



**A guide proposing  
advocacy actions to**

# **CONSERVE ISLAND WETLANDS**

**PIM INITIATIVE**  
for the MedIsWet project  
supported by  
the MAVA Foundation

By **Pantelina EMMANOULIDOU**  
Ph.D., Consultant. PIM Initiative

## **INTERNATIONAL**



# GUIDE TO **CONSERVE** **ISLAND WETLANDS**

## INTERNATIONAL

## welcome

This guide is dedicated to all NGOs working on the conservation of island wetlands.

It analyses the different possibilities of advocating for the conservation of these special areas, proposes strategic axes and actions to be implemented to achieve this objective.

Advocacy can seem very conceptual for a field based NGO. This guide aims to change that by proposing a clear view of what can be done at international level to advocate for a better level of protection.

More precisely, the guide reviews the International and European Union's (EU) legal instruments relevant to wetlands.

Two particular guides are also available for France and Italy. They outline a specific strategy at national level to link legal tools with stakeholders of island wetlands conservation.

Photo © CRASTUCCI Lèlia

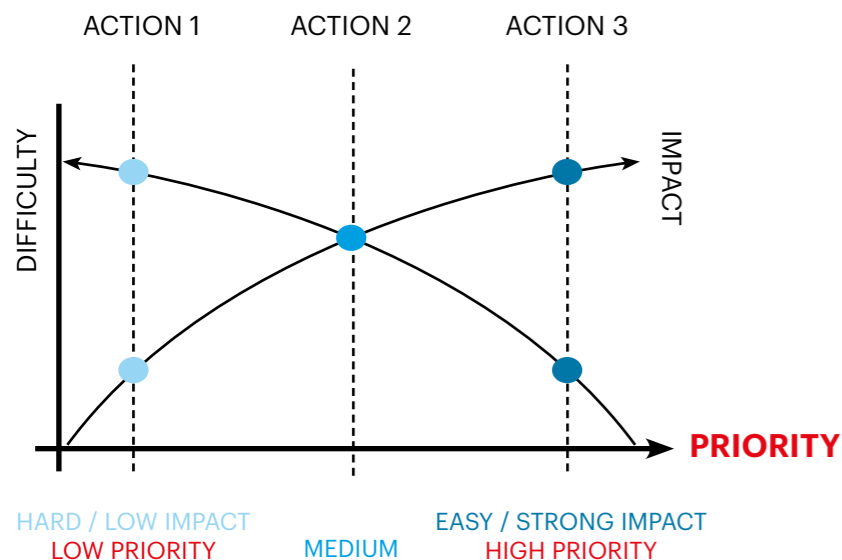
- 4** > **HOW TO USE THIS GUIDE**
- 9** > **THE MEDISWET PROJECT**
- 10** > **1 - GENERAL STRATEGIC AXES WHICH LAW AND WHICH DEFINITION FOR WETLANDS?**
  - 11 > Strategic axis #1 / Action
  - 12 > Strategic axis #2 / Action
- 13** > **2 - STRATEGIC AXES / INTERNATIONAL LEVEL USING INTERNATIONAL LAW'S TOOL**
  - 14 **Universal & Regional Conventions**
    - > Strategic axis #1 / Action
  - 19 **The RAMSAR Convention**
    - > Strategic axis #2 / Action
- 27** > **3 - STRATEGIC AXES / EU LEVEL USING EU LAW'S TOOL**
  - 28 **The EU Directives**
    - > Strategic axis #1 / Actions
  - 31 **Other documents and EU Court of Justice**
    - > Strategic axis #2 / Actions
  - 33 **With funding**
    - > Strategic axis #3 / Actions
  - 35 **Through EU litigation**
    - > Strategic axis #4



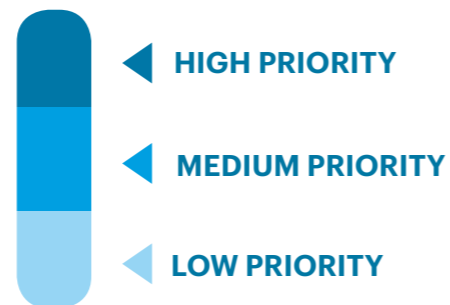
## HOW TO USE THIS GUIDE

PICK AN ACTION IN LINE WITH YOUR RESOURCES AND STRENGTHEN THE INFLUENCE OF YOUR NGO TO CONSERVE ISLAND WETLANDS

WE CHOSE TO HIGHLIGHT ACTIONS THAT HAVE STRONG IMPACT AND ARE EASY TO IMPLEMENT.



### ACTION PRIORITY



## GENERAL LEVEL

### STRATEGIC AXES



**Advocate for the inclusion of Island Wetlands in all relevant legislation, whether it concerns water resources, habitat, conservation or islands.**



**Identify gaps in the legal protection of wetlands based on the definition of wetlands your country uses.**



### ACTIONS



Participate in national law updating processes

Bring to the attention of the authorities wetlands excluded from legal protection

## INTERNATIONAL LEVEL

STRATEGIC AXES	ACTIONS	PAGE	ACTION PRIORITY
#1 Create Synergies Between Ramsar Convention and other International Conventions 	<b>CBD Actions</b> > Inform CBD national FP about MedIsWet, to be added at the "National Report" > Promote the adoption of a "Decision" on Island Wetlands	15	LOW
	<b>UNESCO Actions</b> > During inventorying, report on sites that could be designed as natural heritage under the Convention.	15	MEDIUM
	<b>AEWA Actions</b> > Inform national FP on MedIsWet: it can be included in the "National report" > Identify habitats and species of birds protected under Convention on Migratory Species and inform the authorities.	16	MEDIUM
	<b>Barcelona Convention Actions</b> > While inventorying, identify wetlands satisfying SPA criteria and inform FPs. > Participate in the ICZM national strategy and stress the importance of including wetlands protection. > Send the inventory results to ICZM FP, showing coastal wetlands not included in spatial plans.	17	MEDIUM
	<b>Bern Convention Actions</b> > During inventorying, note protected species under the Convention > Report if notice illegal activities that affects protected species.	18	MEDIUM.
	<b>Explore possibilities to participate at the advisory bodies of the Convention</b>	19	HIGH
	<b>Between COPs Action</b> > Inform FP about news and progress of your work; > Get involved with National Ramsar Wetlands Committees; > Inform MedWet Initiative on your work; > Participate in the World Wetlands Day/ Communicate; > Propose to the FP to write part of the Triennial National Report; > Check your eligibility to integrate the CEPA/STRP at International and Mediterranean Level.	22	HIGH MEDIUM MEDIUM HIGH MEDIUM LOW
#2 Get involved in the Ramsar Convention 	<b>Participation during COP Actions</b> > Get in touch with the national FP: explain your work; > Read the documents to be adopted, choose the ones relevant to your work and think how you can contribute to their implementation; > Suggest changes to draft Resolutions; > Built network, create links with people that you can work with; > Organize side-events to get visibility and explain your work; > Meet with funders, ask for eligibility criteria for new projects.	23	HIGH HIGH LOW LOW HIGH HIGH

