. The Standing Committee is requested to consider the need to prepare a technical manual on wetland restoration.

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### **III. Provisions governing both listed sites and wise use**

#### **1. Nature reserves (Article 4.1)**

Article 4.1 of the Convention provides that

"each Contracting Party shall promote the conservation of wetlands and waterfowl by establishing nature reserves on wetlands...".

In order to clarify the scope of this provision, the Montreux Conference recommended in 1990 that Parties should establish national networks of nature reserves in their territory, covering both listed and non-listed wetlands. It further recommended that Parties should ensure that adequate measures for the establishment and effective protection of nature reserves are provided by their legal mechanisms (Recommendation REC. C.4.4).

The Kushiro Conference in 1993 went further in this direction by recommending (Recommendation REC. C.5.3) that Contracting Parties take measures to ensure that the ecological character of Ramsar sites and wetland reserves is not placed at risk. It emphasised the need to develop zoning measures related to larger Ramsar sites and wetland reserves, involving strict protection in key zones and various forms of wise use, as well as ecological corridors linking Ramsar sites. With regard to Ramsar sites and wetland reserves of small size or particular sensitivity, Recommendation REC. C.5.3 calls on Contracting Parties to establish strict protection measures.

#### **2. Research (Article 4.3)**

Research and the collection of data have been the subject of several recommendations adopted by the meetings of the Conferences of the Parties. Wetland research and education were dealt with

specifically by recommendations 8 to 11 of the Ramsar Conference in 1971. These covered the development of wetland research, the promotion of hunting research, African wetlands and the Man and the Biosphere Programme (MAB) established by UNESCO. In the "Framework for Implementing the Convention" established by the Second Conference of the Parties in 1984, data collection was included amongst the international measures aimed at promoting wetland conservation through international cooperation (Recommendation REC. C.2.3, annex, point 7).

At the Regina Conference in 1987, Recommendation REC. C.3.2 emphasised the need to conduct further research on flyways in order to investigate the severe decline in numbers of waders (shorebirds). Recalling this recommendation, the Montreux Conference in 1990 urged Contracting Parties to cooperate in the management of migratory species (Recommendation REC. C.4.12).

### **3. Education and training (Article 4.5)**

In 1980, the Conference of the Parties requested Contracting Parties and competent international organisations to do what they could to enable developing countries to contribute to the Convention and its activities through support for appropriate training programmes (Recommendation REC. C.1.2). Stressing the responsibility of development agencies toward wetlands, the Regina Conference of 1987 urged these agencies to train and educate personnel at project implementation level (Recommendation REC. C.3.4).

Three years later, the Conference of the Parties at Montreux, recalling Article 4.5 of the Convention, recommended that higher priority should be placed on the development and implementation of educational strategies, targeted both at formal school/university systems and at the non-formal education of youth and adults.

The contribution which nature reserves can make to developing public awareness of wetland values was strongly emphasised by the Montreux Conference. Recommendation REC. C.4.4 recognises the special role played by reserves in promoting conservation education and public awareness of the importance of wetland conservation and the goals of the Convention. It therefore called on Parties to establish conservation education programmes linked to the establishment of national networks of nature reserves.

Recommendation REC. C.4.5 recommends that Parties place a high priority on providing educational programmes at key reserves which are accessible to a wide spectrum of the population, and encourages Parties to establish special reserves where education is the main objective.

Recommendation REC. C.5.8 of Kushiro "calls on Contracting Parties to develop facilities for promoting public awareness of wetland values at wetland reserves in their own territory" and



recommends that special efforts be made to promote international coordination of measures to further public awareness of these values.

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#### **IV. Article 5: International cooperation**

##### **1. Shared wetlands, water systems and migratory bird populations**

Pursuant to Article 5 of the Convention,

"The Contracting Parties shall consult with each other about implementing obligations arising from the Convention especially in the case of a wetland extending over the territories of more than one Contracting Party or where a water system is shared by Contracting Parties.

They shall at the same time endeavour to coordinate and support present and future policies and regulations concerning the conservation of wetlands and their flora and fauna."

The issue of international cooperation between Contracting Parties whose territory is situated along the same flyway, and who therefore receive the same population of migratory birds at different times, was first raised by the Regina Conference. Recommendation REC. C.3.2 emphasised "the need to establish reserves at wetlands linked by migratory birds".

It was only at the Montreux Conference in 1990, however, that Contracting Parties examined for the first time the full range of problems involved in implementing Article 5.

The Conference accordingly adopted a resolution (RES. C.4.4) on the implementation of this article. The text recognises that priority should be given to shared wetlands and water systems which contain sites included in the List of Wetlands of International Importance and to such shared migratory species that may be identified as requiring mutually agreed conservation measures. A procedure for the implementation of the obligations to consult and to endeavour to coordinate laid down in Article 5 was therefore needed and should be established. However, before such a procedure could be developed, it would first be necessary "to gather sufficient information on wetlands, water systems and migratory species shared by two or several Contracting Parties and to obtain the views of Contracting Parties on such a procedure". "One of the several ways of implementing Article 5 could be by means of bilateral or multilateral arrangements in respect of wetlands included in the List and situated along the same flyway".

The Conference therefore instructed the Bureau in the same resolution to gather information on wetlands and water systems shared by several Parties; to draw up a list of existing boundary water treaties and consult with Contracting Parties with a view to establishing the relevance of such treaties for the implementation of Article 5 of the Convention; to try to identify shared migratory animal populations which may benefit from conservation agreements concluded between Contracting Parties; to explore the possibility of promoting bilateral or multilateral twinning arrangements under the Convention in respect of listed wetlands situated along the same flyway; and lastly, to consult with Contracting Parties on other appropriate procedures in the implementation of Article 5 of the Convention.

It was noted that questions relating to shared migratory species should be reviewed in consultation with the Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals, signed in Bonn in 1979, and with other appropriate secretariats. Joint action for the conservation of migratory species should, wherever possible, be taken under existing mechanisms such as agreements under the Bonn Convention.

With regard more specifically to migratory waterfowl, the Montreux Conference also adopted Recommendation REC. C.4.12, pursuant to Article 5 of the Convention, which urges Contracting Parties to participate in internationally coordinated waterfowl surveys; instructs the Bureau to prepare a report for each Conference of the Contracting Parties summarising available information on the current status of migratory waterfowl populations in order to assist Parties in identifying appropriate wetlands for designation onto the List according to the 1% criterion; encourages Parties to enter into bilateral and multilateral agreements for the conservation of migratory waterfowl; supports the development of the Western Palearctic Waterfowl Agreement under the Bonn Convention (note 6) and urges that similar arrangements be made for other flyways.

Pursuant to the terms of Resolution RES. C.4.4, the Bureau presented a report to the Fifth Meeting of the Conference of the Parties, held in Kushiro in 1993, on the legal aspects of the implementation of Article 5 together with a draft recommendation setting out guidelines on these matters. The draft recommendation was subsequently withdrawn. It was nevertheless decided to refer the question to the Bureau, given that the ideas behind the draft recommendation were extremely important (summary report of Workshop D: WG. C.5.4 Rev.).

However, the Kushiro Conference went on to adopt a number of recommendations on international cooperation in specific regions. Recommendation REC. C.5.1.3 concerns the Lower Danube Basin. This text calls, in particular, on the governments of the riparian states of the Danube to come to "an agreement designed to safeguard the best wildlife sites along the Lower Danube within their territories" and to "consider the need for mandating a Danube Basin Committee or other appropriate body to address the urgent task of establishing a plan for the wise use of the river, including the

conservation of its rich wildlife resources and the restoration of natural flood plain features upstream of the delta". In addition, the Government of Ukraine is requested to initiate official and close cooperation with the Danube Delta Biosphere Reserve authorities in Romania "to ensure in the shortest time possible the application of wise management for the complete Danube Delta system".

Recommendation REC. C.5.13 recommends that the Ramsar Bureau take the necessary action to continue to promote and support the intra-regional coordination process in the Ramsar Neotropical region and urges all Contracting Parties in that region to develop coordinated mechanisms to monitor the status of their wetlands.

Recommendation REC. C.5.14 covers Mediterranean wetlands. It notes with interest the MedWet initiative for the conservation of Mediterranean wetlands, an initiative which is carried out jointly by ten partners, namely the Governments of France, Greece, Italy, Portugal and Spain, the Commission of the European Communities, the Ramsar Bureau, the Fondation de la Tour du Valat, IWRB and WWF International. The Conference "welcomes this regional collaboration activity", "urges the ten initial MedWet partners to make the utmost efforts for present MedWet activities to include all Mediterranean countries" and "encourages other Mediterranean Contracting Parties to work closely with the present MedWet partners . . . in particular, to arrest and reverse the degradation and loss of wetlands around the Basin and ensure their wise use".

## **2. Aid for conservation**

### **a) Integration of wetland conservation into development aid**

A key aspect of development aid concerns the impact of development projects financed by bilateral or multilateral mechanisms upon wetlands in developing countries.

Many wetlands have been destroyed or converted for economic gain, even though the benefits of maintaining them in their natural state might often be greater than those obtained from their destruction. If the conservation of such wetlands is to be justified, however, it must first be possible to evaluate their worth. This task requires specialist knowledge and adequate finance, particularly for the preparation of environmental impact assessments.

As early as 1980, Recommendation REC. C.1.6 of the Cagliari Conference recommended that international funding agencies and bilateral and multilateral development aid should also finance assessments of such values in respect of wetlands affected by projected large-scale wetland transformation, before the decision on such projects is made.

At the Groningen Conference in 1984, the Conference of the Parties proceeded from the framework for implementing the Convention (annexed to Recommendation REC. C.2.3) to emphasise the importance of "ensuring that conservation measures are included in development projects where bilateral or multilateral aid programmes to developing countries may affect wetlands, especially through evaluation of environmental effects before any wetland transformation is carried out". "Payment for the necessary conservation measures must be the responsibility of those carrying out the development project".

