

Development of the text of the Ramsar Convention: 1965–1971

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Abstract. The ‘Ramsar’ Convention on Wetlands was the first of the modern era global biodiversity conventions and remains the only multilateral environmental agreement focused on a single group of ecosystem types. At the time of initial discussions within the wetland conservation science community in the late 1960s, its ambition was unprecedented, with no successful models to draw upon, especially with regard to novel concepts such as the modus for an ‘internationally protected site’. Drawing on previously unpublished draft texts, we track the Convention’s textual development to its ultimate agreement in 1971. During this period its geographic scope changed from an initial European to global focus, whereas core obligations related to the designation of internationally important wetlands and the provision of secretariat coordination functions were substantively developed. We present (as supplementary material) all draft texts, from 1965 to 1971, previously unavailable online.

Keywords: conservation, legislation, multilateral environmental agreement, protected areas, wetland.

Received 23 October 2021, accepted 15 March 2022, published online 13 May 2022

Introduction

The Convention on Wetlands of International Importance Especially as Waterfowl Habitat (the Ramsar Convention) was novel upon its agreement in 1971 (Ramsar Convention 1971a, 1971b) and remains so through being the only global multilateral environment agreement focused on a group of defined ecosystem types. It is also unusual in that it was not negotiated through the United Nations (UN) system, through which most subsequent environment agreements have been developed. The Convention has been of significance not just for its own considerable achievements, but also for its influence on other international biodiversity treaties and processes; for example, in its creation of a framework for protecting sites of international importance (Bowman *et al.* 2010), the broader application of its criteria to select these (Stroud and Davidson 2021) and its pioneering application of the ‘wise use’ concept to steer the management of both these protected sites and other wetlands (Finlayson *et al.* 2011; Pritchard 2021).

Geoffrey Matthews, the appointed Secretary-General of the final negotiating conference that finalised the Convention in Ramsar, Iran, in February 1971 detailed an account of the initial 25 years of the Convention’s development, including describing

the genesis of the text from first international discussions in 1962 (Matthews 1993). Although Matthews (1993) describes six different negotiating texts circulated to interested governments, to our knowledge none of these early drafts has previously been published, and all are included as supplementary material to this paper (see list in Table 1). Using historical papers from the files of Great Britain’s Nature Conservancy, the UK government’s statutory conservation agency at the time, and retained by Geoffrey Matthews, we compare, in detail, an early draft with the final text agreed in Ramsar to explore the early development of some of the Convention’s key concepts.

Historical context

In the second half of the 1960s there were few, if any, examples of what a broad-ranging and, more importantly, an effective multilateral environmental treaty may look like. In North America in the early 20th century, there had been early multilateral treaties related to sustainable utilisation of shared resources of economic importance, such as northern fur seals (*Callorhinus ursinus*) and sea otters (*Enhydra lutris*), as well as for migratory waterbirds, but they were geographically limited

Table 1. Timeline of decisions and drafts of the Convention on wetlands (drawn from Matthews 1993)

Date of draft	Draft number	Supplementary material	Drafter	Mandate for draft	Associated meeting/circulation
12–16 November 1962				Recommendation IX: 'further recommends that the list [of internationally important wetlands] be considered as a foundation for an international convention on wetlands'	IWRB/IUCN Mar Conference, France
16–18 October 1963				Recommendation 1: '...requests the Council of Europe and IUCN to seek the agreement of all Governments and other authorities concerned so far as practicable...., and the conclusion in due course of a Convention to ensure the effective and co-ordinated operation and maintenance of this [site] network...'	First European Meeting of Wildfowl Conservation, St Andrews, Scotland
12 October 1965	0	File S1	IWRB	Document listing eight proposed subjects for an international Agreement or Convention on Wetlands	Circulated to authorities in 35 countries
24 August [sic] 1965	1	File S2	IWRB	First full draft: preamble and six articles (Appendix 1)	
May 1966				Recommendation 1: '... Considering than an international Convention for the conservation of wetlands would constitute an effective means of achieving the aim in view, ... Requests the Government of the Netherlands to explore the possibilities of drafting such a convention and of inviting other Governments to discuss the terms thereof'	Second European Meeting of Wildfowl Conservation, Noordwijk ann Zee, Netherlands
12 October 1967	2	File S3	Dutch government	Document listing points for inclusion in an international Convention on Wetlands in response to Draft 2	Morge, Switzerland after annual IWRB meeting
3 November 1967		File S4	IWRB	Revised full text: 15 Articles	
31 May 1968	3.0	File S5	Dutch government	Informal circulation by Dr W. A. Panis of Dutch Government (Appendix 2)	
August 1968	3.1	File S6	Dutch government	Slightly revised full text: 15 Articles	For Leningrad Conference
		File S7	Dutch government	Formal circulation by IWRB in advance of the Leningrad Conference	For Leningrad Conference
11 February 1969	4	File S8	USSR Ministry of Agriculture	Introduction to the draft of An International Convention on Wildfowl and Wetlands (W. A. Panis, cf. File S7)	Submitted to IWRB
20 May 1969		File S9	IWRB from Vienna meeting	Proposals (alternative text) for An International Convention on Wildfowl and Wetlands	
August 1969	5.0	File S10	IWRB	Conclusions of comparison of Draft 3.1 (Leningrad Conference) and Draft 4 (USSR text).	Submitted by IWRB to Dutch government
1 December 1969	5.1	File S11	Dutch government	Full text based on conclusions of Vienna IWRB meeting (above)	For discussion at IWRB meeting in Helsinki
28 February 1970		File S12	IWRB	Revised text based on File S9: 14 Articles and an addendum	Attached to governmental invitations issued by Iran
April 1970	6	File S13	IWRB	Preliminary notice: International Conference on the Conservation of Wildfowl and Wetlands, Babolsar, Iran, January 1971	Submitted to negotiating conference in Ramsar
April 1970		File S14	IWRB	Final text derived from Helsinki meeting (17–19 March 1970), tabled at Ramsar	
30 January–3 February 1971	7		Ramsar Conference	Covering note to draft Convention	Background for negotiating conference in Ramsar
				Final adopted text (given in Appendix 2)	Intergovernmental negotiating conference, Ramsar, Iran

(Dorsey 1998). Regional conventions, as well as global conventions such as the 1946 International Convention on the Regulation of Whaling (see <http://www.iwcoffice.org/private/downloads/1r2jdhu5xtuswws0ocw04wgcw/convention.pdf>, accessed 6 April 2022), had been singularly unsuccessful in managing shared international resources (Dorsey 2014). From a European perspective, both the 1902 Convention for the Protection of Birds Useful to Agriculture (see <http://www2.ecolex.org/server2neu.php/libcat/docs/TRE/Full/En/TRE-000067.txt>, accessed 7 April 2022) and its successor, the 1950 International Convention for the Protection of Birds (see <http://www2.ecolex.org/server2neu.php/libcat/docs/TRE/Full/En/TRE-000066.txt>, accessed 7 April 2022) (both called the Paris Convention), were substantially ineffective, with weak provisions, limited access and, critically, no international coordination, all limitations that were to influence the later drafting of the Ramsar Convention (Hayden 1942; Lyster 1985; Ferrero-García 2013).

In the Americas, the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, or Western Hemisphere Convention, had entered into force in 1942. Although ‘visionary’ in its scope (Bowman *et al.* 2010) for provisions for protected areas (albeit national sites, rather than internationally important sites), migratory species other than waterbirds and international cooperation (and even trade), it lacked administrative and enforcement mechanisms. This had severely limited its effectiveness.

The scope of the Organisation of African Unity’s 1968 African Convention on the Conservation of Nature and Natural Resources, developed at the same time as the wetlands (Ramsar) convention, was theoretically ambitious, covering issues of relevance to wetland conservation such as water supply and the need to establish protected areas. However, it lacked administrative structure to facilitate implementation or oversee its enforcement (van der Linde 2002; Bowman *et al.* 2010).

In the 1960s then, the prospects for a comprehensive and effective global wetland convention were limited, with W. A. Paris noting in 1968 that:

...so far hardly any experience has been gained of general agreements concluded by a plurality of States and concerned with natural environmental planning... [see File S7 of the Supplementary material]

and that

Experience with, for example, the [1950] Paris Convention is not very encouraging.

Methods

As well as the drafts of the convention themselves (Table 1), accompanying informal (and latterly formal) cover notes provide very important narratives as to the intention of drafters. There were six primary drafts of the convention prior to the 1971 conference at Ramsar, and we have systematically numbered these based on Matthews (1993) and his unpublished archive of drafts. These are all given as supplementary documents, as outlined in Table 1. At the outset, there was no agreed timetable or sequence of meetings to develop the convention, which occurred rather opportunistically.

