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A Palace Full of Wetland Enthusiasts

Last July, I had the honor of representing the United States at the Eleventh Conference of the Parties to the Ramsar Convention (the international wetlands treaty) in Bucharest, Romania. Over a 10-day period at the massive and impressive Romanian Palace of the Parliament,¹ I served as part of the U.S. delegation, which worked with over 1,000 people (representing over 135 nations and many additional organizations) on protecting the world's wetlands. Despite an unrelated constitutional crisis facing the host country,² much was accomplished (in the context of international treaty work) in a short time.

The Ramsar Convention (its official title is The Convention on Wetlands of International Importance Especially as Waterfowl Habitat)³ was initiated in Ramsar, Iran,⁴ on February 2, 1971,⁵ at the end of the International Conference on the Conservation of Wetlands and Waterfowl. It is a relatively short framework convention. Designed to protect wetlands (which it defines as "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. . . ."),⁶ it sets forth sweeping preambular language, noting the "interdependence of [humans and their] environment" and "the fundamental ecological functions of wetlands" and stating that "wetlands constitute a resource of great economic, cultural, scientific, and recreational value, the loss of which would be irreparable. . . ." It then states the importance of conserving wetlands "by combining far-sighted national policies with co-ordinated [sic] international action."⁷ Beyond the actual Convention language, parties have agreed to other important guidance documents in the decades since, includ-

ing regular resolutions issued as part of Conferences of the Contracting Parties.⁸

The day-to-day work of the Ramsar Convention is coordinated by a small secretariat in Switzerland, with much important work delegated to a Scientific and Technical Review Panel and a Standing Committee representing the 163 member countries.⁹ Member countries (also known as "Parties") come together approximately every three years to the Conferences of the Parties to celebrate progress, share ideas, approve budgets and programs, and commit to continued work.¹⁰ Conference participants consider resolutions that carry

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on the work of the Convention, such as budgetary issues, organizational structure, etc., and also work on substantive resolutions that touch on many actions related to or impacting wetlands, such as energy, agriculture, tourism, and climate change.¹¹

This year, I was included on the U.S. delegation in my role as chair of the United States National Ramsar Committee (USNRC), a small, independent association dedicated to support the goals and objectives of the Convention.¹² The USNRC supports and advises initiatives that promote conservation

and wise, sustainable use of domestic and international wetlands. Parties to the Ramsar Convention are obliged to designate domestic sites as "Wetlands of International Importance." More than 2,000 sites worldwide have been designated as internationally important, including 34 sites in the United States.¹³ The USNRC has played a role with all recent designations in our nation.¹⁴

The most exciting and grueling part of my work at the conference was serving as the lead U.S. negotiator on Draft Resolution 14, "Climate Change and Wetlands: Implications for the Ramsar Convention on Wetlands."¹⁵ Known to be a contentious topic,¹⁶ a working group was formed immediately upon the introduction of the climate change resolution to do the strenuous work of coming to consensus.

The group met together seven times over four days for more than 22 hours total (more than once until after midnight), compiling two compromise drafts and ultimately ending up completing rushed final negotiations on the Palace balcony as the official close of the conference awaited our work.¹⁷ Dealing with different languages, cultures, and norms is hard enough, but the climate change resolution presented even more roadblocks. We had mere days to do our work, and all those in the room needed approval for compromise language from home offices in vastly different time zones. Many delegates were also managing overlapping issues with other resolutions. In short, this was a quintessential exercise in multilateral negotiation. Issues that required this long debate included everything from basic definitions, to perceptions of what "truth" is in the world of climate change, to what exactly nations were willing and able to commit.

One key part of the resolution (as agreed to after all the long hours):

URGES Contracting Parties to maintain or improve the ecologi-

cal character of wetlands, including their ecosystem services, to enhance the resilience of wetlands as far as possible in the face of climate-driven ecological changes including, where necessary, to promote the restoration of degraded wetlands, and further to promote the ability of wetlands to contribute to nature-based climate change adaptation, particularly the roles of wetlands in regulating water, including reducing risks from water-related disasters, and to sequester and store carbon as important responses for climate change mitigation through the maintenance and enhancement of their ecological functions, and to reduce or halt the release of stored carbon that can result from the degradation and loss of wetlands. . . .

If Parties to the Ramsar Convention seriously undertook support for wetlands around the world through rule of law, more of the ecosystem services that wetlands deliver would be available or expanded. Accordingly, if implemented, this commitment could make a big difference not only for the people who depend on these vital ecosystems, but also for a wide range of wildlife that depend on wetland habitat.

After returning to the United States, I had another amazing opportunity to hang out with wetland enthusiasts stateside, when I spoke in August at the dedication of one of the newest Wetlands of International Importance, the Dixon Waterfowl Refuge in Hennepin, Illinois.¹⁸ My seven-year-old son, who accompanied me (and got to go on a marvelous interactive tour, including a frog hunt), made a great remark after my speech. He said: “Mommy, why did you have so much lawyer talk instead of just saying that the frogs, fish, and birds who live in this wetland are lucky to have a place that so many people care about keeping nice?” At its core, his comment also summarizes COP11—while there were tough negotiations on some issues and many administrative matters to deal with, at its heart, the Palace of the Parliament in Bucharest, Romania,

hosted a gathering of hundreds of people who worked hard and care deeply about keeping wetlands “nice.” But guarding wetlands to keep them “nice” sometimes means that the “lawyer talk” is essential. ■