At its Third Meeting, in Regina in 1987, the Conference of the Parties, "noting that the destruction and loss of wetlands around the world [are] due to development that neglects or underestimates the natural values and functions of wetlands, and that this development continues without taking adequate account of past experiences and traditional lifestyles", adopted a recommendation on the responsibility of development agencies in respect of wetlands. Pursuant to Recommendation REC. C.3.4, these organisations are urged inter alia: to formulate and adopt coherent wetland development policies directed at sustainable utilisation, wise management and conservation of wetlands; to develop guidelines to ensure the integration of environmental aspects in all stages of the project cycle; and to ensure that the funding of projects is preceded by an environmental impact assessment and that the recommended measures are implemented.

In Recommendation REC. C.3.5, the Conference also recommended that the Bureau should request "development agencies to provide the Convention Bureau with information on measures they have taken to integrate environmental aspects at all stages of projects affecting wetlands, including their planning and implementation, and monitoring the effectiveness of these measures". The Bureau must report annually on its activities in this respect to the Contracting Parties.

At its Fourth Meeting, at Montreux in 1990, the Conference noted that in spite of Recommendation REC. C.3.4, "there are still too many instances of MDB-financed projects ([note 7](#)) leading directly or indirectly to the loss of critical wetlands, and that MDBs are not generally promoting the wise use and conservation of wetlands in developing countries" (Recommendation REC. C.4.13). The Conference took note of the voting standards adopted by the United States Government directing its representative to the MDBs to oppose projects with significant adverse impacts on wetlands and their important functions and services. In Recommendation REC. C.4.13, the Conference called upon the other Contracting Parties "to ensure that their representatives to the MDBs adopt voting standards in support of the conservation and wise use of wetlands". The same Recommendation, moreover, called upon the Parties to urge MDBs and other development agencies to advance conservation and wise use of wetlands by taking these issues into consideration early in the planning process.

In 1993, the Kushiro Conference adopted Recommendation REC. C.5.5 which notes "the considerable influence and impact of bilateral development assistance on conservation and wise use of wetlands" and therefore calls on "multilateral development banks and development agencies to give even greater priority to the formulation and adoption of coherent wetland development policies, procedures and practices directed at sustainable utilisation, wise management and conservation of wetlands".

Furthermore, Contracting Parties in developed countries are called on "to review their development cooperation policies, in the light of the obligations and opportunities presented by Ramsar, to support country-driven projects with a view to assisting developing countries to fulfil their Ramsar obligations".

#### **b) Development aid programmes**

Recommendation REC. C.1.2 of the Cagliari Conference called on Contracting Parties and competent international organisations "to do what they can to enable developing countries to contribute to the Convention and its activities, for example through aid programmes . . . and through support for appropriate training programmes". The same recommendation also called on developing countries "to pay more attention to conservation measures in any request for and programming of assistance".

The "Framework for Implementing the Convention", annexed to Recommendation REC. C.2.3 of the Groningen Conference and duly noted by the Conference, emphasised once again the importance of providing "special assistance to developing countries in the elaboration of their national wetland policies, in conservation and management of listed wetlands and for other aspects of wetland conservation, including data collection, monitoring, research, public awareness, education and training".

Recommendation REC. C.2.3 included amongst its action points for priority attention "the development of a clearinghouse function for special assistance for wetland conservation projects in developing countries". The reason behind this recommendation is that demand for aid for conservation projects often coincides with offers of help from certain countries, but in the absence of a clearinghouse mechanism for the exchange of information, neither the recipient countries nor the potential lenders are aware of the funding opportunities available.

In its Recommendation REC. C.3.4, the Regina Conference in 1987 urged development agencies to create special regional wetland programmes and to "use their influence with borrowing or recipient governments to promote the formulation and adoption of national policies for wise use and conservation of wetlands, to strengthen institutional arrangements and the ecological expertise . . .

and to train and educate personnel at project implementation level". Development agencies are also urged to rehabilitate those wetlands which have become degraded through non-sustainable development (Recommendation REC. C.3.5).

The Conference then recommended that the Bureau should encourage funding agencies to fund projects for the conservation and wise use of wetlands, "to act as a link between potential donors and recipients", to promote "the use of development assistance for demonstration projects that illustrate the principles of wise use of wetlands" and to promote "wise use and conservation of wetlands among development agencies". The Bureau must report annually on its activities in this respect to the Contracting Parties.

The Montreux Conference in 1990 in its turn strongly supported "the establishment of closer links with the Commission of the European Communities with a view to the . . . provision of technical assistance for wetland conservation and wise use of wetlands in developing countries" (Recommendation REC. C.4.11). Recommendation REC. C.4.13 calls on Contracting Parties to pursue the said Recommendation REC. C.3.4 in a more rigorous and systematic way and to "urge MDBs and the other development agencies to advance conservation and wise use of wetlands through improved technical assistance".

The Kushiro Conference in 1993 focused on the problems of countries whose economy is in transition (Recommendation REC. C.5.5). With regard to such countries which are Contracting Parties or future Contracting Parties, developed country Parties are urged to strengthen bilateral and multilateral cooperation, also in the field of wetland conservation, given the recognised need for financial support for wetland conservation in those countries.

All Contracting Parties are recommended to consider including representatives of ministries responsible for granting or receipt of development assistance in their delegations to meetings of the Conference of the Contracting Parties. Lastly, ministries responsible for environmental issues and/or development assistance are called on to formulate and coordinate their policies in the light of that recommendation.

### **c) Wetland Conservation Fund**

Recognising that measures necessary to assure the conservation and wise use of wetlands may often require resources beyond those available to developing countries, the Montreux Conference decided in 1990 to establish a Wetland Conservation Fund (Resolution RES. C.4.3). This Fund, administered by the Bureau under the supervision of the Standing Committee, shall be used only to provide assistance to developing countries, upon official request from a competent national authority, for activities in furtherance of the purposes of the Convention.

Any developing country that is a Contracting Party may apply for an allocation from the Fund to support wetland conservation activities. These activities may be intended inter alia to improve the management of listed sites or to promote the wise use of wetlands. In principle, the Fund is for the use of Contracting Parties only, but any developing country that is seeking to accede to the Convention may apply for a grant from the Fund to support activities necessary for the identification, delineation and mapping of a site to be included on the List of Wetlands of International Importance. All applications for allocations from the Fund shall be reviewed and decided by the Standing Committee, under such procedures as it may prescribe.

The Fourth Conference of the Parties decided that a token budgetary allocation of 10,000 Swiss francs should be made to the Fund from the Convention budget each year in the 1991-1993 triennium. It urged that this amount be "augmented by substantial voluntary contributions" ("Resolution on Financial and Budgetary Matters", annex to DOC. C.4.13).

These voluntary contributions amounted to 20,500 Swiss francs in 1990, 251,000 Swiss francs in 1991, 334,500 Swiss francs in 1992, and 411,000 Swiss francs in 1993. They enabled the Standing Committee to approve seven applications for funding in 1991, twelve in 1992, and thirteen in 1993.

The Fifth Meeting of the Conference of the Parties decided that a budgetary allocation of 100,000 Swiss francs should be made to the Fund for each year in the 1994-1996 triennium, namely ten times the sum allocated during the preceding triennium. It also noted that voluntary contributions were inadequate and underlined the need to increase the amount of resources available to the Fund to at least US\$ 1 million annually. At its present level, the Fund is able only to fund small projects normally up to about 40,000 Swiss francs in value.

The Conference therefore adopted Resolution RES. C.5.8, whereby it stated its conviction that other Contracting Parties should follow the example of those Parties which are already making voluntary contributions to the Fund and urged the latter to make substantial increases to their contributions. The resolution also reiterates the need for major contributions from other outside sources. Lastly, it resolved that "developing countries continue to be the main focus of the Ramsar Wetland Conservation Fund . . . and that countries whose economy is in transition be assisted and supported through voluntary contributions by developed countries (through bilateral arrangements) or multilateral agencies, and that funds so donated may be channelled through the Ramsar Convention for administrative purposes where appropriate".

The types of projects qualifying for assistance from the Fund, the application procedure for funding, the criteria for allocating funds and the rules of financial management to be followed by those administering the Fund are determined by the operational guidelines adopted by the Standing Committee.

The need to establish guidelines was recognised by the Standing Committee at its Ninth Meeting, at Slimbridge in 1990, shortly after the Montreux Conference and the Committee commissioned a Working Group to draw them up. The text produced by the Group was submitted to a subcommittee of the Standing Committee which met in Perth, Australia, in December 1990, during the IUCN General Assembly, and was thereafter adopted by correspondence by the Standing Committee itself. The operational guidelines were subsequently reviewed at the 12th Meeting of the Standing Committee at Kushiro in June 1993.

The operational guidelines were published in February 1991 in a Bureau document entitled "Wetland Conservation Fund: assistance for developing countries". A revised version of these guidelines, incorporating the amendments inserted by the Standing Committee in 1993, was published under the same title by the Bureau in March 1994.

Certain elements relating to the procedure to be followed when allocating aid have been incorporated into Resolution RES. C.5.8 of Kushiro.

The operational guidelines set out first and foremost the different types of projects which qualify for funding from the Fund. These types of projects are divided into five categories, namely:

**i) Preparatory assistance**

This covers the preparation of designations of wetland sites to the List of Wetlands of International Importance, the preparation of national scientific inventories of wetlands suitable for designation for the List and help in the design of requests to multilateral and bilateral assistance agencies for technical cooperation.

This assistance is not limited to Contracting Parties insofar as "any developing country that is seeking to accede to the Convention may apply for a grant from the Fund to support activities necessary for the identification, boundary delineation and mapping of a site to be included on the List of Wetlands of International Importance".

The budgetary ceiling for each preparatory assistance project is fixed at 25,000 Swiss francs.

**ii) Emergency assistance**

Contracting Parties that are developing countries may request emergency assistance for work in connection with wetland sites included on the List which have suffered damage or which are in imminent danger of damage as a result of technological developments, pollution or other human



interference. Such assistance may be made available to draw up an emergency plan to safeguard the site and to undertake emergency measures for the safeguarding of the site.

### **iii) Training**

Contracting Parties that are developing countries may request assistance for the training of specialised staff for wetland conservation. Priority will be given to group training activities at local or regional level.