We present the first draft in Appendix 1, but this was rather ‘unformed’ and drafted without input from lawyers. In Appendix 2, we analyse the content of Draft 3, matching this against the final text inasmuch as this is possible. We have chosen Draft 3 for this comparison because, by 1968, the draft had already received legal commentary from the International Union for Conservation of Nature (IUCN) and multiple international inputs, and its content had become significantly elaborated. However, the structure of the draft text changed considerably between Draft 3 and the final text, not just the high-level sequence of Articles, but also their content.

Developing a vision for a wetlands convention

The first suggestion for an international convention on wetlands arose from Baron Le Roy, a representative of a hunting organisation (Association Nationale des Chasseurs de Gibier d’Eau), at the 1962 Mar Conference, co-organised by the International Wildfowl Research Bureau (IWRB; now Wetlands International), the IUCN and the International Committee for Bird Preservation (ICBP; now BirdLife International; Hoffman 1964; Matthews 1993, p. 12).

This conference brought together waterbird and wetland scientists who concluded that ‘in temperate regions drainage of wetlands is proceeding at an increasing rate and without reference to their diverse values...’ (Hoffman 1964, p. 29). The conference recommended that:

IUCN compile a list, in accordance with an internationally agreed classification, of European and North African wetlands of international importance ... to be placed at the disposal of conservationists, and those responsible for development schemes; and further recommends that this list may be considered as a foundation for an international convention on wetlands. [Hoffman 1964, p. 29].

The list was published by Olney and IWRB/Mar Bureau (1965), presenting an initial list of sites largely important for waterbirds, but with further additions of sites projected as knowledge grew.

Although Mar was essentially a scientific conference, the need to engage governments more formally was recognised. The following years saw a sequence of government-sponsored European Meetings on Wildfowl Conservation, at St Andrews, Scotland (1963), then Noordwijk ann Zee, Netherlands (1966), and subsequently in Leningrad, USSR (1968).

IWRB initiated the development of the convention text, with the circulation to ‘appropriate authorities’ in 32 countries of 8 issues for inclusion (Draft 0; see File S1 of the Supplementary material) in October 1965, with a first draft also circulated in 1965, consisting of a Preamble and 6 articles (Draft 1; File S2 of the Supplementary material). The following year, the Noordwijk ann Zee meeting reviewed the IWRB proposals and requested the Dutch government to draft a convention based on the Draft 0/1 suggestions as modified by discussions at that conference.

Matthews (1993, p. 15) recorded that the Dutch government circulated, on 12 October 1967, a draft of a ‘Wetlands Convention’ with 21 Articles (Draft 2; File S3 of the Supplementary material). Matthews (1993) noted that within a month, a document entitled Comments on the First Draft of a Wetlands

Convention had been prepared for the IUCN. In this, the draft was criticised for not taking into account the relatively low appreciation of wetlands then current. Instead, far-reaching obligations were imposed, and wetland protection made paramount. An international authority was planned to have final judgement on national affairs. The IUCN felt that few states would become parties to such a convention and considered that a much more modest approach may be more fruitful.

Draft 2, with commentaries from the IUCN and the international environmental lawyer Cyril de Klemm, was discussed at a meeting of IWRB's Executive Board at the IUCN's Morge headquarters in November 1967, and the conclusions (File S4 of the Supplementary material) transmitted to the Dutch government with a request that a redraft be prepared for the 1968 Leningrad conference.

The second Dutch government draft (under the authorship of Dr W. A. Panis but 'designed in close co-operation with the chief of Treaty Department of the Dutch Ministry of Foreign Affairs'; W. A. Panis, cf. File S7) was circulated informally to (at least) Phyllis Barclay-Smith (a major UK motivator of international bird conservation and Secretary-General of the ICBP) seeking comments. This Draft 3.0, which we explore, is presented in [Appendix 2](#) (File S5 of the Supplementary material). The subsequent draft circulated formally to the Leningrad conference (Draft 3.1; File S6 of the Supplementary material) was changed in relatively few respects (as indicated in [Appendix 2](#)) and with an introduction provided by the Dutch Government (File S7 of the Supplementary material).

Following the USSR-led invasion of Czechoslovakia by troops of the Warsaw Pact in August 1968, the Leningrad conference in September was boycotted by most Western European governments, with the IWRB withdrawing from its formal organisation. Despite this disruption to the negotiating processes, the draft convention survived with participants:

...consider it expedient to hasten the adoption of a convention concerning wetlands conservation, and to provide for a strict protection of those wetlands that have an international importance [[Anonymous 1970](#)].

Subsequently, Matthews stated:

...on 11 February 1969, IWRB received from the USSR Ministry of Agriculture another text for 'An International Convention on Wildfowl and Wetlands' [Draft 4; File S8 of the Supplementary material]. Of its 13 articles, a number were rather similar to those of the Dutch text, but others differed quite substantially [[Matthews 1993](#), p. 20].

This version and the Dutch text (Draft 3.1) were considered point by point at the IWRB's next Executive Board meeting in Vienna in May 1969. The conclusions (File S9 of the Supplementary material) were transmitted to the Dutch government, which agreed to draw up a compromise text by July 1969, although failure to do this by August 1969 resulted in the IWRB producing Draft 5.0 (File S10 of the Supplementary material) and shortly afterwards producing Draft 5.1 (File S11 of the Supplementary Material) At the same time, Iran offered to host an international conference to finalise a wetland convention in early 1971 ([Matthews 1993](#); File S12 of the Supplementary material).

In September 1969, the Ninth Biennial Conference of the International Union of Game Biologists in Moscow gave an opportunity to restore international relations ([Matthews 1993](#)). The USSR generally accepted the IWRB's compromise text (Draft 5.0) subject to approval by a technical meeting to be called in Finland the following year.

In December 1969, the Dutch government circulated an official draft proposal for a Convention on Wetlands as Wildfowl Habitat (Draft 5.1; File S11 of the Supplementary material).

This was very nearly identical with the compromise draft [Draft 5.0] drafted by IWRB and sent to [the Dutch] Ministry in August. [[Matthews 1993](#), p. 23].

Following very wide circulation, Draft 5.1 was discussed in Helsinki, Finland, in March 1970. Line-by-line examination of the text resulted in some significant changes, as summarised by [Matthews \(1993\)](#). The IWRB was asked to produce a final draft to be sent to all countries likely to attend the Iran conference (Draft 6; File S13 of the Supplementary material), together with a substantial cover note (File S14 of the Supplementary material).

In March 1970, the Imperial Iranian government extended formal invitations 'to the Ministries of Foreign Affairs of the countries of Europe, North Africa and Asia' to participate in an international conference, initially planned for the city of Babol-sar but then shifted to Ramsar ([Matthews 1993](#), p. 26).

The IUCN, which previously 'had been unenthusiastic about the convention' ([Matthews 1993](#), p. 26), had made late and ambitious suggestions for textual changes in September 1970, but these were rejected by the IWRB's Executive Board to avoid reopening discussions on Draft 6 prior to final negotiations in Iran. [Matthews \(1993, pp. 26–30\)](#) gives a detailed account of the discussions held in Ramsar in 1971.

One of the key issues to emerge from the negotiating history of the convention was the critical engagement with the USSR. This was especially notable during the 'coldest' part of the cold war. USSR's strong support for an ambitious convention was expressed through their hosting of the 1968 Third European Wildfowl Conference in Leningrad, and despite the Western boycott following the invasion of Czechoslovakia, continued engagement in producing their own draft (Draft 4) convention text, subsequently to be reconciled with earlier circulating drafts ([Table 1](#)). It is clear from [Matthews' \(1993\)](#) more detailed account that exceptional personal relationships underpinned this crucial east–west collaboration.

Political feasibility

Of the supplementary documents we present, perhaps the most instructive are the information notes accompanying Draft 3 (W. A. Panis, cf. File S7) and Draft 6 ([IWRB 1970](#); File S14). These give unique narrative accounts, by the drafters, explaining their rationale and approach. The 1968 note by W. A. Panis clearly outlines his recognition of the risks (see especially pp. 2–4): that there had been no previous effective multilateral environmental treaties, but the state of wetland loss and degradation was such that international actions were urgently required. Despite this there would likely be little political appetite for states in the 1960s to accede to an overambitious

convention, especially with prescriptive measures and a compliance or sanctions regime. Thus, drafts needed to find a way that brought parties on board but also delivered a useful framework that would deliver national actions. In this, Panis recognised the need ‘to interfere as little as possible with national autonomy’ (see File S7, p. 2), such that ‘the draft goes no further than the acceptance of the principle stated at the beginning of the section concerned, nor does it give directives on the measures the parties are to take’ (see File S7, p. 4).

