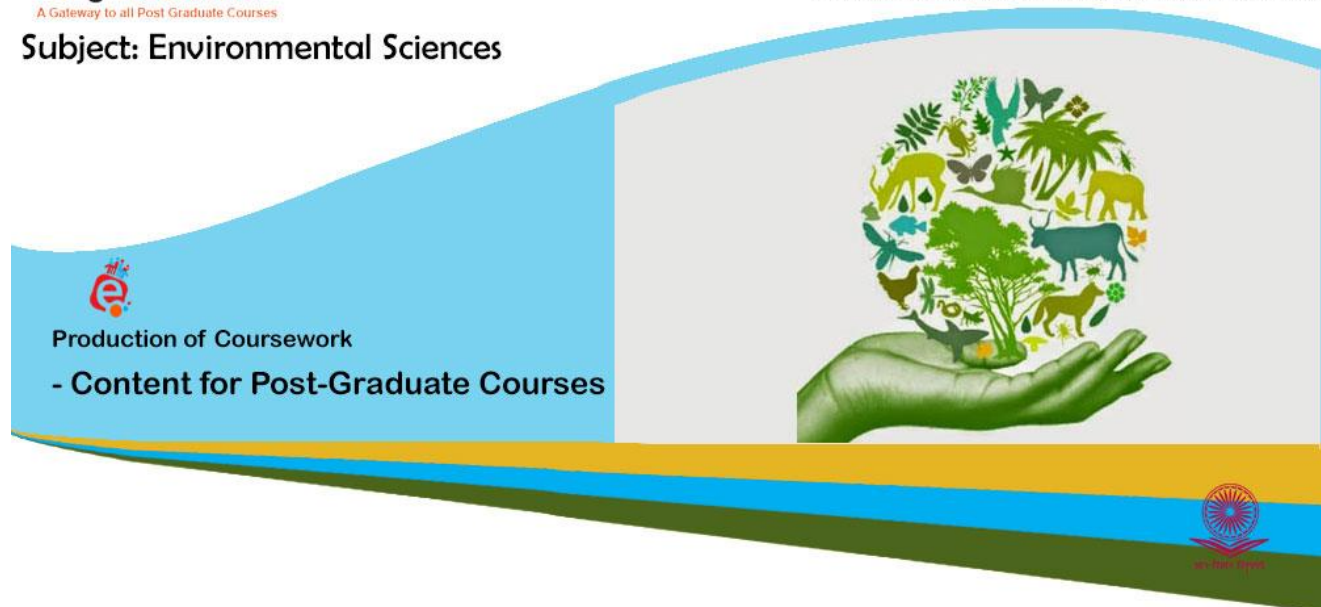


Subject: Environmental Sciences**Production of Coursework**
- Content for Post-Graduate Courses**Paper No 13: Environmental Law and Policies****Module: 31 Convention on Wetland of International Importance (Ramsar Convention), 1972**

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Description of Module	
Subject Name	Environmental Sciences
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Module Name/Title	Convention on Wetland of International Importance (Ramsar Convention), 1972
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Objectives	To introduce the regulatory framework for wetlands: at International and National level in special reference to the Ramsar Convention
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1. Introduction

The Convention on Wetlands, called Ramsar Convention, is the intergovernmental treaty that provides the framework for the conservation and “wise use¹” of wetlands and their resources. At the international level, the Ramsar Convention represents an important component of the legal framework although it does not cover all types of wetlands. Provisions of other international agreements are also applicable to wetlands. The convention was adopted in the Iranian city of Ramsar in 1971 and it came into force in 1975. Since then, almost 90% of UN Members states, from all over the world’s geographic regions, have acceded to become “Contracting Parties²”.

1.1 Historical Background

The Convention on Wetlands is an intergovernmental treaty adopted on 2 February 1971 in the Iranian city of Ramsar, on the southern shore of the Caspian Sea. Thus, though nowadays the name of the Convention is usually written “Convention on Wetlands (Ramsar, Iran, 1971)”, it has come to be known popularly as the “Ramsar Convention”. Ramsar is the first of the modern global intergovernmental treaties on the conservation and sustainable use of natural resources, but, compared with more recent ones, its provisions are relatively straightforward and general.