### **iv) Technical assistance**

Contracting Parties that are developing countries may request technical assistance for wetland conservation projects for sites included on the Ramsar List and for activities that will promote the wise use of wetlands in general. This assistance may involve inventories, monitoring, investigation of threats, preparation of management plans, training of managers, public education programmes and public information, institutional development and the preparation of proposals for submission to development assistance agencies and multilateral development banks.

### **v) Assistance for raising awareness and catalysing action**

This principally covers increasing knowledge and understanding of the Convention, supporting its objectives, enhancing coordination and cooperation in the implementation of the Convention and assisting the production of materials for its promotion.

In the initial years of the operation of the Fund, the budgetary ceiling for each project of categories ii), iii), iv), and v) should not normally exceed 40,000 Swiss francs.

With regard to the order of priorities for the granting of assistance, the Standing Committee must ensure that there is a balance between commitments for assistance related to the various categories and, to the extent possible, between the African, Asian, Neotropical and Oceania regions. Priority should, as far as possible, be given to emergency measures to safeguard wetland sites designated for the List, then to actions relating to the implementation of recommendations arising from the application of the Monitoring Procedure and, thirdly, to other projects which are likely to have a multiplier effect.

A number of non-exhaustive criteria should, in principle, govern decisions for assistance from the Fund: the urgency of the work and of the protective measures to be taken; the legislative, administrative and financial commitment of the recipient State; the ecological benefits accruing from the project; the cost of the project; the interest for, and exemplary value of, the project in the

development of cost-effective conservation techniques; the educational value both for the training of local experts and for the general public; and the social and economic consequences.

The operational guidelines further provide that an agreement must be concluded in all cases between the Bureau and the State concerned. This agreement must set out the extent and purpose of the financial assistance granted, the obligations of the recipient State and the obligation of that State to mark all equipment and all products arising from assistance provided under the Fund with the Ramsar Convention name and logo. The text of a standard agreement must be adopted by the Standing Committee, which shall delegate authority to the Secretary General to sign such agreements on its behalf. One year after receipt of the first payment, each recipient State must provide an interim report on progress achieved in the project and/or a final report six months after completion of the project.

In this context, Resolution RES. C.5.8 of the Kushiro Conference emphasises the need for Contracting Parties to provide prompt reports on the execution of approved projects, so that the use made of funds may be fully documented.

Lastly, the operational guidelines lay down a number of rules relating to the financial management of the Fund. The latter is administered by the Bureau under the supervision of the Standing Committee, pursuant to the "Terms of Reference for the Financial Administration of the Convention". The Fund shall include such revenues as may be allocated in the budget approved by the Contracting Parties, voluntary contributions and any additional revenues received, including bank interest. In addition to the five categories of projects that may be funded by the Fund, the latter must also fund the technical advisory services provided by IUCN and IWRB for the examination of applications for funding as well as a 10% overhead for general administrative costs. Finally, to ensure the maintenance of an adequate Fund balance, the Committee must allocate each year an appropriate percentage of contributions to the Fund to an unallocated reserve account which may be carried forward to the next year.

The operational guidelines are completed by an annex which lays down a technical review procedure for projects for which a funding application is made.

All applications for funding are assessed by the annual meeting of the Standing Committee and must be submitted to the Bureau by 1 June each year for this purpose. Contracting Parties are in fact reminded of this requirement by Resolution RES. C.5.8 of the Conference, which emphasises the need to comply with this deadline "so that projects may be properly reviewed by the Standing Committee, the Scientific and Technical Review Panel, the Convention Bureau and their advisors".

The Bureau must ensure that the necessary documentation has been provided, after which IWRB and IUCN must carry out a technical review of the application and prepare an appraisal for submission to the Standing Committee.

Reports must be prepared on successful projects, as specified in the operational guidelines. These reports must indicate the extent to which the objectives set out in the application have been achieved. The field staff of IUCN and IWRB or other partner institutions may be asked by the Bureau to visit project personnel on site and report on progress.

At its 10th Meeting in November 1991, in St. Petersburg in Florida, the Standing Committee approved seven projects amounting to a total of 200,000 Swiss francs. At its 11th Meeting, held in Kushiro in October 1992, it approved twelve at a total cost of 280,000 Swiss francs. In October 1993 in Gland, at its 14th Meeting, the Committee approved thirteen projects out of the 33 which were submitted for its consideration, amounting to a total of 416,000 Swiss francs. Ten projects were approved in 1994, for a total of 337,600 Swiss francs.

#### **d) Relationship with the Global Environmental Facility**

Following the Fourth Meeting of the Conference of the Parties at Montreux in 1990, major changes affecting nature conservation took place on the world stage. These involved, firstly, the United Nations Conference on Environment and Development, which was held in Rio de Janeiro in June 1992 and which led to the signature of the Convention on Biological Diversity and the adoption of Agenda 21, and secondly, the institution in November 1990 of the Global Environmental Facility by the United Nations Development Programme, the United Nations Environment Programme and the World Bank. Once it has been restructured appropriately, the Global Environmental Facility will serve primarily as the international institution responsible for operating the financial mechanism created by the Convention on Biological Diversity to fund conservation projects.

The Fifth Meeting of the Conference of the Parties in Kushiro in 1993 adopted Recommendation REC. C.5.4 which emphasised that the Ramsar Convention could significantly increase its achievements if the Global Environmental Facility were to fund projects relating to wise use and conservation of wetlands submitted by those Ramsar Contracting Parties which are signatory states to the Convention on Biological Diversity. The recommendation therefore called on the Global Environmental Facility to fund such projects and instructed the Bureau to intensify its contacts with the Secretariat of the Convention on Biological Diversity with a view to:

- ensuring Ramsar input to the formulation of priorities for the implementation of the Convention on Biological Diversity through the Global Environmental Facility (GEF);

- providing input and relevant guidelines for the financing of projects under the Convention on Biological Diversity;
- providing input, as appropriate, to the preparation of wetland projects for submission to GEF to Ramsar Contracting Parties which are signatory states to the Convention on Biological Diversity;
- securing GEF support for such wetland projects in accordance with eligibility criteria of the GEF and its associated conventions.

The Ramsar Bureau has been in contact with World Bank and GEF officials since 1991. Current plans involved proposed cooperation in the review and development of wetland projects.

The Bureau is to inform the Sixth Meeting of the Conference of the Parties of the progress accomplished in the implementation of that recommendation.

### **3. Cooperation with other conventions or international organisations**

The main international organisations concerned are IWRB and IUCN, which were involved in the birth of the Convention itself and which played an essential role in the preliminary drafting of the treaty. They continue to play a critical role since IUCN is host to the Convention Bureau and IWRB to its database.

Ever since the Cagliari Conference, the Parties have considered that continued collaboration between the Convention and these international organisations was fundamental to the implementation of the Convention. Recommendation REC. C.1.4. therefore called on "the appropriate international organisations to develop guidelines on selection of sites for designation from among those identified by the criteria as revised at Cagliari, and on the management of sites once designated".

Recommendation REC. C.5.6 of the Kushiro Conference recalls "the instrumental role that international non-governmental organisations, including IUCN, IWRB, ICBP (now BirdLife International) and WWF, have played in the creation of the Ramsar Convention" and recognises "that these organisations have continued to make important technical, promotional and financial contributions to the implementation of the Convention". It therefore recommends that Contracting Parties "strongly support and give particular attention to the development and functioning of national and international NGOs that aim for conservation and wise use of wetlands".

On several occasions, the Conference of the Parties has emphasised the need to establish links with the secretariats of other international conventions or international organisations whose work may contribute to wetland conservation. Resolution RES. C.4.4, adopted by the Montreux

Conference, instructs the Bureau to consult the Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals on matters relating to shared migratory animal populations dependent on wetland habitats.

Recommendation REC. C.4.11, also adopted at Montreux, "calls for closer cooperation with OECD, notably as regards exchanges of ideas between ecologists and economists, and the improvement of cost/benefit analysis of projects affecting wetlands". The same recommendation "strongly supports the establishment of closer links with the Commission of the European Communities with a view to facilitating combined action for conservation and wise use of wetlands in Community Member States" and "expresses interest in developing similar partnerships with other concerned international organisations".

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## **V. Article 6 : The Conference of the Parties**

### **1. Conference of the Contracting Parties**

#### **a) Powers**

In the original text of the Convention, Article 6 provided that "Contracting Parties shall, as the necessity arises, convene Conferences on the Conservation of Wetlands". Such Conferences, whose frequency was not specified by the Convention, were only consultative and were therefore not empowered to take binding decisions. It was in fact necessary to wait five years after the entry into force of the Convention before the First Meeting of the Conference of the Parties took place, in Cagliari in 1980.

In Regina in 1987, the extraordinary Conference of the Parties adopted an amendment to Article 6, the main points of which are as follows:

- the institutionalisation of the Conference of the Contracting Parties and the abolition of its purely consultative status (Article 6.1);
- the definition of the purpose of the Conference of the Contracting Parties: "to review and promote the implementation" of the Ramsar Convention (Article 6.1);
- the convening of ordinary meetings at intervals of not more than three years, unless the Conference decides otherwise, and of extraordinary meetings at the written request of at least one third of the Contracting Parties (Article 6.1);
- the extension of the powers of the Conference, which must now at each of its meetings adopt its rules of procedure (Article 6.4), establish and regularly review the financial regulations of the

Convention and adopt the budget for the next financial period (Article 6.5). It may also adopt other recommendations or resolutions to promote the functioning of the Convention (Article 6.2.f).

## **b) Rules of procedure of the Conference**

The new Article 6.4 provides that "the Conference of the Contracting Parties shall adopt rules of procedure for each of its meetings". The absence of a specific provision to this effect did not, of course, prevent the Conference of the Parties from adopting its rules of procedure from the First Meeting onwards, since it would otherwise have been unable to work, or from readapting them at its subsequent Meetings. Formalising the rules of procedure through the Regina amendments has therefore made little difference to the previous position.