Regarding compliance,

No provision of any kind is made for sanctions if a State should fail to observe these directives. The emphasis in the convention is advisedly not so much on the establishment of a system of enforceable standards as on the institutionalization of permanent international consultation on as broad a base as possible. [W. A. Panis, cf. File S7, p. 3].

His logic was that:

No sanction whatever would be realistic in the majority of cases, for any decision to ignore a recommendation would normally be a result of weighing national and international considerations, and in many cases the national interest will be deemed to be so predominate that it will have to prevail over international aspects. [W. A. Panis, cf. File S7, p. 4].

(Softer ‘naming and shaming’ provisions have since proved a more pragmatic but weaker alternative; [Stroud et al. 2021](#).)

This was a skilful and politically aware approach to the task. In contrast, in the drafting period as described by [Matthews \(1993, p. 26\)](#), the IUCN seem to have badly misread the politics, initially being unenthusiastic about a wetlands convention and failing to engage with it, but then, in 1970, making last-minute unrealistically strong proposals, especially on sanctions, at odds with the more nuanced approach of Panis for the Dutch government and of the IWRB. From [Matthews’ \(1993\)](#) tactful account, it appears these IUCN proposals were quietly dropped.

The general drafting approach was to oblige the creation of national wetland policies ‘while no exact indication is given as to what form that policy or those measures should take’ (W. A. Panis, cf. File S7, p. 2). This was playing a long game and, in subsequent years, the Conference of Parties (COP) to the Convention has adopted formal guidance on an increasingly wide range of relevant conservation issues, including on policy, as summarised in the library of 20 handbooks published by the Ramsar Secretariat (<https://www.ramsar.org/resources/the-handbooks>, accessed 21 September 2021). The COP process has progressively created the detail missing from the formal 1971 convention text, a general approach similar to that adopted by more recent multilateral environment treaties such as the UN’s Framework Convention on Climate Change and Convention on Biological Diversity (both of 1992).

The absent role of the UN

The development of the wetlands convention outside the UN system has led to consequences that are still being debated in recent COPs. Yet, in the late 1960s there was much environmental activity within the UN, with preparations for the 1972 Stockholm Conference on the Human Environment ongoing from 1968.

The lack of UN status results from the wetlands convention being developed initially as a European and North African regional initiative (as witnessed from the invitations to the Ramsar conference) and being driven (initially, at least) by non-government organisations ‘bottom-up’, rather than as a ‘top-down’ global initiative via the UN system. Indeed, the manner of its development seems to have confused UK government officials. The UK file contains a 18 June 1968 letter from the Home Office, London to the Nature Conservancy (P. E. Baker, in litt., 1968):

I attach a copy of a letter and enclosure [Draft 3.0] I have received from Miss Barclay-Smith [of IWRB] about a proposed convention on the conservation of Wetlands and Wildfowl. The draft convention does not appear to have been produced by one of the recognised international bodies, and this no doubt accounts for the unusual manner in which it has been brought to our attention.

However, the final text was usefully silent on its geographic scope, thus allowing its eventual adoption globally.

The fact that the convention agreed in Ramsar became global is entirely due to its subsequent promotion by the IWRB. Constitutionally, the IWRB was a hybrid international organisation with both non-government and government members, and it heavily advocated accession with its state members. Based on this effort, the Ramsar Convention already had 33 parties by the time the Stockholm-mandated Migratory Species Convention came into force in November 1983 with 15 parties ([Bowman et al. 2010](#)).

Thematic analysis

Based on the above-mentioned documentation, we now focus on a few important thematic issues in the convention’s development.

Scope of the Convention

Geographic scope

The Mar Conference in 1962 had been essentially European, although there had been single attendees from Australia, Canada and Morocco, with six US delegates. The Introduction for Draft 3 of the Convention ([Appendix 2](#); File S7) expresses ambivalence as to the scope of the proposed Convention:

The area covered by the Convention, which by its very nature cannot be world wide, will have to be decided by specialists from the European, North and Central African and South-West and Central Asian regions. [W. A. Panis, cf. File S7].

[Matthews \(1993, p. 18\)](#) commented that ‘Such a myopic viewpoint is now difficult to comprehend.’

Subsequent drafts grew in geographic aspiration, progressively leaving aside initial ‘cannot be world wide’ doubts, but retaining the potential convention’s scope as ‘international’. Nowhere in the papers we have is the word ‘global’ used. The formal Preliminary Notice for the Ramsar Conference (File S12 in the Supplementary material) states:

The time is now ripe for a move towards positive international action to encourage and co-ordinate conservation measures by individual countries. This is particularly with

regard to the complex of wildfowl populations breeding in Northern Eurasia and wintering in south and west Eurasia and in Africa south to the Equator.

Iran only invited countries in Europe, North Africa and Asia to its negotiating conference. A total of 28 countries attended (including observer states), all but 6 of which (India, Iran, Jordan, Pakistan, South Africa and Turkey) were European. As a result of lack of invitation, there was no representation from East Asia, the Americas or Oceania (in contrast with the earlier technical meetings in the UK (1963), Netherlands (1966) and Leningrad (1968), which had attendees from Canada, Ceylon, Ethiopia, India, Israel, Senegal and USA). Despite this Euro-centric start, the Convention has progressively grown to a current global membership of 172 parties, although membership growth has not been regionally uniform (Fig. 1), being significantly slower in Oceania and Asia.

Habitat scope

By 1968, Draft 3 (Appendix 2) was attempting to define the scope of the incipient convention as a list of specific wetland types (lagoons, swamps, ponds etc.). However, the accompanying information note (W. A. Panis, cf. File S7) clearly notes that ‘the summary of areas in the second paragraph is enumerative and does not exclude the possibility that areas of other kinds might be designated as wetlands.’ Although, with hindsight, this clearly did not represent the full range of interest from potential contracting parties, with the later inclusion of a wider range of wetland types (missing, for example, at that time are wetland types such as mangroves); given the then ambivalence as to the proposed convention’s geographic extent (see above), the approach is not unexpected.

The final draft (Draft 6; File S13) adopts an approach based on wetland attributes (e.g. whether the wetlands are ‘natural or artificial, ... with water that is static or flowing, fresh brackish or salt, ...’). Such an approach allows any area to be defined as wetland or non-wetland without the need for its inclusion as a particular wetland type in a list. The approach finally adopted

has proved robust for the general purposes of the Convention, although its recognition in other national and international contexts has been limited. Thus, both the UN’s Aichi Targets and Sustainable Development Goals split wetlands across targets, and there are multiple examples of different national wetland classifications (Gerbeaux *et al.* 2018).

Convention bodies and structures

COP and financing the Convention

Central to the initial concept of the Convention was a COP. This has been fundamental to the effectiveness of the treaty. However, a number of important elements as to its working were missing from the final text, including the authority of the COP to adopt financial provisions for the organisation of its meetings, funding a secretariat and other purposes.

Article 11 of Draft 3.0 had set out a first, inadequate, attempt to create a finance mechanism. This established (Article 11.1) that nationally incurred expenses ‘shall be borne by the Contracting Party concerned’. However, Article 11.2 attempted to establish a funding mechanism for those collective tasks required under Article 9.3b, essentially the provision to the COP of relevant contextual ‘scientific reports, statistics, observation and other documents’. Four categories of contributions were proposed ranging from 10 000 to 100 000 Dutch guilders, but without criteria as to assignment. Such budgetary prescription was quickly dropped: later in 1968, Article 11.2 of Draft 3 just had four unspecified categories of contribution. By 1971 the final text is silent on the issue of budgets.

