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CHANGING CHARACTER: The Ramsar Convention on Wetlands and climate change in the MDB

Presented by Alex Gardner

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Outline of paper (1)

- Stationarity is dead ...
- Ramsar Convention - key obligations
 - Ramsar Information Sheet
 - Processes on change
 - No compliance & enforcement provisions >> soft law
- Australian institutions
 - Commonwealth's role
 - Commonwealth legislation
 - Environment Protection & Biodiversity Conservation Act 1999
 - Water Act 2007 (amended 2008)

Outline of paper (2)



- Management of MDB listed wetlands
 - Sacrifice of management objectives adopted in 2003 - less than maintenance of ecological character
 - 2006 - 2009: significant failure to meet those objectives; esp. Coorong and Lower Lakes (Alexandrina & Albert)
 - current State management plans - not enough water
- Commonwealth's management response under Ramsar
 - [Table 4](#) - measures at selected Murray R Ramsar sites
 - Infrastructure works to favour parts of icon sites
 - Enactment of *Water Act* and preparation of Basin Plan
- CC Implications for Cth Government & Convention
 - No Convention guidance on responding to CC effects
 - Potential Commonwealth & Convention responses



Cth's management response

- Table 4 of paper



Ramsar wetland	Ramsar Information Sheet (date last updated)	Management plan (date published)	Ecological character description status (date published)	Current ecological status [†]	Article 3.2 notification (date notified)	Urgent national interest invoked?	Montreux Record listing	Compensation for degraded habitat considered
Barmah Forest	May 1999	2003	2005	Substantial change in character	None	No	No	No
Gunbower Forest	August 2006	2003	2006	Substantial change in character	None	No	No	No
NSW Central Murray State Forests	October 2002	2002	In preparation (Dec. 2009)	Substantial change in character	Assessment underway 2010	No	No	No
Hattah-Kulkyne Lakes	April 2005	2003	2005	Substantial change in character	None	No	No	No
Riverland	August 2007	2010	In preparation (Dec. 2009)	Severe change in character	None	No	No	No
Coorong and lakes Alexandrina and Albert	March 2006	2000	2006	Severe change in character	13 December 2006	No	No	No





Conclusion

- challenges in making the Basin Plan

- *Water Act* obligations to give effect to Ramsar Conv'n
 - Objects of the Act, s.3
 - Purposes & content of the Basin Plan, ss.19-21, & 23
 - Do these amount to full maintenance of the ecological character of all wetlands, esp. Ramsar listed wetlands ?
- *Water Act* and "critical human needs"
 - "highest priority water use", but ?? definition
 - An inevitable tension (?) - in times of severe scarcity
- Will the High Court adjudicate ??
 - "promote the conservation of declared Ramsar wetlands"
 - Level of "long-term average sustainable diversion limits"