STRATEGIC AXES	ACTIONS	PAGE	ACTION PRIORITY
<b>#1</b> Notify EU law gaps for wetland protection in your country 	<b>Habitats &amp; Birds Directive Actions</b> > Check whether the vulnerable habitats and birds present in wetlands are included in the Annexes of the two Directives. > Inform the ministry's contact for the two Directives about gaps in protected species as observed in the field. > Participate in the Brussels-based thematic working group ("Co-ordination Group for Biodiversity and Nature", E02210) to inform about these gaps or contact the NGOs and/or national authorities participating in the group. > Suggest to the competent ministry the adoption of national or local measures for the protection of the identified species. > Complain to the Commission when you notice cases of infringement of the Directives.	29	MEDIUM
	<b>WFD Actions</b> > Participate in Brussels-based "Strategic Coordination Group for the WFD and Floods Directive" (For Brussels based NGOs) > Check if all wetlands inventoried are included in the River basin management plan. > Check if wetlands not included in the RBMP should have been, based on the WFD CIS Guidance Document. > Inform the administration about identified gaps.	30	HIGH
	<b>Nitrates Directive Actions</b> >Based on the inventory, identify zones that can be assigned as vulnerable zones. > Suggest to the administration the creation of new vulnerable zones before the review process (every 4 years).	30	MEDIUM
<b>#2</b> Participate in the elaboration and evolution of EU policies for wetlands 	<b>Actions connected with EU soft law</b> > Follow the relevant documents and use the EU proposals and guidelines for lobbying in your country. > Participate in fora of discussion of EU policies or be in contact with Brussels-based NGOs that can promote your ideas. > Promote the adoption of a white paper/green paper by contacting relevant EU institutions and Brussels- based NGOs to initiate the idea and by organizing a workshop in Brussels.	32	LOW

STRATEGIC AXES	ACTIONS	PAGE	ACTION PRIORITY
<b>#3</b> Use EU objectives to access funding 	> Explore the possibility to apply for funds that are not specific to environmental protection (Structural funds, INTERREG, Horizon 2020, etc). > When applying for funding, link your actions to the EC proposals and objectives mentioned in soft law documents. > Get in touch with the national agency responsible for the management of Structural and Investment funds to explore eligibility for projects on island wetlands. > Mention article 174§3 when asking EU funding for island wetlands. > Collaborate with NGOs and Universities to submit common proposals.	33	HIGH
<b>#4</b> Start litigation process in case of EU law breaching 	> Identify EU law breaching > Exhaust domestic remedies > Submit complaint to the European Commission	35	MEDIUM

# GET ALL THE TOOLS TO ADVOCATE FOR ISLAND WETLANDS CONSERVATION

Small Mediterranean Islands Initiative (PIM) is an international NGO for the assistance and promotion of Mediterranean insular areas. It aims to ensure the preservation of these micro-areas by the implementation of concrete on-site measures, promoting the exchange of knowledge and expertise between protectors and specialists throughout the Mediterranean. Its approach gives priority to simple and pragmatic solutions.

Initiated in 2005 by the "Conservatoire du littoral" (France), PIM INITIATIVE is, since 2017, an independent NGO. For more than 10 years, it relies on a pool of multidisciplinary experts, sites managers, guards, institutions and NGOs from the Mediterranean, confronting and sharing ideas and experiences for better-managed and protected insular areas.

Even though PIM usually focus on very small islands (< 1000 ha), due to its very good knowledge of Mediterranean island ecosystems as well as local stakeholders in France and Italy, PIM emerged as the ideal candidate for the implementation of MedIsWet in France, while its strong relationships with Italian stakeholders appeared as a solid asset in the coordination of the implementation of the project in Italy.

Hence, MedIsWet represent a great opportunity to reinforce pre-existent relationships while creating new ones with different organizations of the Mediterranean Basin. The massive amount of natural areas characterized through the project will represent a network of high value natural sites that could be used to assess the future global changing affecting this part of the Mediterranean. Thus it will be possible to use the island wetlands as a network of natural sentinels to assess the impact of global changes.



**PIM**  
INITIATIVE

## THE MEDISWET PROJECT

The **Mediterranean Island Wetlands (MedIsWet)** project resulted as the framework that will allow to replicate to all Mediterranean islands the example and methodology conducted to inventory and protect island wetlands in Greece by WWF-Greece during the years 2004-2009. The long-lasting efforts of WWF-Greece to identify all wetlands, by taking into account even the smallest ones, were successful as they resulted in a legally binding document at the national level: the Presidential decree of 12/06/2012.

This law enumerates the activities allowed and prohibited in 380 island wetlands. For what is more, Greece endorsed a Resolution at the Conference of the Parties (COP) of the Ramsar Convention on the protection of wetlands. Eventually, **Resolution XII.14 on the conservation of Mediterranean Basin Island Wetlands** was adopted at COP 12 of 2015. In the aftermath of Uruguay, where the COP 15 took place, NGOs from all nine Mediterranean countries with inhabited islands (Croatia, Cyprus, France, Greece, Italy, Malta, Spain, Tunisia, Turkey) gathered their forces and started the MedIsWet project.

The MAVA foundation funded the project. The main goal of the project is **to inventory all island wetlands from 0,1 hectare and implement XII.14 Resolution**. An important part of the project is to take **advocacy and policy actions**, in order to ensure effective legal protection of wetlands at the national/international scales.