The need for a financial provision was formally recognised at COP 1 (Resolution 1.8) and ultimately delivered through amendments made to the convention text through a two-stage process: (1) the separate agreement of a Protocol to the Convention (the ‘Paris Protocol’) adopted by an Extraordinary Conference in 1982 that established legal provision to amend the Convention text; and (2) through amendments adopted by the second Extraordinary Conference (in 1987 prior to COP3) which *inter alia* finally settled the issue of budgetary competence by insertion of

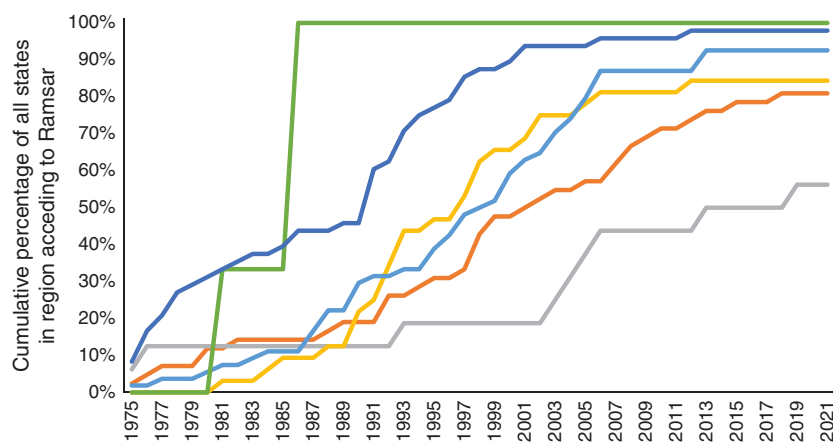


Fig. 1. Regional accession rate to the Ramsar Convention expressed as a cumulative proportion of all states in each of Ramsar’s six regions. Green, North America (three parties); dark blue, Europe (potentially 48 parties); yellow, Latin America and the Caribbean (potentially 32 parties); light blue, Africa (potentially 54 parties); orange, Asia (potentially 42 parties); grey, Oceania (potentially 16 parties).

new Articles 6.5 and 6.6 allowing the COP to establish procedures for financial contributions (see below).

Establishment of secretariat functions

During the drafting process there was increasing recognition of the critical need for a secretariat to service the Convention and its parties, given the lack of such was one of the main reasons of the non-functionality of the Paris Convention and other early treaties. Draft 3.0 proposed coordination be provided by a 'Secretariat of the Conference' (Articles 8.1 and 8.2), with a biennially convening COP proposed as competent, under Article 9.3c, 'to establish directives covering the work and the size of the Secretariat of the Conference for the coming two-year period'. By the final text (Article 8) it had been resolved that the IUCN 'perform the continuing bureau duties' with a list of tasks needing to be undertaken.

Notwithstanding the more detailed breakdown of support tasks in the final text, the practical and organisational mechanisms for delivering permanent secretariat support was to take some years to stabilise, being immediately recognised as a need at the first COP (Recommendations 1.8 and 1.10), as documented by [Matthews \(1993\)](#). From 1971, interim secretariat functions to the Convention were undertaken by the IWRB on a voluntary basis and, from 1981, under formal IUCN subcontract. From 1987 these services were undertaken by a semi-autonomous 'Bureau', since 2005 called a 'Secretariat'.

Provision for a scientific subsidiary body

More recent multilateral environment treaties have included, from the outset, a scientific subsidiary body to provide parties with technical and scientific advice. Although explicitly recognised as a need at COP 1 (Recommendation 1.8), such provision for Ramsar only came significantly later at COP 5 ([Ramsar Convention 1993](#)) with the establishment of the Scientific and Technical Review Panel (STRP). Prior to this, a number of organisations, in particular the IWRB and IUCN, provided scientific and technical advice to the Convention through participation in technical sessions at the COPs, or through individual activities and alignment of their own programs to the scientific interests of the Convention.

Norms and obligations

What is implied in designating a Ramsar site?

At the heart of early thinking about a wetland convention was the need to identify and conserve remaining wetlands of perceived international importance. This came directly from outcomes of Project Mar ([Hoffman 1964](#)), which developed and then published ([Olney and IWRB/Mar Bureau 1965](#)) a list of internationally important wetlands defined according to specified criteria. Although these were especially, although not exclusively, identified on the basis of their importance for waterfowl, Project Mar was explicit that such interest was a surrogate for other ecological values for which international data did not then exist. The use of ornithological criteria was seen as an expediency because it was readily available. The 'list' of waterbird sites was explicitly seen as an initial list ([Olney and IWRB/Mar Bureau 1965](#)) intended for subsequent addition with other interests, such as, for peatlands, with data from the

International Biological Programme and IUCN's Project Telma ([Bellamy and Pritchard 1973](#)).

Thus the primary role of the proposed wetland conservation convention was to ensure, through government policy actions, the sustained conservation of these few critical sites. At the time of drafting the convention there were no other models of what international site-based protection under a multilateral treaty may look like, notwithstanding a long history of nationally protected areas such as national parks, notably in Australia and USA ([Holdgate 1999](#)), so for the drafters this was entirely new territory.

The initial thinking is presented as Article 6 of Draft 3.0 ([Appendix 2](#)), although by 1970 (Draft 6), and because of the centrality of the issue, this had become Article 2. In Draft 3.0, parties are obligated (but only 'so far as it considers it possible') to inscribe wetlands 'in the List pertaining to this Convention' (Article 6.1). Draft 3.0 then makes clear, as in the final text, that the first listing shall occur when a country joins the convention (Article 6.2) and that further listings may follow (Article 6.3).

Although Article 7 in Draft 3.0 states that 'the wetlands inscribed in the List shall be the subject of the joint care of the Contracting Parties', in seeming contradiction it also states that such care should be 'without prejudice to the exclusive rights attaching to the sovereignty of each of the Contracting Parties individually over the wetlands inscribed by it in the List'. The nature of such joint international care is unclear, although Article 6.4 envisaged a process where any party would need to obtain a formal 'opinion' from the COP before a party could delist a site on the list or reduce its boundaries.

The COP is also envisaged to have a formal role in providing advice to a party following that country's notification to the COP '... that changes are likely to occur in the ecological nature of any of its wetlands figuring on the list...' (Article 8.1). The COP would then provide a formal recommendation to the party concerned (Article 8.3) 'if possible' appending 'concrete proposals for preserving the whole or part of the wetlands in question, limiting the effects of any encroachment on the wetlands and for co-ordinating these interests with others affected by the changes' (Article 8.4).

Such proposals, notwithstanding the purported claim that they were 'without prejudice to the exclusive rights attached to ... sovereignty' were quickly found unacceptable. [Matthews \(1993\)](#) noted that 'the curtailment of national sovereignty would be unacceptable, as would the prevention of any planned changes considered undesirable by nature conservancy experts'.

However, the suggested model is of interest in that aspects have since developed through subsequent decisions. Thus, final Article 3.2 requires that parties report cases of changes in the 'ecological character' to the Secretariat. Final Article 8.2d requires the Secretariat to bring such cases to the attention of the COP, at which this issue is a standing agenda item. Final Article 8.2e envisages a further role for the Secretariat in communicating to the party concerned 'the recommendations of the Conferences in respect of such alterations to the List or of changes in the character of wetlands included therein'.

Although early COPs adopted recommendations explicitly addressing specific sites (e.g. separate COP 2 recommendations related to the trilateral Wadden Sea, Sahel wetlands, and two related to the Doudj National Park in Senegal), more recent

COPs have rarely adopted detailed site-specific recommendations, especially not in regard to management prescriptions. Rather, separate advisory missions, initially as a management guidance procedure and now Ramsar advisory missions (Gardner *et al.* 2018a, 2018b; Jones and Pritchard 2018) provide a means of giving formal advice to parties with regard to best management of sites with problems. Removing such advice from the political arena of a COP has been helpful to positive outcomes, as shown by the success of Ramsar advisory missions (Gardner *et al.* 2018a), such as that for Chilika Lagoon, India (Finlayson 2020), for the Ouse Washes, UK (Mansfield 2014), which triggered a range of wetland creation initiatives, and at Parc national des Virunga, Democratic Republic of the Congo (Gardner *et al.* 2018b).

Notwithstanding the centrality of the obligation to designate Ramsar sites, the draft and final text lack criteria for their selection. Stroud and Davidson (2021) separately document the history of these criteria.

There is no suggestion in Draft 3.0, nor indeed in the final text, as to the need for regular reporting on the status of listed sites. The need for a standard description of listed sites through an information sheet was to come later in 1990 (Ramsar Convention 1990) and the regular update of such status descriptions after that (Ramsar Convention 1996).

Role of other parties in the conservation of Ramsar sites

As noted above, the interaction between sovereignty and collective obligation was a significant discussion area when drafting Ramsar's text. With respect of changes in the ecological nature of a listed Ramsar site, Article 8.2 of Draft 3.0 mandated the COP to 'make known its opinion on the notified change in the form of a recommendation to the Party or Parties concerned'. This requirement largely survived the drafting process with an obligation on the Secretariat to 'make known to the Contracting Party concerned, the recommendations of the Conferences in respect of such alterations to the List or of changes in the character of wetlands included therein'. This results in a formal resolution at each COP on listed sites where, in theory, such recommendations can be made. In practice, this now rarely occurs with recent resolutions on listed sites (e.g. Ramsar Convention 2018) substantially silent as to recommendations to other parties.