The official name of the treaty, The Convention on Wetlands of International Importance especially as Waterfowl Habitat, reflects the original emphasis upon the conservation and wise use of wetlands primarily as habitat for water birds.

1.2 Definition of Wetlands

In order to know further about the Ramsar convention it is necessary to define the “Wetlands.” Wetland means where water is near to the surface of the land. Where water is shallow is also a place of

¹ Wise use of wetlands is the maintenance of their ecological character, achieved through the implementation of ecosystem approaches, within the context of sustainable development.

² About the Ramsar Convention, available on <https://www.ramsar.org/about-the-ramsar-convention>

wetland. Wetlands are those areas where the water is the primary factor in controlling the life of plants and animal life.

The Ramsar Convention takes a broad approach in determining the wetlands which come under its mandate. Under the text of the Convention (Article 1.1), wetlands are defined as:

- (a) “areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres”.
- (b) In addition, for the purpose of protecting coherent sites, the Article 2.1 provides that wetlands to be included in the Ramsar List of internationally important wetlands: “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”.

It means that the definition of the wetland may also include the riparian and coastal zones which are adjacent to it. It has a wider scope and it can also include the water deeper than six metres in case it is marine water at low tide lying within the wetlands. It is important to mention here that lakes and rivers are understood to be covered by the Ramsar definition of wetlands in their entirety, regardless of their depth. There are five major types of wetlands which are recognized.

1.3 Types of Wetland are:

As Five major wetland types are generally recognized:

- marine (coastal wetlands including coastal lagoons, rocky shores, and coral reefs);
- estuarine (including deltas, tidal marshes, and mangrove swamps);
- lacustrine (wetlands associated with lakes);
- riverine (wetlands along rivers and streams); and
- palustrine (meaning “marshy” – marshes, swamps and bogs).

1.3.1 Human Made Wetland: In addition, there are human-made wetlands such as fish and shrimp ponds, farm ponds, irrigated agricultural land, salt pans, reservoirs, gravel pits, sewage farms and canals.

The Ramsar Convention has adopted a Ramsar Classification of Wetland Type includes 42 types, grouped into three categories: Marine and Coastal Wetlands, Inland Wetlands, and Human-made Wetlands. According to the text of the Convention, marine wetlands are considered to be wetlands up to a depth of six meters at low tide (the figure is thought to come from the maximum depth to which sea ducks can dive whilst feeding), but the treaty also provides for waters deeper than six meters, as well as islands, to be included within the boundaries of protected wetlands. It is also worth emphasizing that lakes and rivers are understood to be covered by the Ramsar definition of wetlands in their entirety, regardless of their depth³.

2. Why there is a Need to Preserve Wetland

Wetlands are among the world's most productive environments. They are cradles of biological diversity, providing the water and primary productivity upon which countless species of plants and animals depend for survival. They support high concentrations of birds, mammals, reptiles, amphibians, fish and invertebrate species. Wetlands are also important storehouses of plant genetic material. Rice, for example, which is a common wetland plant, is the staple diet of more than half of humanity. So there is a need to preserve wetland.

2.1 What are the Three Pillars of the Convention

The Ramsar Strategic Plan and the “three pillars” of the Convention are mentioned in the third Strategic Plan, Contracting Parties seek to deliver their commitments to wetland conservation and wise use through “three pillars” of action. These are:

³ Ramsar Convention Secretariat, 2013. The Ramsar Convention Manual: a guide to the Convention on Wetlands (Ramsar, Iran, 1971), 6th ed. Ramsar Convention Secretariat, Gland, Switzerland. Available at: <https://www.ramsar.org/sites/default/files/documents/library/manual6-2013-e.pdf>

- a) working towards the “wise use” of their wetlands through a wide range of actions and processes contributing to human well-being through sustainable wetlands, water allocation, and river basin management, etc.⁴
- b) devoting particular attention to the further identification, designation and management of a comprehensive suite of sites for the List of Wetlands of International Importance.
- c) cooperating internationally in the delivery of wetland conservation and wise use, through the management of transboundary water resources and wetlands and shared wetland species, collaboration with other conventions and international organizations, sharing of information and expertise, and increasing the flow of financial resources and relevant technologies to less-developed countries.