Local NGOs are inventorying wetlands in all countries. PIM is coordinating the project in the French (Corsica and Provence) and Italian (Sardinia and Sicily islands). PIM works in collaboration with the Office de l'Environnement de la Corse and the Conservatoire du littoral (France), the CCB/University of Cagliari (Sardinia) and the University of Catania (Sicily)





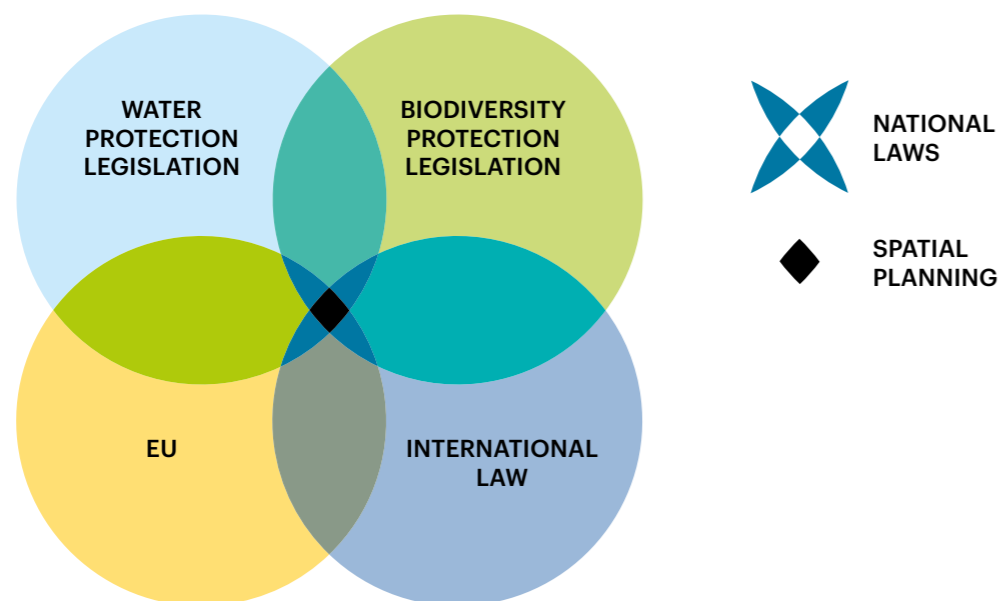
## GENERAL STRATEGIC AXES

# 1 WHICH LAW AND WHICH DEFINITION FOR WETLANDS?

The first actions of this strategy aim to address two issues that pertain to all wetland laws, whether they are adopted by an international or a national authority. The first issue is legal fragmentation, as laws concerning wetlands are usually scattered in multiple texts (see the following paragraph). The second issue is the legal definition of wetlands, that does not always satisfy ecological criteria (see page 8). These issues have a theoretical background, but influence advocacy actions on the field.

### LAWS FOR WETLANDS OR LAWS FOR THE COMPONENTS OF WETLANDS

The main laws dealing with wetlands are pieces of legislation for nature conservation or general environmental legislation (by default, if these laws do not specifically mention wetlands) or, more rarely, special primary legislation. Most countries also have water resources legislation, providing for the conservation of wetland habitats. In addition, many other laws contain provisions relevant to wetlands. The figure below shows that the legal framework for wetland conservation is a mix of nature conservation legislation, water protection legislation, that occur from the International law, but mainly from EU law (for EU countries). All these legal norms are implemented in a national level, and a big part of them concern spatial planning laws.



The latest trend, when it comes to nature conservation or/and for the adoption of specific public policies that concern wetlands in islands, is to adopt specific legislation for islands. International law pioneers island biodiversity policy issues, while the EU suggests the adoption of island public policies.

However, specific legislation for islands is more significant at the national level, for example the Croatian islands have an Islands Act and the Balearic Islands have a Law for Insularity. These horizontal laws (concerning a variety of issues), offer an appropriate context to adopt provisions for wetlands.

## STRATEGIC AXIS #1

**ADVOCATE FOR THE INCLUSION OF ISLAND WETLANDS IN ALL RELEVANT LEGISLATION, WHETHER IT CONCERNS WATER RESOURCES, NATURE CONSERVATION OR ISLANDS.**

### ACTION

**PARTICIPATE IN NATIONAL PUBLIC PARTICIPATION PROCESSES FOR LAW UPDATING.**

Although a considerable number of legal texts and tools addresses management and protection of wetlands, island wetlands rarely appear in legal texts as ecosystems of particular ecological interest.

**Wetlands in islands are being neglected by local administrations, because they are too small.** Their existence and/or their ecological functions were widely ignored and a lot of them have been eliminated as a consequence of public policies that consider them as unsanitary.

## DEFINING WETLANDS: A CRUCIAL DIFFICULTY

The term “wetland” covers a great variety of ecosystems that have in common a relation with water. However, there is not a unique definition of wetlands and legal definitions does not necessarily comply with naturalist’s definitions. For what is more, every jurisdiction can have more than one legal definition for wetlands, in different texts. The best definition for wetlands in law is perhaps one that is deliberately wide, so that it is more inclusive of the humid habitats that have similar ecological functions. A wide definition of wetlands is the one adopted by the Ramsar Convention. However, this is barely the case in national laws and knowing the legal definition of different texts is useful to identify wetlands that are not protected.

### DEFINITION OF WETLANDS ACCORDING TO THE RAMSAR CONVENTION ON THE CONSERVATION OF WETLANDS

“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 salty, including areas of marine water the depth of which at low tide does not exceed six meters” (art. 1). Wetlands may incorporate, “riparian and coastal zones adjacent to the wetlands, and islands or bodies of marine water deeper than six meters at low tide lying within the wetlands” (art.2).

## STRATEGIC AXIS #2

IDENTIFY GAPS IN THE LEGAL PROTECTION OF WETLANDS BASED ON THE DEFINITION OF WETLANDS YOUR COUNTRY USES.

### ACTION

BRING TO THE ATTENTION OF THE ADMINISTRATION WETLANDS THAT ARE EXCLUDED FROM LEGAL PROTECTION (BASED ON MEDISWET INVENTORIES).

## STRATEGIC AXES AT THE INTERNATIONAL LEVEL

# 2 USING INTERNATIONAL LAW'S TOOLS FOR THE PROTECTION OF ISLAND WETLANDS

Specific protection for wetlands is determined by the Ramsar Convention for the conservation of wetlands.

In addition to this specific framework, the importance of protecting wetlands is also stressed in **other international Conventions** on the protection of biodiversity. The provisions established in these legally binding documents are complementary to those in the Ramsar Convention and can be used to enforce advocacy.

## SMALL GLOSSARY ON INTERNATIONAL ENVIRONMENTAL CONVENTIONS

### Multilateral Environmental Agreement (MEA)

A text on an environmental issue negotiated between more than two countries (Convention, Treaty, Agreement, etc.).

