



AGREEMENT ON THE CONSERVATION OF
AFRICAN-EURASIAN MIGRATORY WATERBIRDS



5th SESSION OF THE MEETING OF THE PARTIES
14 – 18 May 2012, La Rochelle, France

“Migratory waterbirds and people - sharing wetlands”

RESOLUTION 5.14

WATERBIRDS, WETLANDS AND THE IMPACTS OF EXTRACTIVE INDUSTRIES

Recalling Articles II and III of the Agreement which, *inter alia*, make provision in respect of:

- the taking into account of the precautionary principle;
- the identification of sites important for migratory waterbirds;
- the encouragement of the protection, management, rehabilitation and restoration of these; and
- the investigation of problems that are posed by human activities,

Also recalling the Action Plan of the Agreement which, *inter alia*:

- gives special protection to areas internationally important for waterbirds;
- endeavours to make wise and sustainable use of all wetlands in their territory;
- endeavours to develop strategies, according to the ecosystem approach, for the conservation of waterbird habitats; and which
- requires Parties to assess the impact of proposed projects likely to lead to conflicts between human interests at important waterbird sites and to make these publicly available,

Recognising the significance of the guidance and decisions adopted by the Ramsar Convention in relation to the conservation and wise use of those wetlands important for African-Eurasian migratory waterbirds, and the call within Resolution 5.19 *Encouragement of Further Joint Implementation of AEWA and the Ramsar Convention* for greater coherency in the national implementation of AEWA and the Ramsar Convention; and *noting* that all but one of the Contracting Parties to AEWA are also Ramsar Contracting Parties,

Aware of the Ramsar Convention’s Resolution X.26 (2008) on *Wetlands and Extractive Industries*,

Conscious of the need, in implementing policies for the wise use of all wetlands important for waterbirds and in a context of objectives for sustainable development, to avoid, minimise or mitigate the negative impacts of economic development on the ecological character of these important habitats,

Recognising the increasing global demand for resources, including *inter alia* non-renewable resources such as oil and gas, precious and base minerals, coal, sand and gravel, industrial minerals and peat, and some renewable resources such as salt and soda ash, and *noting* the resulting increase in industrial activities related to exploration for, and extraction of, these resources including through artisanal, small-scale and large-scale projects,

Aware of the potential for certain activities related to extractive industries, if not appropriately managed and regulated, to have direct and indirect negative impacts on the waterbirds through changes to the ecological character of their wetland habitats, and *recognising* the particular vulnerability of wetlands to the impacts of extractive industries, given the potential for impacts to be transferred both upstream and downstream within a river basin,

Also aware that recent global and regional initiatives, including those by the United Nations Environment Programme (UNEP) and the World Conservation Union (IUCN), to improve corporate social responsibility and governance in the extractive industries sector, offer opportunities to strengthen the conservation and wise use of wetlands, while still realising economic benefits from the development of extractive industries,

Recognising the value of Strategic Environmental Assessment (SEA) approaches in supporting decision-making that reflects the wise use of wetlands, and *noting* that SEA approaches can be particularly helpful for planning and prioritisation of collection of baseline information for inventories of important sites for migratory waterbirds,

Acknowledging that migratory waterbirds depend on multiple sites along their flyways, and that accordingly flyway-scale contexts are critical in assessing impacts through Environmental Impact Assessment and SEA processes, especially consideration of cumulative impacts of multiple wetland losses along a waterbird's flyway, and *noting* that the Critical Site Network Tool (CSN)¹ provides helpful data and information in this regard,

Also recognising the importance of adequate inventory information on wetlands important for waterbirds in supporting decision-making and permitting procedures related to extractive industries, and *emphasising* the importance of early notification of proposed exploration and extraction activities in providing sufficient time for collection of inventory and baseline information in wetlands important for waterbirds potentially affected by these proposed activities,

Conscious of the need for government officers and others within Contracting Parties responsible for the conservation and management of important wetlands for waterbirds to understand and have access to best practice guidance related to extractive industry processes so as to aid good decision-making,

Thanking the Ramsar Convention's Scientific & Technical Review Panel (STRP) and the AEWA Technical Committee, for their joint work to collate and summarise available technical guidance on assessing, avoiding, minimising and mitigating the direct and indirect impacts of extractive industries on wetlands in the exploration, development, operation, closure and post-closure phases; the production of a guide to this guidance; and the development of a low-cost methodology to identify potential conflict 'hotspots' where extraction of commodities may impact on wetlands of importance for migratory waterbirds, and *noting* the value of the Critical Site Network Tool (CSN) as the source of waterbird distribution data layers for applying this methodology.