Article 2 of the rules of procedure is of particular interest as it deals with the presence of observers to the Conference, a matter which should normally have been covered by the Convention itself. This is the case, for instance, for the Convention of Washington of 1973 on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Bonn Convention of 1979 on the Conservation of Migratory Species of Wild Animals and the Berne Convention of 1979 on the Conservation of European Wildlife and Natural Habitats.

As the Ramsar Convention is silent on this point, it obviously fell to the rules of procedure to remedy this omission. The rules initially only authorised States which were not Contracting Parties and international organisations to be represented by observers at the Meetings of the Conference of the Parties. Amongst the proposals for amendments to the Convention was one aimed at allowing national non-governmental organisations to be admitted as observers. However, the Task Force established by the Groningen Conference to examine inter alia these proposed amendments did not endorse this idea and simply recommended that the rules of procedure should be modified to this effect (DOC. C.3.5 and C.3.3), which was duly done at Regina in 1987.

Pursuant to the new Article 2 of the rules of procedure, not only may the United Nations, its specialised agencies, the International Atomic Energy Agency and any State which is not a Contracting Party be represented at the Conference of the Parties (Article 2.1), but also any body or agency technically qualified in the conservation of wetlands, whether governmental or non-governmental, national or international (Article 2.2.a). As regards both national governmental and non-governmental agencies or bodies, each such agency or body must first be approved for this purpose by the State in which it is located and must have informed the Bureau of the Convention of its desire to be represented at the meeting by observers. The Conference may object to such representation (Article 2.2.b).

Observers who are admitted are permitted to take part but not to vote (Article 2.3).

### **c) Financial regulations of the Convention**

The original text of the Convention contained no financial provisions. Prior to the adoption of the Regina amendments, funding for secretariat services for the Convention was therefore provided by IUCN and IWRB - which have consequently given considerable financial support for the Bureau's work from the earliest stages of the Convention - as well as by voluntary contributions. This situation was unsatisfactory since there was no reason why the members of IUCN and IWRB should finance secretariat services or the Meetings of the Conference of the Parties. It was accordingly necessary to endow the Convention with its own means for the implementation of Conference decisions, subject to the control of the Parties.

One of the Regina amendments empowers the Conference of the Contracting Parties to establish the financial regulations of the Convention. At each of its ordinary meetings, the Conference shall adopt the budget for the next financial period by a two-thirds majority of Contracting Parties present and voting. Each Party shall contribute to the budget according to a scale of contributions adopted unanimously by the Contracting Parties present and voting at an Ordinary Meeting of the Conference of the Contracting Parties (Article 6.6 of the Convention).

Contributions are now mandatory, following the entry into force of the amendments on 1 May 1994. As indicated above, however, the Conference had already urged Parties to implement these amendments voluntarily until such time as they entered into force, and this is what has happened in practice.

It was decided in Regina that the annual contribution would be calculated in accordance with international practice based on the United Nations scale of contributions. Subject to the approval of the Standing Committee, contributions may include contributions from States which are not Party to the Convention, from governmental, intergovernmental and non-governmental organisations, and from other institutions ("Terms of Reference for the Financial Administration of the Convention", attachment 3 to the resolution on financial and budgetary matters of Regina; annex to DOC. C.4.13).

The Kushiro Conference nevertheless instructed the Standing Committee "to report to the next meeting of the Conference of the Contracting Parties on alternatives to the United Nations scale of contributions to calculate the contribution of each Party to the Convention budget, taking into consideration the need for an equitable burden sharing among the Parties and the situation in developing countries" (Resolution RES. C.5.2).

At the same Meeting, the Conference also adopted "Terms of Reference for the Financial Administration of the Convention" (annex 3 to Resolution RES. C.5.2) for the financial period from 1 January 1994 to 31 December 1996. These provisions deal with the following matters:

- the Secretary General is responsible for the administration of Convention funds. A separate account has been established by the Director General of IUCN on behalf of the Bureau of the Convention to administer the finances of the Convention. All expenditure from this account requires the approval of the Secretary General or that of his designee;
- the budget estimates, covering the income and expenditure of each of the three calendar years constituting the financial period to which they relate, shall be prepared in the currency of the country in which the seat of the Bureau is located;
- the proposed budget shall be submitted to each ordinary Meeting of the Conference of the Contracting Parties; it shall be dispatched by the Bureau to all Contracting Parties at least 90 days before the date fixed for the opening of the Meeting; it shall be adopted by a two-thirds majority of the Contracting Parties present and voting, pursuant to Article 6.5 of the Convention;
- in the event that the Secretary General anticipates that there will be a shortfall in resources over any calendar year as a whole, he shall seek the approval of the Standing Committee as to its priorities for expenditure;
- after seeking the approval of the Standing Committee, the Secretary General shall be empowered to make transfers from one budget line to another. At the end of the first and the second calendar years of a financial period, the Secretary General may proceed to transfer any uncommitted/unexpended balance of appropriations, provided that the total budget approved by the Conference of the Parties shall not be exceeded unless this is specifically sanctioned in writing by the Standing Committee;
- all contributions shall be paid in convertible currencies. Contributions from States which became Contracting Parties after the beginning of the financial period should be made on a pro-rata basis for the balance of the year;
- as soon as practicable at the end of each calendar year of a financial period, the Secretary General shall submit the audited accounts for the year. He shall also submit, as soon as practicable, the audited accounts for the financial period.

## **2. Standing Committee**

### **a) Establishment**

The Second Meeting of the Conference of the Contracting Parties, held at Groningen in 1984, touched on the need to create a representative subsidiary body carrying out interim activities on behalf of the Convention between the meetings of the Conference of the Parties. As there was insufficient time to discuss the matter in detail, the Task Force set up at Groningen was instructed to study the problem and to present its report at the Third Meeting of the Conference of the Parties.



The Task Force concluded in 1985, taking its cue from CITES and the Bonn Convention, that it would be desirable to establish a permanent consultative committee to facilitate the organisation of meetings and the longer-term implementation of the Convention.

Recognising the usefulness of a committee of this kind, the Regina Conference agreed to establish a Standing Committee of the Contracting Parties. This resolution was slightly amended in form at Montreux and was broadened so as to take better account of the need to ensure some continuity in the membership of the Standing Committee (DOC. C.4.14 and annex).

#### **b) Membership of the Standing Committee**

The Committee shall consist of not more than nine Contracting Parties, elected by the Conference of the Parties. The nomination of at least seven of its members must be based on the principle of proper geographical distribution, with due regard for the proper representation of developing countries. The term "geographical distribution", slightly revised at the Montreux Conference, refers to the following seven regions of the world: Africa, North America, Asia, Eastern Europe, Western Europe, Oceania and Neotropics. Deputy regional representatives are also nominated by the Conference for each of these seven regions. The other two members are respectively drawn from the host countries of the previous Meeting of the Conference of the Parties and the next Meeting thereof.

Parties which are not members of the Standing Committee may, at their request, participate as observers in meetings of the Committee. Switzerland and the United Kingdom, the host countries for IUCN and IWRB respectively, have been given permanent observer status. The Director General of IUCN and the Director of IWRB, or their representatives, may be invited to participate in meetings in an advisory capacity.

The Montreux Conference considered whether the issue of geographical distribution should be reviewed, given that the separation of East and West Europe into two regions for political rather than geographical reasons was no longer necessary. It was agreed that this matter would be given special consideration by the Standing Committee, which would report its findings at the Fifth Meeting of the Conference of the Parties (DOC. C.4.14). The Kushiro Conference decided, however, not to alter the membership of the Standing Committee.

#### **c) Functions of the Standing Committee**

The Standing Committee's mandate includes the following functions:

- to carry out such interim activity as may be necessary between ordinary Meetings of the Conference of the Parties, such activity being limited to matters on which the Conference has previously recorded its approval;
- to make recommendations for consideration at the next meeting of the Conference;
- to supervise the implementation of policy by the Bureau, the execution of the Bureau's budget, the conduct of the Bureau's programmes and matters relating to Bureau personnel;
- to provide guidance and advice to the Bureau on the implementation of the Convention and the preparation of Meetings;
- to promote regional cooperation for the conservation of wetlands;
- to act as the Conference Steering Committee at Meetings of the Conference;
- to report to the Conference on the activities it has carried out between ordinary Meetings of the Conference;
- to perform any other functions as may be entrusted to it by the Conference (DOC. C.4.14).

The Standing Committee must meet at least once each year; it also meets immediately before and after each session of the Conference of the Parties. Since its creation in 1987 it has held fifteen meetings:

1st, 2nd and 3rd sessions, 3, 4 and 5 June 1987, at the time of the Third Meeting of the Conference of the Contracting Parties;

4th session, November 1988, in San José, Costa Rica;

5th and 6th sessions, October 1988 and 1989, at Bureau headquarters in Gland, Switzerland;

7th and 8th sessions, in Montreux, Switzerland, at the time of the Fourth Meeting of the Conference of the Contracting Parties;

9th session, October 1990, in IWRB headquarters in Slimbridge, United Kingdom;

10th session, November 1991, in St. Petersburg, Florida;

11th session, October 1992, in Kushiro, Japan;

12th and 13th sessions, in Kushiro, at the time of the Fifth Meeting of the Conference of the Contracting Parties;

14th session, October 1993, at the Ramsar Bureau in Gland;

15th session, October 1994, in Budapest, Hungary.

### **3. Scientific and Technical Review Panel**

The Third Conference of the Parties, held in Regina in 1987, set up a Working Group to establish criteria and guidelines for identifying wetlands of international importance and advising on the elaboration and implementation of the wise use concept. The Working Group was reconstituted by the Fourth Meeting of the Conference of the Parties at Montreux in 1990 (Recommendation REC. C.4.10) under the name of "Working Group on Wise Use". In parallel, the Conference requested the

Standing Committee "to investigate the need for a Convention Scientific Committee" (Recommendation REC. C.4.7).

