

Notification 2000 / 8

The Ramsar Convention on Wetlands: the role of “urgent national interest” and “compensation” in wetland protection

The Bureau of the Convention on Wetlands (Ramsar, Iran, 1971) presents its compliments and has the honour to refer to the following:

Under instructions from the Standing Committee, the Ramsar Bureau invites Contracting Parties to comment and make suggestions on the issues analyzed and the proposals made in the attached paper prepared for the Convention by IUCN's Environmental Law Centre (ELC). The deadline for comments is 31 March 2001.

On the basis of the comments received from Contracting Parties and the Convention's International Organization Partners, the ELC will be invited to revise the paper and, in particular, the proposed guidance on this issue. The Standing Committee will consider the new draft at its next meeting in December 2001 with a view to transmitting it for consideration by the next Conference of the Parties in 2002.

The attached paper is also available on the Ramsar Web site at
http://ramsar.org/key_sc25_docs08.htm

Background

Resolution VII.23, entitled “Issues concerning the boundary definitions of Ramsar sites and compensation of wetland habitat”, *inter alia* [emphases added in bold]:

11. REQUESTS the Standing Committee, with support from the Bureau, and in consultation with the Scientific and Technical Review Panel (STRP), experts familiar with the Habitats Directive of the European Union, appropriate legal and other experts, and interested Contracting Parties, **to develop for consideration and possible adoption at COP8 guidance for the Contracting Parties in interpreting Articles 2.5 and 4.2 [of the Convention], if resources allow;**

[Article 2.5. Any Contracting Party shall have the right to add to the List [of Wetlands of International Importance] further wetlands situated within its territory, to extend the boundaries of those wetlands already included by it in the List, **or, because of its urgent national interests, to delete or restrict the boundaries of wetlands already included by it in the List** and shall, at the earliest possible time, inform the organization or government responsible for the continuing bureau duties specified in Article 8 of any such changes.

Article 4. 2. 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, and in particular it should

[create additional nature reserves for waterfowl and for the protection, either in the same area or elsewhere, of an adequate portion of the original habitat.]

12. CALLS UPON any Contracting Parties that consider the deletion or restriction of the boundaries of a Ramsar site in the urgent national interest prior to COP8, to exercise the highest levels of environmental, economic and social impact assessment which take into consideration the full range of functions, services and benefits offered by the wetland; and
13. URGES those Contracting Parties or organizations with experience in issues of urgent national interest or similar determinations and habitat compensation and mitigation issues to provide any relevant information and materials to the Ramsar Bureau for consideration by the Standing Committee by no later than 30 September 1999.

In response to paragraph 11 of Resolution VII.23, quoted above, the Standing Committee analysed this matter at its 24th Meeting in 1999 and decided to request the Bureau to invite IUCN's Environment Law Centre to provide expert advice on this matter. The ELC prepared the attached paper, which was considered by the Standing Committee at its 25th Meeting in 2000. The Committee adopted the following:

Decision SC25-6: The Standing Committee requested the Bureau to translate the Environmental Law Centre's analytical paper into French and Spanish and circulate it to the Contracting Parties for comment; to convey any comments received to the ELC for consideration in a further draft of the paper; and to present that revised draft to the Standing Committee's next meeting for transmittal to COP8. The Committee expressed its gratitude to the ELC for its work thus far.

Additional request

The Bureau takes this opportunity to reiterate its invitation to those Contracting Parties that are in a position to do so, also to respond to the request made by Ramsar COP7 in paragraph 13 of the Resolution, as quoted above, since this input will still be relevant and appreciated in spite of the deadline established in the Resolution.

The Bureau of the Convention on Wetlands respectfully requests that the content of the present Note be communicated to the competent national authorities and avails itself of this opportunity to renew the assurance of its highest consideration.

Gland, 19 December 2000

Encl: ELC Paper