### Conference of the Parties (COP) or Meeting of the Parties (MOP)

The governing body of a MEA. The COP/MOP meets in a fixed periodical time and decides on the future activities of the MEA.

### Contracting Parties (CP)

The countries or international organizations that have ratified and are thus part of a MEA.

### (National) Focal points (FP)

The person appointed by every CP to coordinate national implementation and act as the daily contact point.

## THE GENERAL FRAMEWORK: CONVENTIONS ON THE PROTECTION OF BIODIVERSITY

A short overview of relevant Conventions for the protection of biodiversity and how they can be useful for the protection of wetlands.

### STRATEGIC AXIS #1

CREATE SYNERGIES BETWEEN RAMSAR CONVENTION AND OTHER INTERNATIONAL CONVENTIONS

## THE UNIVERSAL CONVENTIONS

### THE CONVENTION ON BIOLOGICAL DIVERSITY (CBD)



Adopted in 1992, the CBD is the most general convention on biodiversity conservation, including the protection of all endangered species and ecosystems. It does not create protected areas, but promotes and develops guidelines for their establishment.

Its action is based on the adoption of Decisions and Recommendations during the COP that take place every two years. The implementation of the CBD relies on the National Biodiversity Strategies and Action Plans (NBSAP). The Contracting parties (CP) prepare National Reports (NR) on the status of the implementation of the Convention.

- The CBD has adopted during the COP 8 (2006) a Decision VIII/1: "Program of work on island biodiversity", which seeks to reduce the rate of loss of island biodiversity. CP should thus include the actions suggested at the Decision at their national strategies. [More info here.](#)



#### CBD FP

[click on the name to contact](#)

#### FOR ITALY

Maria Carmela GIARRATANO  
Oliviero Montanaro

#### FOR FRANCE

François LENGRAND

#### FOR THE EU

Stefan LEINER  
Anne THEO SEINE

### ACTIONS LINKED WITH CBD

- > Inform the CBD FP about your project and inventory, it can be added to the NR.
- > Promote the adoption of a Decision on Island Wetlands in the next CBD COP.

### THE UNESCO CONVENTION ON NATURAL AND CULTURAL HERITAGE



Adopted in 1972, the purpose of this Convention is to preserve the world's most outstanding sites of cultural or natural interest. **Wetlands can be protected as "natural sites" under UNESCO**, provided that they present exceptional aesthetic or geological characteristics.

- Ramsar and The World Heritage Center are working closely to promote nomination of sites under the 2 Conventions, coordinate reporting and collaborate on advisory missions.

### ACTIONS LINKED WITH UNESCO

- > During inventorying, report on sites that could be designed as natural heritage under the Convention.



## THE AFRICAN-EURASIAN MIGRATORY WATERBIRDS AGREEMENT (AEWA)

Adopted in 1995 under the Bonn Convention on the Conservation of Migratory Species of Wild Animals (CMS), the AEWA agreement calls upon parties **to engage in a wide range of actions to preserve wetlands, as habitats of protected bird species**. The protected birds are enlisted in the 2 CMS Annexes. Conservation actions are described in a comprehensive Action Plan, annexed in the Agreement.

- The AEWA Action Plan suggests specific measures for protecting island waterbirds.

### ACTIONS LINKED WITH AEWA

- > During inventorying, report identified habitats of birds protected by the CMS Annexes.
- > Inform the FP and administration about wetlands that are habitats for birds protected by the CMS Annexes.
- > Inform the FP on your project and inventory, it can be included in their NR, due every 2 years before the MOP.



**AEWA FP**  
[click on the name to contact](#)

**FOR FRANCE**  
 François LAMARQUE

**FOR ITALY**  
 Marco VALENTINI

**FOR THE EU**  
 Joseph VAN DER STEGEN

## THE REGIONAL CONVENTIONS

### THE BARCELONA CONVENTION

Adopted in 1976, the Barcelona Convention is a regional framework convention for the protection of the Mediterranean Sea and Coast. The work of the Convention is organized by seven additional Protocols. Only coastal wetlands are concerned by this Convention. The protection of islands wetlands can be addressed by two Protocols:

- **Specially Protected Areas Protocol (SPA)**  
 It creates protected areas based on the species (endangered/endemic) or/and the interest of the area (aesthetic, cultural, scientific, etc.)
- **Integrated Coastal Zone Management Protocol (ICZM)**  
**Art. 10** refers to wetlands, CP have to take measures to prevent degradation and restore wetlands.  
**Art. 12** refers to islands, CP have to take into consideration the specific characteristics of island environment when elaborating national coastal strategies.

### ACTIONS LINKED WITH BARCELONA CONVENTION

- > While inventorying, choose wetlands that satisfy the SPA criteria and inform the FPs.
- > Participate in the ICZM strategy elaboration in your country and stress the importance of including protection of wetlands.
- > Identify the coastal wetlands that are being excluded by spatial plans.



**CONTACT LIST**  
[click on the name to contact](#)

**SPA FP**  
**FRANCE**  
 Jean VERMOT  
**ITALY**  
 Leonardo TUNESI  
**EU** Marijana MANCE  
**ICZM FP**  
**FRANCE**  
 Fabrice BERNARD  
**ITALY**  
 Maria Carmela GIARRATANO  
 Oliviero MONTANARO  
**EU** Jeroen CASAER

## BERN CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE AND NATURAL HABITATS



Adopted in 1979, the Bern Convention contains annexes with protected fauna and flora species. Island wetlands protection is addressed through a document adopted in 2011: **The Charter on the Conservation and Sustainable Use of Biological Diversity on European Islands.**



### ACTIONS LINKED WITH THE BERN CONVENTION

- > During inventorying, note protected species under the Convention.
- > Report if notice any illegal activity that jeopardizes the protected species.



## THE SPECIFIC FRAMEWORK, THE RAMSAR CONVENTION

Adopted in 1971, the Ramsar Convention is the specific framework for the protection of wetlands. The Convention has entered into force in 1982 and is ratified by 172 countries. The Ramsar Convention's mission is the conservation and wise use of wetlands. All kind of wetlands fall under the scope of the Convention. The contracting parties designate wetlands to be included in the "list of wetlands of international importance", while the decision-making bodies of the Convention adopt decisions and recommendations on the wise use of wetlands. The Convention encourages the participation of environmental NGOs that work on wetlands on the field.