At its Fifth Meeting in 1993, the Conference of the Parties decided to establish a Scientific and Technical Review Panel to advise the Bureau and the Standing Committee and, through them, the Conference of the Contracting Parties (Resolution RES. C.5.5). Unlike the Working Group on Wise Use which was only set up for three years, the Review Panel was set up as a permanent body and shall carry out the tasks entrusted to it each year by the Standing Committee, which specifically include:

- review of the Bureau's annual scientific and technical programme;
- review of the criteria for identifying wetlands of international importance, particularly as regards habitat for fish populations;
- evaluation of the application of the procedure for initial designation of sites for the List of Wetlands of International Importance;
- review of the Montreux Record;
- identification of priorities for application of the Monitoring Procedure;
- review of projects submitted to the Wetland Conservation Fund;
- evaluation of the application of the guidelines for the implementation of the wise use concept and of the additional guidelines for the implementation of the wise use concept;
- evaluation of the application of the guidelines on management planning for Ramsar sites and other wetlands;
- consideration of a definition of "ecological character" and of guidelines on monitoring change in ecological character.

The Review Panel has therefore taken over the responsibilities of the Working Group on Wise Use, which was not reconstituted, together with a large number of new tasks relating to all scientific and technical aspects of the implementation of the Convention.

Following the example of its predecessor, the Working Group on Wise Use, the Review Panel is made up of seven members with due regard for equitable representation of each region. The members of the Panel must have appropriate scientific and technical knowledge. They shall be appointed on an individual basis by the Conference of the Contracting Parties on the recommendation of the Standing Committee for a three year term. The Standing Committee shall make its recommendations on the membership of the Review Panel on the basis of nominations presented to the Bureau by the Contracting Parties. It must take account of the need to preserve some continuity in the membership of the Panel, which means that the Review Panel should not be completely replaced at the end of its three-year term, but rather that at least some of its members should be re-elected to their posts in order to guarantee the proper continuity of the Panel's work.

The Review Panel may seek specific advice from other scientific and technical experts from Contracting Parties and partner organisations. IUCN and IWRB have observer status with the Panel.

The Review Panel shall meet at least once a year and shall report to the next annual meeting of the Standing Committee. The costs of participation in meetings of members of the Review Panel shall be covered by the authorities of their own country. The costs of participation of developing countries and countries whose economy is in transition may be met from the Convention's core budget or from other appropriate sources.

For the 1994-1996 triennium only, the members of the Review Panel have been appointed by the Standing Committee on the basis of nominations presented to the Bureau by the Contracting Parties. This exceptional procedure was necessary to enable the Review Panel to start work after the Kushiro Conference without having to wait for its members to be nominated by the next Conference of the Parties.

At its 14th Meeting in October 1993, the Standing Committee designated the members of the Review Panel on the basis of nominations presented by representatives of the seven Ramsar regions. The members come from the following countries: Australia, Chile, France, Hungary, Jordan, Kenya and the United States. The geographical representation of all parts of the world has thus been assured.

The Standing Committee also decided that its own rules of procedure should be applicable, *mutatis mutandis*, to the meetings of the Review Panel; that the Panel should elect its chairman at the suggestion of the Bureau; and that, apart from its annual meeting, the bulk of the Panel's work should be conducted by correspondence as well as through consultation between the Panel's chairman and the Bureau.

The Standing Committee charged the Review Panel to examine the following three issues in 1994:

- review of the criteria for identifying wetlands of international importance, particularly as regards habitat for fish populations;
- review of the Montreux Record in order to identify priorities for the implementation of the Monitoring Procedure;
- consideration of a definition of the term "ecological character" and of guidelines for monitoring changes in ecological character.

The Review Panel held its first meeting in Buenos Aires from 18 to 21 January 1994 during the 19th

General Assembly of IUCN. Mr T. DAHL of the United States was elected by the Panel as its chairman.

#### **4. Implementation of the Convention by the Parties**

##### **a) Framework for the application of the Convention**

The Standing Committee considered that it would be useful to formulate a comprehensive framework for the implementation of the Convention from which the priorities for the Contracting Parties for the following triennial period could be identified. A subcommittee of the Standing Committee, comprised of representatives from the Netherlands, the United Kingdom and Switzerland, was therefore established at the end of 1988 to work with the Bureau on the preparation of a draft text. The results of the subcommittee's work were reviewed and approved by the Standing Committee at its Sixth Meeting (23-25 October 1989) and were presented for consideration to the Fourth Meeting of the Conference of the Contracting Parties in Montreux in 1990, which accepted them ("Resolution on a Framework for the Implementation of the Convention and measures meriting priority attention in 1991-1993", DOC. C.4.12). This document forms the basis for a triennial programme of activities for the Contracting Parties, the Standing Committee and the Bureau.

The document summarises the commitments and obligations of Contracting Parties flowing from the Convention as well as the resolutions and recommendations adopted by the Conference of the Parties; it sets out the functions and tasks of the Standing Committee and the Bureau; and it establishes a framework for Bureau activities as well as a general programme for the Bureau for 1991-1993 (see Chapter VII on Article 8 of the Convention).

This document also contains a list of measures meriting priority attention during the period 1991-1993, namely:

- "measures relating to conservation and wise use of wetlands";
- "development assistance and international cooperation in respect of shared water resources and species";
- "formulation and implementation of the 'wise use of wetlands' concept" (attachment 2 to the annex to DOC. C.4.12).

In Kushiro in 1993, the Fifth Meeting of the Conference of the Parties adopted a new resolution on the framework for the implementation of the Convention (RES. C.5.1). This resolution incorporates a text, entitled the "Kushiro Statement", which emphasises that despite the successes achieved by the

Ramsar Convention since 1971 - notably in raising consciousness of the importance of wetlands - loss, destruction, degradation and misuse of wetlands continue in many areas of the world. During the triennium 1994-1996, Parties shall aim to meet their commitments under the Convention through a range of priority actions:

These measures are grouped into four categories:

**(1) Conservation and management of wetlands of international importance**

Establishment of coherent national networks of Ramsar sites; monitoring the conservation status of these sites; management of these sites; restoration of degraded wetlands and compensation for lost wetlands.

**(2) Formulation and implementation of planning so as to promote the conservation and wise use of wetlands**

Development of national and regional wetland policies; management of wetlands in accordance with wise use principles; taking account of wetland functions and values in developing and applying other national policies.

**(3) Promotion of international cooperation through development assistance and management of shared wetland ecosystems, water resources and species**

Cooperation with other global and regional conventions and organisations, inter alia with the Interim Secretariat of the Convention on Biological Diversity; review of the impact of current development assistance on wetlands; generation of support from bilateral and multilateral funding agencies; strengthening of regional coordination; establishment of international networks of wetlands and development of joint management programmes for shared wetlands.

**(4) Increasing awareness of the Convention and promotion of its aims**

Promotion of understanding of wetland functions and values; increasing opportunities for the training of appropriate staff; preparation of educational and information materials to promote the Convention.

The new framework for the implementation of the Convention, which to a great extent incorporates the terms of the Montreux document, also updates the latter where necessary in the light of the resolutions adopted at Kushiro. The framework, like the Montreux resolution, sets out the principal commitments and obligations of the Parties as well as the functions and tasks of the Standing Committee and the Bureau. It includes a "Framework for Bureau Activities" followed by a general

programme for the Bureau for the triennium 1994-1996 (see below, chapter VII on Article 8 of the Convention).

## **b) National reports**

No mention of national reports is made in the Convention, the rules of procedure or the Bureau's framework of activities. Their inception dates from 1979. In a communication of 9 August 1979, IUCN informed Contracting Parties of the decision to hold a Technical Conference on the Conservation of Wetlands and Waterfowl at Cagliari and invited them to prepare national reports on the implementation of the Convention in their territory. Since then, the submission of detailed national reports to the Bureau has taken place before each Meeting of the Conference.

The submission of national reports is of crucial importance for monitoring the implementation of the Convention and for sharing information about measures that have been taken for wetland conservation, problems that may have arisen and appropriate solutions to such problems. The Groningen Conference therefore recommended in 1984 that all Parties should submit national reports to the Bureau six months before each ordinary Meeting of the Conference of the Parties (Recommendation REC. C.2.1). This recommendation was reiterated at the Montreux Conference in 1990 (Recommendation REC. C.4.3).

## **c) National committees**

In order to coordinate implementation of the Convention at national level, a number of Contracting Parties or organisations with their seats on their territory have established "national Ramsar committees" which provide a permanent national focus for matters concerning the Convention. In this way, national committees can provide a useful means, *inter alia*, of facilitating liaison between interested persons, making expert input to national reports, coordinating applications to and use of the Wetland Conservation Fund, and reviewing the implementation of the Monitoring Procedure and the Montreux Record and of resolutions and recommendations adopted by the Conference of the Contracting Parties.

Adopting Recommendation REC. C.5.7 at Kushiro in 1993, the Fifth Meeting of the Conference of the Parties consequently encouraged Parties to establish, or recognize the establishment of, national committees to provide a focus at national level for implementation of the Convention. This recommendation also urges that where such a committee is established, the opportunity be provided for an input from both governmental and non-governmental organisations and/or individuals. Lastly, it requests that national committees send the Bureau summary information concerning their establishment, updated with reference to their work in subsequent national reports of the Parties concerned.

#### **d) The role of national non-governmental organisations (NGOs)**

Recommendation REC. C.5.6 of the Kushiro Conference emphasises the active role that national non-governmental environmental organisations can play "in the promotion of wise use, management and conservation of wetlands" through their expertise and recognises that "in some countries environmental NGOs require further strengthening and development". It therefore recommends that Contracting Parties strongly support and give particular attention to "the development and functioning of national . . . NGOs that aim for conservation and wise use of wetlands" and encourages Parties "to consult NGOs, provide them with relevant information and offer them ample opportunities to the formulation and implementation of governmental wetland policy".

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### **VI. Article 7: Representation of the Contracting Parties**

In order better to define the voting system at Meetings of the Conference of the Parties, subsection 2 of Article 7 of the Convention was amended by the extraordinary Meeting of the Conference of the Parties at Regina in 1987. Pursuant to the amended provision, each of the Contracting Parties represented at a Conference shall have one vote, recommendations, resolutions and decisions being adopted by a simple majority of the Contracting Parties present and voting, unless otherwise provided for in this Convention.

