

CONVENTION ON WETLANDS (Ramsar, Iran, 1971)

Standing Committee Sub-group on COP9
Gland, Switzerland, 7-10 March 2005

DOC. COP9 SG-10

Agenda item 10

Ramsar Sites which cease to meet or never met the Ramsar Criteria (Resolution VIII.22)

Action requested: The Standing Committee is invited to consider the approach on this matter and to confirm the next steps for preparing guidance, as appropriate, for consideration by COP9.

Note by the Ramsar Secretariat

1. Members of the Subgroup on COP9 will recall that although the Convention text establishes under Article 2 a process for the designation of wetlands of International Importance (Ramsar sites), and the extension of boundaries of sites already designated, it makes provision for the deletion or boundary restriction of designated Ramsar sites only in the “urgent national interest” (Article 2.5).
2. In relation to this, Ramsar COP8 adopted Resolution VIII.21 on *Defining Ramsar site boundaries more accurately in Ramsar Information Sheets* and Resolution VIII.20 on *General guidance for interpreting “urgent national interests” under Article 2.5 of the Convention and considering compensation under Article 4.2*.
3. However, Parties at COP8 also recognised that there may be a number of other situations in which it could be deemed appropriate for practical purposes to delete a designated site from the List or restrict the boundaries of such a site,
4. In recognition of this, COP8 also adopted Resolution VIII.22 on *Issues concerning Ramsar sites that cease to fulfil or never fulfilled the Criteria for designation as Wetlands of International Importance*. In paragraph 6 of this Resolution, the Parties recognised that “there may be situations where:
 - a) a Ramsar site never met the Criteria for designation as a Wetland of International Importance;
 - b) part of a Ramsar site unavoidably loses the values, functions and attributes for which it was included, or was included in error; or
 - c) a Ramsar site at the time of listing met the Criteria but, whilst its values, functions and attributes remain unchanged, it later fails to

meet the Criteria because of a change in those Criteria or in the population estimates or parameters which underpin them.”

5. Resolution VIII.22 requested the Standing Committee, with support from the Secretariat and International Organization Partners, the Scientific and Technical Review Panel (STRP), appropriate legal and other experts, and interested Contracting Parties, to develop guidance on this issue and its relationship to those covered by Resolution VIII.20 and VIII.21. Specifically, paragraph 7 of Resolution VIII.22 proposed that “the following issues required further consideration:
 - a) identification of scenarios in which a listed Ramsar site may cease to fulfil the Criteria for designation as a Wetland of International Importance;
 - b) obligations of Contracting Parties under the Convention, and the possible application of compensation measures under Article 4.2; and
 - c) procedures that could be applied should the deletion or restriction of boundaries need to be contemplated in such situations.”
6. The 29th meeting of the Standing Committee (Decision SC29-16) requested the Ramsar Secretariat to prepare a report on these matters for consideration at its thirtieth meeting.
7. Accordingly, a discussion paper (DOC. SC30-13) was prepared for the 30th meeting of the Standing Committee by the Ramsar Secretariat, with the assistance of David Pritchard (BirdLife International) and input of information on boundary changes supplied by Contracting Parties, as a basis for preparing additional guidance, as appropriate, for consideration by the Standing Committee and COP9. In support of this work the Secretariat sought to identify relevant cases concerning different circumstances of Ramsar site boundary changes or proposed boundary changes from materials supplied by Contracting Parties.
8. The Standing Committee (Decision SC30-5) requested the secretariat, with the assistance of interested Contracting Parties and International Organization Partners, as appropriate, to further develop the issues and approaches, for circulation to all Parties prior to consideration at the 31st meeting of the Standing Committee.
9. The Ramsar Secretariat is currently further developing this material, as requested by Decision SC30-5, in the form of:
 - i. An information paper setting out the issues and outlining nine different scenarios under which consideration of boundary restrictions or site deletion questions could arise, should it not be relevant for a Party to have invoked “urgent national interest”; and

- ii. A draft COP9 Resolution on these matters, with short annexed guidance for Parties on a step-wise approach to assessing whether it is appropriate to consider such changes should deletion or restriction be contemplated, and proposed procedures for confirming any such change to a Listed site.
10. This guidance will be based on the overarching principle that a wetland should remain designated as a Ramsar site whenever possible and appropriate, in line with the intent of the Convention text for Ramsar site designation and the maintenance of their ecological character and the *Strategic Framework and guidelines for the further development of the List of Wetlands of International Importance*. The approach is also that delisting or boundary restriction should be seen as a very last resort after all other considerations and options have been fully assessed and considered.
 11. Should any such delisting or restriction be proposed by a Party, under Article 8.2 (d) it would then be a matter for discussion by Parties at the next COP.
 12. Once a draft of the Information Paper and COP9 DR has been prepared, the Secretariat will circulate it for consideration prior to the 31st meeting of the Standing Committee.