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# **TRILATERAL WADDEN SEA COOPERATION EXTERNAL EVALUATION REPORT**

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External Evaluators**

**June 2007**

## STATEMENT OF IMPARTIALITY

This external evaluation of the Trilateral Wadden Sea Cooperation was undertaken by independent consultants, Dr Mike Moser and Dr Andy Brown, working under contract to the Common Wadden Sea Secretariat (CWSS). Whilst we have sought to consider the views of as many members and stakeholders of the Cooperation as possible, the conclusions and recommendations of the evaluation are ours alone, and we confirm that we have not been unduly influenced by any stakeholder, including the Contractor.

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External Evaluators  
10 June 2007

## LIST OF ACRONYMS USED

CBD	Convention on Biological Diversity
CWSS	Common Wadden Sea Secretariat
HOD	Heads of Delegation
ICZM	Integrated Coastal Zone Management
IWSS	International Wadden Sea School
PAR	Policy Assessment Report
QSR	Quality Status Report
SO	Senior Officials
SWOT	Strengths, Weaknesses, Opportunities and Threats
TMAG	Trilateral Monitoring and Assessment Group
TMAP	Trilateral Monitoring and Assessment Programme
TGC	Trilateral Governmental Conference
TOR	Terms of Reference
TWG	Trilateral Working Group
WHS	World Heritage Site
WSF	Wadden Sea Forum
WSP	Wadden Sea Plan
WWF	World Wide Fund For Nature / World Wildlife Fund

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## 1. EXECUTIVE SUMMARY

1. This report describes the conclusions of the first comprehensive external evaluation of the Trilateral Wadden Sea Cooperation in its almost 30 year history – an opportunity to reflect on the past and look to the future. The report addresses the relevance of the Cooperation to its members, its legal status and governance, its Secretariat, its relations to international and EU legislation, its stakeholder relations and its finances.

2. The evaluation was conducted by two external evaluators from March to June 2007, and included visits to the cooperating countries, numerous interviews with key stakeholders (including the Common Wadden Sea Secretariat), and analysis of responses to an evaluation Questionnaire.

### **Relevance of the Cooperation**

3. The Trilateral Wadden Sea Cooperation, between the Governments of the Kingdom of Denmark, the Federal Republic of Germany and the Kingdom of the Netherlands concerns Europe's largest marine wetland, an area of outstanding international importance shared by the three countries.

4. The Cooperation has been a pioneering model for the protection and management of a trans-boundary ecological system of international importance. The evaluators and the key stakeholders consider the Cooperation to have been very effective in meeting its original 1982 objective of a comprehensive protection of the Wadden Sea. There is much pride and a strong sense of ownership of this achievement among the key stakeholders.

5. The Cooperation has delivered significant added-value to the work of the individual countries, and many aspects of its work are world-class in quality. Most notable of these are the politically-adopted Targets (ecological, physico-chemical and cultural), the Wadden Sea Plan, the harmonised monitoring programme and Quality Status Report, Policy Assessment Report, the Seal Agreement and Management Plan, and the Secretariat and its web site. Recommendations emerging from this evaluation must be considered in this very positive context.

6. There is recent concern of a progressive loss of direction of the Cooperation, weakening of commitment, and a sense that the world has changed while the Cooperation's objectives and structures have not. Issues include a lack of clarity of purpose, complex governance, inadequate external profile, development of EU legislation, and questions over the involvement of sectoral stakeholders. Administrative changes within, and differences between, the individual Governments (decentralisation / regionalisation) add to the complexity of dealing with these issues.

7. The Cooperation has evolved beyond the narrow nature conservation remit of the 1982 Joint Declaration to encompass sustainable use and aspects of sustainable development. Political commitments are scattered in numerous Governmental Conference Declarations. The evaluators recommend the adoption of a refreshed Foundation Agreement, encompassing the recommendations of this evaluation, and which is fit for purpose and forward looking. There is no strong argument for the development of a stronger legal status (eg. Wadden Sea Convention).

8. The profile of the Cooperation does not reflect the outstanding importance of the Wadden Sea, nor the world-class work of the Cooperation. A Communications

Strategy should be prepared and implemented to raise this profile, and to address specific issues affecting the Wadden Sea.

9. The Cooperation needs to plan better for the future, and define clearly how it wishes to achieve its long-term Vision for the Wadden Sea (Mission and Strategy), through preparation of a (rolling) Strategic Plan. The Cooperation should move to a triennial planning and reporting cycle. A clear Mission statement should be defined around the principles of the CBD Ecosystem Approach. There should be a stronger commitment to monitoring and evaluation as vital tools for adaptive management.

10. The need for an effective Cooperation to conserve the unique Wadden Sea ecosystem is as great today as it was 25 years ago. Emerging challenges from the effects of globalisation (harbours, shipping, energy sector, invasive alien species), and particularly from the impacts of climate change, and the possible nomination of the area as a World Heritage Site, further emphasise the need for an effective Cooperation. Future added-values will depend on how successfully the Cooperation can address these complex issues, and therefore be a European and global model for the trans-boundary application of the ecosystem approach.

### **Governance**

11. Many concerns were expressed over the effectiveness of the Cooperation's governance due to overlapping and resource-intensive structures, unclear responsibilities and accountabilities, and inadequate strategic and collective leadership. The evaluators propose replacing the existing governance structures with new and streamlined arrangements, which are fit for purpose and can lead the Cooperation towards its agreed Vision.

12. A central recommendation is the creation of a Trilateral Wadden Sea Board, comprising 6 governmental representatives (2 per country), up to 4 "independent" members and an independent Chair. The independent Chair would be appointed by Ministers through an open recruitment process, and would be an ambassador for the Cooperation. The other "independent" members would represent key stakeholder groups, in line with the ecosystem approach. The Board will have a strong policy coordination function and will govern the Secretariat. The Board should determine whether it needs any permanent Working Groups, but should generally operate through time-limited task forces and projects.

13. The frequency and political profile of the Trilateral Governmental Conferences has declined, and the evaluators recommend that the political and programmatic aims of these conferences be separated and strengthened in the future, through:

- the creation of a Trilateral Wadden Sea Governmental (Ministerial) Council, to meet formally once every 3 years to provide the political mandate to the process, address emerging issues, and ensure commitment from below.
- A Wadden Sea Conference held every 6 years to contribute to the further development of the Wadden Sea Plan.

### **Common Wadden Sea Secretariat (CWSS)**

14. The CWSS was widely praised during the evaluation and has provided a stable focal point for support and coordination of activities of the Cooperation, significant leadership in setting a common conservation and management agenda, as well as coordination of research and monitoring.

15. The host country should review options for a stronger and more independent legal status for the CWSS to reduce risks regarding staff issues and external contracts, and to provide for greater “collective responsibility”. The 1987 Administrative Agreement should be updated in line with the recommendations of the evaluation.

16. The TOR and resources of the Secretariat should be brought into line with the needs of the Cooperation as identified through the strategic planning process, and should be reflected in individual staff work plans. A performance appraisal system for the Secretary and staff should be implemented. Greater flexibility should be built into the staffing structure of the CWSS.

### **Legislation, management plans and reporting**

17. The Cooperation should proactively strengthen its links and profile with other international initiatives and treaties, including the CBD (at COP9, May 2008 in Germany), and through the possible World Heritage Site designation. Denmark is strongly urged to become a full partner in the WHS submission.

18. Much progress has been made in relation to the implementation of Directives, but more needs to be done to increase harmonisation. An assessment of each Article of the Habitats Directive (as an example) is used to identify a programme of workshops where further trilateral cooperation could improve harmonisation, added-values, and best practice. The Cooperation should extend this review process to other Directives and develop a prioritised programme of facilitated workshops.

19. As a matter of priority, the Cooperation should share experiences on Article 6 of the Habitats Directive, including obtaining information from other member states. This Article is particularly significant because its application may have significant consequences for business and sustainable use/development. This experience should be used to inform and assist all competent authorities along the Wadden Sea to promote more consistent approaches.

20. The CWSS should keep a watching brief on the development of emerging EU Directives (eg. the draft EU Marine Strategy Directive) and initiate early consideration of these at a trilateral level.

21. Anomalies exist in relation to protected area boundaries throughout the Wadden Sea. Rather than addressing these on a case by case basis, the Cooperation should examine the wider issue of the overall coherence of the Natura 2000 network in the Wadden Sea. Adjustment of boundaries should only be necessary if they make a material difference to the effectiveness of the network, and the habitats and species they seek to conserve. In relation to the Wadden Sea Area, the longer-term aim should be to remove this boundary as it is largely arbitrary, does not relate to existing work and adds little value. Instead the Cooperation should respond flexibly to the different issues which impact on the conservation and sustainable use of the ecosystem.

22. The Wadden Sea Plan (WSP), Quality Status Reports (QSR) and Policy Assessment Reports (PAR) have been major successes. The WSP now needs further development and we recommend that a scoping document is produced which sets out the nature of the development required. These documents should be brought into line with the 3 year planning cycle of the Cooperation and the 6 year cycle of reporting under the Directives. A short summary of the QSR should be produced for a political and policy audience.

23. The Cooperation should continue to develop its leadership and advisory role in relation to ICZM. It should not seek to produce a Wadden Sea ICZM strategy but instead focus on addressing the real challenges on the ground and assisting others at national, regional and local levels to develop and implement a coherent approach to ICZM.

### **Stakeholders**

24. People are an integral part of the Wadden Sea, using its natural resources, shaping the landscape and benefiting from it in a multitude of ways. The Cooperation recognises the need for effective engagement with different groups in order to both develop and deliver its objectives. Given the scale and complexity of the possible stakeholders, the Cooperation needs to confirm its understanding of this community, to prioritise its key stakeholders and specify how to engage with them in the future.

25. The Wadden Sea Forum (WSF) has successfully brought different sectoral interests together, broken down barriers, and increased participants understanding of the values of the Wadden Sea and each other's activities. However, the Forum is currently not operating as effectively as either its members or the Cooperation would wish. Although it is not the place of this evaluation to advise the WSF (as an independent body), the Forum needs to consider its future role and focus and how it wishes to engage with the Cooperation.