### STRATEGIC AXIS #2 GET INVOLVED IN THE RAMSAR CONVENTION

#### ACTION EXPLORE POSSIBILITIES TO PARTICIPATE AT THE ADVISORY BODIES OF THE CONVENTION



### HOW DOES THE RAMSAR CONVENTION WORKS?

The Ramsar Convention's text is very brief, announcing as the main obligation of the contracting parties (CP) to guarantee the "wise use of wetlands"<sup>1</sup>. Guidelines and recommendations on how to face specific challenges pertaining wetland conservation are adopted **during the COP meetings, that take place every three years.**

The decisions adopted during the COP (called Resolutions or Recommendations) are prepared beforehand, at the intersessional meetings of the bodies of the Convention. The draft decisions prepared to be submitted at the COP are discussed in a regional level some months before the COP, during pre-COP meetings. In addition, before every COP, all CP send to the Secretariat their **National Reports** on the implementation of the Convention in their country. Other than the CP and the Secretariat, scientists and NGOs participate in the preparation of the decisions.

<sup>1</sup> For a detailed analysis of the obligations arising from the Convention, look at the Ramsar Handbook, 5th edition, 2016, pp. 14-15. > [click to consult.](#)

## THE BODIES OF THE CONVENTION

The Convention has two decision-making bodies, two advisory bodies and two supporting bodies. Additional bodies for capacity building can be also created. The role of each body is described on next page.

### • DECISION-MAKING BODIES

The COP and the Standing Committee (SC), that takes decisions intersessionally. Every CP sends a delegation to the COP, mainly Ministry's officials.

### • ADVISORY BODIES

The Scientific and Technical Review Panel (STRP), a scientific expert body, and the Communication, Education, Participation and Awareness (CEPA), a communication expert body. Every CP names a STRP and a CEPA national Focal Point, that can be a person outside the government, e.g. an NGO leader.

### • SUPPORTING BODIES

The Secretariat and the International Organization Partners (IOPs).

### • CAPACITY BUILDING BODIES

The Regional initiatives. CPs can create Regional Initiatives, institutions that provide capacity building and cooperation opportunities on a regional level.

Small NGOs can communicate their comments, ideas or success stories to the bodies of the Convention, mainly the IOPs, the STRP and the CEPA national focal points, or even the Convention's national focal point



### 1. DECISION-MAKING BODIES

#### CONFERENCE OF THE PARTIES (COP)

Is composed from all CP. Meets every three years and adopts decisions.

#### STANDING COMMITTEE (SC)

Composed by 60 members elected from the CP for a 3-years period. They meet intersessionally and adopt decisions.

### 2. ADVISORY BODIES

#### SCIENTIFIC AND TECHNICAL REVIEW PANEL (STRP)

It provides scientific and technical guidance to the COP, the SC and the Secretariat.

#### COMMUNICATION, EDUCATION, PARTICIPATION AND AWARENESS (CEPA) Oversight Panel,

sets the CEPA priorities, monitors and reports on their implementation.

### 3. SUPPORTING BODIES

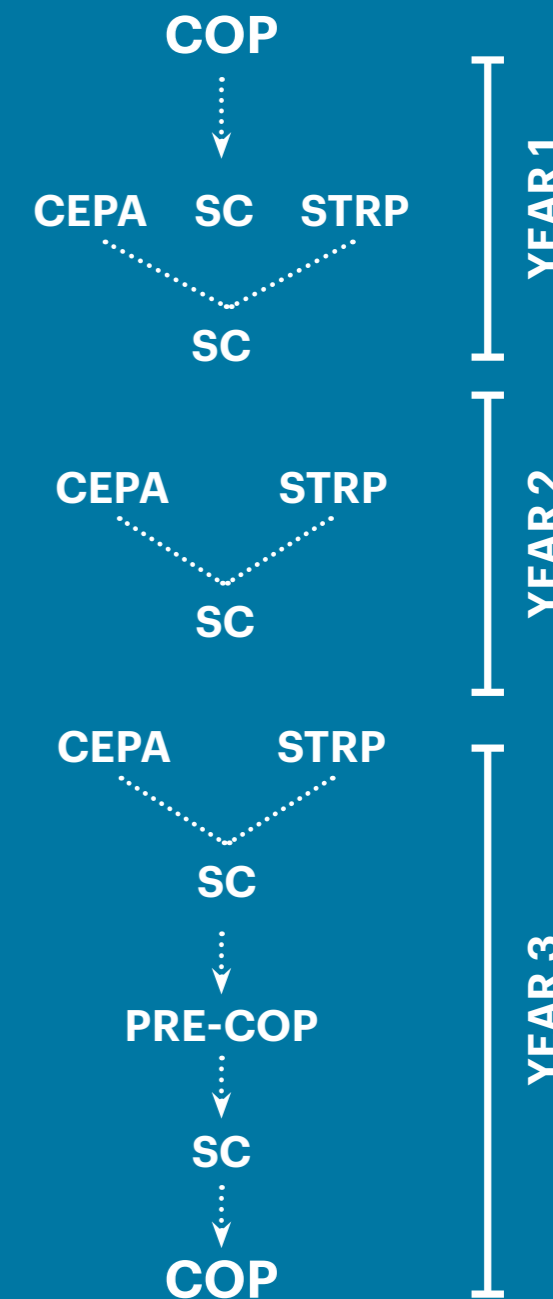
**SECRETARIAT** based in Gland, Switzerland. It supports administratively the works of the Convention and contacts the FP.

**INTERNATIONAL ORGANIZATIONS PARTNERS (IOPs)** are International NGOs formally recognized as official partners of the Convention (Wetlands International, Birdlife International, the International Water Management Institute, the IUCN and WWF International).

### 4. REGIONAL INITIATIVE: MEDWET FOR THE MEDITERRANEAN

**MEDWET** is created and financed by Mediterranean CP with the mission to coordinate wetland activities in the Mediterranean Basin. Based in Arles, France, MedWet works in collaboration with 27 CP, numerous NGOs and a network of scientists.

The implementation of the Convention is a continuing partnership between all the bodies of the Convention. This is the ordinary meetings of the bodies of the Convention in a three-years period.