3. How Does Ramsar Convention Works

The implementation of the Ramsar Convention is a continuing partnership between the Contracting Parties, the Standing Committee, and the Convention Secretariat, with the advice of the subsidiary expert body, the Scientific and Technical Review Panel (STRP), and the support of the International Organization Partners (IOPs).

Every three years, the representatives of the Contracting Parties meet as the Conference of the Contracting Parties, the policy-making organ of the Convention which adopts decisions (Resolutions and Recommendations) to administer the work of the Convention and improve the way in which the Parties are able to implement its objectives.

The Framework for Implementation of the Ramsar Convention, first adopted at the 1984 Conference of the Parties set out both the long-term commitments and the priorities for the attention of the Contracting Parties to the Convention – subsequent meetings of the Conference have updated the

⁴ for example, establishing national wetland policies; harmonizing the framework of laws and financial instruments affecting wetlands; undertaking inventory and assessment; ensuring public participation in wetland management and the maintenance of cultural values by local communities and indigenous people; promoting communication, education, participation, and awareness; and increasing private sector involvement;

Framework in light of decisions of the COP, and, within this framework, priority objectives have been agreed for the Parties, the Standing Committee, and the Secretariat for each coming triennium.

3.1 The Conference of the Contracting Parties

The Conference of the Contracting Parties (COP) is the policy-making organ of the Convention. Government representatives from each of the Contracting Parties meet every three years to receive national reports on the preceding triennium, approve the work programme and budgetary arrangements for the next three years, and consider guidance for the Parties on a range of ongoing and emerging environmental issues⁵.

3.1.1. Other Participants in the Conference

Representatives of non-member States, intergovernmental institutions, and national and international non-governmental organizations (NGOs) may participate in these meetings as non-voting observers. There is a procedure stipulated in the treaty and the “Rules of Procedure” for voting by the Parties, but in fact there has not yet been a vote on any substantive decision, and all decisions have in the end been made by consensus.

The programme of each meeting of the COP includes a number of opportunities for presentations and discussions of ongoing and emerging issues of importance in the field of wetland conservation, including further interpretation and development of key Convention concepts and guidance for the Parties on key areas of implementation. These issues are considered in the plenary sessions, which normally leads to the adoption of Resolutions and Recommendations. Ramsar COPs have gained the reputation of being highly effective events, allowing an active involvement and participation of the non-governmental and academic communities.

⁵ (Articles 6 and 7 of the Convention set out the broad duties of the Conference

3.1.2 Publication of the Proceedings

The Proceedings of each meeting of the Conference of the Contracting Parties are published subsequently, in the Convention's three official working languages (English, French, and Spanish), on CD-ROM by the Secretariat.

Normally, the Proceedings contain:

- a Conference Report on the plenary sessions;
- the Resolutions and Recommendations adopted by the Conference;
- lists of the participants;
- the National Reports submitted by the Parties; and
- other documentation provided to the COP for consideration or information.

The Proceedings of all of the meetings of the Conference of the Parties have also been published on the Ramsar website, with additional materials.

3.2 The Standing Committee

The Standing Committee of the Ramsar Convention is the intersessional executive body which represents the COP between its triennial meetings, within the framework of the decisions made by the COP. The Contracting Parties that are members of the SC are elected by each meeting of the COP to serve for the three years until the next one, The Contracting Parties that have accepted to be elected as Regional Representatives on the Standing Committee shall have the following tasks:

1. To designate their delegates to the Standing Committee taking into account their significant responsibilities as Regional Representatives and to make every effort that their delegates or their substitutes attend all meetings of the Committee.
2. When there is more than one Regional Representative in a regional group, to maintain regular contacts and consultations with the other regional representative(s).