Cooperation and transboundary Ramsar sites

The accompanying information note (W. A. Panis, cf. File S7, p. 2) recognised the issue that many important wetlands straddle international boundaries, noting that:

...some room has been left [in Article 1, paragraph 1] to enable a number of Contracting Parties jointly to designate areas to be protected. This can be particularly important to areas situated on the territories of two or more States.

By the final text (final Article 5), this notion of transboundary designations had changed to a more general obligation for parties to 'consult with each other ... especially in the case of a wetland extending over the territories of more than one Contracting Party'. General guidelines for international cooperation, especially with respect to shared wetlands were subsequently adopted (Ramsar Convention 1999), although the concept of

joint designations as an expression of such cooperation has been slow to develop. To date there are 57 Ramsar sites in 22 parties described as transboundary.

Core obligations on wise use and to maintain the ecological character of wetlands

Initial (Draft 3.0) obligations to maintain the 'ecological character' of wetlands were poorly expressed, referring to 'changes in the ... ecological nature' of listed sites, although the final Article 3.2 was scarcely more detailed. The term 'wise use', so central to the convention's obligations, appears to have been added at the Ramsar conference. Article 4.1 of the final Draft 6 (File S13) requires that:

Each Contracting Party shall promote the conservation of wetlands and waterfowl by organising nature reserves on wetlands whether they are included in the List or not.

The final formulation of Article 3.1 to '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' establishes a much wider concept and moves away from a particular mechanism (the establishment of nature reserves) to establish a wide palate of policy options. As explored by Pritchard (2021), what the wise use concept means and what the policy options are for its delivery have needed significant subsequent development.

Conclusions: the uniqueness of the Convention on wetlands

In the second half of the 1960s there were no examples of what a broad-ranging and effective environmental treaty may look like. With respect to habitat conservation and land use, the only precedent was the ambitious 1968 African Convention on Nature and Natural Resources, which required parties to take conservation measures in respect of soil and water and to 'maintain and extend' conservation areas. However, there is no evidence for significant African input into the development of the Convention (the Mar Conference was attended by a single delegate from Morocco, with the Ramsar meeting attended by just a single (South) African delegation), suggesting that during its evolutionary phase the wetlands convention developed independently from the African Convention.

The Western Hemisphere Convention has been in force since 1942 but lacks administrative provisions (Bowman *et al.* 2010), whereas the International Convention on the Regulation of Whaling had, since 1948, established an International Whaling Commission that had met annually, although an adequately funded secretariat was not in place until decades later, materially impeding its effectiveness (Dorsey 2014).

At the time then, what was proposed for wetlands following the 1963 Mar Conference was visionary.

In parallel to the development of a wetland convention, the UN was increasingly focusing on environmental issues. This led to the 1972 Stockholm Conference on the Human Environment, the outcomes of which were presented to the General Assembly of the UN later in 1972, which accepted the declaration and action plan in Resolution 2995 (XXVII) mandating, *inter alia*, the establishment of the UN's Environment Programme (Chasek 2020).

There were no global conventions on biodiversity conservation before Ramsar, and it has pioneered international processes and ways of working, acting as a procedural ‘test bed’ for conventions that were to come later, such as those on trade in endangered species and on migratory species. In particular, it was the first international biodiversity treaty to recognise the need (in principle at least) for a permanent secretariat to drive activity, notwithstanding that the final structures that exist now took some time to put in place. It also gave the first recognition of the need for regular meetings of the parties through a formal conference of the government parties. Both these elements were within the very first drafts of the Convention text. Thus, beyond its critical importance for wetlands themselves, the treaty has been enormously influential for international environmental conservation more widely.

The availability, for the first time, of the early convention drafts makes clear not only how the text convention developed, but also the thinking of its drafters and proponents. As well as being of importance for the historical record, these documents give pointers as to how the convention may further evolve. Accordingly, and 50 years on, it could prove useful to reappraise the influence and, more specifically, the direction of the Convention given the greatly increased membership and experience from other agreements.

Data availability

Data sharing is not applicable because no new data were generated or analysed during this study.

Conflicts of interest

Nick Davidson and Max Finlayson are editors for *Marine and Freshwater Research* but did not at any stage have access to this manuscript while in peer review, as is standard practice when handling manuscripts submitted by an editor to this Journal. *Marine and Freshwater Research* encourages its editors to publish in the Journal and they are kept totally separate from the decision-making processes for their manuscripts. Other authors have no conflicts of interests. The authors collectively have had long-involvement in the Convention’s international development and national implementation, variously as national delegates to multiple COPs, as chairs and members of STRP, as chairs of national Ramsar committees, as representatives of the Convention’s international organisation partners and as Deputy Secretary General of the Secretariat.

Declaration of funding

This research did not receive any funding.

Acknowledgements

The authors acknowledge their indebtedness to the late Geoffrey Matthews for his stewardship of the Convention in its early years, and especially for his detailed 1993 account of the history of the Convention, from which we have extensively drawn. The authors also thank Geoffrey Matthews for preserving an archive of original drafts and other key documents (presented here as supplementary documents) and Mary Matthews for allowing access to these. The authors appreciate the wisdom and guidance of colleagues involved in the development of the Convention, including those from the Scientific and Technical Review Panel. Thanks also to two anonymous reviewers for their helpful comments on a draft.

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Handling editor: Siobhan Fennessy

Appendix 1. First draft of the Convention on Wetlands circulated by the IWRB on 24 August 1965

Draft for an International Convention on the Conservation of Wetlands

The High Contracting Parties

Considering that wetlands have a high recreational, educational, scientific and economic value which increases with the standard of life

Considering that an international network of wetlands is necessary to keep the stocks of European migratory wildfowl, which is one of the main assets of wetlands

Considering that therefore wetlands deserve special protection as an important resource for the future

Being, however, aware of the rapid disappearance of wetlands as a consequence of drainage schemes which are often economically questionable

Have reached the conclusion that an International Convention for the Conservation of Wetlands is required, and in consequence they propose the following text:

ARTICLE 1

The present convention applies to all wetlands which include all areas of marsh and bog, and all stretches of water with a depth less than twenty feet (or six metres), whether fresh or salt, temporary or permanent, static or flowing. Important categories include estuaries and coastal shallows, brackish and saline lagoons, natural and artificial lakes, complexes of small ponds or potholds [*sic*], reservoirs and gravel pits, rivers, swamps and flood-meadows.

ARTICLE 2

1. The High Contracting Parties recognise the primary international importance of the wetlands listed in the 'List of European and North African Wetlands of International Importance', published by the International Union for the Conservation of Natural Resources in the framework of Project MAR.

2. They consider the conservation of these wetland areas as a minimum requirement for the maintenance of the present European wildfowl stocks.

3. They agree therefore, subject to the exceptions specified in Article 3, to oppose as far as their legal powers entitle them to do so, any drainage or modifications of the habitat to the disadvantage of the wildfowl species living there permanently or temporarily and to pay no subsidies for such drainage or modification.

ARTICLE 3

If higher national or international needs make the drainage or modification of wetlands classified in the MAR List necessary, exemptions can be made on ARTICLE 2, 3.

In these cases action will only be taken after it has been proved through a careful study that the higher needs cannot be satisfied elsewhere or in another way. Ecologists will then have to be consulted with the purpose to have the modifications carried out in such way that the best care is taken of the interests of wildfowl. The losses of the interests of wildfowl should be compensated by protection or management of other, hitherto unprotected areas.

ARTICLE 4

Within all the wetland areas classified in the MAR List measures will be taken for the conservation of their wildfowl populations through establishing the best balance between conservation, hunting and other recreational, educational, scientific and economic use. To this end adequate surfaces have to be put into reserves where wildfowl stays undisturbed.

ARTICLE 5

Wetland areas not classified in the MAR List deserve also protection. Before any plans for drainage are approved or subsidised a detailed assessment of the recreational, educational, scientific and economic use of the wetlands has to be done by consultation of ecologists and specialists in those value of the land [*sic*] to be reclaimed and the investments required for this reclamation.

ARTICLE 6

If artificial wetlands are constructed by governments or with governmental subsidies, ecologists have to be consulted in order to make wetlands as productive as possible for wildfowl. Furthermore one third of the surfaces of these artificial wetlands have to be managed as reserves where wildfowl rests undisturbed by hunting or other recreational or economic activities.

The present Convention shall be ratified and will remain in force between all the signatory Powers. In the event of denunciation of any of them, such denunciation will affect only the State concerned and that only one year from the date on which the denunciation shall be notified to the Contracting Parties.