— Kim Diana Connolly

ENDNOTES

1. The official web page on the Palace in English translation is available at <http://www.cdcp.ro/pls/dic/site.page?id=27>. It is purported to be the largest, most expensive administrative building in the world. See World Record Academy website, Largest Administrative Building-World Record Set by the Palace of the Romanian Parliament (last visited Oct. 11, 2012), at http://www.worldrecordacademy.com/biggest/largest_administrative_building_world_record_set_by_the_Palace_of_the_Romanian_Parliament_80185.htm.
2. The Romanian president was impeached while we were meeting, though he has since returned to power. See Liliana Ciobanu, *Romania President Keeps His Job, Court Rules*, CNN, Aug. 21, 2012, available at http://articles.cnn.com/2012-08-21/world/world_europe_romania_referendum_1_central-election-bureau-prime-minister-victor-ponta-crin-antonescu.
3. Convention on Wetlands of International Importance Especially as Waterfowl Habitat, Feb. 2, 1971, T.I.A.S. No. 11084, 996 U.N.T.S. 245 (amended 1982 & 1987) [hereinafter Ramsar Convention], available at http://www.ramsar.org/cda/en/ramsar-documents-texts/main/ramsar/1-31-38_4000_0__. See also Royal C. Gardner & Kim Diana Connolly, *The Ramsar Convention on Wetlands: Assessment of International Designations Within the United States*, 29 NAT'L WETLANDS NEWSL. 6 (Mar.-Apr. 2007).
4. Accordingly, as is true of many international agreements, the term “Ramsar” signifies the location of the initial Convention agreement, and is not an acronym. Relatedly, as there is also no unified naming approach for treaties and other such international agreements, when people refer to the Ramsar Convention as a “treaty” or “agreement” they are not in error. See ANTONY AUST, *MODERN TREATY LAW AND PRACTICE* 421 (2d ed. 2007).
5. The 1971 version of the Convention can be found at http://www.ramsar.org/cda/en/ramsar-documents-texts-convention-on-20708/main/ramsar/1-31-38^20708_4000_0__.
6. Ramsar Convention, *supra* note 3, art. 1.
7. The complete opening text reads:

RECOGNIZING the interdependence of Man and his environment;
 CONSIDERING the fundamental ecological functions of wetlands as regulators of water regimes and as habitats supporting a characteristic flora and fauna, especially waterfowl;
 BEING CONVINCED that wetlands constitute a resource of great economic, cultural, scientific, and recreational value, the loss of which would be irreparable;
 DESIRING to stem the progressive encroachment on and loss of wetlands now and in the future;

RECOGNIZING that waterfowl in their seasonal migrations may transcend frontiers and so should be regarded as an international resource;
 BEING CONFIDENT that the conservation of wetlands and their flora and fauna can be ensured by combining far-sighted national policies with co-ordinated international action. . . .

Ramsar Convention, *supra* note 3, pmb1.

8. The Guidelines adopted by the Conference of the Contracting Parties to the Ramsar Convention on Wetlands are available at http://www.ramsar.org/cda/en/ramsar-documents-guidelines/main/ramsar/1-31-105_4000_0__. This website provides links to various guidance documents officially adopted during meetings of the Conference of the Parties. All documents from the various conferences can be found at http://www.ramsar.org/cda/en/ramsar-documents-resol/main/ramsar/1-31-107_4000_0__.
9. See Ramsar Convention website, The Bodies of the Convention (last visited Oct. 11, 2012), at http://www.ramsar.org/cda/en/ramsar-about-bodies/main/ramsar/1-36-71_4000_0__.
10. See Ramsar Convention website, Conference of the Contracting Parties (last visited Oct. 11, 2012), at http://www.ramsar.org/cda/en/ramsar-about-bodies-conf/main/ramsar/1-36-71-72_4000_0__.
11. For a full list of the final resolutions agreed to by Parties at COP11, see Resolutions of the 11th Meeting of the Conference of the Contracting Parties at http://www.ramsar.org/cda/en/ramsar-documents-cops-cop11-cop11-resolutions/main/ramsar/1-31-58-500%5E25837_4000_0__.
12. See USNRC website (last visited Oct. 11, 2012), at <http://www.ramsarcommittee.us/index.asp>.
13. The complete list of current sites can be accessed from http://www.ramsar.org/cda/en/ramsar-documents-list/main/ramsar/1-31-218_4000_0__. An international nongovernmental organization, Wetlands International, maintains a detailed website with helpful information about all Ramsar sites at <http://ramsar.wetlands.org/>.
14. The Vice Chair of the USNRC, Katie Beilfuss, wrote about related issues in her recent article, *U.S. Wetlands Need a Strategic Approach to Ramsar Nominations*, 34 NAT'L WETLANDS NEWSL. 25 (Sept.-Oct. 2012).
15. See RAMSAR SECRETARIAT, 11TH MEETING OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON WETLANDS, RESOLUTION XI.14, CLIMATE CHANGE AND WETLANDS: IMPLICATIONS FOR THE RAMSAR CONVENTION ON WETLANDS, available at <http://www.ramsar.org/pdf/cop11/res/cop11-res14-e.pdf>.
16. See generally Kim Diana Connolly, *Climate Change in Wetland Ecosystems: Meeting the Needs and Welfare of the People and the Planet*, in CLIMATE CHANGE: A READER (William H. Rodgers Jr. et al. eds., Carolina Press 2011).
17. I took a lot of pictures, and will draw lessons on both wetland regulation and multilateral negotiations from COP11 to share with my students at SUNY Buffalo Law School for years to come.
18. See The Wetlands Initiative website, Dixon Waterfowl Refuge at Hennepin & Hopper Lakes (last visited Oct. 11, 2012), at <http://www.wetlands-initiative.org/what-we-do/dixon-waterfowl-refuge.html>.

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