

THE CONVENTION ON  
WETLANDS OF  
INTERNATIONAL IMPORTANCE  
ESPECIALLY AS WATERFOWL  
HABITAT

THE 1971 RAMSAR CONVENTION



# FROM A GLOBAL WILDLIFE REFUGE SYSTEM TO ECOSYSTEM AND ECO-CULTURE- TOURISM MANAGEMENT THROUGH LOCAL, REGIONAL AND NATIONAL ACTION

## The Okavango Delta, Botswana: A Complete Ecosystem



# THE STRUCTURE

**ART. I “wetlands are areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary , with water that is static, flowing, fresh, brackish or salt . . .**



# THE HARD LAW STRUCTURE

**ART. II Each country must designate and delineate “suitable wetlands within its territory for inclusion in a List of Wetlands of International Importance. The country may add to the list and may also “delist a wetland in cases of “urgent national interests” subject to the ART. IV duty to as far as possible compensate for any loss of wetland resources . . . .”**

**A “Soft” Interpretation:** The listing criteria divide wetlands into A and B categories. A wetlands have rare or unique features and B support endangered species, ecological communities or species at critical times of their life cycle.

# COSTA RICA HAS 12 RAMSAR SITES INCLUDING

**Terraba-Sierpe.11/12/95; Puntarenas; 30,654 ha; 08°52'N 083°36'W. Forest Reserve, National Wetland. The estuary of two rivers, adjacent lagoons, periodically inundated mangrove and "yolillo" palm swamp forest, sandy beaches and cliffs. Supports 55 species of fish, several commercial shellfish species, numerous bird species, mammals and reptiles. Human activities within the site consist of extraction of mangroves for fuel and tannins, traditional fishing, clam and crab harvesting. Ramsar site no. 782. Most recent RIS information: 1995.**

# THE DUTY TO PLAN AND NOTIFY

## **ART III**

**1. The Contracting Parties shall formulate and implement their planning so as to promote the conservation of the wetlands included in the List, and as far as possible the wise use of wetlands in their territory.**

**2. Each Contracting Party shall arrange to be informed at the earliest possible time if the ecological character of any wetland in its territory and included in the List has changed, is changing or is likely to change as the result of technological developments, pollution or other human interference.**

# THE DUTY TO CONSERVE

**ART. IV “Each contracting party shall promote the conservation of wetlands and waterfowl by establishing nature reserves or wetlands, whether they are included on the list.”**

In its first “Wise Use” handbook (3<sup>rd</sup> ed. 2007), Ramsar gives its definition of wise use of wetlands: “Wise use of wetlands is the maintenance of their ecological character, achieved through the implementation of ecosystem approaches, within the context of sustainable development.” By advocating this approach, Ramsar therefore necessitates that all Parties use the ecosystem approach when managing wetlands to account for the linkages and interdependence between wetlands and forests.



# RAMSAR'S CARROTS AND STICKS

**ART, VI allows the Conference of Parties “to make general or specific recommendations to the Contracting Parties regarding the conservation, management and wise use of wetlands and their flora and fauna . . . .” ART. VI has been supplemented by the Ramsar Advisory Mission, a technical assistance mechanism formally adopted by Recommendation 4.7 of the 1990 Conference of the Parties. The main objective of this mechanism is to provide assistance to developed and developing countries alike in solving the problems or threats that make inclusion in the Montreux Record necessary. There have been 75 missions, including Costa Rica’s Palo Verde Wetlands, but no report has been filed.**