Nations which have not subscribed to the present Convention have the right to adhere to it on request.

Appendix 2. Development of drafts of the Convention on wildfowl and wetlands through comparison of Draft 3 with the final adopted text of 1971

The few changes between versions 3.0 and 3.1 are indicated by text struck through for deletions and underlined text for additions. The commentary provides a narrative on issues of significant development. Brackets are used in this table to indicate text that has been added to the draft and needs to be agreed.

1971: final text 1971	1968: early draft (Draft 3.0; see Table 1)	Commentary
The Contracting Parties, Recognizing the interdependence of Man and his environment	The Contracting Parties Recognising that waterfowl, in view of their migratory habits must be regarded as a common asset of a cultural, scientific, economic and recreative nature	Foreshadows the Declaration of the UN Conference on the Human Environment, Stockholm, 1972 Final text simplifies paragraph and moves it later in the Preamble. Values of waterfowl become the values of wetlands in the final text
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	Considering that a progressive encroachment on wetlands and their fauna and flora would inflict irreparable damage upon this common asset	Conceptually developed from the first preambular of the first draft
Desiring to stem the progressive encroachment on and loss of wetlands now and in the future	Desirous of stemming such encroachment as rapidly as possible and of preventing its occurrence in the future	Final text merges sentiments of two draft preambular paragraphs
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 coordinated international action Have agreed as follows: Article 1	Realising that the conservation of wetlands and their fauna and flora can be ensured by the combination of a clear national policy in each of their countries with a purposive international policy Have agreed as follows:- Article 1	Sentiment was first preambular paragraph in first draft. 'Common asset' more explicitly becomes 'international resource'
1. For the purpose of this Convention wetlands are 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.	1. As wetlands within the meaning of the present Convention shall be regarded regions that are defined as such either by one of the Contracting Parties with respect to its own territory or by the consensus of a number of all the Contracting Parties with respect to their joint territory.	Sentiment of draft text does not appear in final text: raises sovereignty issues and the definition of what is a wetland is left to the discretion of individual parties Dr W. A. Panis noted of Draft 3.0 that 'some room has been left [in Article 1, paragraph 1] to enable a number of Contracting Parties jointly to designate areas to be protected. This can be particularly important to areas situated on the territories of two or more States' (see main text and File S7)
	2. When deciding what regions shall be qualified as wetlands the Contracting Parties shall at all events consider: <u>coastal and inland seas</u> , estuaries, <u>tidal flats</u> , shallows, lagoons, coastal and inland seas , <u>swamps, peatlands, bogs, wet tundras, rivers, river fore-lands, litter fens, pools, ponds</u> natural and man-made lakes, <u>groups of small fens, glacier basins</u> , reservoirs, and gravel pits, rivers, swamps, peatlands, tundras and water meadows .	Draft text is very inadequate. Final text presents a conceptual definition of wetlands. Matthews (1993) noted that the definition in this draft moved away from that given in IWRB's 1984 Liquid Assets (Atkinson-Willes 1964)
2. For the purpose of this Convention waterfowl are birds ecologically dependent on wetlands.	3. Wetlands within the meaning of the Convention shall include the littoral zones thereof and the fauna and flora indigenous to the wetlands.	Implications of the first part included in Article 1.1 of final text. Second element explicitly includes species as an ecological component of wetlands No definition of waterfowl in first draft

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1971: final text 1971	1968: early draft (Draft 3.0; see Table 1)	Commentary
Article 2	Article 6	Revised sequence of Articles
1. Each Contracting Party 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.	1. Each of the Contracting Parties shall – in so far as it considers it possible – have wetlands within its territory inscribed in the List pertaining to this Convention...	Final text makes designation of Ramsar Sites a mandatory requirement rather than discretionary act. Final text starts to elaborate the process of designation (delimitation on a map)
2. Wetlands should be selected for the List on account of their international significance in terms of ecology, botany, zoology, limnology or hydrology. In the first instance wetlands of international importance to waterfowl at any season should be included.	1. ... Particularly eligible for inscription in the List are wetlands that are of considerable significance as breeding places, feeding places or roosting places of to waterfowl during any period of their life.	Sentiment concerning priority for sites of importance for waterfowl moved to final Article 2.2
3. The inclusion of a wetland in the List does not prejudice the exclusive sovereign rights of the Contracting Party in whose territory the wetland is situated.		Sovereignty given profile in the final text
4. Each Contracting Party 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.	2. Each of the Contracting Parties shall submit its first entry for the List: a. when signing the Convention without reservation as to ratification, or b. when depositing its instrument of ratification, or c. when depositing its instrument of accession. The first entry for the List shall be effective as from the date on which the present Convention enters into force for the Contracting party concerned.	Final text is a significant simplification of draft text
5. Any Contracting Party 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.	3. Any Contracting Party may – after the Convention has entered into force in respect of that party – add one or more wetlands situated within its territory to the List or, by altering the description, extend the wetlands already figuring on the List.	Final text on deletion of listed Ramsar sites or restriction of boundaries is simplified from draft Article 6.4
	Additions or extensions shall be effective as from the date on which written notice thereof is given to the Secretariat of the Conference referred to in Article 9.	Draft text was highly contentious (Matthews 1993) impinging on issues of national sovereignty through the creation of an authorisation mandate given to the COP on this issue largely removed from final text, whose Article 2.2 gives a clear expression of the supremacy of national sovereignty
	4. Any of the Contracting Parties may, after the Convention has entered into force in respect of that Party, ask the Conference referred to in Article 9 to express an opinion on the intentions of the Contracting Party concerned to delete Wetlands from the List or, by altering the description, to restrict the wetlands figuring on the List. After the Conference has had the opportunity of expressing an opinion, the Contracting Party concerned shall be authorised to introduce the said deletion or restriction. Deletions or restrictions shall be effective from 1 January of the year following that in which written notice thereof was given to the secretariat of the Conference referred to in Article 9.	

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(Continued)

1971: final text 1971	1968: early draft (Draft 3.0; see Table 1)	Commentary
6. Each Contracting Party shall consider its international responsibilities for the conservation, management and 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.	5. Each of the Contracting Parties shall be guided by a sense of <u>the</u> responsibility it shares for the conservation of the common stock of waterfowl, both when submitting its first entry for the List and when making any later changes.	The 'sense of responsibility' ethic was also captured by the final preambular text
	<u>Article 2</u>	
	1. Each of the Contracting Parties undertakes to organise its nature conservation policy in such a way as to ensure the conservation, the expert management and the due protection of the wetlands within its territory.	Does not appear in final text. The issue of national promotion of wetland conservation through creation of nature reserves is addressed by Article 4.1 of the final text
	2. Within the context of its nature conservation policy, each of the Contracting Parties shall draw up regulations with respect to the conservation, the management and the protection of wetlands. Such regulations shall be designed, <i>inter alia</i> , to guarantee that the competent Government bodies shall be apprised in good time of any proposed changes in the ecological nature of the wetlands within its territory	Ecological change sentiment becomes Article 3.2 in final text Text conceptually overlaps with change reporting requirements of draft Article 8 below. 'Ecological nature' becomes 'ecological character' in Article 3.2 of final text
	<u>Article 4</u>	
	1. Each of the Contracting Parties shall endeavour to have regulations referred to in Article 2 embodied in its national law, or – should the national authorities not be sufficiently competent – in the law of all the constituent parts of the State.	Does not appear in final text. Draft text is weak requiring only that parties 'endeavour' to nationally transpose the obligations under the Convention for wetland conservation
Article 3		
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.		Final text Article 3.1 draws on draft Articles 4.1 and 4.2
	2. If there should be legislation in force within the territory of a Contracting Party concerning the conservation, management or protection of fauna, of flora or/of their natural habitats, the Contracting Party shall ensure that such legislation is also applicable to the wetlands within its territory.	Final Article 3.1 provides a more overarching requirements with respect to planning in regard of Ramsar sites and other wetlands
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. Information on such changes shall be passed without delay to the organization or government responsible for the continuing bureau duties specified in Article 8.	<u>Article 8</u>	
	1. Where it has come to the knowledge of the competent Government bodies, that changes are likely to occur in the ecological nature of any of its wetlands figuring on the List or if such changes are already taking place or have taken place through natural causes, the Contracting Party concerned shall forthwith send a written notification thereof to the secretariat of the Conference referred to in Article 9. Such notification shall be illustrated by maps and other documentary material.	Final Article 3.2 text developed from sentiment of first draft Article 2.2 and Article 8
Article 4		
1. 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.		Final text less robust than draft Article 2.1, which specifically addresses the need 'to organise its nature conservation policy', in contrast to just 'promoting the conservation of wetland nature reserves'