26. The Cooperation should urgently clarify its relationship with the WSF in the light of its response to this evaluation. We propose that the Cooperation should write to the Chair of the Forum offering a package including – a 50% cash contribution for independent administrative support which must be matched in cash by the Forum; accommodation at the CWSS HQ; and, an independent seat (for the Chair) on the proposed new Board. The Cooperation should also honour its obligation to review the WSF report as required by the Schiermonnikoog Conference.

27. The Cooperation should convene regular meetings on a formal or informal basis with the Chairs of the Advisory Boards that already exist along much of the length of the Wadden Sea, to ensure that local and regional perspectives are brought to bear on their decisions. If the interests of the island communities are not adequately served via the Advisory Boards then the Chair of Euregio Wadden/Watten should be invited to join the group of chairs or alternatively be offered a seat as an independent member on the new Board.

28. Environmental NGOs are active throughout the Wadden Sea although their capacity to contribute at a trilateral level is limited. Given their campaigning, educational, advocacy and outreach abilities, the Cooperation should consider working more closely with them to develop common views about how to address the challenges ahead.

### **Finances**

29. The existing funding mechanism of three equal shares should be reconfirmed. The host country of the CWSS should consider financing the costs of the accommodation for the CWSS, in line with the Administrative Agreement.

30. The Cooperation should be congratulated for securing over €5m of external funding for specific projects, which have been critical in driving forward the agenda of



the Cooperation. Staff need the time and skills required to pursue and manage externally funded projects.

31. A feasibility study should be undertaken on creating a Wadden Sea Foundation for receiving and disbursing funds not usually available to Governments. External funding opportunities should be explored by employing a specialist consultant to advise on options and approaches for securing additional funding sources.

32. There is scope to improve the planning, budgeting and financial management arrangements for the Cooperation, including the capacity of the CWSS to manage this work. A small project fund (€50k- €100k) should be established to remove the need to debate the resourcing of very small projects.

### **Implementation Plan**

33. A fast-tracked implementation of the 49 recommendations of the evaluation is proposed in order to maintain the momentum of the evaluation. This should cover 4 phases:

- Phase I: June-August 2007: dissemination of the evaluation report; consultation on the recommendations; implementation of urgent recommendations.
- Phase II: September 2007-May 2008: establishment of an Implementation Task Force (3 “wise” eminent persons, one from each country) to prepare and negotiate the refreshed Foundation Agreement, new governance arrangements and revised Administrative Agreement; establishment of a Strategic Plan Task Force; show-casing of the Wadden Sea and the Cooperation at CBD COP9; Ministerial signing of the refreshed Foundation Agreement at CBD COP9; clarification of relationship with WSF.
- Phase III: June 2008-December 2008: Appointment of Board members and Chair, and first “shadow” Board meeting; new legal arrangements and TOR for the CWSS; complete drafting of the Strategic Plan; drafting of the Communications Strategy.
- Phase IV: January 2009 onwards: 1<sup>st</sup> formal and ongoing meetings of the Board (replaces existing governance structures); sign-off of Strategic Plan and Communications Strategy; triennial planning and reporting cycle starts; further development of the WSP.

***"Don't be afraid of exposing yourself to some degree of danger, anyone who hopes to reach a glorious goal must take many risks. This voyage is not as perilous as some people would have us believe. The Norwegian coast is the most dangerous part ... there is less to fear after you pass the Dutch coast."***

**Linnaeus to Thunberg, 1771**

## 2. INTRODUCTION

In 2003 the governments of Denmark, Germany and the Netherlands celebrated 25 years of successful cooperation to ensure the environmental protection and wise use of the Wadden Sea. The Trilateral Wadden Sea Cooperation has been a pioneering venture in ecosystem management, involving many people and organisations.

It is highly appropriate that after so many years of activity an evaluation of the progress of the Trilateral Wadden Sea Cooperation is being undertaken – a chance to review lessons from the past, and to take a strategic look to the future.

### **2.1 Background**

At the 2005 Trilateral Governmental Conference, held on the island of Schiermonnikoog, the priorities for the period until the next Conference in 2010 were laid down. In particular it was agreed:

*'We will focus on a closer cooperation directed to the process of implementing the EC Directives. Over the next period, we will evaluate our cooperation including our organisational structure.'*

In 2006 the Senior Officials agreed to invite tenders for the evaluation of the Wadden Sea Cooperation.

A contract for undertaking the external evaluation was awarded in February 2007 to Dr Mike Moser and Dr Andy Brown, and the evaluation was completed in June 2007. This report details the evaluation's findings and recommendations.

### **2.2 Objectives and scope of the evaluation**

IUCN defines an evaluation as "A periodic assessment, as systematic and impartial as possible, of the relevance, effectiveness, efficiency, impact and sustainability of ... an organisation, in the context of stated objectives." This evaluation has sought both to undertake such an assessment, but also to recommend steps that will help the Cooperation to build on existing strengths, overcome weaknesses, and be fit-for-purpose for the coming decade. This process of "learning by doing" (adaptive management), stimulated by such an evaluation, is crucial to well planned strategic development.

The overall objective of the evaluation of the Cooperation, including its current organisation, is to accomplish a more optimal inclusion in and coordination with the relevant European legislation for the Wadden Sea, in the sense of the Joint Declaration linked to the sustainable development perspective for the Wadden Sea Region.

In brief the evaluation was asked to:

- i. Investigate the standing bodies of the Cooperation
- ii. Investigate how European legislation can be better embedded
- iii. Investigate how the Wadden Sea Forum can be better matched up to Cooperation objectives
- iv. To analyses how local and regional authorities can be better integrated
- v. To analyse the financial arrangements.

The full TOR for the evaluation is appended as Annex 1. Further clarifications were agreed at the start of the contract with the Evaluation Steering Group.

The Evaluators were not asked to assess the conservation outcomes achieved by the Cooperation, nor individual projects.

### 2.3 Process of the evaluation

The evaluation is based on three sources of information:

a) reviews of documentation: these included information available from the Cooperation web site, existing published reports and internal reports.

b) an Evaluation Questionnaire: this was designed by the Evaluators and circulated through the Common Wadden Sea Secretariat to selected members of the various standing bodies and the Wadden Sea Forum in early April 2007, with a closing date for receipt of responses of 30 April 2007. A reminder was sent towards the end of April and the deadline extended to 10 May. The response rate is shown below:

Group	No. distributed	No. returned	% response
Senior Officials	7	2	29
Trilateral Working Group and observers	22	15	68
Trilateral Monitoring and Assessment Group	9	5	56
Wadden Sea Forum Secretariat	16	3	19
Former Trilateral Cooperation participants	7	4	57
Experts	10	2	20
TOTAL	6	3	50
	77	34	44

It is important to note that whilst individual replies have been allocated to their principle group, 50% actually contribute to more than one of the above groups. The total number of questionnaires returned is above average for this type of survey. They have provided extremely valuable input to the evaluation from a wide range of key stakeholders across the area, although the respondents are likely to represent the more active members of the Cooperation.

c) Interviews: These were conducted with representatives of many members and key structures of the Cooperation, including the Senior Officials and Heads of Delegation; Common Wadden Sea Secretariat; Trilateral Working Group; Trilateral Monitoring and Assessment Group; NGOs; the Wadden Sea Forum and others. The list of interviews is shown in Annex 2.

The interviews and questionnaires represent a substantial consultation process which strongly underpins the proposals made in this report. Given the extent of the consultation we would suggest that it is not necessary to undertake further major consultation prior to implementation of agreed changes.

### 2.4 Structure of this report

The main chapters of the report closely follow the subjects identified for evaluation in the TOR, as described in section 2.2. There is also an opening chapter based around

an analysis of strengths, weaknesses, opportunities and threats (SWOT Analysis). This reviews the value-added of the Cooperation to its three partners, and addresses some high level issues not covered elsewhere in the report.

For each chapter, the results of the evaluation are divided into:

- a) a concise description of the baseline situation at the time of the evaluation;
- b) an analysis of the issues that the Cooperation needs to address, together with proposals as to how these might be addressed;
- c) specific recommendations for implementation. These recommendations are inserted throughout the report in *blue italic text*, and are then compiled in Chapter 9, in the form of an Implementation Plan.

The “Implementation Plan” for the evaluation is submitted to the Evaluation Steering Group and Senior Officials for their consideration.

In order to keep this evaluation report to a manageable length, the evaluators have referred to, but not included, many Cooperation documents. These are generally available on the Cooperation web site (<http://www.waddensea-secretariat.org>).

### 3. THE RELEVANCE OF THE COOPERATION (SWOT ANALYSIS)

The purpose of this chapter is to make a high-level assessment of the effectiveness and relevance of the Trilateral Wadden Sea Cooperation, as perceived by its major stakeholders, and to identify the key issues that need to be addressed by the evaluation. It uses a SWOT Analysis to help identify the major issues, and then makes recommendations on a number of high-level issues that are not dealt with elsewhere in the report.

#### 3.1 BASELINE SITUATION

##### 3.1.1 Brief history

The Trilateral Wadden Sea Cooperation, between the Governments of the Kingdom of Denmark, the Federal Republic of Germany and the Kingdom of the Netherlands began almost 30 years ago. It concerns Europe's largest marine wetland, an area of outstanding international importance shared by the three countries.