3. To maintain regular contacts and consultations with the Contracting Parties in their regional group, and to use the opportunities of travel within their regions and of attending regional or international meetings to consult about issues related to the Convention and to promote its objectives. To this effect, when there is more than one regional representative, they will agree among themselves which Contracting Parties will be the responsibility of each regional representative.
4. To canvass the opinions of the Contracting Parties in their regional group before meetings of the Standing Committee.
5. To advise the Secretariat in setting the agenda of regional meetings.
6. To assume additional responsibilities by serving as members of the subgroups established by the Standing Committee.
7. To provide advice as requested by the Chairperson and/or the chairs of subgroups and/or the Secretariat of the Convention.
8. In the regions concerned, to make deliberate efforts to encourage other countries to join the Convention.

The Standing Committee normally meets once each year, traditionally at the offices of the Secretariat in Switzerland. There are presently 16 regional and two ex officio members of the Standing Committee, chosen on a proportional basis from the Ramsar regions.

3.3 The Secretariat

The Ramsar Convention Secretariat carries out the day-to-day coordination of the Convention's activities. It is located in the headquarters facilities of IUCN-International Union for Conservation of Nature in Gland, Switzerland, and Secretariat staff are legally considered to be employees of IUCN.

3.4 The Ramsar Convention Budget

The Conference of the Contracting Parties reviews the financial regulations of the Convention and adopts a core budget for the next triennium at each of its ordinary meetings. The Convention uses the Swiss franc as its working currency. Draft budgets are prepared by the Secretariat and submitted for endorsement to the Standing Committee prior to ordinary meetings of the Conference. The core budget basically covers the following costs:

- functioning of the Convention Secretariat

- some of the costs of the meetings of the Standing Committee and STRP, including the cost of participation of members from less developed countries;
- a contribution to IUCN for costs incurred in hosting the Secretariat offices;
- a contribution to Wetlands International for the management of the Ramsar Sites Database and Ramsar Sites Information Service;
- modest funding for the Convention's CEPA support activities; and
- a contribution to support regional initiatives under the Convention⁶.

3.5 The Ramsar Regions

Regionalization is a significant factor in the operation of the Convention, in terms of the structure of the Standing Committee, the organization of Secretariat staff and duties, and the ways in which Contracting Parties cooperate through regional representation and meetings.

This system was reviewed in 1999, so that now, for technical and administrative purposes, the Ramsar Convention has established six regions:

- Africa
- Asia
- Europe
- Neotropics (South and Central America and the Caribbean area)
- North America (Canada, Mexico, and the United States)
- Oceania

3.6 Cooperation with other organizations

The Ramsar Convention, through the Secretariat and its other bodies, maintains close working links with other international, intergovernmental, and non-governmental organizations to achieve a strategic alliance for wetland conservation.

In Resolution, the Parties judged that International Water Management Institute meets the qualifications for Ramsar International Organization Partner status that were outlined in 1999 and

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endorsed the addition of that organization as the fifth official partner of the Convention. The five International Organization Partners are:

- Bird Life International (formerly ICBP)
- IUCN – International Union for Conservation of Nature
- International Water Management Institute (IWMI)
- Wetlands International (formerly IWRB, the Asian Wetlands Bureau, and Wetlands for the Americas)
- WWF

International The IOPs provide invaluable support for the work of the Convention at global, regional, national, and local levels, chiefly by providing expert technical advice, field level implementation assistance, and financial support, both from their headquarters units and from their national and regional offices and affiliates and from their expert networks.

4. Assisting the Contracting Parties

Under the convention the assistance is also available to Contracting Parties to help them meet their commitments under the Convention.