(Continued)

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1971: final text 1971	1968: early draft (Draft 3.0; see Table 1)	Commentary
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.		Compensation in the event of the deletion of restriction of a listed site does not appear in Draft 3
3. The Contracting Parties shall encourage research and the exchange of data and publications regarding wetlands and their flora and fauna.		Research not included as a topic in Draft 3
4. The Contracting Parties shall endeavour through management to increase waterfowl populations on appropriate wetlands.	<p><u>Article 3</u></p> <p>1. Each of the Contracting Parties shall promote the conservation of waterfowl resources protection in general, both within and outside the wetlands.</p>	
5. The Contracting Parties shall promote the training of personnel competent in the fields of wetland research, management and wardening.		Training not included as a topic in Draft 3
Article 5	<u>Article 5</u>	<p>Final Article 5.1 requires a more comprehensive duty of co-operation including with regard to shared wetlands and water systems, absent from draft Article 5.1</p> <p>Dr W. A. Panis (cf. File S7) noted that in draft Article 5 that ‘multilateral contact is prescribed for all matters relating to the implementation of the convention, this contact being specified in more concrete terms in respect of the co-ordination ... of the rules to be drawn up by the Contracting Parties to reinforce one another’s policies in relation to the interests the convention seeks to safeguard’, an important but then radical proposal</p>
1. The Contracting Parties shall consult with each other about implementing obligations arising from the Convention especially in the case of a wetland extending over the territories of more than one Contracting Party or where a water system is shared by Contracting Parties. They shall at the same time endeavour to coordinate and support present and future policies and regulations concerning the conservation of wetlands and their flora and fauna.	The Contracting Parties shall consult with each other on the implementation of the obligations arising from the previous Articles. They shall at the same time endeavour to harmonize with each other their present and future regulations wherever there is reason to do so. They shall also make every possible effort, wherever necessary, to give the utmost support within their territories to the regulations imposed by one or more of them for the benefit of wetlands and of the indigenous their fauna and flora.	
	<u>Article 7</u>	Draft is contradictory, suggesting exclusive sovereignty but at the same time within a regime of ‘joint care’ by other countries (see comment on draft Article 6.2 above)
	The wetlands inscribed in the List shall be the subject of the joint care of the Contracting Parties, without prejudice to the exclusive rights attaching to the sovereignty of each of the Contracting Parties individually over the wetlands inscribed by it in the List.	
Article 6	<u>Article 9</u>	Purpose of the COP and the process by which it is convened more fully elaborated by decision of the 1987 Extraordinary COP
1. The Contracting Parties shall, as the necessity arises, convene Conferences on the Conservation of Wetlands and Waterfowl.	1. The Contracting Parties shall arrange for their representatives to meet once every two years at an International Conference on Waterfowl and Wetlands:	
[1. There shall be established a Conference of the Contracting Parties to review and promote the implementation of this Convention. The Bureau referred to in Article 8, paragraph 1, shall convene ordinary meetings of the Conference of the Contracting Parties at intervals of not more than three years, unless the Conference decides otherwise, and extraordinary meetings at the written requests of at least one third of the Contracting Parties. Each ordinary meeting of the Conference of the Contracting Parties shall determine the time and venue of the next ordinary meeting.]		Elaborated Article 1 revised by decision of the 1987 Extraordinary COP

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1971: final text 1971	1968: early draft (Draft 3.0; see Table 1)	Commentary
a. to discuss the implementation of this Convention;	a. to hold the consultations and to discuss the proposals regarding harmonization and support as referred to in Article 5,	Draft Article 6.4 substantially removed from final text, which simplifies the issue proposed for discussion
b. to discuss additions to and changes in the List;	b. to make known their opinions on any proposed deletions and restrictions as referred to in paragraph 4 of Article 6,	
	c. to finalize the recommendations and to make the proposals as referred to in paragraph 3 and 4 of Article 8,	
c. to consider information regarding changes in the ecological character of wetlands included in the List provided in accordance with paragraph 2 of Article 3;		
d. to make general or specific recommendations to the Contracting Parties regarding the conservation, management and wise use of wetlands and their flora and fauna;	d. to make recommendations to the Contracting Parties, either at the latter's request or on the initiative of the Conference, in regard to the management, the conservation <u>in their natural state</u> and the protection of wetlands and <u>their</u> fauna and flora.	Process also since developed as Ramsar advisory missions (Gardner <i>et al.</i> 2018a, 2018b)
e. to request relevant international bodies to prepare reports and statistics on matters which are essentially international in character affecting wetlands.	<u>Article 9.3</u> b. to instruct committees instituted from among its members, or to request other bodies or persons active in the sphere of waterfowl and wetlands to draw up scientific reports, statistics, observation reports and other documents, if such are essential to international co-operation in this field or can only be realized within an international framework,	
2. These Conferences shall have an advisory character and shall be competent <i>inter alia</i> :	2. The Conference shall have an advisory character.	Final text was modified by Paris Protocol (see below)
[2. The Conference of the Contracting Parties shall be competent:]	3. The Conference shall, furthermore, be competent:	Elaborated Article 2 revised by decision of the 1987 Extraordinary COP
3. The Contracting Parties shall ensure that those responsible at all levels for wetlands management shall be informed of, and take into consideration, recommendations of such Conferences concerning the conservation, management and wise use of wetlands and their flora and fauna.		
	a. to make decisions in respect of the first entries to be submitted by States acceding to the Convention, as referred to in paragraph 4 of Article 12,	
	c. to establish directives concerning the work and the size of the Secretariat of the Conference for the coming two year period,	
[4. The Conference of the Contracting Parties shall adopt rules of procedure for each of its meetings.]	d. to draw up its Rules of Procedure on the basis of the Convention,	Competency to draw up Rules of Procedure deleted from final text but reinserted as Article 6.4 by amendments revised by decision of the 1987 Extraordinary COP
[5. The Conference of the Contracting Parties shall establish and keep under review the financial regulations of this Convention. At each of its ordinary meetings, it shall adopt the budget for the next financial period by a two-third majority of Contracting Parties present and voting.]	e. to draw up its Financial Regulations on the basis of the Convention, it being understood that such Regulations shall provide for effective supervision by the Contracting Parties on expenditure.	Competency to draw up budgets deleted from final text but reinserted as Article 6.5 by decision of the 1987 Extraordinary COP
	<u>Article 11</u> 1. All expenses incurred by the representatives shall be borne by the Contracting Party concerned.	Issue not addressed by final text

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1971: final text 1971	1968: early draft (Draft 3.0; see Table 1)	Commentary
[6. Each Contracting Parties shall contribute to the budget according to a scale of contributions adopted by unanimity of the Contracting Parties present and voting at a meeting of the ordinary Conference of Contracting Parties.]	<p>2. The expenses incident to the meetings of the Conference and any expenses incurred in the carrying out of instructions or requests, as referred to in Article 9, under b of paragraph 3, shall be borne by the Contracting Parties. When signing, ratifying or acceding to the Convention, or at any later date, the Contracting Parties may indicate whether they wish to contribute to the defrayal of the costs under</p> <p>the first category, in the amount of £100,000 per annum;</p> <p>the second category, in the amount of £50,000 per annum;</p> <p>the third category, in the amount of £25,000 per annum;</p> <p>the fourth category, in the amount of £10,000 per annum.</p> <p>3. Contributions are payable annually. They fall due on 1 January of the year concerned. They shall be remitted in guilders to the Secretariat.</p>	<p>In draft, a budget is foreseen only in relation to funding the COP rather than maintaining standing secretariat support</p> <p>The final text just establishes the means by which a budget can be established in contrast to suggestions of a more prescriptive approach in the draft Process of budget setting added as Article 6.6 revised by decision of the 1977 Extraordinary COP</p>
Article 7	Article 10	
1. The representatives of the Contracting Parties at such Conferences should include persons who are experts on wetlands or waterfowl by reason of knowledge and experience gained in scientific, administrative or other appropriate capacities.	<p>1. Each of the Contracting Parties shall arrange to be represented at the Conference by one or more persons who are experts on waterfowl and wetlands, by reason of knowledge and experience gained either in a scientific or an official capacity.</p> <p>2. The representatives shall be nationals of the Contracting Parties they represent. However, two or at most three Contracting Parties whose territories form a continuous entity may be represented by a joint delegation consisting of persons who are nationals of one or more of those Parties.</p>	Draft text deleted from final text as impinging on national sovereignty for a state to make their own representational arrangements
2. Each of the Contracting Parties represented at a Conference shall have one vote, recommendations being adopted by a simple majority of the votes cast, provided that not less than half the Contracting Parties cast votes.	3. Each of the Contracting Parties represented shall have one vote at the Conference.	Elaborated text inserted by Paris Protocol below
[2. Each of the Contracting Parties represented at a Conference shall have one vote, recommendations, resolutions and decisions being adopted by a simple majority of the Contracting Parties present and voting, unless otherwise provided for in this Convention.]	<p>4. Resolutions at the Conference shall be adopted by a simple majority of the number of votes cast provided that the number of votes cast is not less than half the number of Contracting Parties.</p> <p>5. The Conference shall elect a Chairman and two Deputy Chairmen at the beginning of its session. The officiating Chairman shall not be entitled to vote save where a casting vote is required.</p> <p>6. The Conference shall be convened by the Secretary of the Conference.</p>	<p>Revised Article 7.2 revised by decision of the 1987 Extraordinary COP</p> <p>Voting procedures included in Article 7.2 of final text, and ultimately elaborated in Article 10 bis of the 1982 Paris Protocol</p> <p>COP procedural issues removed from final text</p> <p>Appointment of the Secretary of the Conference not defined. COP procedural issues removed from final text</p>