The Cooperation resulted from calls from the non-governmental nature conservation organisations (such as the WWF and the Dutch Wadden Society) and the scientific community during the 1970s for special measures to protect the Wadden Sea, and to treat it as a single ecological system. Following three preparatory Ministerial Conferences, a Joint Declaration was reached in 1982 in which the three Governments declared their intention:

#### **Joint Declaration on the Protection of the Wadden Sea, 1982**

*1. to consult each other in order to coordinate their activities and measures to implement the above-mentioned [Ramsar, Bonn and Bern Conventions and relevant EU Directives especially the Birds Directive] legal instruments with regard to the comprehensive protection of the Wadden Sea region as a whole including its fauna (marine, terrestrial and avian) and flora with special emphasis on:*

- Resting and breeding areas for seals*
- Areas being important as resting, feeding, breeding, or moulting grounds for waterfowl, both in themselves and in their interdependencies.*

*2. to this end to intensify and broaden the contacts between their responsible administrations. The results of these consultations will be examined and, as appropriate, decided upon at Dutch-German-Danish meetings on governmental level about the Wadden Sea.*

During the first decade, the emphasis was on information exchange and coordination of measures as stipulated in the Joint Declaration. The Common Wadden Sea Secretariat was established in 1987 to facilitate this process, and Trilateral Governmental Conferences were held every 2-3 years to review and advance the Cooperation. By the end of the 1980s, a start was made on a more integrated approach to nature conservation, taking into account the whole range of human activities in the Wadden Sea. This culminated in 1997 with the adoption of the landmark trilateral Wadden Sea Plan, which included a system of ecological targets covering typical Wadden Sea habitats and species and water and sediments, as well targets on landscape and culture. For each target, the baseline condition and target condition was defined, and policy and management actions proposed.

From 2000 to the present, the main achievements have been:

- Designation of the Wadden Sea as a Particularly Sensitive Sea Area (PSSA).
- Launch of a wider Wadden Sea Forum, aimed at bring together a broad range of stakeholders.
- Making operational the regional data handling units within the Trilateral Monitoring and Assessment Programme.
- Publication of a Quality Status Report (2004) to assess progress against the defined targets, and the publication of a Policy Assessment Report (2005).
- A number of new initiatives were launched, such as the International Wadden Sea School (IWSS), and a new working group on Coastal Protection and Sea Level Rise.
- Implementation of, or involvement in, several Interreg or other EU co-financed projects.

Today, almost the entire Wadden Sea inshore area is comprehensively protected under the EU Natura 2000 network (Birds and Habitats Directives), in addition to its international designations as Ramsar Site, PSSA, and UNESCO Biosphere Reserve (except Denmark). Discussions are underway for the nomination of a large part of the Dutch-German Wadden Sea as a World Heritage Site.

## **3.2 ISSUES AND PROPOSALS**

In order to identify the main issues to be addressed by the evaluation, a SWOT (Strengths, Weaknesses, Opportunities and Threats) Analysis was conducted with the Steering Group for the Evaluation, with staff of the CWSS and with a wide range of stakeholders through the Questionnaire. A highly synthesised summary of the results is provided in the table below. Similar points raised by different respondents have been combined into summary bullet points, whilst points made by just a few respondents were not included unless the evaluators considered them to be particularly pertinent.

Although this process of synthesising the results involved some subjectivity, the main findings of the analysis provide an extremely useful overview of the perceptions of the Cooperation by its key stakeholders, and of the most important issues to be addressed by this evaluation.

### **3.2.1 Main achievements and added-value of the Cooperation**

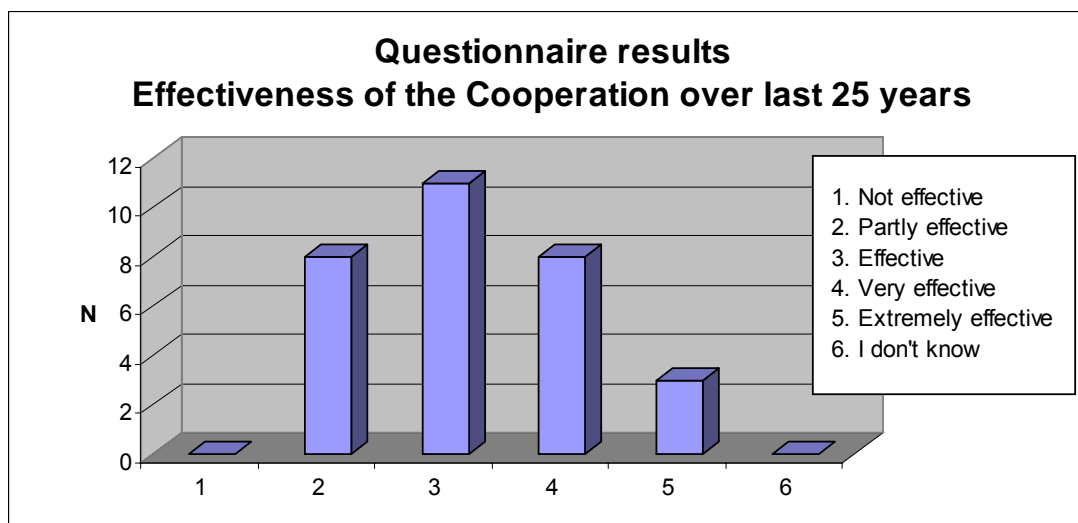
A large human and financial resource has been devoted to the Cooperation, and the evaluation needs to consider two linked questions:

- “How effective has the Cooperation been in achieving its objectives?”; and
- “What have been the achievements and added values of the Cooperation (compared to a baseline situation if the Cooperation had not existed)?”

The consultations conducted for the evaluation revealed a strong perception among the key stakeholders that the Cooperation had been very effective in meeting its original 1982 objective, and this was strongly confirmed by the Questionnaire with 73% of respondents indicating that it had been effective to extremely effective (see histogram, below). There is much pride and a strong sense of ownership of this achievement among the key stakeholders.

**SWOT ANALYSIS**

<b><u>STRENGTHS</u></b>	<b><u>WEAKNESSES</u></b>
<ul style="list-style-type: none"> <li>• Pioneering, world class cooperation which has succeeded in protecting a European trans-boundary ecosystem of international importance</li> <li>• Common vision, objectives and Wadden Sea Plan</li> <li>• Good evidence base, monitoring programme and Quality Status Reports</li> <li>• Committed/motivated network of experts and administrators able to share best practice and information</li> <li>• Political agreement and support for the cooperation shared between governments at high level</li> <li>• Common Wadden Sea Secretariat</li> </ul>	<ul style="list-style-type: none"> <li>• Over-lapping governance structures and mandates leading to slow decision-taking</li> <li>• Inadequate funds for activities due to budget restrictions (lowest common denominator effect hampers progress)</li> <li>• Different priorities/approaches between countries and in Lander and regions</li> <li>• Priority in national administrations is to binding national and EU regulations and policies, not to the Cooperation</li> <li>• Lack of legally binding (enforceable) agreement and lack of political will to implement important objectives and prevent severe impacts</li> <li>• Lack of leadership &amp; long-term planning</li> <li>• Nature protection focus hampers involvement of economic partners; unclear role of WSF</li> <li>• Low profile of the Cooperation</li> </ul>
<b><u>OPPORTUNITIES</u></b>	<b><u>THREATS</u></b>
<ul style="list-style-type: none"> <li>• To be a world-class example of implementing the ecosystem approach across a trans-boundary area</li> <li>• Coherent management of a complex of Natura 2000 sites by harmonised application of EU Directives and policies</li> <li>• Wadden Sea as a World Heritage Site</li> <li>• Climate change and sea level rise will bring big political interest</li> <li>• More stakeholder participation</li> <li>• To broaden the scope of the cooperation towards sustainable development and be a trans-boundary model of ICZM</li> <li>• Raise awareness of / market the unique nature/naturalness of the Wadden Sea</li> </ul>	<ul style="list-style-type: none"> <li>• Marginalisation &amp; loss of funding due to fading political interest and changed priorities of governments</li> <li>• Loss of focus / broadening of the agenda (eg SD/ICZM)</li> <li>• Differences between countries</li> <li>• Loss of national interest/priority for nature and water management due to increasing European legislation and rules</li> <li>• Failure to adapt to changed circumstances with EU regulations</li> <li>• Non sustainable economic pressures and exploitation continue - shipping, fisheries, stopping of dynamic processes</li> </ul>



The evaluators have no doubt that the Cooperation has delivered significant added-value achievements for the protection of the Wadden Sea. The following main items can be highlighted:

- The Cooperation is perceived (internationally as well as among its key stakeholders) as an extremely successful, pioneering and world-class model for the protection and management of a trans-boundary ecological system of international importance.
- The Wadden Sea is now comprehensively protected through national and EU (Birds and Habitats Directives) legislation and international treaties, including common designations as a Ramsar site and Particularly Sensitive Sea Area. This outcome alone signals the achievement of the original 1982 objective.
- The trilateral Wadden Sea Plan, developed and adopted by the three governments, with common principles, targets and work programmes provides a strategic focus for the management of the area; the politically-adopted target concept is a world-wide unique approach to strategic management of a shared system.
- The seal population of the Wadden Sea is protected and managed as one population according to the Seal Agreement concluded under the Bonn Convention, for which the CWSS is the agreement secretariat. The Seal Management Plan including required efforts and actions concluded under the agreement is revised regularly and provides a model for species management and monitoring.
- The Trilateral Monitoring and Assessment Programme including the advanced handling and management of comprehensive data on a harmonized basis, and the Quality Status Report process - with its suite of targets and baselines - is a world-class monitoring system, against which the Wadden Sea Plan can be assessed and adapted.



- The Cooperation has created opportunities for each country to build on best practice of the others and has lent moral pressure when one country takes a weaker approach than the others.
- The Cooperation has created an extensive network of scientists, administrators and stakeholders who have delivered great added value by sharing of ideas through publications, workshops, conferences and an excellent web site.
- The Cooperation has enabled common approaches to be followed to deal with unforeseen events like seal epidemic, black spots, decreasing bird numbers.
- In addition to these high level achievements, there have been a range of common activities and innovative projects, workshops and initiatives which have together greatly enhanced measures to protect the Wadden Sea. Good examples would be the International Wadden Sea School (IWSS) – a trilateral environmental education initiative, and the Lancewadplan (culture/heritage initiative).

Although not all of these achievements can be 100% ascribed to the Cooperation, the evaluators believe that this is the most advanced and effective international cooperation in the world for a trans-boundary wetland of international importance (a view endorsed by the Secretary General of the Ramsar Convention (P. Bridgewater *pers comm.*)). There can be little doubt that most of these achievements would not have occurred without the commitment of the 1982 Joint Declaration and the establishment of a Common Wadden Sea Secretariat.

