

"Wetlands: water, life, and culture"
8th Meeting of the Conference of the Contracting Parties
to the Convention on Wetlands (Ramsar, Iran, 1971)
Valencia, Spain, 18-26 November 2002

Resolution VIII.20

General guidance for interpreting “urgent national interests” under Article 2.5 of the Convention and considering compensation under Article 4.2

1. RECALLING that Article 2.5 of the Ramsar Convention states that “any Contracting Party shall have the right . . . because of its urgent national interests, to delete or restrict the boundaries of wetlands already included by it in the List”;
2. RECALLING that Article 4.2 of the Ramsar Convention states that “Where a Contracting Party in its urgent national interest, deletes or restricts the boundaries of a wetland included in the List, it should as far as possible compensate for any loss of wetland resources”;
3. RECOGNIZING that Articles 2.5 and 4.2 of the Ramsar Convention do not supply any guidance as to the interpretation of the term “urgent national interests” or to how compensation should be determined;
4. NOTING that Resolution VII.23 requested the Standing Committee, in cooperation with the Bureau and the Scientific and Technical Review Panel (STRP), to develop for consideration and possible adoption at COP8 guidance for the Contracting Parties in interpreting Articles 2.5 and 4.2; and
5. REAFFIRMING the provision of Article 2.3 of the Convention which states that “the inclusion of a wetland in the List does not prejudice the exclusive sovereign rights of the Contracting Party in whose territory the wetland is situated”;

THE CONFERENCE OF THE CONTRACTING PARTIES

6. ADOPTS the Annex to this Resolution entitled *General guidance for interpreting “urgent national interests” under Article 2.5 of the Convention and considering compensation under Article 4.2 of the Convention*; and
7. ENCOURAGES Contracting Parties to take into account this general guidance when invoking their right under Article 2.5 and considering compensation in those cases where the boundaries of sites included in the Ramsar List are restricted or a Ramsar site is deleted from the List.

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Annex

General guidance for interpreting “urgent national interests” under Article 2.5 of the Convention and considering compensation under Article 4.2

Purpose

1. In keeping with Article 2.3 of the Convention that “the inclusion of a wetland in the List does not prejudice the exclusive sovereign rights of the Contracting Party in whose territory the wetland is situated,” the determination of “urgent national interests” lies solely with the Contracting Party. The following guidance may assist Contracting Parties in interpreting Article 2.5 and Article 4.2. This guidance may be used by Contracting Parties if they so wish.
2. This general guidance does not prevent a Contracting Party from maintaining or introducing more stringent regulations for the application of the “urgent national interests” clause of the Convention and the provisions for compensation when the clause has been invoked.

Urgent national interests

3. When invoking its right under Article 2.5 to delete from or restrict the boundaries of wetlands included in the List of Wetlands of International Importance (Ramsar sites) in the case of urgent national interests, a Contracting Party may take into account, *inter alia*:
 - 3.1 the national benefits of maintaining the integrity of the wetlands system and its related benefits;
 - 3.2 whether maintaining the status quo threatens a national interest;
 - 3.3 whether the proposed change is consistent with national policies;
 - 3.4 whether the immediate action is required to avert a significant threat;
 - 3.5 whether a national interest is being increasingly threatened;
 - 3.6 all reasonable alternatives to the proposed action, including the “without project” option, finding an alternative location, introducing buffer zones, etc.;
 - 3.7 the existing functions and economic, social and ecological values of the site in question. (The more important the site’s values and functions, the higher should be the social, economic, or ecological benefits of the proposed project.);
 - 3.8 the particular value of habitats harbouring endemic, threatened, rare, vulnerable or endangered species;
 - 3.9 whether the proposed action provides benefits to a large base of recipients;
 - 3.10 whether, over the long term, the proposed action offers greater benefits;
 - 3.11 the alternative that will best minimize harm to the site in question; and
 - 3.12 transboundary effects.

Compensation

4. When invoking its right under Article 2.5 of the Convention in cases of urgent national interests, a Contracting Party should as far as possible compensate for any loss of wetland

resources. When considering such compensation, a Contracting Party may take into account, *inter alia*, the following:

- 4.1 the maintenance of the overall value of the Contracting Party's wetland area included in the Ramsar List at the national and global level;
- 4.2 the availability of compensatory replacement;
- 4.3 the relevance of the compensatory measure to the ecological character, habitat, or value of the affected Ramsar site(s);
- 4.4 scientific and other uncertainties;
- 4.5 the timing of the compensatory measure relative to the proposed action; and
- 4.6 the adverse effect the compensatory measure itself may cause.

Procedural matters

5. A prior environmental assessment, taking into consideration the full range of functions, services, and benefits offered by the wetland, would normally be an appropriate first step when a Contracting Party is invoking the right under Article 2.5 to delete from the List or restrict the boundaries of listed wetlands, and proposing mitigation or compensatory measures under Article 4.2. Whenever possible, the assessment should be made in full consultation with all stakeholders.
6. In invoking the right under Article 2.5 to delete from the List or restrict the boundaries of listed wetlands, a Contracting Party should take into account that where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.
7. In invoking the right under Article 2.5 to delete from the List or restrict the boundaries of listed wetlands, a Contracting Party shall inform the Ramsar Bureau of such changes in boundaries at the earliest possible time, as required by Article 2.5. A Contracting Party, when notifying such changes to the Bureau, may request advice including from the Scientific and Technical Review Panel (STRP) and/or Standing Committee before any irreversible action is taken.