## THE ROLE OF NGOs WITHIN THE RAMSAR CONVENTION

The role of NGOs within the Ramsar Convention is explained at the “Ramsar Rules and Procedures”, adopted at COP 12 in 2015. According to art. 7, NGOs and other bodies, governmental or not, qualified in fields relating to conservation and sustainable use of wetlands may participate in the meetings of the COP (COP and pre-COP) as non-voting observers. The NGOs wishing to participate, have to inform the Secretariat accordingly. **NGOs can suggest proposals (draft resolutions), if they are supported by a Contracting Party.**

Participating in the COP and pre-COP meetings is an opportunity to meet the FP, network with other agencies and NGOs, present the work done on the field (through stands, posters, side-events) and be informed on what is happening in wetland conservation all around the world. It is also the moment to ask directly to governmental employees questions that you may have about wetlands conservation in your country. NGOs can also participate in the Ramsar process on a national level, through participation at **National Ramsar (or Wetland) Committees**, platforms that involve governmental agencies and NGOs.

## ACTIONS AN NGO CAN DO TO GET INVOLVED IN THE RAMSAR CONVENTION SYSTEM

### BETWEEN COPS PREPARATION FOR NGOS



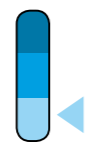
Inform your FP about news and progress on your work.



Get involved with National Ramsar/Wetland Committees.



Inform the MedWet Initiative on your work.



Propose your help to the FP to write part of the Triennial National Report.



Check your eligibility to integrate the CEPA/STRP.

Participate in the World Wetlands Day /Communicate on your work.

## EFFECTIVE PARTICIPATION OF AN NGO DURING RAMSAR MEETINGS

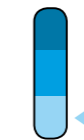


Get in touch with the national FP: explain your work.

Read the documents to be adopted (draft Resolutions and Recommendations), choose the ones relative to your work (geographical area or context) and think if your NGO can contribute to their implementation.

Organize side-events to get visibility and explain your work.

Meet with possible funders, talk with them to understand how your projects could be eligible.



Build a network, create links with people that you can work with (observers, CPs, etc.)

Suggest changes to draft Resolutions, either directly to a FP or at the pre-COP plenary sessions.





## THE RESOLUTIONS CONCERNING ISLAND WETLANDS

Although island States were not among the first to adhere to Ramsar<sup>2</sup>, a significant number of islands States or States with islands were contracting Parties by 1999<sup>3</sup>. This fact led to the adoption of Resolutions and Recommendations addressing island wetlands conservation issues. Up to 2015, the Ramsar COPs have adopted six decisions concerning island wetlands. The most recent one refers to the Mediterranean island wetlands, while the previous five are relevant to Oceanic-Pacific islands or/and SIDS<sup>4</sup>.

### Resolutions and Recommendations Concerning Island Wetlands

YEAR	DECISION	TITLE	CONTENT	READ IT
1996 COP 6	Recommendation 6.18	Conservation and wise use of wetlands in the Pacific Islands region	Provide technical and financial assistance to Pacific Island countries.	
1999 COP 7	Recommendation 7.2	Small Island Developing States (SIDS), island wetland ecosystems, and the Ramsar convention	Capacity building, create partnerships and ensure technical support to Oceania.	
2002 COP 8	Resolution VIII.42	Small Island Developing States in the Oceania Region	Notes the key challenges and priority issues of the Oceania regions.	
2005 COP 9	Resolution IX.20	Integrated, cross-biome planning and management of wetlands, especially in SIDS.	Suggests to develop network sites of protected areas, mainly in the SIDS	
2008 COP 10	Resolution X.30	Small Island States and the Ramsar Convention	Addresses funding issues of the SIDS.	
2015 COP 12	Resolution XII.14	Conservation of Mediterranean Basin Island Wetlands	Suggests a methodology for protecting island wetlands.	

<sup>2</sup> See the list of contracting Parties of the Ramsar Convention by chronological order - [Link here.](#)

<sup>3</sup> Actually, among the first countries to adhere to the Ramsar convention there is Australia (~ 8,000 islands), Finland (~ 800 islands), Sweden (~ 220,000 islands, 984 inhabited), and Greece (~ 6,000 islands, 200 inhabited).

<sup>4</sup> The Small Islands Developing States is a group formally recognized by the UN. However, there is not an official list of SIDS members. An unofficial one can be found at [this link](#).

## THE RESOLUTION XII.14, CONTENT AND INNOVATION



The content of Resolution XII.14 is very different from the previous five decisions on island wetlands. The most significant difference is that previous decisions urge the countries to financially support island countries, while the **Resolution XII.14 suggest a specific methodology for protecting island wetlands**. In addition, the Mediterranean Resolution on Island Wetlands conservation is groundbreaking because it is the **first international decision on an environmental issue that treats Mediterranean islands as a coherent group**.

**Resolution XII.14**, adopted at COP 12 in 2015, is the first to stress within Ramsar the need to protect Mediterranean island wetlands. The resolution mentions **the interest of protecting small wetlands**. This is a change in the Ramsar Convention logic, as efforts in Europe and North America tend to be on sites of international importance. This focus on a small number of large sites has been beneficial for raising public awareness regarding the environmental role and function of wetlands, but, has not actually resulted in the protection of smaller wetlands.

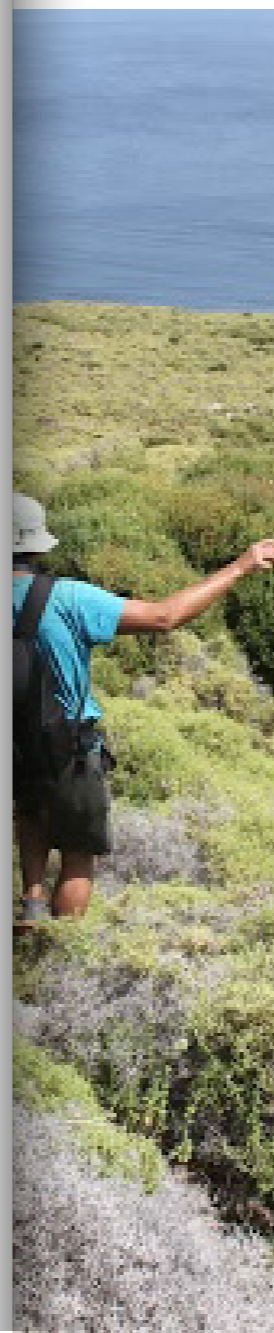
## WHY PROTECT SMALL WETLANDS ?

M. Patrick DUGAN, former coordinator of the IUCN wetlands program, stressed already in 1987 that :

The wise management of smaller wetlands is of equal importance that of larger wetlands, while it also poses a more difficult problem than large, internationally recognized, wetlands. Small wetlands can be of insignificant importance individually. Taken together, they *“constitute a wetland resource of major local, national and often international importance”*.