Any issues and weaknesses identified during the evaluation must be considered in the light of the remarkable achievements of the Cooperation. Our recommendations aim to make a successful Cooperation even better.

### **3.2.2 Main issues to be addressed by the evaluation**

The evaluation has revealed a growing internal concern that during the last 5–7 years, there has been a progressive loss of direction, weakening of commitment, and a sense that the world has changed while the objectives and structures of the Cooperation have not. The Cooperation “process” has become less effective. There are a number of underlying reasons for the emergence of these concerns:

- There is a lack of clarity about the long-term direction and purpose of the Cooperation – the focus and activities are now far broader than described in the Joint Declaration. Is the Cooperation about nature conservation or sustainable development, or the implementation of the EU Directives? This lack of clarity is compounded by inadequate strategic and collective leadership, both to determine strategy and to communicate the role and achievements of the Cooperation to a wider audience.
- The governance structures suffer from a lack of clarity of role and accountability, which hinders decision-making.
- The Cooperation has become routine business. Many problems of the Wadden Sea appear (to politicians) to have been solved by the protection measures that are in place. The Wadden Sea is less seen as a problem area in a trilateral context, and so political interest/priority has declined in at least some countries.
- The major EU Directives (Birds, Habitats, Water Framework and EIA, as well as the EU Marine Strategy) provide key tools for the protection and management of

the Wadden Sea. Because they are legally binding, they receive priority attention of the government partners. Although these tools are positive developments for the Wadden Sea, some people feel that the Cooperation has not adequately developed its role in relation to EU regulations, and indeed that it now duplicates these measures.

- There is uncertainty about how to involve stakeholders in the Cooperation.

In addition to these issues, further complications arise because of the many differences between the three countries. These relate to how the countries perceive the Wadden Sea and also to how each country administratively handles the Wadden Sea and the Cooperation (more or less centralised, and with or without the involvement of different Ministries and stakeholders). In each of the three countries, there have been important changes to the extent to which government processes have been devolved and decentralised. These changes bring both threats and opportunities to the Cooperation, but are a fact and therefore need to be addressed in the strategic planning for the Cooperation. It will never be possible to achieve a truly common approach to the Wadden Sea - administratively, legally, programmatically or culturally. It is necessary to accept that there will always be differences – to analyse which must be addressed, and which not – and to make the most of the opportunities that these differences provide.

The remainder of this chapter addresses some of these high-level issues that were not specifically identified in the TOR for the evaluation, and which are not included in later chapters.

### **3.2.3 Legal status of the Cooperation**

The Cooperation has no independent legal status, but is governed through an Agreement between the three countries. The first non-legally binding international Agreement was established in 1978 at the first trilateral Danish-German-Dutch Conference on the Protection of the Wadden Sea. The initial commitment was “*to guarantee the natural functioning of the ecosystem through the proper regulation of human activities*”. Then at the 1982 Conference, the three nations adopted a Joint Declaration (see 3.1.1), committing them to expand their contacts between responsible administrations, to consult with each other and to coordinate implementing actions on the protection of seals, waterfowl and their habitats. This Joint Declaration remains the political foundation of the Cooperation today, although various measures have been added (eg. the Guiding Principle) by the Declarations at each Trilateral Governmental Conference.

The current non-legally binding status of the Cooperation has the advantage of flexibility and reduction of bureaucracy, but it is perceived by some to have the disadvantages of lacking a strong mandate, enforcement possibilities and security of future. The idea of developing the Cooperation into a formal and binding Wadden Sea Convention has been considered in the past.

The evaluation interviews and Questionnaire provided evidence of the need to refresh and strengthen the 1982 Joint Declaration as the political foundation for the Cooperation. 70% of the Questionnaire respondents considered that the Joint Declaration was no longer an adequate foundation and needed to be refreshed. Although a majority (70% of respondents) felt that the Cooperation should not develop an independent legal status of its own (Treaty/Convention), the large minority view (30%) indicates considerable support for a stronger status than provided by the 1982 Joint Declaration.

The following table compares the advantages and disadvantages of three options for the future legal status of the Cooperation.

Advantages	Disadvantages
<b>Option 1. Continue to operate on the basis of the 1982 Joint Declaration</b>	
<ul style="list-style-type: none"> <li>• Flexibility</li> <li>• Limited bureaucracy</li> <li>• No risk of disruption</li> </ul>	<ul style="list-style-type: none"> <li>• Does not recognise the changed context (EU activities, ecosystem approach, etc)</li> <li>• Vision, principles etc. dispersed in numerous TGC declarations.</li> <li>• Non-binding - and commitments are at risk from changing political climate (including funds)</li> <li>• Only declares an intention to consult – does not proactively pursue common principles etc.</li> <li>• No clarity on governance</li> </ul>
<b>Option 2. A refreshed Foundation Agreement encompassing the evaluation recommendations</b>	
<ul style="list-style-type: none"> <li>• Flexibility</li> <li>• Limited bureaucracy</li> <li>• Vision, Mission and Strategy agreed, streamlined and forward looking</li> <li>• Clarity of Governance responsibilities, process and accountabilities</li> <li>• Clarity on stakeholder engagement processes</li> <li>• An opportunity to refresh and profile the Cooperation</li> </ul>	<ul style="list-style-type: none"> <li>• Non-binding, and commitments are at risk from changing political climate (but can be stronger than Option 1)</li> <li>• Process of preparing new Agreement will require significant work</li> </ul>
<b>Option 3. Establish an international treaty (Wadden Sea Convention)</b>	
<ul style="list-style-type: none"> <li>• Legally binding (would ensure commitments are translated into policies and management)</li> <li>• Security of funding</li> <li>• Vision, Mission and Strategy agreed streamlined and forward looking</li> <li>• Clarity of Governance responsibilities, process and accountabilities</li> <li>• Clarity on stakeholder engagement processes</li> <li>• Could cover the designation of an international Park</li> </ul>	<ul style="list-style-type: none"> <li>• Inflexible</li> <li>• Heavy bureaucracy</li> <li>• Potential cross-conflict with EU legislation</li> <li>• Overlapping with many other treaties, particularly OSPAR, Ramsar, Bonn, (WHC)</li> <li>• Risk of major disruption / challenge to the Cooperation during the negotiation process</li> </ul>

The evaluators conclude that there is a strong case for establishing a stronger “Foundation Agreement” as a refreshed political declaration of commitment to the future of the Cooperation. However, because of the plethora of existing international treaties and EU legislation covering the Wadden Sea, there is no justification for establishing a new treaty.

The refreshed Foundation Agreement should bring together the Vision, Mission, Guiding Principle and targets into a single coherent document, which should include *inter alia* commitments to the following measures:

- A re-statement of the European and global importance of the Wadden Sea
- A re-commitment to trilateral cooperation
- Statement of common (ecosystem) approach
- Clarity of governance mechanisms (see Chapter 4)
- Common monitoring and evaluation

- Climate change adaptation
- Harmonisation with EU processes
- Role with respect to ICZM
- Stakeholder participation processes
- Links to other international treaties

The evaluators believe that a well-timed event for the three Ministers to sign the refreshed Foundation Agreement could provide an excellent opportunity for a political statement of commitment to the Cooperation.

*R3.1 A refreshed Foundation Agreement for the Cooperation should be adopted, which is fit for purpose, forward-looking and provides for strong governance.*

#### **3.2.4 Profile of the Cooperation**

The starting point for this evaluation must be that the Wadden Sea is Europe's largest and most important marine wetland – a single ecological system of outstanding international importance shared by Denmark, Germany and the Netherlands. Nowhere else in the world is there an area on a similar scale which contains such a complex of tidal flats, gullies, saltmarshes, dunes and islands. Its biodiversity is of outstanding importance, and it delivers a multitude of valuable environmental goods and services to people of the region and to visitors. The Cooperation, which is now more than 25 years old, has been instrumental and extremely successful in conserving these values.

The current profile of the Cooperation internationally, nationally and locally does not reflect either the importance of the Wadden Sea, nor the achievements and critical role of the Cooperation. There is a need both to re-emphasise these points at all levels, and for a much stronger communications function in the long term. The latter requires the development and implementation of a clear Communications Strategy, including targeted “campaigns” aimed at raising awareness of selected stakeholders on particular issues. This communications function needs to be clearly understood and agreed by the governmental partners, and the current reference in Article 2(2) of the Administrative Agreement, which restricts communications activities by the CWSS should be amended to enable more proactive work.

*R3.2 The Cooperation should continually seek opportunities to raise its profile at international, national and local levels by re-affirming the outstanding importance of the Wadden Sea, and communicating its collective commitment to the area.*

*R3.3 A Communications Strategy should be developed and implemented, including targeted campaigns to address key issues.*

#### **3.2.5 Strategic Planning**

There is a concern among the key stakeholders that the Cooperation no longer has a clear and forward-looking purpose. This reflects an overall inadequacy in strategic planning, and the evaluators found little evidence that the Cooperation used strategic planning and adaptive management effectively as tools for institutional and programme development. It appears that long-term planning has been replaced by a process which delivers integer developments from one Trilateral Governmental Conference to the next.

The evaluators conclude that in order for the Cooperation to have clear purpose and direction, it needs to think more about the future and plan better through a stronger investment in strategic planning. The resultant Strategic Plan should provide high level guidance to the Cooperation, giving clarity of purpose and direction to all

stakeholders at both institutional and programmatic levels. It should be endorsed at the highest level by Ministers in the (proposed) refreshed Foundation Agreement, widely communicated, and will signal a new beginning for the Cooperation supported by the package of other measures identified in this report.