The Meeting of the Parties:

1. *Urges* Contracting Parties to emphasise the importance of Strategic Environmental Assessment, particularly in relation to the extractive industries sector, and to apply the SEA guidance adopted in Ramsar's Resolution X.17 on *Environmental Impact Assessment and Strategic Environmental Assessment: updated scientific and technical guidance*, adapting that guidance as appropriate in order to address specific issues associated with direct and indirect impacts of extractive industries on wetlands important for waterbirds;

2. *Encourages* Contracting Parties to also apply the guidance on Environmental Impact Assessment (EIA) adopted by the same Ramsar Resolution, adapting the EIA guidance where appropriate in order to ensure that it adequately addresses direct and indirect impacts on wetlands of the exploration, development, operation, closure and post-closure phases of extractive industrial activities, and *further encourages* Contracting Parties to ensure that in applying the EIA guidance and other necessary measures, they adequately address the impacts on wetlands important for migratory waterbirds of the full spectrum of activities associated with extractive industries;

3. *Encourages* Contracting Parties to ensure that, in SEA and EIA studies related to extractive industries, potential upstream and downstream impacts in river basins are fully considered through

¹ <http://csntool.wingsoverwetlands.org/csn/default.html#>

ecosystem approaches (including *inter alia* that of the Convention on Biological Diversity), and in doing so to apply the guidance on River Basin Management as adopted in Ramsar Resolution X.19 on *Wetlands and river basin management: consolidated scientific and technical guidance*;

4. *Also encourages* Contracting Parties to undertake appropriate Communication, Education and Public Awareness activities in order to ensure that all relevant public and private sector bodies associated with extractive industries are aware of the significance of wetlands of importance for migratory waterbirds in the context of national implementation of the Agreement;

5. *Urges* Contracting Parties to apply, as appropriate, the guidance adopted through Ramsar Resolution X.16 and included in Ramsar COP10 DOC. 27 when extractive industrial activities may directly or indirectly impact Ramsar sites; to consider a precautionary approach when the SEA or EIA predicts any substantial or irreversible loss of wetland ecosystem services important to waterbirds through appropriate mitigation measures to prevent or reduce such impacts and, as a last resort, to consider compensation in accordance with national legislation, Ramsar Resolution VII.24 *Compensation for lost wetland habitats and other functions* (1999) and Ramsar Resolution VIII.20 *General guidance for interpreting “urgent national interest” under Article 2.5 of the Convention and considering compensation under Article 4* (2002);

6. *Requests* the Technical Committee to work with Ramsar’s STRP and other interested parties to develop guidance for assessing the significance of cumulative impacts of multiple wetland losses along species’ flyways, and the implications for EIA, SEA and other assessment processes;

7. *Requests* the Technical Committee working with Ramsar’s STRP to finalise their *Guide to Guidance on Extractive Industries* and to disseminate this to Contracting Parties such that government officers and other environmental managers can use this to better contribute to well-informed, balanced decision-making regarding short-term and long-term costs and benefits of extractive industries and their effects on wetland habitats of migratory waterbirds;

8. *Also urges* Contracting Parties to complete national inventories of wetlands important to migratory waterbirds and make that information publically available in order to strengthen and support SEA and EIA processes, especially in those areas that are potentially the focus of exploration and development of new extractive industrial projects;

9. *Encourages* Contracting Parties to consider the creation of new wetlands or the improvement of existing wetlands of significance for migratory waterbirds in the post-closure phases of extractive industrial activities, through well-planned mining and quarrying activities and well-developed site restoration programmes;

10. *Further encourages* AEWA Administrative Authorities to establish or strengthen regular cooperation with Focal Points of the Global Environment Facility, considering that many GEF projects are addressing issues associated with extractive industrial activities, and also to liaise with their national development agencies given the significance of funded projects to contribute to relevant good decision making;

11. *Requests* the Technical Committee to continue to collaborate with Ramsar’s STRP on these issues, in particular jointly working with other interested organisations to further develop geospatial analytical tools for identifying those areas where potential conflicts may arise regarding impacts of extractive industry processes on wetlands of importance for migratory waterbirds.