These small sites provide major benefits to human society, such as flood control. Island wetlands of small size are often habitats for endemic species, mainly amphibians.

The Tyrrhenian painted frog (*Discoglossus sardus*), an amphibian with aquatic habitat, is found in Sardinia, Corsica, the Tuscan Archipelago and Porquerolles island. Although the IUCN lists the species as being of “least concern”, the loss of small wetlands in Porquerolles will result to the extinction of the species from France.





## STRATEGIC AXES AT THE EU LEVEL

# 3 PROTECTING ISLAND WETLANDS AT THE EU LEVEL

This chapter explains how the wetland protection is impacted by EU law and decisions and describes the strategic actions that an NGO can take in order to enhance island wetland protection.

### SOURCES OF EU LAW

EU law is divided in primary and secondary law. Primary law is comprised of the two EU treaties (Treaty of Functioning of the EU-TFEU and Treaty of the EU- TEU). They set out the EU objectives, the rules of EU institutions, the way in which decisions are made and the relationship between the institutions and member States. Every action taken by EU institutions is based on the treaties. Secondary law is made of “hard law” and “soft law”, depending on whether it is legally binding or not. The task of interpreting EU law and ensuring the equal application across all EU members States falls under the jurisdiction of the European Court of Justice. The figures below show EU law sources and the specific legislation that applies to island wetlands. The next sections propose actions on how to influence them.

#### EU LAW

##### PRIMARY LAW

Treaty of the Functioning of the EU

##### SECONDARY LAW

###### HARD LAW

Regulation, Directives, Decisions

###### SOFT LAW

Recommendations, Opinions, etc.  
Strategies, Action Plans, etc.

##### TERTIARY LAW

EU Court Decisions  
General principles of EU law  
International Treaties

#### EU ISLAND WETLANDS LAW SOURCES

##### PRIMARY LAW

TFEU / Art. 4, 11 & 191: Environmental competence of the EU - Art. 174: Island Regions as priority region

##### SECONDARY LAW

###### HARD LAW

Water Framework Directive  
Habitats and Birds Directive

###### SOFT LAW

“A strategy for biodiversity”  
“Resolution on the wise use of wetlands” “Horizontal Guidance on the Role of wetlands in WFD”

##### TERTIARY LAW

EU Court Decisions  
General principles of EU law  
International Treaties

## STRATEGIC ACTIONS DERIVING FROM THE EU DIRECTIVES

Most of the EU provisions for wetland protection lay down in four (4) Directives that can be divided in two categories:

- **DIRECTIVES ON NATURE CONSERVATION**  
Habitats Directive (HD), on habitats conservation, and Birds Directive (BD), on bird conservation.
- **DIRECTIVES ON WATER PROTECTION**  
Water Framework Directive (WFD), on water quality, and Nitrates Directive on preventing water pollution from nitrates used in agriculture.

### STRATEGIC AXIS #1

NOTIFY EU LAW GAPS FOR WETLAND PROTECTION IN YOUR COUNTRY

## PROTECTING WETLANDS THROUGH NATURE CONSERVATION: THE HABITATS AND BIRDS DIRECTIVES

### THE HABITATS (92/43/EEC) AND BIRDS DIRECTIVES (79/409/EEC)

The 2 Directives are the basis for the establishment of **the ecological network Natura 2000**. The network promotes the conservation of biodiversity, maintaining or restoring natural habitats and species to a favorable conservation status by means of precise protection policies. A significant number of Natura 2000 sites are wetlands. Natura 2000 are called:

- Special Protection Areas (SPAs) when designated by Member States for birds;
- Sites of Community Importance (SCIs) when designated by Member States under the HD;
- Special Areas of Conservation (SACs), when the European Commission has approved the sites.

EU member States establish **management plans** and conservation measures to ensure the protection of all plant and animal species listed in the annexes of the HD. They **monitor the conservation status and report** to the European Commission every six years. Human activities can be authorized by a special procedure.

- The Annexes of the HD has inconsistencies, as endemic and/or threatened species are not currently listed. There is room for improvement of the Directives, and NGOs can play a role in this direction. The MedIsWet inventory can be used to highlight the gaps in species and habitats conservation.

## ACTIONS BASED ON THE HABITATS AND BIRDS DIRECTIVES

- Check whether the vulnerable habitats and birds present in wetlands are included in the Annexes of the two Directives.
- Inform the ministry's contact for the two Directives about gaps in protected species as observed in the field.
- Participate in the Brussels-based thematic working group ("Co-ordination Group for Biodiversity and Nature", E02210) to inform about these gaps or contact the NGOs and/or national authorities participating in the group.
- Suggest to the competent ministry the adoption of national or local measures for the protection of the identified species.
- Complain to the Commission when you notice cases of infringement of the Directives.



## PROTECTING WETLANDS THROUGH WATER RESOURCE PROTECTION: THE WATER FRAMEWORK DIRECTIVE AND THE NITRATES DIRECTIVE

### THE WATER FRAMEWORK DIRECTIVE (2000/60/EC)



The Water Framework Directive (WFD) establishes a regulatory framework for the management and the protection of “water bodies” that prevent further deterioration and protect the aquatic ecosystem, part of which are wetlands. The goal is to achieve good environmental status of EU water bodies. To achieve this goal, EU Member State have to:

- Divide their territory in River Basin and identify their water bodies
- Elaborate Management Plans at river basin district level;
- Adopt a “program of measures” for each river basin district:
  - Wetland recreation and restoration is among the measures that can be adopted.
  - The measures should put in place to achieve ecological status objectives to surface and underground water.
  - Each member State adopts its own measures.

### ACTIONS BASED ON THE WFD



- Participate in the Brussels' based working groups of each Directive to lobby for better protection of wetlands. Strategic Coordination Group for the Water Framework and Floods Directive (E00371).
- Check if all wetlands inventoried are included in the River basin management plan.
- Check if wetlands not included in the RBMP should have been, based on the WFD CIS Guidance Document.
- Inform the administration about identified gaps.

### THE NITRATES DIRECTIVE (91/676/EEC)



The Nitrates Directive aims to control pollution and improve water quality. The Directive helps protect wetlands by ensuring prevention of ground and surface waters from pollution caused by nitrates from agricultural sources. This Directive is applicable to wetlands impacted by agriculture. Member States have to:

- Designate as vulnerable zones the areas that are or could be affected by high nitrate levels and eutrophication;
- Adopt action plans for vulnerable zones;
- Review vulnerable zones every 4 years;
- Train and inform farmers.