The new strategic plan should be high level (less than 20 pages), provide an overarching framework above the Wadden Sea Plan. The plan should draw together the many existing achievements and commitments, which are currently spread over numerous documents and decisions – and use these as a basis for future direction. It should include the following:

- A brief summary of the history of the Cooperation
- A review of the key commitments and achievements
- A review of the current context and emerging issues, including such points as linkage to the EU regulations, engagement of stakeholders and climate change impacts.
- A Vision for the Wadden Sea for the next 25 years (based on expected trends)
- A Mission Statement for the Cooperation (see 3.2.6)
- A Strategy for the Cooperation to achieve the Vision, broken down into a number of strategic objectives/goals, and summarising the main approaches that will be taken
- A brief summary of how the governance and operational mechanisms will support delivery of the strategy

*R3.4 A Strategic Plan should be developed to define and refresh the long-term Vision, Mission and Strategy for the Cooperation, including both programmatic and institutional development.*

To achieve this, a Strategy Task Force should be established, supported by an external facilitator. The Strategy can be built from the findings of this evaluation, but should be subject to further extensive consultation before being submitted to Ministers.

The evaluators further recommend that the Cooperation adopts a triennial planning cycle for strategy development, programme and budgets. Using the strategic plan as a framework, this should include:

- A triennial Business Plan for implementation of the Strategy (this will be further broken into detailed annual work plans for the standing bodies and CWSS)
- A triennial Budget

Reporting cycles should mirror the planning cycle, with quarterly progress reports from the CWSS being delivered to the governing body (see Chapter 4) for monitoring purposes. The Strategic Plan should cover two planning cycles (6 years), and be “rolled” forward at the end of each cycle.

*R3.5 The Cooperation should adopt a triennial planning and reporting cycle, including triennial business plans and budgets and annual work plans and budgets.*

### **3.2.6 Future Mission of the Cooperation**

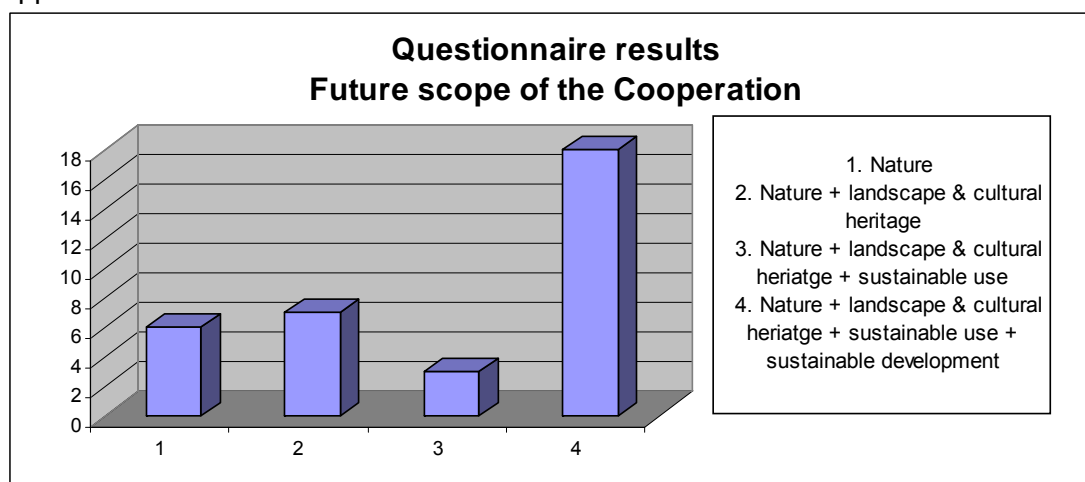
The founding objective of the Cooperation, as defined in the Joint Declaration of 1982 (3.1.1), has a strong nature conservation focus. Since then, the objective has broadened. The Guiding Principle of the Wadden Sea policy, adopted with the Wadden Sea Plan in 1997 is “to achieve as far as possible, a natural and sustainable ecosystem in which natural processes proceed in an undisturbed way” – still with no

reference to human activities. However, the shared vision adopted at the same conference was wider:

- *“A healthy environment which maintains the diversity of habitats and species, its ecological integrity and resilience as a global responsibility*
- *Sustainable use*
- *Maintenance and enhancement of values of ecological, economic, historic-cultural, social and coastal protection character, providing aspirations and enjoyment for the inhabitants and users*
- *Integrated management of human activities which take into account the socio-economic and ecological relationships between the Wadden Sea Area and the adjacent areas*
- *An informed, involved and committed community”.*

Thus, the mission of the Cooperation has evolved over time, is expressed in several different documents, and now shows some divergence from the Joint Declaration of 1982, which is the foundation of the Cooperation. This lack of clarity of purpose lies at the root of several of the issues identified by the evaluation. We therefore recommend that a refreshed and clear Mission for the Cooperation should be formulated to provide legitimacy for present and future activities of the cooperation and to ensure a more focused and effective organisation.

Although the final formulation of the new Mission Statement should emerge from the strategic planning process described above, the extensive consultations conducted during this evaluation provide an informed starting point. Views have ranged from a pure nature protection focus, through to a focus which also covers sustainable use and development (see histogram), with a clear majority favouring the more integrated approach.



The evaluators have considered the many inputs they have received and recommend the following points are addressed when formulating the new Mission statement:

- The starting point is that the Wadden Sea is an internationally important trans-boundary ecosystem, which must be treated as a single ecological entity.
- The Wadden Sea Conservation Area is protected by national and European law for its natural values.
- The Wadden Sea delivers multiple ecosystem goods and services, and therefore has strong economic, social and cultural values. There are many ways in which these values can be used sustainably. However, potentially non-sustainable pressures on the natural resources are still obvious (oil and gas extraction proposals, pollution etc, etc) with conservation and development activity not yet fitting together into a coherent whole. The Cooperation therefore has a key role to ensure that the ecosystem services can be used and appreciated, but that such

activities are sustainable. The challenge is to determine how far human uses can be accommodated in a sustainable way, whilst maintaining the environmental quality of the area.

- Outside the Conservation Area, in the wider Wadden Sea region, the Cooperation should be in a position to monitor and advise on new or existing developments that may have an impact on the Conservation Area. However, it should not be the role of the Cooperation to actively promote or coordinate development across a range of different economic sectors.

The concept of sustainable development remains poorly understood and easily misinterpreted. The evaluators therefore suggest that the Mission statement should avoid the use of this word, and rather focus on principles enshrined in the Convention on Biological Diversity (CBD) Ecosystem Approach, in which:

*“Ecosystem and natural habitats management seeks to meet human requirements to use natural resources, whilst maintaining the biological richness and ecological processes necessary to sustain the composition, structure and function of the habitats or ecosystems concerned. Important within this process is the setting of explicit goals and practices, regularly updated in the light of monitoring and research activities.”*

Within this definition, the CBD Ecosystem Approach emphasises *inter alia* the following principles: societal choice, stakeholder involvement, decentralisation of decision-making to the most appropriate level, impacts of and on neighbouring ecosystems, consideration of the social and economic context, maintenance of ecosystem services, evidence-based management, management for inevitable change. Many of these principles are also in accordance with the EU ICZM Strategy. The Cooperation is already practising many of these principles, and will continue to be a living experiment for ecosystem-based management.

*R3.6 A new Mission Statement should be adopted for the Cooperation in line with the CBD ecosystem approach.*

### **3.2.7 Monitoring and evaluation (M&E)**

Whilst the Cooperation has excelled in monitoring and assessing the status of the Wadden Sea ecosystem, it has been less effective in establishing a thorough process of M&E for itself, as a tool for adaptive management. That this is the first external (or indeed internal) comprehensive evaluation of the Cooperation after more than 25 years is surprising. The evaluators consider that many issues could have been dealt with earlier and perhaps with less impacts than after such a long gap without review.

*R3.7 A process of monitoring and evaluation of the Cooperation’s strategy, structures and programme, including external evaluation of the entire Cooperation once every six years (two triennial cycles) should be instituted, within the new Strategic Plan.*

### **3.2.8 Potential future added values**

Having achieved its original objective of the comprehensive protection of the Wadden Sea, the evaluation assessed whether there is still a need for the Cooperation and what the future added values might be. Underlying this assessment are the many serious actual or potential pressures on the area - from major development and the effects of globalisation (harbours, shipping, energy sector, invasive alien species), and particularly from the impacts of climate change. Many of these emerging challenges are increasing, and the need for an effective Cooperation in the future for

this unique system may even be higher than 25 years ago, even though the context has changed somewhat. The key future directions and added values are therefore to improve delivery through:

- Stronger political and core stakeholder commitment of all parties to the trilateral Cooperation
- Implementation and further development of the Wadden Sea Plan
- Regular Quality Status Reports and Policy Assessment Reports to guide future strategy
- Coordinated and more harmonised implementation of EU Directives
- Improved levels of information exchange for both scientific and policy development and practical management
- Improved engagement of stakeholders, including local communities and youth
- Better support and advice to ICZM strategies and developments in the wider Wadden Sea region which may have impacts on the Wadden Sea Area.
- More attention to raising the profile of the Wadden Sea and the Cooperation, with major opportunities presented through the forthcoming COP of the CBD and possible nomination as a World Heritage Site
- More attention to sustainable use of the Wadden Sea
- More focus on emerging issues, particularly adaptation to the impacts of climate change for which the Wadden Sea experience can provide a European pilot study of relevance to all low-lying coastal areas.
- Better communication of the ecosystem goods, services and values of the Wadden Sea and the way in which these contribute to economic prosperity and quality of life.

The quality of the Wadden Sea depends on the quality in, and efforts of, each country, and if the Cooperation can achieve the above goals it will (continue to) be a leading global model for the CBD ecosystem approach, and a European model for trans-boundary protected area management. The Wadden Sea deserves no less than this.



## **4. GOVERNANCE OF THE TRILATERAL WADDEN SEA COOPERATION**

“Governance” is here defined as the decision-making structures and processes of the Cooperation. The Working Groups of the Cooperation are also briefly considered in this chapter although, strictly, they should not be considered as part of the governance but more as operational bodies.