4.1 The Ramsar Handbooks

Over the years, the Conference of the Contracting Parties has adopted a considerable body of scientific, technical, and policy guidance to assist the Parties in addressing the issues embodied in the Convention’s “three pillars”: the wise use of all wetlands, Wetlands of International Importance, and international cooperation.

4.2 The wise use of wetlands

Through this concept of “wise use”, which was pioneering when the Convention was drafted, the Convention continues to emphasize that human uses on a sustainable basis is entirely compatible with Ramsar principles and wetland conservation in general.

The Ramsar wise use concept applies to all wetlands and water resources in a Contracting Party’s territory, not only to those sites designated as Wetlands of International Importance. Its application is

crucial to ensuring that wetlands can continue fully to deliver their vital role in supporting maintenance of biological diversity and human well-being. As this term “wise use” gained currency within the Ramsar community and was used elsewhere for different purposes, the Conference of the Parties recognized the need for greater precision and adopted a definition at its 3rd meeting in Regina, Canada, in 1987.

To assist the Parties in implementing the wise use concept, the Wise Use Working Group, established at Regina, developed Guidelines for the implementation of the wise use concept, which were adopted in 1990.

The pioneering ‘Wise Use Guidelines’ emphasized the importance for Contracting Parties to:

- adopt national wetland policies, involving a review of their existing legislation and institutional arrangements to deal with wetland matters (either as separate policy instruments or as part of national environmental action plans, national biodiversity strategies, or other national strategic planning);
- develop programmes of wetland inventory, monitoring, research, training, education and public awareness; and
- take action at wetland sites, involving the development of integrated management plans covering every aspect of the wetlands and their relationships with their catchments.

4.2.1 Establishment of national wetland policies

a) Institutional and organizational arrangements

Since the 1st meeting of the Conference of the Contracting Parties (Cagliari, 1980), the Parties have recognized that National Wetland Policies are a key feature in the implementation of the wise use concept.

To assist them in developing their Policies, the Conference of the Parties has adopted Guidelines for developing and implementing National Wetland Policies A Handbook which provides a broad-based multi-sectoral consultative process of policy development to resolve conflicting interests and share ownership in the Policy amongst all stakeholders.

b) Legislation: The Contracting Parties has urged that they will ensure national laws to protect wetland in their respective country. The Guidelines for reviewing laws and institutions to promote the conservation and wise use of wetlands was adopted in the conference.

4.2.2 Knowledge of wetlands and their values

To manage wetlands effectively it is necessary to have adequate knowledge of their functioning. Inventory, assessment, monitoring, research, and training activities help in this respect.

a) **Inventory:** The Contracting Parties confirmed the importance of comprehensive national inventory as the vital basis for many activities necessary for achieving the wise use of wetlands, including policy development, identification and designation of Ramsar Sites, documentation of wetland losses, and identification of wetlands with potential for restoration.

b) **Monitoring:** Monitoring is the process of measuring change in ecological character in any wetland over a period of time. It can be carried out at different levels of intensity, depending on available funding and/or technology. Monitoring methods include simple field observations, remote sensing, quantitative sampling techniques such as the gathering of wetland plant material, and, where changes in social values and uses are concerned, participatory observation.

4.2.3 Action at particular wetland sites

Maintenance of the ecological functioning of a wetland requires an integrated, catchment approach to management, incorporating the different uses and activities that are compatible with sustainability. Such management must take an interdisciplinary approach drawing upon the principles of biology, economics, policy, and social sciences. Global concerns must also be considered, namely, for example, shared wetland systems, shared species, and global climate change.

4.3 Listed sites

At the time of joining the Convention, each Contracting Party undertakes to designate at least one site for inclusion in the **List of Wetlands of International Importance** (the “Ramsar List”). The inclusion of a site in the Ramsar List confers upon it the prestige of international recognition and embodies the government’s commitment to take all steps necessary to ensure the maintenance of the ecological character of the site.

4.3.1 Criteria for Identifying Wetland

“Wetlands should be selected for the List on account of their international significance in terms of ecology, botany, zoology, limnology or hydrology” and indicates that “in the first instance, wetlands of international importance to waterfowl at any season should be included”.