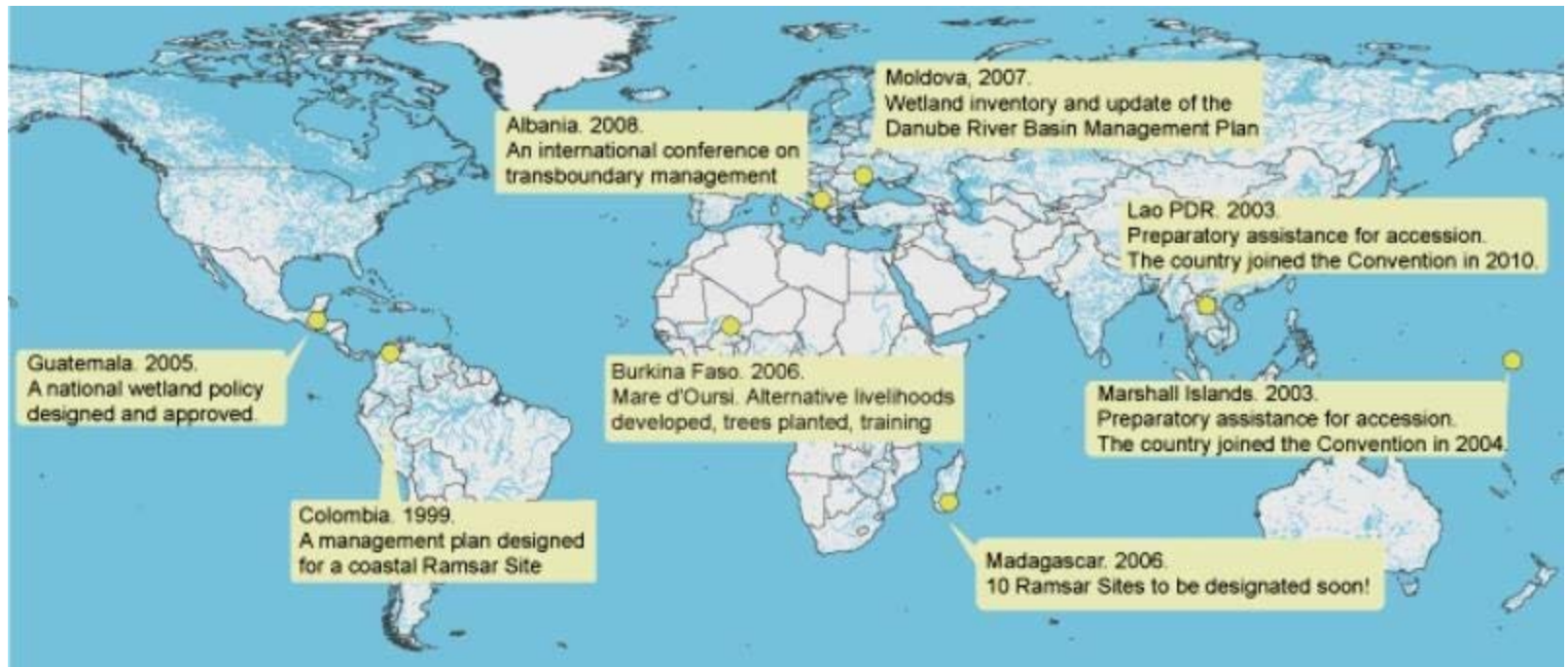
# THE MONTREUX RECORD

**This is a list of shame, a list of some 45 wetlands where human interference , e.g. dams, pollution, mining, is degrading the ecology of the wetland.**



# THE RAMSAR SMALL GRANTS PROGRAM FOR DEVELOPING COUNTRIES

## The Grants in Action



# SO WHAT

**The Orange River Wetlands in Namibia are a Ramsar site and subject to degradation from various sources**



# JONATHAN VERSCHUUREN, THE CASE OF TRANSBOUNDARY WETLANDS UNDER THE RAMSAR CONVENTION: KEEP THE LAWYERS OUT!, 19 COLO. J. INT. LAW, NO. 1 (2008)