### **4.1 BASELINE SITUATION**

The current governance structure of the Cooperation is illustrated in Annex 3. The main organs of governance are:

#### **4.1.1 Trilateral Governmental Conference (TGC)**

This is the political decision-making body of the Cooperation and the focal point for coordination between the governments of the three countries. The three members of the TGC are the Ministers most directly responsible for nature and environmental affairs. The Ministers preside over the Conferences which are held every 3-5 years. The conferences review the Quality Status Reports and Policy Assessment Reports, and the reports of the previous International Scientific Wadden Sea Symposia and determine the political measures and programme priorities for the future. The TGC is chaired by the Minister hosting the Conference. The TGCs have been the building blocks of the Cooperation, having given a clear political mandate and impetus to the process and securing commitment from below.

#### **4.1.2 Senior Officials (SOs)**

Meetings of the SOs were established at the Wadden Sea Conference in 1985 as annual intermediate meetings. Their tasks are to discuss trilateral Wadden Sea policy, to address issues of common interest between the TGCs and to solve problems on the policy level. They also determine what should be proposed to the TGC. There are no specific TOR. Membership is officially one nominated senior civil servant from each country. Each delegation determines its representation. The SO meetings are chaired in rotation by the country hosting the next conference.

#### **4.1.3 Heads of Delegations (HODs)**

Although not separately recognised in the organigramme of the governance structure, each delegation to the TWG (see below) has an appointed Head of Delegation, of whom one (by rotation) is the Chair of the TWG. Currently, the HOD and the Chair of the TWG is divided over two persons, and the Chair of TWG is the Chair of the HODs. The responsibilities of these individuals have not been defined. The (current) supervisors of the CWSS are the Danish and Dutch HODs together with the Chair of TWG.

#### **4.1.4 Trilateral Working Group (TWG)**

The TWG was formalised as a trilateral policy working group on the establishment of the CWSS in 1987. It meets 2-3 times per year and is tasked with the overall coordination of the work of the Cooperation and the preparation of the TGC. The TWG can establish *ad hoc* working groups to execute special tasks. The TWG has no specific TOR. Membership comprises a number of representatives of the responsible ministries of each country and representatives of the German federal states and regional authorities in The Netherlands. If necessary, the TWG is supplemented by representatives of other ministries and experts on special issues. The current mailing list comprises about 30 individuals.

The TWG is chaired by the Head of Delegation of the host country of the next TGC, although under the current German Chair, this function has been split between Chair

and HOD function. Observers from various (currently 7 approved) NGOs have attended TWG meetings since 2000.

#### **4.1.5 Trilateral Monitoring and Assessment Group (TMAG)**

TMAG was established in 1994 as the only permanent working group under the TWG. It is tasked with preparing and coordinating the execution of the Trilateral Monitoring and Assessment Programme (TMAP) of the status of the Wadden Sea ecosystem. The TMAG has a well-defined TOR. Membership comprises representatives of the authorities in charge of monitoring and assessment in each country. There are currently 9 members of whom 3 also serve on the TWG. TMAG meets 2-3 times per annum and is chaired in rotation by a representative of the country hosting the next TGC.

TMAP has already been the subject of two separate evaluations (1997 and 2001), and the data handling procedures were evaluated in 2004.

#### **4.1.6 Working Groups**

A number of other technical Working Groups have been established as follows:

##### Reporting to TMAG

- Trilateral Data Handling Group (5 members, 1-2 meetings per annum).
- Joint Monitoring Group of Breeding Birds (6 members, 2 meetings per annum (combined with JMMB)).
- Joint Monitoring Programme for Migratory Birds (6 members, 2 meetings per annum (combined with JMMB)).
- *Ad hoc* Trilateral Beached Bird Group (4 members, no regular meetings).
- There are a number of additional ad-hoc, time-limited groups.

##### Reporting to TWG

- Working Group Landscape and Cultural Heritage Wadden Sea (WADCULT) (10 members, 1-2 meetings per annum)
- Trilateral Coastal Protection and Sea Level Rise (CPSL) Group (9 members, 2 meetings per annum)

##### Reporting to TWG/TMAG

- Trilateral Seal Expert Group (6 members, 2 meetings per annum) including meetings of TSEG-Plus-managers (TSEG-members and 4 managers meeting every 2 years)
- Trilateral Seal Expert Group Plus (TSEG plus 4 representatives of ministries for the elaboration of Seal Management Plan)

#### **4.1.7 Representatives**

Finally there is the group of Representatives designated to oversee the work of the CWSS in accordance with the Administrative Agreement (see Ch. 5)

## **4.2 ISSUES AND PROPOSALS**

### **4.2.1 Effectiveness of the current governance structures**

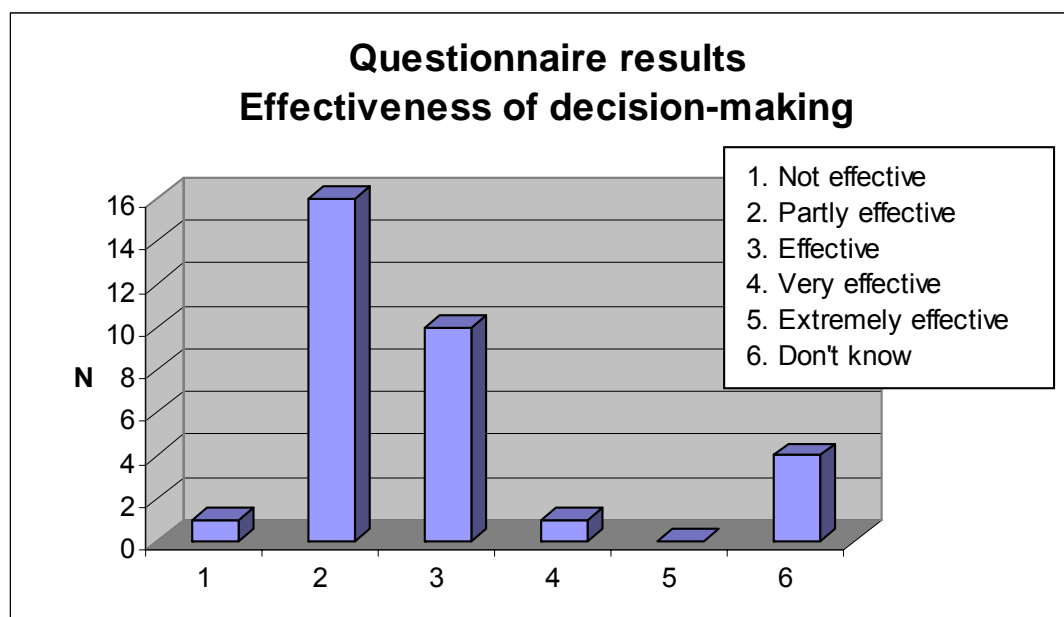
The decision-making structures of the Cooperation evolved rapidly during the 1980s from the Trilateral Governmental Conferences to include the Senior Officials, Heads of Delegation and Trilateral Working Group (and later TMAG and its associated sub-groups). This structure has continued with little review or modification for more than 20 years.

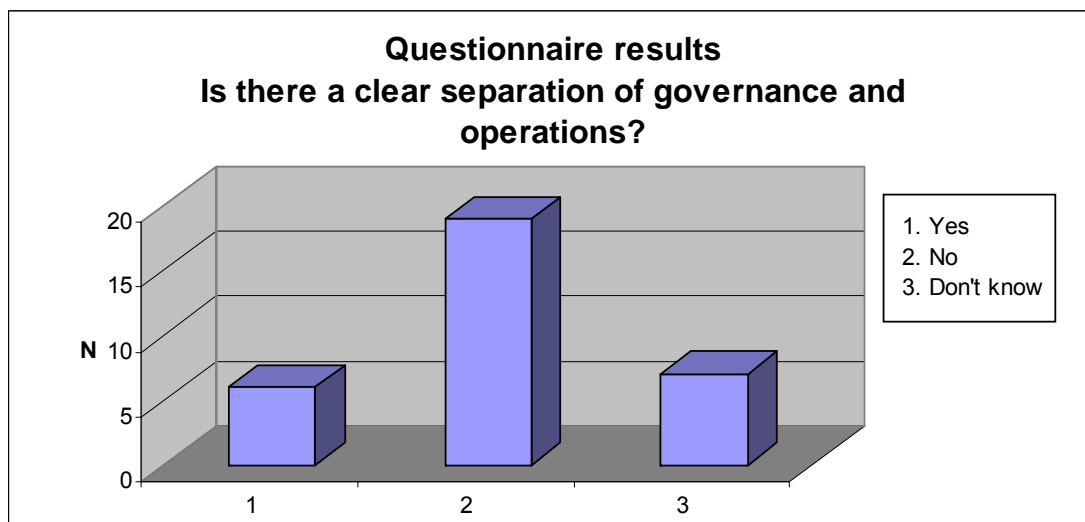
In the first decades, these multiple levels of contact were required to build the Cooperation. However, today the contacts are well established, and there have been many contextual changes both within and outside the Cooperation (eg. EU legislation, regionalisation, emphasis on the ecosystem approach, electronic communications etc). It is therefore appropriate to assess whether these structures are still fit for purpose.