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1971: final text 1971	1968: early draft (Draft 3.0; see Table 1)	Commentary
	<p>7. The Conference may meet for an extraordinary session if not less than half the Contracting Parties agree thereto and provided that those Parties have undertaken to send a representative to the meeting.</p> <p>8. The Secretariat shall submit the agenda in draft form to the Conference.</p>	<p>COP procedural issues removed from final text</p> <p>‘the Secretary’ (draft Article 10.6) has now become ‘the Secretariat’</p> <p>COP procedural issues removed from final text</p>
Article 8		<p>The role of a secretariat (called the ‘Bureau’ in the final text) was not initially addressed, although some of the functions were original addressed to ‘The Secretariat of the Conference’ (Draft Articles 8.1 and 8.2)</p>
<p>1. The International Union for Conservation of Nature and Natural Resources shall perform the continuing bureau duties under this Convention until such time as another organization or government is appointed by a majority of two-thirds of all Contracting Parties.</p> <p>2. The continuing bureau duties shall be, inter alia:</p> <p>a. to assist in the convening and organizing of Conferences specified in Article 6;</p> <p>b. to maintain the List of Wetlands of International Importance and to be informed by the Contracting Parties of any additions, extensions, deletions or restrictions concerning wetlands included in the List provided in accordance with paragraph 5 of Article 2;</p> <p>c. to be informed by the Contracting Parties of any changes in the ecological character of wetlands included in the List provided in accordance with paragraph 2 of Article 3;</p> <p>d. to forward notification of any alterations to the List, or changes in character of wetlands included therein, to all Contracting Parties and to arrange for these matters to be discussed at the next Conference;</p> <p>e. to make known to the Contracting Party concerned, the recommendations of the Conferences in respect of such alterations to the List or of changes in the character of wetlands included therein.</p>	<p><u>Article 8</u></p> <p>2. The Secretariat of the Conference shall forward the notification with accompanying documents forthwith to all Contracting Parties and arrange for the matter to be discussed by the Conference at the earliest possible moment.</p> <p>3. The Conference shall make known its opinion on the notified change in the form of a recommendation to the Contracting Party or Parties concerned.</p> <p>4. If possible and if necessary, the Conference shall append to the recommendation referred to in the preceding paragraph concrete proposals for preserving the whole or part of the wetlands in question, for limiting the effects of any encroachment on the wetlands and for coordinating these interests with others affected by the changes.</p>	<p>The concept of making positive suggestions of management for a Ramsar site at risk was removed from final text but since developed as Ramsar advisory missions (Gardner <i>et al.</i> 2018a, 2018b). Note draft refers to ‘preserving’ rather than ‘conserving’</p>
Article 9	<p><u>Article 12</u></p> <p>1. Any State situated in..., that wishes to share responsibility for, or exercise their part of the authority over the common stock of waterfowl, may become a party to the Convention.</p> <p>2. States as referred to above may become parties to the Convention</p> <p>a. by signing it without reservation as to ratification,</p> <p>b. by signing it subject to ratification, followed by the deposit of its instrument of ratifications,</p> <p>c. by depositing an instrument of accession.</p>	<p>Issue of continued openness for signature not covered in draft</p> <p>The draft seems to suggest thinking that may have regionally restricted membership of the Convention</p>
<p>1. This Convention shall remain open for signature indefinitely.</p> <p>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 may become a Party to this Convention by:</p> <p>a. signature without reservation as to ratification;</p> <p>b. signature subject to ratification followed by ratification;</p> <p>c. accession.</p>		

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1971: final text 1971	1968: early draft (Draft 3.0; see Table 1)	Commentary
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').	3. Instruments of ratification and accession shall be deposited with the Government of the Kingdom of the Netherlands at the Hague.	By Article 9.3 of the final text, the depositary has become UNESCO
	4. An instrument of accession cannot be deposited until the Convention has entered into force and the Conference has decided which wetlands shall be included in the List in respect of the State that has notified the Government of the Kingdom of the Netherlands of its desire to accede to the Convention.	Confused legal drafting that envisages the Convention coming into force only through signature (draft Articles 8.2a and 8.2b) rather than by deposition of 'instruments of accession' (draft Article 8.2c)
Article 10	Article 13	
1. This Convention shall enter into force four months after seven States have become Parties to this Convention in accordance with paragraph 2 of Article 9.	1. The Convention shall enter into force on 1 January of the year following that in which at least ten States have become parties to the Convention in the Manner referred to in paragraph 2 of Article 12.	More exact date of entry into force of Convention in final text
2. Thereafter this Convention shall enter into force for each Contracting Party four months after the day of its signature without reservation as to ratification, or its deposit of an instrument of ratification or accession.	2. For States becoming parties to the Convention after it has entered into force the Convention shall come into force on 1 January of the year following that in which they have become parties.	More exact date of entry into force for contracting party in final text
Article 11	Article 14	
1. This Convention shall continue in force for an indefinite period.	1. The Convention shall be concluded for an indefinite period.	
2. Any Contracting Party may denounce this Convention after a period of five years from the date on which it entered into force for that party by giving written notice thereof to the Depositary. Denunciation shall take effect four months after the day on which notice thereof is received by the Depositary.	2. Any Contracting Party may, by given written notice to that effect to the Government of the Kingdom of the Netherlands, denounce the Convention at any time after a period of five years from the date on which it entered into force the Contracting Party concerned. Denunciation shall take effect on 1 January of the year following that in which notice thereof is received.	
Article 12	Article 15	
1. The Depositary shall inform all States that have signed and acceded to this Convention as soon as possible of:	1. The Government of the Kingdom of the Netherlands shall inform all States that have signed and acceded to the Convention as soon as possible of	
a. signatures to the Convention;	a. signatures to the Convention,	
b. deposits of instruments of ratification of this Convention;	b. the deposits of instruments of ratification of the Convention,	
c. deposits of instruments of accession to this Convention;	c. the date of entry into force of the Convention,	
d. the date of entry into force of this Convention;	d. notifications that a State wishes to accede to the Conventions,	
e. notifications of denunciation of this Convention.	e. the deposits of instruments of accession to the Convention,	
	f. Notifications of denunciation of the Convention.	
	2. The Government of the Kingdom of the Netherlands shall also inform countries that have expressed a wish to accede to the Convention of all decisions as referred to in paragraph 4 of Article 12, that have been made by the Conference.	Issue not addressed in final text

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1971: final text 1971	1968: early draft (Draft 3.0; see Table 1)	Commentary
2. When this Convention has entered into force, the Depositary shall have it registered with the Secretariat of the United Nations in accordance with Article 102 of the Charter.	3. When the Convention has entered into force, the Government of the Kingdom of the Netherlands shall have it registered with the Secretariat of the United Nations in accordance with Article 102 of the Charter.	
IN WITNESS WHEREOF, the undersigned, being duly authorized to that effect, have signed this Convention.	IN WITNESS WHEREOF, the undersigned, being duly authorized to that effect, have signed the present Convention.	
DONE at Ramsar this 2nd day of February 1971, in a single original in the English, French, German and Russian languages, all texts being equally authentic which shall be deposited with the Depositary which shall send true copies thereof to all Contracting Parties.	DONE at Ramsar this ... day of ... 19..., in a single copy in the English and French languages, to be deposited with the Government of the Kingdom of the Netherlands, which undertakes to send true copies thereof to all countries situated in...	