

Notification 2002 / 2

A request to initiate the process to amend the Convention on Wetlands of International Importance especially as Waterfowl Habitat

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

The Secretary General has received a formal request from Algeria to initiate the process to amend the Convention, pursuant to Article 10bis of the treaty. A copy of the original letter from Algeria in French, dated 26 December 2001 and indicating the reasons for the proposed amendments, is attached along with a translation in English or Spanish prepared by the Bureau.

The amendments proposed by Algeria are intended to allow regional economic integration organizations, such as the European Community, to become Contracting Parties to the Convention.

To this effect, the proposed amendments, noted in bold letters and a bigger typeface, are as follows:

Article 2

1. Each Contracting Party, **with the exception of the organizations referred to in paragraph 2 of Article 9**, shall designate suitable wetlands within its territory for inclusion in a List of Wetlands of International Importance, hereinafter referred to as "the List" which is maintained by the bureau established under Article 8. The boundaries of each wetland shall be precisely described and also delimited on a map and they may incorporate riparian and coastal zones adjacent to the wetlands, and islands or bodies of marine water deeper than six metres at low tide lying within the wetlands, especially where these have importance as waterfowl habitat.

...

4. Each Contracting Party, **with the exception of the organizations referred to in paragraph 2 of Article 9**, 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, as provided in Article 9.

5. Any Contracting Party, **with the exception of the organizations referred to in paragraph 2 of Article 9**, shall have the right to add to the List 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.

6. Each Contracting Party **required to designate sites for inclusion in the List** shall consider its international responsibilities for the conservation, management and wise use of migratory stocks of waterfowl, both when designating entries for the List and when exercising its right to change entries in the List relating to wetlands within its territory.

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Article 9

1. This Convention shall remain open for signature indefinitely.
2. Any member of the United Nations or of one of the Specialized Agencies or of the International Atomic Energy Agency or Party to the Statute of the International Court of Justice, **and regional economic integration organizations**, may become a Party to this Convention by:
 - a. signature without reservation as to ratification;
 - b. signature subject to ratification followed by ratification;
 - c. accession.

3. Ratification or accession shall be effected by the deposit of an instrument of ratification or accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization (hereinafter referred to as “the Depositary”).

4. In the instruments of accession, the organizations referred to in paragraph 2 above shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary of any relevant modification in the extent of their competence.

It should be noted that the proposed text to be added to Article 9 is taken *verbatim* from the text of the Convention on Biological Diversity, which would suggest that this is language that has already been agreed by the international community.

Article 10bis of the Convention reads as follows:

1. This Convention may be amended at a meeting of the Contracting Parties convened for that purpose in accordance with this article.
2. Proposals for amendment may be made by any Contracting Party.
3. The text of any proposed amendment and the reasons for it shall be communicated to the organization or government performing the continuing bureau duties under the Convention (hereinafter referred to as “the Bureau”) and

shall promptly be communicated by the Bureau to all Contracting Parties. Any comments on the text by the Contracting Parties shall be communicated to the Bureau within three months of the date on which the amendments were communicated to the Contracting Parties by the Bureau. The Bureau shall, immediately after the last day for submission of comments, communicate to the Contracting Parties all comments submitted by that day.

4. A meeting of Contracting Parties to consider an amendment communicated in accordance with paragraph 3 shall be convened by the Bureau upon the written request of one third of the Contracting Parties. The Bureau shall consult the Parties concerning the time and venue of the meeting.

5. Amendments shall be adopted by a two-thirds majority of the Contracting Parties present and voting.

6. An amendment adopted 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 Depository. For each Contracting Party which deposits an instrument of acceptance after the date on which two thirds of the Contracting Parties have deposited an instrument of acceptance, the amendment shall enter into force on the first day of the fourth month following the date of the deposit of its instrument of acceptance.

It should be noted that pursuant to paragraph 6 of Article 10bis, the proposed amendments, if adopted by the Conference of the Parties, will enter into force only when two thirds of the Contracting Parties (presently 87 Parties) have deposited an instrument of acceptance with UNESCO, the Depository of the Convention. This may take some time and consequently it will not be in the very near future that regional economic integration organizations could be invited to join the Convention. Nevertheless, opening this possibility may be important for the Convention in the long term.

Pursuant to paragraph 3 of Article 10bis, the Secretary General hereby invites Contracting Parties to submit comments on the proposal made by Algeria by 22 April 2002.

Pursuant to paragraph 4 of Article 10bis, the Secretary General invites Contracting Parties **also to signify, with their comments, their specific request to convene a meeting of the Contracting Parties to consider the proposed amendments**, since this can be done only upon the written request of one third of the Parties (presently 44 Parties).

Also pursuant to paragraph 4 of Article 10bis, the Secretary General takes this opportunity to canvas the opinion of Contracting Parties concerning the time and venue of the special meeting of the Contracting Parties to consider the proposed amendments, provided that one third of Contracting parties should signify their agreement, as per the previous paragraph. The Secretary General proposes to hold this special meeting at the Science Museum Príncipe Felipe, in Valencia, Spain, on Saturday 23 November 2002 at 15:00 hours, within the context of the 8th Meeting of the Conference of Contracting Parties to be held at the same venue on 18-26 November 2002.

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 to the Permanent Mission of ... the assurance of its highest consideration.

Gland, 22 January 2002

Encl: copy of Amendment Process Letter from Algeria
Bureau translation of letter