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### **VII. Article 8: The Ramsar Bureau**

#### **1. Establishment and duties of the Bureau**

##### **a) Institution of a permanent Bureau**

Article 8 of the Convention provides that the International Union for the Conservation of Nature and Natural Resources (IUCN) shall perform the continuing bureau duties under the Convention. IUCN undertook to carry out these functions by making an official statement for this purpose at the Ramsar Conference. The Contracting Parties reserved the right, however, to designate a different body or government by a two-thirds majority (Article 8.1).

Notwithstanding, the Cagliari Conference decided that the promotion and improved implementation of the Convention required that a permanent and adequately-financed secretariat should be established. With the objective of facilitating the achievement of the fundamental aims of the



Convention, the Conference proposed that the Convention should be amended with a view to establishing a secretariat of this kind (Recommendation REC. C.1.8).

So as to promote continued dialogue about the creation of a permanent secretariat, the Groningen Conference mandated the Task Force to examine the different options for establishing a permanent structure under the Ramsar Convention for administrative, scientific and technical support. This review was to take account of the financial implications of each of these various options (PLEN. C.2.6).

Several international organisations, such as UNEP, FAO, IUCN, IWRB and UNESCO, were consulted for this purpose. IUCN and IWRB presented a joint submission with the aim of being appointed the host organisations of the Convention Bureau. The other organisations let it be known that they were not in a position to carry out the tasks involved. Having completed its work, the Task Force concluded that the joint submission of IUCN and IWRB for the creation of a permanent structure was the only practical option and therefore recommended that Parties should adopt this mechanism (DOC. C.3.5). The idea of a possible amendment to the Convention was abandoned.

In consequence, the Third Meeting of the Conference of the Parties in Regina, 1987, adopted a Resolution on secretariat matters which endorses the conclusions of the Task Force.

Pursuant to this resolution, the bureau of the Convention would be provided by IUCN through the establishment of an integrated autonomous unit, funded from the Convention budget, to perform all the tasks required by the Conference of the Contracting Parties. This unit comprised a section attached to IUCN, based at the latter's headquarters in Switzerland, and a section attached to IWRB, based at Slimbridge in England. The latter was to be responsible for supplying the Bureau with scientific and technical advisory services.

Three years later, noting that the functioning of the secretariat in two separate sections, located in two separate countries and in two different organisations, was inefficient, the Montreux Conference decided to regroup all Bureau personnel in a single independent unit in the same offices as IUCN's headquarters in Gland, Switzerland ("Resolution on Secretariat Matters", annex to DOC. C.4.15).

#### **b) Memorandum of agreement between IUCN and IWRB**

The methods for the cooperation necessary between the two organisations providing bureau services were determined by a memorandum of agreement concluded during the Regina Conference (annex to the "Resolution on Secretariat Matters"). The memorandum was approved by the Conference of the Parties, and it was agreed that the memorandum could be revised by mutual agreement of the two partner organisations.

The Bureau having been relocated to IUCN headquarters by the Montreux Conference, IUCN and IWRB decided to revise the memorandum. No further reference is made to a distinct section of the Bureau established within IWRB. IWRB will nevertheless continue to cooperate with IUCN in providing technical support to the Convention through appropriate scientific and technical studies. The specific tasks entrusted to IWRB will be determined in accordance with the budget adopted by the Conference of the Parties. IWRB will also be responsible for the maintenance and updating of the Ramsar List database and for analysing its data as requested by the Ramsar Bureau. For these purposes, IWRB will receive each year from the Convention's budget a sum provided in a budget line earmarked for that specific purpose (annex to DOC. C.4.15).

### **c) Relationship between IUCN and the Bureau**

Considerable uncertainty still surrounded the respective powers of the Standing Committee and the Director General of IUCN for the administration of the Convention. Since the Convention Bureau did not have legal personality, it was obliged to call on IUCN in order to carry out all the legal formalities necessary for the performance of its administrative tasks, such as the signing of contracts, personnel management, and financial management.

This situation hardly caused any problems while IUCN was formally responsible for carrying out the functions of the Bureau. Matters obviously changed when the Bureau was established as an distinct unit after the Montreux Conference. It rapidly became clear that it was essential to dispel the confusion about the division of powers between the Standing Committee and the Director General of IUCN for the administration of the Convention.

Following consultations in 1993 between the chairman of the Standing Committee and the Director General, the latter has now officially delegated to the Secretary General of the Convention the administrative, financial and personnel management responsibilities which are required for the administration of the Convention. In these areas, the Secretary General now carries out these duties on behalf of the Director General of IUCN.

This delegation of power, which was countersigned by the chairman of the Standing Committee, also stipulates that the said powers may not be withdrawn from the Secretary General without the agreement of the Standing Committee.

### **d) Functions of the Convention Bureau**

In order to strengthen the effectiveness of the Convention, the Cagliari Conference proposed an amendment to confer additional functions on the secretariat, particularly with respect to the promotion and coordination of scientific and technical studies, the maintenance and promotion of

liaison with the Parties and competent international organisations, the preparation of the work of the Conference of the Parties and the further production of technical guidelines (Recommendation REC. C.1.8).

However, the Task Force set up by the Groningen Conference, inter alia to examine the amendments suggested at Cagliari, rejected this proposal on the basis that the proposed measures could be implemented through other means than formal amendments to the Convention. This has notably been effected by the Contracting Parties including such measures in the triennial programme of work.

Nevertheless, Article 6 of the Convention as amended at Regina confers a new power on the Bureau by empowering it to call meetings of the Conference of the Parties.

## **2. Activities of the Bureau**

Given its responsibility for overseeing the activities of the permanent Bureau, the Standing Committee requested the Bureau to prepare annual work plans of the triennial period 1988-1990 and subsequently examined and approved these plans each year.

In 1990, the Conference of the Parties at Montreux adopted not only the "Framework for the Implementation of the Convention" but also a programme of priority activities based on the framework document. This text, entitled "Programme Overview for the Bureau 1991-1993", classifies the Bureau's activities into two categories: "essential" and "desirable". Desirable activities are in turn arranged in order of priority: high, medium or low (DOC. C.4.12).

In 1993, the Kushiro Conference adopted Resolution RES. C.5.1 and approved a new "Programme Overview for the Bureau 1994-1996" (annex 3 to Resolution RES. C.5.1). The programme is prefaced by an introduction which specifies that "the efficient implementation of the Bureau's programme will be guided by the following operational objectives":

(a) To make the best use of the Bureau's resources: the Bureau should concentrate its efforts in areas where it can offer the best services and where its abilities are recognised;

(b) to utilise effectively the recognized strength of its partners: the Bureau will aim to strengthen partnership activities and will develop written agreements with collaborating organisations;

(c) to strengthen the international effort for wetland conservation: the Bureau will continue to seek funds to support technical projects, to seek to extend its own technical competence and to develop the Convention's regional activities.

Like the programme approved at Montreux, the programme for 1994-1996 contains two categories of activities: "essential" and "desirable". Essential activities are defined as those "without which the Convention would face serious difficulties in functioning". Desirable activities "include all other work specifically requested by the Conference of the Contracting Parties". Once again, desirable activities are arranged in order of priority: high, medium or low.

The Standing Committee determined that sufficient financial and other resources should be provided to allow, as a minimum, the Bureau to undertake all of the "essential" and certain "highly desirable" activities, and prepared the budget for the 1994-1996 triennium accordingly. The Conference encouraged Parties "to make additional voluntary contributions to enable the remaining items of the 'highly desirable' category to be undertaken".

There are few significant differences between the priorities identified at Montreux and those determined by the Kushiro Conference. The two most important changes relate to the implementation of the Monitoring Procedure and assistance in the implementation of the wise use concept, both of which were ranked as highly desirable activities at Montreux and were reclassified at Kushiro as essential activities. Assistance in elaborating the wise use concept has been deleted from the category of essential activities since this work has been largely completed.

Assistance in formulating the nature reserve concept has been deleted from the list of activities. However, promoting the creation of wetland reserves on the basis of criteria drawn up by the Contracting Parties remains in the category of essential activities.

Two new desirable activities make an appearance: promotion of the Wetland Conservation Fund (highly desirable) and promotion of the preparation of wetland inventories (medium priority). Lastly, certain activities have been slightly modified.

The list of activities endorsed by the Kushiro Conference is therefore as follows:

#### **A. Essential activities**

- 1.I(a) Maintaining the List of Wetlands of International Importance
- 1.I(c) Operating the Monitoring Procedure
- 1.I(d) Development of concepts and promotion of measures for the conservation and management of listed sites
- 1.II(a) Assisting in the formulation of the concept of wise use
- 1.III(a) Promoting the establishment of nature reserves
- 2.I(a) Providing a focal point for communication
- 2.II(a) Sensitizing development agencies

- 2.III(a) Liaison with other convention secretariats/organisations
- 3.II(a) Promoting new Ramsar Parties
- 4.I(a-e) Administering the Convention
- 4.II(a-e) Convening and organising the Conference of the Parties

## **B. Desirable activities**

### B1. High priority

- 1.IV(a) Promoting training
- 2.I(b) Promoting cooperation on shared wetlands and species
- 2.II(b) Assisting in submitting requests to development agencies
- 2.II(c) Promotion of the Convention's Wetland Conservation Fund
- 3.I(a) Producing Ramsar documentation
- 3.III(a) Disseminating information and research results via Convention publications

### B2. Medium priority

- 1.I(b) Promoting the designation of more sites on the Ramsar List
- 1.III(b) Promoting wardening and management measures at reserves
- 1.III(c) Promoting the establishment of wetland inventories
- 1.IV(b) Taking part in training projects
- 2.III(b) Convening and organising regional meetings
- 3.I(b) Preparing lectures

### B3. Low priority

- 1.IV(c) Promoting training elements in projects
- 2.I(c) Promoting support for overseas training
- 3.I(c) Contributing to external publications
- 3.II(b) Helping other organisations to recruit new Contracting Parties
- 3.III(b) Exchanging information with other secretariats and organisations

The Bureau must prepare a detailed annual work plan for each year of the triennium, based upon the approved general programme for that period, and submit it for adoption to the Standing Committee ("Resolution on the Framework for the Implementation of the Convention and measures necessitating priority attention", annex to Document DOC. C.4.12 and Resolution RES. C.5.1). In parallel, Resolution RES. C.5.2 directs the Standing Committee, in consultation with the Secretary General, to develop business plans for the Bureau for each year of the 1994-1996 triennium. The

business plan consists of a list of activities which the Bureau must perform in a given year, whereas the work plan identifies priorities amongst these activities and indicates the funds and staff time necessary for their execution. Resolution RES. C.5.2 also directs the Standing Committee to prepare strategic plans for the following two triennia for presentation at the Sixth Meeting of the Conference of the Parties in 1996.