### ACTIONS BASED ON THE NITRATES DIRECTIVE

- Based on the inventory results, identify zones that can be assigned as vulnerable zone under the Directive.
- Suggest to the administration the creation of new vulnerable zones before the review process every four years.



## STRATEGIC ACTIONS BASED ON OTHER EU DOCUMENTS AND THE EUROPEAN COURT OF JUSTICE

The EU offers numerous additional opportunities for NGOs to enhance wetland protection. This section focus on using soft law documents, accessing funding and activating environmental justice.

### PROTECTING WETLANDS THROUGH ACTIONS BASED ON EU SOFT LAW

Other than through regulations, the EU influences wetland conservation through its soft law and policies. These not-binding documents can suggest strict protection measures and be declined in national strategies, influencing national public policies, law interpretation and protection practices. EU Policies and strategies are discussed in fora among various stakeholders and NGOs are usually welcome to participate.

## STRATEGIC AXIS #2

### PARTICIPATE IN THE ELABORATION AND EVOLUTION OF EU POLICIES FOR WETLANDS

#### GREEN PAPERS

They are very widely used (158 exist today). They are edited by the EC to stimulate discussion on given topics at EU level. They include proposals on specific issues and invite the relevant bodies or individuals to debate on them. Green Papers may lead to the adoption of a White Paper.

#### WHITE PAPERS

They are much rarer than Green papers. They contain proposals for action in a specific area. The purpose of the White paper is to launch a debate with the public, stakeholders and EU institutions in order to forge political consensus. Island and wetland issues are addressed in the White paper on climate change.

#### STRATEGIES

They are policy documents containing guidelines on specific issues. Wetland conservation is included in the Strategy for Biodiversity that supports the Habitats and Birds Directives. The latest Strategy will be adopted during 2020 and it will be valid for the years 2021-2030.

TYPES  
OF EU  
SOFT  
LAW



## ACTIONS CONNECTED WITH EU SOFT LAW

- Follow the relevant documents and use the EU proposals and guidelines for lobbying in your country.
- Participate in fora of discussion of EU policies or be in contact with Brussels-based NGOs that can promote your ideas.
- Promote the adoption of a white paper/green paper by contacting relevant EU institutions and Brussels-based NGOs to initiate the idea and by organizing a workshop in Brussels.

## SOME EU INSTITUTIONS TO FOLLOW

- EUROPEAN PARLIAMENT'S INTERGROUP ON COASTAL ZONE AND ISLANDS;
- CRPM ISLANDS COMMISSION;
- WORKING GROUP ON HABITATS AND BIRDS DIRECTIVE;
- WORKING GROUP ON WATER FRAMEWORK DIRECTIVE.



## PROTECTING WETLANDS WITH EU FUNDING

Funding is key to wetland restoration actions and to support NGO functioning. Here are some tips to improve funding possibilities.

### STRATEGIC AXIS #3

#### USE EU OBJECTIVES TO ACCESS FUNDING

## ACTIONS TO IMPROVE FUNDING

- Explore the possibility to apply for funds that are not specific to environmental protection (Structural funds, INTERREG, Horizon 2020, etc).
- When applying for funding, link your actions to the EC proposals and objectives mentioned in soft law documents (on the right).
- Get in touch with the national agency responsible for the management of Structural and Investment funds to explore eligibility for projects on island wetlands.
- Mention article 174§3 when asking EU funding for island wetlands (on the right).
- Collaborate with NGOs and Universities to submit common proposals.

### SOFT LAW DOCUMENTS TO MENTION WHEN ASKING FOR FUNDING

- 1) Resolution on the Commission communication to the Council and Parliament on the wise use and conservation of wetlands
  - It recognizes that the EU has an obligation to preserve wetlands concerned by international agreements to which the EU is a party.
- 2) White Paper and Strategy on climate change
  - It offers arguments for conservation of both islands and wetlands as strategy to tackle climate change in the Mediterranean.
  - It considers islands as belonging to “the most vulnerable regions in Europe”, and as deserving special consideration because of their vulnerability with regards to climate change.
  - It stresses the importance of wetlands for climate regulation, due to their carbon absorbing function.

### ARTICLE 174§3 TFEU: AN UNDER-UTILIZED LEGAL BASIS THAT ALLOWS THE ADOPTION OF ISLAND POLICIES



According to this article, islands “suffer from severe and permanent natural or demographic handicaps” and member States should pay particular attention to them to reduce disparities. This provision has been barely used to adopt laws or policy measures to tackle problems specific to island regions. However:

- Based on this provision, islands have to be prioritized by the EU Regional Policy, meaning that they should be favored when distributing Structural and Investment Funds.

## PROTECTING WETLANDS THROUGH EU LITIGATION

### STRATEGIC AXIS #4

#### START LITIGATION PROCESS IN CASE OF EU LAW BREACHING

Litigation is the way to protect wetlands when the administration is not collaborating and breaches EU law. The basic requirements in order to start litigation before the Court of Justice of the EU (CJEU) are the following:

- > Identify breaching of EU law from national authorities (for example Habitats Directive)
- > Exhaust domestic remedies (judicial or extra-judicial - For more info on this point, see national strategies)
- > Submit a complain to the European Commission : [click here to do it online.](#)

#### WHAT TO EXPECT?

The European Commission assesses the complaints and decides whether to initiate the formal infringement procedure against the EU country in question. Before bringing the case before the Court, the Commission conducts a preliminary procedure in which the Member State concerned is given the opportunity to reply to the complaints addressed to it. If that procedure does not result in the member State terminating the failure, an action for infringement of EU law may be brought before the Court of Justice. The CJEU determines whether a member State has fulfilled its obligations under EU law with a procedure called "actions for failure to fulfill obligations", and can impose financial penalties.



A guide proposing  
advocacy actions to

# CONSERVE ISLAND WETLANDS

**PIM INITIATIVE**  
for the MedIsWet project  
supported by  
the MAVA Foundation

By **Pantelina EMMANOUILDOU**  
Ph.D., Consultant. PIM Initiative

**[WWW.PIM-INITIATIVE.ORG](http://WWW.PIM-INITIATIVE.ORG)**

DEVELOPED BY



WITH THE SUPPORT OF



# INTERNATIONAL