**“In the Orange River Mouth case, the listing in the Montreux record is an important impetus for the South African national authorities to be involved in the management of the area. Therefore, it must be concluded that the presence of international environmental conventions and their implementation in national law are only part of the picture. In each case, an advisory committee without any legal status and made up of all relevant stakeholders—i.e., the Orange River Mouth Interim Management Committee and the Advisory Parties Committee—plays a crucial role in the decision-making process concerning the management of the Ramsar site. Especially in the Orange River Mouth case, the lack of financial and human resources to put a proactive and powerful conservation scheme in place is also a dominant factor. Finally, there are complicated and sensitive “big” legal issues that dominate discussions on the management of the area—i.e., the land claims issue on the South African side of the Orange River Mouth wetland, the border dispute between Namibia and South Africa . . . .”**

# THREE CASE STUDIES THAT OFFER A MORE POSITIVE VIEW OF THE RAMSAR CONVENTION AS HARD AND SOFT LAW

## **Namibian Students on the Orange River**



# BIRD LIFE INTERNATIONAL: ORANGE RIVER MOUTH WETLANDS, 2013

**After years of continuous habitat degradation as a result of several factors, including adjacent diamond-mining activities, flow regulation of the river and its catchment, and poor management of the mouth, the future is finally looking more positive for the Orange River Mouth Ramsar Site. The unprotected mouth (currently managed on an ad hoc basis by Alexkor, a diamond-mining company) and its saltmarsh are soon to be declared a provincial nature reserve and will be afforded the protection of a full-time nature conservator. A management plan will be developed, and rehabilitation options will be explored. A substantial proportion of the wetland falls within Namibia, where it is managed by Namdeb (Oranjemund), another diamond-mining company. Negotiations are currently under way to acquire the property for a trans-national conservation area. The southern African west coast is characterized by a lack of large, significant wetland systems. The Olifants river mouth (IBA 078), some 300 km south of the Orange, is the nearest wetland holding significant waterbird habitat. To the north, Walvis Bay (IBA NA013) lies c.700 km away. The Orange river mouth is thus of primary importance as one of the few major stop-over wetlands for migratory waders along the arid east Atlantic flyway, as well as being one of the few permanent wetlands for nomadic or moulting waterbirds.**

**The Orange river system, South Africa's largest, has become highly regulated by virtue of 23 major dams and numerous weirs within its catchment. Water abstraction and regulation have resulted in changed flow patterns, from a pronounced seasonal flow, primarily during summer, to a nearly even flow distribution. The total annual flow has also been reduced by half. To add to this, the functioning of the Orange river will be altered dramatically with the full implementation of the Lesotho Highlands Water Scheme. Worst-case scenarios project periodic drying up of the Orange river that would have extremely negative consequences for the functioning of the river system and its mouth. The saltmarsh on the south bank of the river has been degraded by a dyke, which was built to allow Alexkor personnel access to the beach. These anthropogenic impacts have resulted in the wetland having been placed on the Montreux Record (in September 1995. Alexkor , a diamond mining company, have promised to rehabilitate the area and restore the saltmarsh, although it is unlikely that it will return to its former state.**



# THE DANUBE DELTA

The Ukraine's plans to construct a shipping canal, the Bystroe canal, through its portion of the Danube Delta Wetlands, a Ramsar, site has been the subject to ongoing efforts to force the Ukraine to comply with the Ramsar and other relevant conventions.



# RAMSAR ADVISORY MISSION REPORT: NO. 53, UKRAINE, KYLIISKE MOUTH (2003)

**Bottom Line: The Ukraine choose the most environmentally destructive alternative with inadequate environmental assessment.**

**“[R]egarding the three alternatives proposed for the location of a waterway: choice A through the natural Bystre Danube river branch, choice B to re-open the formerly used Ochakivsky Danube river branch, and choice C planning the construction of a sluiced canal from the Solomonov Danube branch to the Zhebryanskaya bay of the Black Sea. In order to make a well-informed decision, the Government of Ukraine needs to have at its disposal the results of a comprehensive environmental impact assessment comparing all three choices. It is therefore recommended that an impartial study be undertaken rapidly, covering not only socio-economic, navigation and geomorphological aspects, but also those related to biodiversity (species and natural habitats). The reports already established and presented to the mission do not yet fulfil this need.**