Some dissatisfaction was expressed during the evaluation interviews and in the Questionnaires with the effectiveness of the decision-making processes of the Cooperation. The main concerns were:

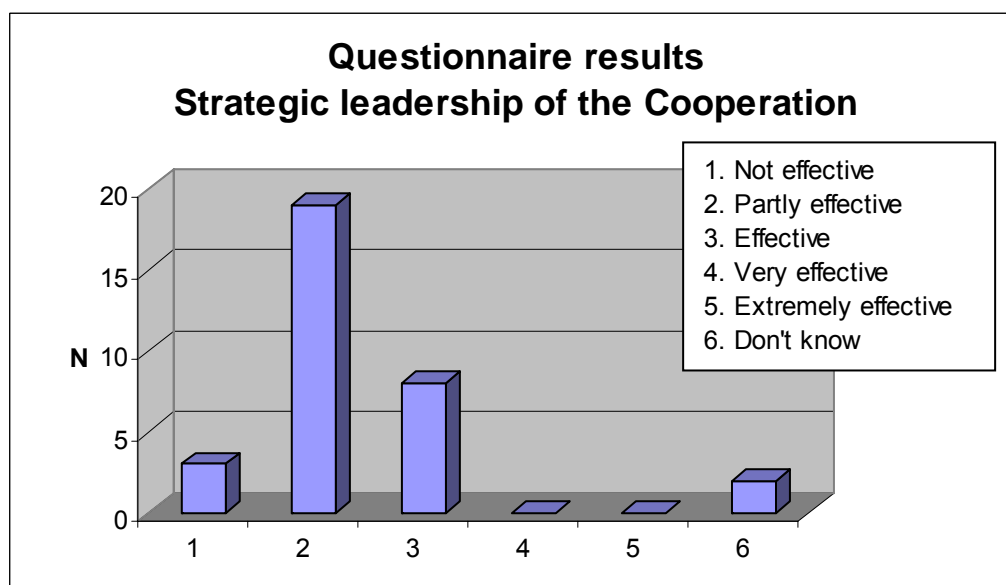
- Too much time is spent in meetings with too much paper and too few outputs.
- Too many overlapping decision-making layers, a lack clarity of role (SO, TWG, HOD), and slow decision-making (although not too bad for an international process!).
- Lack of transparency in obligations and tasks, and lack of accountability for delivery.
- Unclear involvement of observers/stakeholders sometimes makes for difficult discussions and frustrations.
- Resource limits make it impossible to participate fully in so many different levels of decision-making.
- Confusion of decision-making and operational roles in groups like TMAG - much duplication of discussions.

These views were reflected in the responses to the Questionnaire.





A further issue that was raised was the need for greater strategic leadership of the Cooperation. The reasons for this were identified as lack of a clear mission statement/purpose for the Cooperation, unclear responsibilities (lack of TOR), the rotating chairing arrangements, and changes in staff of the administrations sometimes bringing representatives with limited experience. The current roles of SOs and of the TWG could be described more as one of facilitating coordination of three national views, rather than giving leadership to a common Cooperation.



These findings indicate a strong need to simplify and improve the governance structures. In identifying possible solutions, the evaluators have considered a number of principles of good governance to which the Cooperation should aspire. The following table reviews the current operation of the Cooperation with respect to these principles:

	<b>Principle of good governance</b>	<b>Current issues</b>
1	The body responsible for governance should be clearly identifiable and functionally efficient	<ul style="list-style-type: none"> <li>Overlapping and poorly defined governance arrangement shared between the TGC, SOs, HoDs and TWG</li> <li>None of these groups individually combines an appropriate mandate, frequency of meetings or composition/division of membership to provide effective governance</li> </ul>
2	The governing body should provide strategic leadership in setting the Mission, Vision and Strategic Priorities	<ul style="list-style-type: none"> <li>Role is more about consultation/coordination than leadership</li> <li>Planning runs from TGC to TGC without a clear Strategy for the long-term</li> </ul>
3	The governing body must take responsibility for the successes and failures of the initiative	<ul style="list-style-type: none"> <li>Responsibilities of the different bodies are not defined</li> <li>There is no strong collective ownership</li> <li>Too much responsibility for successes and failures lies with the CWSS</li> </ul>
4	The governing body should establish clear mechanisms for decision-taking	<ul style="list-style-type: none"> <li>There are no Terms of Reference for the decision-making bodies</li> </ul>
5	There should be a clear separation of governance and operational functions	<ul style="list-style-type: none"> <li>Partially exists - but not clearly defined</li> <li>Some double mandates exist</li> </ul>
6	Clear lines of reporting are required from the operational bodies (particularly the CWSS) through to the governing body.	<ul style="list-style-type: none"> <li>HOD's/Representatives have a separate function in supervising the CWSS, but no TOR</li> </ul>
7	The governing body should ensure effective delegation of responsibilities to its executive / operational bodies	<ul style="list-style-type: none"> <li>Delegated responsibilities have not been defined</li> </ul>
8	The governing body should be open in its way of working, and trust and integrity should be paramount	<ul style="list-style-type: none"> <li>Observers participate in TWG and have meetings with SOs, but decisions are often made in pre-meetings.</li> <li>Lack of transparency (eg. TWG minutes are restricted access on the web site).</li> </ul>

The above analysis confirms several problems with the existing governance, including:

- overlapping, and resource-intensive structures
- poor clarity of responsibilities and accountabilities
- inadequate strategic and collective leadership

Whilst the governance structure was designed for the 1980s it now needs to meet the changed context and new challenges of the 21<sup>st</sup> Century. In particular, it needs to show greater leadership to drive the Cooperation towards its agreed Vision.

The evaluators have concluded that making minor adjustments to the existing governance structures and systems will not deliver the improvements and outcomes that are necessary for the governance to be fit-for-purpose and forward-looking. They therefore propose replacing the existing decision-making structures with new and streamlined arrangements. This solution is proposed as part of a package of measures, which will need to be implemented together to achieve the full benefits. During the evaluation interviews, significant support was received for such an approach from many representatives of the Cooperation.

#### **4.2.2 A Trilateral Wadden Sea Board**

The following options were identified and compared with the *status quo*:

- Option 1. Same structures (SO, HOD, TWG), but with clear TOR and Rules of Procedure.
- Option 2. Replace SO, HOD, TWG with a Trilateral Wadden Sea Board of governmental members only.
- Option 3. A Trilateral Wadden Sea Board, with an independent Chair.
- Option 4. A Trilateral Wadden Sea Board, with an independent Chair and some independent (stakeholder representative) members.
- Option 5. A fully independent Trilateral Wadden Sea Board.

The evaluators have concluded that Option 1 would not overcome the key weaknesses of the current arrangements, and also that Option 5 would be too independent of governments. The creation of a Board to replace the SO, HOD and TWG levels would certainly solve several of the identified issues. However, we believe that Option 4, has particular merit. The appointment of an independent Chair would embody collective responsibility and provide a valuable ambassador for the Cooperation, while some independent members would ensure transparency of process and bring formal engagement of stakeholders in line with the ecosystem approach.

We therefore propose the creation of a Trilateral Wadden Sea Board to replace the existing structures of SOs, HODs and TWG. "Board" is used to signify a stronger collective leadership body, with responsibility for governance. This body would have a strong policy coordination function, which is particularly important given the decentralisation / regionalisation of responsibility for implementation that has occurred to a different extent in each country. The Board would also oversee the operational bodies, ensuring that they are provided with appropriate expertise. The functions of the Board would be to:

- Regularly review and refresh the Vision, Mission and Strategy of the Cooperation for approval by Ministers.
- Provide strategic leadership and policy coordination for the Cooperation.
- Represent the Cooperation throughout the Wadden Sea and internationally.
- Provide political guidance to Ministers, *inter alia* through annual and triennial reports.
- Oversee the implementation and further development of the WSP.
- Determine the Cooperation's policy on major issues.
- Adopt the triennial Business Plans and annual Work Plans of the Cooperation, and implement mechanisms for monitoring performance.
- Approve the triennial and annual budgets.
- Review the annual financial reports and approve the accounts following external audit.
- Determine the delegations of responsibilities.
- Approve the Cooperation's risk management procedures.
- Appoint the Secretary and review his/her performance annually.
- Determine the Terms and Conditions of employment for CWSS staff.

These functions should be encompassed in a detailed TOR, supported by clear Rules of Procedure to facilitate decision-taking.

For the Board to operate effectively, membership should be limited to no more than 10 voting members plus a Chair, comprising:

- 3 high-level civil servants (one from each country, from the administrations responsible for environmental protection);
- 3 senior governmental experts with significant Wadden Sea experience; and

- up to 4 “independent” members (perhaps representing the scientific community, WSF/NGOs, Euregio Watten, the regional Advisory Boards).

The Board should meet 2 times per annum, with at least one meeting held at the headquarters of the CWSS, and the other meetings rotating between countries. During each of these meetings, the Board should create opportunities to meet with the staff of the CWSS and key stakeholders (eg WSF members, key NGOs, Chairs of the Regional Advisory Boards, Euregio Board). The Board should also seek to communicate electronically between Board meetings, and should be supported by quarterly programme and financial reports from the CWSS.

The evaluators recommend that an independent Chair of the Board be appointed by the three Ministers through an open international recruitment process. This person, with the collective support of the Board will be an ambassador for the Cooperation who, because of his/her independent status, can speak with Ministers and senior civil servants in any of the three countries to help achieve common approaches. Appointment of the Chair would be for a period of 3 years (renewable for a maximum of one further term). This individual should have considerable professional standing, demonstrated experience of strategic leadership, and a strong commitment to the Wadden Sea. Travel expenses and a small honorarium would be offered to the Chair from the budget. A specific TOR should be developed for the Chair.

We recommend that the independent members also be appointed by the Ministers through an open recruitment process (unless representing another body, eg Chair of WSF). Their terms would also be for a period of 3 years (renewable for a maximum of one further term), taking care that not all independents rotate at the same time. They should be offered travel and subsistence expenses to meetings if needed.

The Board should normally work by consensus. However, in the event that a vote was necessary, that would be made among the individual members with the Chair having a casting vote. In order to enhance transparency of process, it is recommended that meetings of the Board are held in public but without public participation (with closed sessions for confidential business), and that agendas and minutes are placed on the CWSS web site.

Assuming the appointment of independent members, observers should not be invited to participate in the meetings of the Board. The Secretary of the CWSS will participate *ex officio*, and other experts may be invited to attend to make specific presentations.

*R4.1 A new governing body for the Cooperation, the “Trilateral Wadden Sea Board”, should be established (replacing SO, HOD and TWG levels) with full responsibility for determining strategy, policy coordination, supervising the operational bodies and assessing delivery. TOR and Rules of Procedure should be prepared for the Board and its Chair. Membership of the Board should comprise 2 governmental representatives from each country (a senior official plus a Wadden Sea expert), plus up to four independent members and an independent Chair.*

#### **4.2.3 Working Groups**

Permanent working groups should not be established to serve the Board without clear justification of long-term need. Except where such groups are absolutely necessary, work should be undertaken by time-limited task forces of the relevant experts using strong project management approaches. Good examples for this would be for the further development of the Wadden Sea Plan in preparation for 2010 delivery, or the preparation of a Communications Strategy. These tasks require different skill-sets of people.