Lastly, mention should be made of the existence of a "Communications Plan", approved by the Standing Committee at its 10th Meeting in November 1991. This plan sets out the messages contained in the Convention and the methods of communication which the Bureau shall use to convey these messages effectively to carefully chosen target audiences.

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### **VIII. Article 9 : Conditions for becoming a Party**

Articles 2.4 and 2.1 of the Ramsar Convention provide respectively that "each Contracting Party shall designate at least one wetland to be included in the List when signing this Convention or when depositing its instrument of ratification or accession" and that "the boundaries of each wetland shall be precisely defined and also delimited on a map". Until the Montreux Conference, the Depositary, namely UNESCO, interpreted these provisions as joint obligations which must be fulfilled at the moment of depositing the instrument of ratification or accession. However, a certain number of States considered it sufficient to designate one or more wetlands and postponed the precise definition of the boundaries of these wetlands to a later date. The Depositary consequently did not consider these States to be Contracting Parties until they had carried out this formality.

In order to simplify the formalities of accession and thereby to facilitate the accession of a greater number of States to the Convention, the Conference of the Contracting Parties in Montreux in 1990 decided (Resolution RES. C.4.5.) that any State which has designated at least one wetland for inclusion in the List of Wetlands of International Importance at the time either of signing the Convention without reservation as to ratification or of depositing its instrument of ratification or accession, would be considered as having fulfilled the conditions necessary to become a Contracting Party. This does not mean, however, that the requirement to provide the Depositary with a precise description and a map showing the boundaries of the wetland or wetlands included on the List has been waived. On the contrary, this is still an obligation which must be fulfilled as quickly as possible. It is no longer, however, a formal procedural requirement, the non-execution of which prevented a State from becoming a Party to the Convention.

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### **IX. Article 10 bis : Amendments**

Given that the original text of the Convention did not contain any amendment procedure, it was obviously extremely difficult to amend the text as might be considered necessary. For this reason, at its First Meeting at Cagliari in 1980, the Conference of the Contracting Parties recommended that priority be given to the establishment of a Protocol specifically containing such a procedure, based on the provisions of Article X of the Bonn Convention of 1979 on the Conservation of Migratory Species of Wild Animals (Recommendation REC. C.1.7).

Pursuant to this recommendation, an extraordinary Meeting of the Conference of the Parties was held in Paris, 2-3 December 1982, with the aim of adopting a protocol to the Convention centred on a provision to establish an amendment procedure. This provision constitutes Article 10 bis of the Convention. As a result of the adoption of the protocol, the Convention may now be amended at any extraordinary Meeting of the Parties convened for that purpose. Amendments must be adopted by a majority of two-thirds of the Contracting Parties present and voting. They enter into force four months after the date on which two thirds of the Contracting Parties have deposited an instrument of acceptance with the Depositary.

After the entry into force of the Paris Protocol on 1 October 1986, an extraordinary Meeting of the Conference of the Parties was convened in Regina in 1987 to adopt amendments to the Convention which were recognised as essential. These amendments were adopted by consensus. It should be noted in this context that although the Protocol allows for amendments to be adopted by a majority of two-thirds of the Parties present and voting, the Groningen Conference asked Parties "to endeavour . . . to adopt these amendments by consensus" so that "any amendment pertaining to the competence of both Conference and Secretariat should be adopted on the broadest possible basis" (Recommendation REC. C.2.2).

A certain ambiguity still surrounded the date on which amendments would enter into force. Article 10 bis, §6, provides that an adopted amendment shall enter into force, for the Contracting Parties which have accepted it, on the first day of the fourth month following the date on which "two thirds of the Contracting Parties" have deposited an instrument of acceptance with the Depositary. However, there was nothing to indicate whether this meant two-thirds of the Parties at the date of the entry into force of the amendment or at the date of its adoption. Given that the number of Parties was steadily increasing, the entry into force of amendments would have been significantly delayed if the first of these options had been endorsed. For this reason, the Montreux Conference in 1990 decided that the expression "two thirds of the Contracting Parties" should be interpreted as meaning two thirds of the Contracting Parties at the date of the amendment being adopted (Resolution RES. C.4.1). Pursuant to this decision, the amendments adopted at Regina entered into force on 1 May 1994, after having been accepted by 21 out of the 31 States which were Parties to the Convention, as modified by the Protocol, at the date when these amendments were adopted.

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## X. Languages

### 1. Authentic versions of the Convention

In the text of the Convention as adopted by the Ramsar Conference, the English text of the Convention was the only version designated as authentic and would therefore prevail in the event of any discrepancy. Considering that it was essential to the effectiveness of the Convention that the number of Contracting Parties be increased, the Cagliari Conference in 1980 therefore recommended the addition of other authentic or official versions of the text of the Convention so as to facilitate the accession of certain States. The Conference indicated, however, that this recommendation should not prejudice any decisions on official working languages which might be adopted in the future by the Conference of the Parties (Recommendation REC. C.1.7).

Two years later, Article 2 of the Paris Protocol amended the very last clause of the Convention so that texts in the French, German and Russian languages could henceforth be considered equally authentic with the English text. In contrast, somewhat surprisingly, there are only two authentic versions of the Protocol, those in English and in French.

The "Final Act" of the Conference to conclude the Protocol of Paris states that the Depositary of the Convention shall endeavour to present to the next Meeting of the Contracting Parties official versions of the Convention in Arabic, Spanish and Chinese, prepared in consultation with interested Governments and with the assistance of the Bureau. Pursuant to this undertaking, the Depositary presented these three official versions to the Third Meeting of the Conference of the Parties at Groningen in 1984.

The authentic French version of the Convention, slightly amending the original version drawn up at the Ramsar Conference, was reproduced in the annex to the Paris Protocol in 1982 (Article 3 of the Protocol). It transpired, however, that the corrections made to the original French text weakened certain provisions of the Ramsar Convention in comparison with the English version of the Convention, which made it necessary to amend the authentic French version accordingly. For this purpose, the Montreux Conference in 1990 mandated a group of French-speaking Contracting Parties to study the possibility of aligning the French version with the English version. It was agreed that the procedure laid down by Article 79.2 of the Vienna Convention on the Law of Treaties for the correction of errors should be followed.

Pursuant to this provision, the Depositary shall notify both the error and the proposed correction to signatory States and Contracting Parties, and shall specify the period of time during which an objection to the proposed correction may be made. If no objection has been made by the expiry of



the time limit, the Depositary shall execute and sign the correction to the text, formally minute the correction and send copies of this minute to Parties and to States which are in the process of acceding to or ratifying the text. Where an objection has been entered, the Depositary shall notify the objection to signatory States and Contracting Parties.

The decision to correct the official French text of the Ramsar Convention in accordance with the procedure laid down by Article 79.2 of the Vienna Convention was approved by consensus at the Conference of the Parties at Montreux on 2 July 1990 (PLEN. C.4.5). The procedure was completed in 1994. The corrected text thus constitutes the new French official version of the Convention.

## **2. Official working languages of the Conference**

Article 16 of the rules of procedure specifies that English and French are the official languages and the working languages of the Conference. In 1990, however, the Montreux Conference noted that a growing number of Latin American countries are becoming Contracting Parties to the Convention and that the introduction of Spanish as a working language would facilitate the accession of these countries and other States to the Convention. The Conference therefore decided that Spanish should be a working language of the Conference of the Parties (Resolution RES. C.4.2).

It follows that there are four authentic versions of the Convention, in English, French, German and Russian, three official but non-authentic versions in Arabic, Spanish and Chinese, two authentic language versions of the Protocol - English and French - and three working languages of the Conference of the Parties and the Bureau: English, Spanish and French.

At its Fifth Meeting in 1993, many Arabic-speaking countries requested that the Conference should make Arabic a working language of the Conference. It recognised that such a step would encourage the accession of many new Contracting Parties and the improved implementation of the Convention in Arabic-speaking countries which are already Contracting Parties. It therefore called on the Convention Bureau to investigate the possibility of adopting Arabic as a working language of the Conference and to advise the Standing Committee of the financial and other implications of so doing. In addition, it urged existing and potential Arabic-speaking Contracting Parties to assist the Bureau to seek the funding support necessary for this purpose (Recommendation REC. C.5.15).

In the same recommendation, the Conference expressed its appreciation of the provision at Kushiro of interpretation facilities to and from Japanese and recommended that Contracting Parties, the Standing Committee and the Bureau should ensure that interpretation facilities to and from the local vernacular language of the host country should be available at future Meetings of the Conference.

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## **Annex I**

### **The evolution of the criteria for the identification of wetlands of international importance**

#### **A) The criteria adopted by the International Conference on Conservation of Wetlands and Waterfowl, Heiligenhafen (2-6 December 1974)**

##### **1. Criteria pertaining to a wetland's importance to populations and species of birds**

A wetland should be considered internationally important if it:

(i) regularly supports 1% (being at least 100 individuals) of the flyway or biogeographical population of one species of waterfowl,

or (ii) regularly supports either 10,000 ducks, geese and swans; or 10,000 coots; or 20,000 waders,

or (iii) supports an appreciable number of an endangered species of plant or animal,

or (iv) is of special value for maintaining the genetic and ecological diversity because of the quality and peculiarities of its flora and fauna,

or (v) plays a major role in its region as the habitat of plants and of aquatic and other animals of scientific or economic importance.