4.3.2 The Montreux Record

The **Montreux Record** is a register of wetland sites on the List of Wetlands of International Importance where changes in ecological character have occurred, are occurring, or are likely to occur as a result of technological developments, pollution or other human interference. It is maintained as part of the Ramsar List. The Conference of the Parties has adopted working definitions of “ecological character” and “change in ecological character.”

4.3.3 Transboundary Species Conservation

Article 5 of the Convention states that “Contracting Parties shall endeavour to coordinate present and future policies and regulations concerning the conservation of wetlands and their flora and fauna”. Many species of migratory birds follow flyways (migratory routes) along which are situated wetlands which they use as resting and feeding areas. Achieving the effective conservation of such species requires cooperation between States sharing wetland systems or situated along a flyway. The Secretariat works to facilitate such cooperation.

4.4 Reserves and Training

The Convention provides that “each Contracting Party shall promote the conservation of wetlands and waterfowl by establishing nature reserves on wetlands, whether they are included in the List or not, and provide adequately for their wardening”.

The Convention states that “Contracting Parties shall promote the training of personnel competent in the fields of wetland research, management and wardening”. Trained personnel, particularly in the fields of management, education and administration, are essential for the effective conservation and wise use of wetlands and their resources.

4.4.1 Awareness through different programmes

The Communication, Education, Participation, and Awareness through internet, through celebration of world wetland day on 2nd February every year. The awareness may also be created through the Ramsar publications and the material on technical reports on meeting which are available on internet.

4.5 How States may Join Ramsar Convention

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 may become a Party to this Convention. Unfortunately, supranational bodies, such as the European Commission, are thus not eligible to join the Convention, but may nevertheless develop bilateral working agreements with the Convention Secretariat.

4.5.1 The instrument of accession

In order for a country to accede to the Convention, signatures and the deposit of the instrument of ratification or accession (with an obligatory first Ramsar Site designation) are to be made through diplomatic channels to the Depository for the Ramsar Convention, the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), at Paris, France, with a copy to the Office of International Standards and Legal Affairs at the same address. The instrument of ratification or accession must be signed by the Head of State or Government or by the Minister of Foreign Affairs.

4.5.2 Designating wetlands for the Ramsar List

The document of adhesion to the Convention sent by the Head of State or Foreign Office to UNESCO must be accompanied by the designation of at least one wetland site for the List of Wetlands of International Importance.

Each Party “shall designate suitable wetlands within its territory for inclusion in the List”. The designation of the first and subsequent Ramsar Sites do not require ratification by parliaments, but rather they are administrative decisions taken by the appropriate government agency according to existing procedures in each country.

4.5.3 The cost of joining the Convention

At each ordinary meeting, the Conference of the Parties adopts a budget (in Swiss francs) for the next triennium. Contracting Parties contribute to this budget a percentage that is based upon the United Nations scale of assessments adopted for each year by the UN General Assembly, with the exception that the Conference of the Parties has established a minimum level of contributions at 1000 Swiss francs (ca. US\$ 1,080 or Euros 830 in January 2013) for all Parties to cover basic expenses of invoicing and administration.

5. Conclusion

Although there is no national law on wetlands in India, the Wetlands Rules, 2010 cover certain categories of wetlands. Further, in some states, there are laws at the state or local level for wetland protection and management.

In order to ensure there is no further degradation of wetlands, the Rules specify activities which are harmful to wetlands such as industrialisation, construction, dumping of untreated waste, reclamation etc. and prohibit these activities in the wetlands. Other activities such as harvesting, dredging etc may be carried out in the wetlands but only with prior permission from the concerned authorities.

The judiciary has also played a role in wetland protection. In addition to the legal framework, wetland regulation is an important concern of the policy framework as well. However, there are a number of outstanding issues and the fact that several wetlands do not fall within the definition of the term under the existing laws, and that local communities are given a limited or no role in the process of protection and management, raise concerns about the future of wetlands.