**28. As it is not feasible to construct a waterway outside of the Danube Biosphere Reserve (for its excessive costs), all three remaining choices will afflict some environmental damage on the highly dynamic natural ecosystem. An illustration of the delta dynamics is provided in the attached map of mean annual land advance or retreat (in metres per year) along the Black Sea coast in the Kyliya delta area (Figure 2). It is therefore important to restrict those impacts to an utmost minimum and to compensate for unavoidable [sic] damage. Preventing damage rather than repairing it ex post, is the cheaper option when taking all environmental aspects into account. Ecological compensation measures need to be planned and executed in parallel with the planning for the construction of a waterway. Their success in terms of the protection of indicator species and natural habitats and processes needs to be monitored.”**

# CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE AND NATURAL HABITATS: CASES AND COMPLAINTS (2012)

**In February 2012 Ukrainian authorities sent a full report highlighting that the works related to the implementation of Phase II of the Bystroe Channel project have not started. Moreover, according to the report, Ukraine prepared an EIA which was handed to the Government of Romania and discussed by a panel of international experts before being amended – in 2008 - according to the comments made; a separate analysis of the impacts of the full implementation of the Channel in a transboundary context was also available; public hearings on the issue were organised without the cooperation of the Romanian government. Ukrainian government further affirmed having looked into all possible alternatives to the route of the waterway before deciding to consider the Bystroe one. Regarding the ecological compensation and mitigation of possible damages to the environment, the Ukrainian government informed having identified specific measures to mitigate the potential negative transboundary environmental impact of the Bystroe project; furthermore, the authorities informed that appropriate measures have been taken over the past years to enhance the conservation status of the Danube Delta Biosphere Reserve and to expand its territory.**

# THE RAMSAR COLORADO DELTA IN MEXICO



# MINUTE 319: A DE FACTO (BUT NOT DE JURE) RAMSAR CONVENTION IMPLEMENTATION

**MINUTE 319, WHICH AMENDS THE 1944 MEXICO-US COLORADO RIVER TREATY, IS A MAJOR FIRST STEP AFTER YEARS OF THE UNITED STATES TAKING THE POSITION THAT ONCE THEY DELIVERED 1,500,000 ACRE FEET TO MEXICO, THE DELTA BE DAMNED.**

**Since 2008, a water trust led by Tucson, Arizona-based environmental group the Sonoran Institute has purchased water rights from Mexican farmers and kept the water in the river. Minute 319 requires water users in the U.S. and Mexico to provide a one-time high-volume “pulse” flow of 105,000 acre-feet, divided evenly, in addition to the base flows from the trust, which set a goal of 50,000 acre-feet over five years.**

**“This is potentially a major first step to changing how water managers view the Colorado River,” said Michael Cohen, a senior researcher at the Pacific Institute who studies the river. “For many years U.S. managers thought water left in the stream was water wasted, and that’s what we did — we dried up the stream.”**

**Where water flows, a transformation should occur. Francisco Zamora, the director of the Sonoran Institute’s Colorado River Delta program, told Circle of Blue he hopes that the base flow from the water rights purchases, combined with the pulse flow, will create 810 hectares (2,000 acres) of new wetland habitat in the delta for fish, shrimp, and nearly 400 bird species. The flows will lay the groundwork for more extensive restoration projects.**

# A FINAL THOUGHT: DON'T IGNORE RAMSAR

**As international conventions go, Ramsar is relatively effective because:**

**Almost all countries participate**

**A Ramsar designation often has domestic political value and thus results in domestic legal protection**

**Shame, inclusion on the Montreux List, is accepted as the price for financial and technical support**

**Non-compliance is not costless**

**A Ramsar designation can “add value” to efforts to stop or modify a project or to obtain off-sets**