##### **2. Criteria concerned with the selection of representative or unique wetlands**

A wetland should be considered internationally important if it:

(i) is a representative example of a wetland community characteristic of its biogeographical region,

or (ii) exemplifies a critical stage or extreme in biological or hydromorphological processes,

or (iii) is an integral part of a peculiar physical feature.

##### **3. Criteria concerned with the research, educational or recreational values of wetlands**

A wetland should be considered internationally important if it:

(i) is outstandingly important, well-situated and well-equipped for scientific research and for education,

or (ii) is well-studied and documented over many years and with a continuing programme of research of high value, regularly published and contributed to by the scientific community,

or (iii) offers special opportunities for promoting public understanding and appreciation of wetlands, open to people from several countries.

#### **4. Criteria concerned with the practicality of conservation and management**

Notwithstanding its fitness to be considered as internationally important on one of the Criteria set out under 1, 2 and 3 above, a wetland should only be designated for inclusion in the List of the Ramsar Convention if it:

(i) is physically and administratively capable of being effectively conserved and managed,

and (ii) is free from the threat of a major impact of external pollution, hydrological interferences and land use or industrial practices.

A wetland of national value only may nevertheless be considered of international importance if it forms a complex with another adjacent wetland of similar value across an international border.

### **B. The criteria adopted by the First Conference of the Contracting Parties, Cagliari (24-29 November, 1980)**

#### **1. Quantitative criteria for identifying wetlands of importance to waterfowl**

A wetland should be considered internationally important if it:

(a) regularly supports either 10,000 ducks, geese and swans; or 10000 coots; or 20,000 waders,

or (b) regularly supports 1% of the individuals in a population of one species or subspecies of waterfowl,

or (c) regularly supports 1% of the breeding pairs in a population of one species or subspecies of waterfowl.

#### **2. General criteria for identifying wetlands of importance to plants or animals**

A wetland should be considered internationally important if it:

(a) supports an appreciable number of a rare, vulnerable or endangered species or subspecies of plant or animal,

or (b) is of special value for maintaining the genetic and ecological diversity of a region because of the quality and peculiarities of its flora and fauna,

or (c) is of special value as the habitat of plants or animals at a critical stage of their biological cycles

or (d) is of special value for its endemic animal or plant species or communities.

### **3. Criteria for assessing the value of representative or unique wetlands**

A wetland should be considered internationally important if it is a particularly good example of a specific type of wetland characteristic of its region.

### **C. Criteria adopted by the Third Meeting of the Conference of the Contracting Parties, Regina (27 May-5 June 1987)**

#### **1. Criteria for assessing the value of representative or unique wetlands**

A wetland should be considered internationally important if it is a particularly good example of a specific type of wetland characteristic of its region.

#### **2. General criteria for using plants or animals to identify wetlands of importance**

A wetland should be considered internationally important if:

(a) it supports an appreciable assemblage of rare, vulnerable or endangered species or subspecies of plant or animal, or an appreciable number of individuals of any one or more of these species;

or (b) it is of special value for maintaining the genetic and ecological diversity of a region because of the quality and peculiarities of its flora and fauna,

or (c) it is of special value as the habitat of plants or animals at a critical stage of their biological cycles;

or (d) it is of special value for its endemic plant or animal species or communities.

### **3. Specific criteria for using waterfowl to identify wetlands of importance**

A wetland should be considered internationally important if:

(a) it regularly supports 20,000 waterfowl,

or (b) it regularly supports substantial numbers of individuals from particular groups of waterfowl, indicative of wetland values, productivity or diversity;

or (c) where data on populations is available, it regularly supports 1% of the individuals in a population of one species or subspecies of waterfowl.

### **D. The Criteria adopted by the Fourth Conference of the Contracting Parties, Montreux (27 June - 4 July 1990)**

#### **1. Criteria for representative or unique wetlands**

A wetland should be considered internationally important if:

(a) it is a particularly good representative example of a natural or near-natural wetland, characteristic of the appropriate biogeographical region;

or (b) it is a particularly good representative example of a natural or near-natural wetland, common to more than one biogeographical region;

or (c) it is a particularly good representative example of a wetland which plays a substantial hydrological, biological or ecological role in the natural functioning of a major river basin or coastal system, especially where it is located in a trans-border position;

or (d) it is an example of a specific type of wetland, rare or unusual in the appropriate biogeographical region.

#### **2. General criteria based on plants or animals**

A wetland should be considered internationally important if:

(a) it supports an appreciable assemblage of rare, vulnerable or endangered species or subspecies of plant or animal, or an appreciable number of individuals of any one or more of these species;

or (b) it is of special value for maintaining the genetic and ecological diversity of a region because of the quality and peculiarities of its flora and fauna;

or (c) it is of special value as the habitat of plants or animals at a critical stage of their biological cycle;

or (d) it is of special value for one or more endemic plant or animal species or communities.

### **3. Specific criteria based on waterfowl**

A wetland should be considered internationally important if:

(a) it regularly supports 20,000 waterfowl;

or (b) it regularly supports substantial numbers of individuals from particular groups of waterfowl, indicative of wetland values, productivity or diversity;

or (c) where data on populations are available, it regularly supports 1% of the individuals in a population of one species or subspecies of waterfowl.

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## **Annex II**

### **Chronological sequence of important events in the life of the Ramsar Convention**

1962 - MAR Conference held at Les Saintes-Maries-de-la-Mer (France) recommends the compilation of a list of wetlands of international importance as a basis for an international convention on wetlands.

1963 - First European Meeting on Wildfowl Conservation held in St Andrews (United Kingdom) recommends the establishment of a European network of wildfowl refuges and the conclusion of a convention to ensure the effective and co-ordinated operation of this network.

1965 - IWRB proposes subjects for an international convention on wetlands.

1966 - Second European Meeting on Wildfowl Conservation held in Noordwijk (Netherlands) requests the Dutch Government to explore the possibility of drafting such a convention.

1967 - Netherlands Government prepares first draft. IWRB submits proposals for amending the draft.

1968 - Second draft prepared by Dutch Government.

1969 - Government of the Netherlands circulates official draft proposal for a Convention on Wetlands as Wildfowl Habitat.

1970 - Official draft considered and amended at a technical meeting organized by IWRB at Espoo (Finland). Final draft submitted to Governments by IWRB.

3 February 1971 - Convention adopted at Ramsar, Iran.

1974 - International Conference on Conservation of Wetlands and Waterfowl held in Heiligenhafen (Federal Republic of Germany) recommends criteria to be used in identifying wetlands of international importance for the purpose of the Ramsar Convention when it comes into force.

21 December 1975 - Entry into force of the Convention.

1980 - First Conference of the Parties, held in Cagliari (Italy), adopts criteria for the identification of wetlands of international importance, recognizes the need to amend the Convention and decides that a protocol be drafted to establish an amendment procedure and to add authentic or official language versions of the Convention based upon the United Nations practice.

3 December 1982 - Adoption of the Protocol by an Extraordinary Conference of the Parties in Paris.

1984 - Second Conference of the Parties, held in Groningen (Netherlands), discusses proposed amendments to the Convention.

1 October 1986 - Entry into force of Paris Protocol.

28 May 1987 - Adoption of amendments to the Convention by an Extraordinary Conference of the Parties in Regina (Canada).

1987 - Third Conference of the Parties, also held in Regina, recommends that the amendments be implemented on a provisional basis until such time as they come officially into force, establishes a

Standing Committee and a permanent secretariat and adopts for the first time financial regulations and a budget. The secretariat is to be an integrated autonomous unit with one section with IUCN at Gland (Switzerland) and another with IWRB at Slimbridge (United Kingdom) and is to be financed by the Convention budget. Other decisions of the Third Conference include the adoption of a new set of criteria for the identification of wetlands of international importance and of a definition of the wise use of wetlands.

1988 - Standing Committee establishes Monitoring Procedure.

1990 - Fourth Conference of the Parties, held in Montreux (Switzerland), endorses Standing Committee's decision on Monitoring Procedure, creates Montreux Record, adopts new criteria for the identification of wetlands of international importance, approves guidelines for the implementation of the wise use concept, establishes the Wetland Conservation Fund, and decides to regroup all Bureau personnel in a single independent unit located at IUCN headquarters at Gland.

1993 - Fifth Conference of the Parties, held in Kushiro (Japan), establishes Scientific and Technical Review Panel, adopts additional guidance for the implementation of the wise use concept, approves guidelines for management planning of Ramsar sites and other wetlands, and adopts "Kushiro Statement" as a framework for the implementation of the Convention.

1 May 1994 - Entry into force of the amendments adopted in Regina.

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**Notes:**

1. Now known as the International Waterfowl and Wetlands Research Bureau **[and subsequently as Wetlands International]**.

2. Now known as BirdLife International.

3. MAR stands for the first three letters of the word used in four languages to refer to this type of biotope: marsh, marisma, marais, and maremma.

4. The Group was also requested to examine the ways in which the wise use provisions of the Convention might be applied. For the results of the Group's work on this question, see Part II.3 below.

5. Melaleuca are trees characteristic of forests which are regularly flooded in the district of U Minh in the Mekong Delta.



6. A first round of discussions on the draft Agreement, now entitled *Agreement on the Conservation of Migratory African-Eurasian Waterfowl*, took place in Nairobi in June 1994.

7. The term MDB refers to multilateral development banks, namely the International Bank for Reconstruction and Development (the World Bank) and three regional banks: the Inter-American Development Bank, the African Development Bank, and the Asian Development Bank.

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**Note on this publication of the book (October 1997):**

**1. Readers should be reminded that Cyril de Klemm's manuscript was completed in 1994 and therefore does not take into account the advances made at the 6th Conference of the Parties in Brisbane, March 1996. Some of these are merely name changes (e.g., Wetland Conservation Fund to Small Grants Fund) but others are more substantial (e.g., the organization of the Bureau's work programme, now superseded by the adoption of the Strategic Plan 1997-2002). No attempt has been made to update the material of the book for this reprint, so the reader must be aware that the analysis holds good only up to 1994.**