The evaluators believe that it is for the Board to determine its own ways of working, and whether it wishes to establish any permanent working groups, or to rely only on Task Forces/projects. We believe that most strategy, policy and management activities should be undertaken in this way.

However, there may be a strong case for continuing a permanent working group for coordination of TMAP and the production of the Quality Status Reports, because of the need for a long-term perspective. These outputs and the recent focussed workshops (eg on Pacific Oyster, Climate Change) were widely praised in the interviews and Questionnaires. If established, we recommend that this group (currently TMAG) is renamed the Trilateral Evidence and Assessment Group (TEAG), to emphasise the focus on outcomes rather than inputs, and that its membership is refreshed to focus on current needs and emerging issues. If established, the Board should approve the TOR, Chair and membership at its first meeting. Membership should comprise 9-12 individuals from key monitoring institutes, as well as a number of (university) specialists. The Chair might be the scientist who is appointed as independent member of the Board.

There are several existing sub-groups of the TMAG, which play a vital role in harmonising monitoring and assessment activities. We recommend that each should be considered as a time-limited (renewable every 3 years) Task Force, managed using best practice project management principles.

*R4.2 The proposed Board should determine how it wishes to conduct its work – either through the establishment of permanent working groups, or through the use of time limited task forces / projects.*

#### **4.2.4 Future of the Trilateral Governmental Conferences (TGC)**

The frequency of TGCs and the attendance by Ministers has declined in recent years - probably reflecting the lack of “big ticket” issues, the heavy time demands, and the fact that these conferences are “owned” by the host Minister. Indeed it is more than 15 years (1991) since all three Ministers attended a TGC. It seems unlikely that this trend will reverse. The TGC has also been an important occasion for decision-makers, experts and multiple stakeholders to interact and contribute to the development of policy and management measures for the Wadden Sea. However, it’s role as a content-driven conference is often skewed by the Ministerial engagement which requires “smooth” outcomes.

The need for, and structure of these meetings therefore requires review. Options that were considered include:

- Option 1. *Status quo*.
- Option 2. No TGC.
- Option 3. A (Ministerial) Governmental Council (no conference).
- Option 4. A separate (not-necessarily Ministerial) conference.

We recommend that the two purposes of the TGC (ie. the high-level Trilateral Governmental (Ministerial) meeting, and a separate stakeholder conference) are considered separately.

We believe that there remains a strong case for a regular high-level trilateral governmental meeting – and this need may increase for example with the designation of a World Heritage Site or from issues posed by sea level rise. This political level engagement is particularly important because of the lack of a formal



legal status for the Cooperation, so as to ensure a clear political mandate to the process and ensure commitment from below.

We therefore recommend the establishment of a Trilateral Wadden Sea Governmental (Ministerial) Council. This will comprise the three Ministers responsible for Wadden Sea environmental and nature affairs, supported by senior officials and attended by the independent Chair of the Board. The 1<sup>st</sup> meeting of the Council will approve the new governance and Strategy for the Cooperation, and the appointment of the independent members of the Board. Thereafter, the Council will formally meet once every three years, towards the end of the final year of each triennial cycle. These meetings could be by video conference if it proves difficult for all Ministers to meet. The key tasks will be to:

- Agree and review the delegated responsibilities of the Board.
- Receive annual and triennial reports from the Board.
- Consult on progress and constraints with implementation of the Strategy and on emerging issues.
- Ensure political decisions are taken at trilateral level to follow-up the recommendations of the Board.
- Appoint the independent Chair and members of the Board for the next triennium.
- Approve the Strategic Plans and Triennial Business Plans.

In addition to this formal trilateral meeting, every effort should continue to be made also to engage Ministers informally and in Wadden Sea events, either individually or collectively. Such events might be the designation of a nature reserve, launch of a major initiative, release of a key publication etc.

*R4.3 A Trilateral Governmental (Ministerial) Council should be established to replace the Trilateral Governmental Conference. TOR for the Council should be prepared for adoption at the first meeting.*

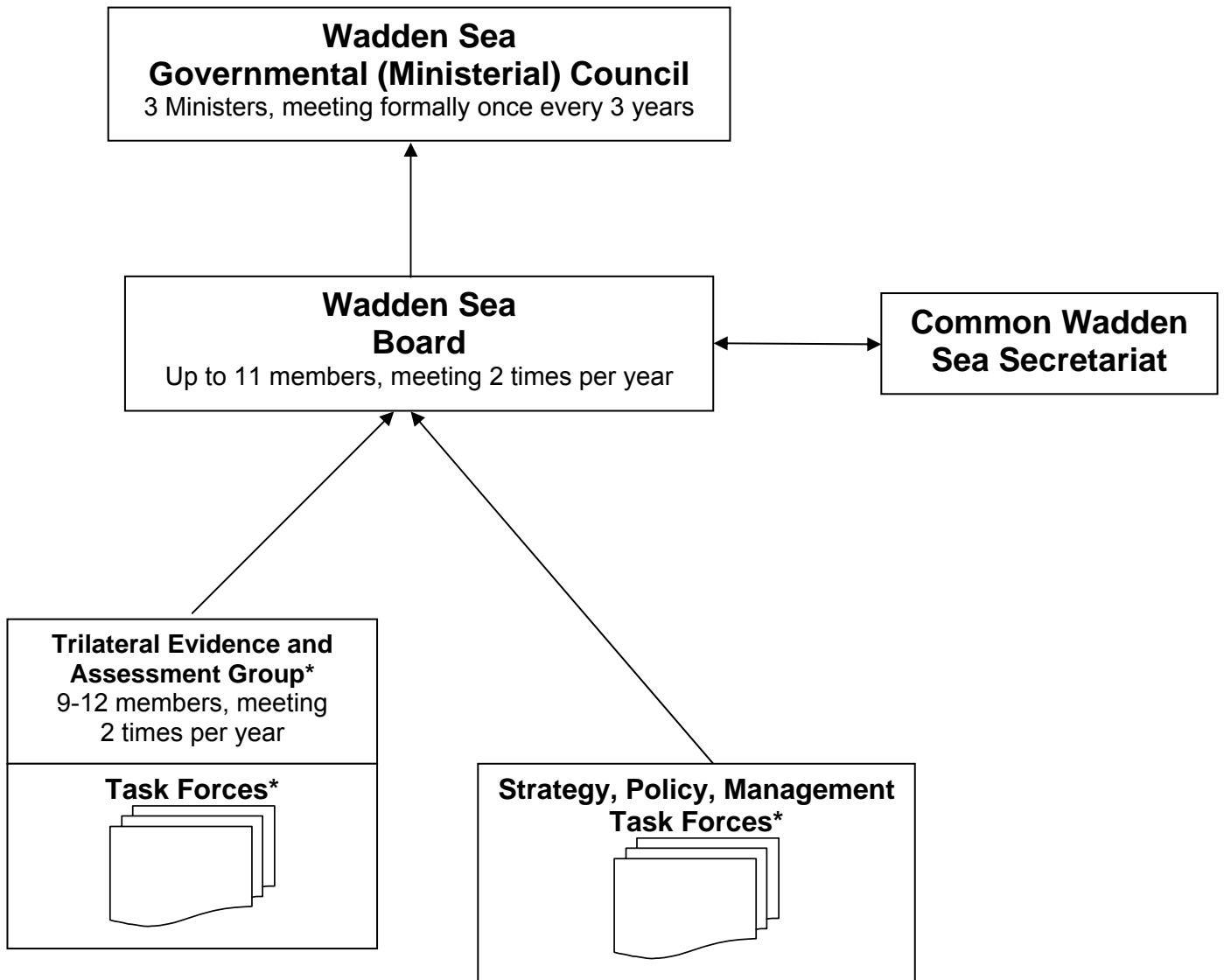
We believe that there also remains a clear benefit from holding a stakeholder “Conference” to provide input to the development of the Cooperation at regular intervals. However, this function of the current TGC needs to be streamlined and strengthened. We recommend that once every 6 years (2 planning cycles), a specific Wadden Sea Conference should be held to support the review and further development of the Wadden Sea Plan. This would be hosted in rotation by the three countries. This Conference would be open to all stakeholders, but carefully designed so that scientists, policy makers, users and conservationists can work together to identify key issues for the Wadden Sea and advise on the future direction of the Cooperation’s strategy. In addition, targeted workshops and conferences should be organised on a needs basis to address emerging issues (good examples would be the Pacific Oyster workshop and Climate Change conference).

*R4.4 A Wadden Sea Conference should be held once every six years in rotation between countries, to review and contribute to the further development of the Wadden Sea Plan. Other themed workshops and conferences should be organised on a needs basis.*

#### **4.2.5 Future organisational structure chart**

Following the recommendations made in this chapter, a new organisational structure for the Cooperation is illustrated on the following page.

### Proposed Organisational Structure of the Trilateral Cooperation



\* Structure of the Working Groups/Task Forces to be determined by the Board

## 5. THE COMMON WADDEN SEA SECRETARIAT

### 5.1 BASELINE SITUATION

The Common Wadden Sea Secretariat (CWSS) was established in 1987 by Decision of the Trilateral Governmental Conference in order to support closer collaboration between the three nations. Details of the arrangements are provided in an Administrative Agreement dated 14 July 1987, which has not since been updated. This Agreement describes *inter alia* the duties of the CWSS, its legal status and governance, financial arrangements, location, and procedures governing the appointment and dismissal of the Secretary.

The Agreement prescribed the initial location of the CWSS to be in Germany, where it was established in Wilhelmshaven in prestigious office accommodation adjacent to the Administration of the Lower Saxony Wadden National Park. Although the Agreement provided the option for relocating/rotating the CWSS between the countries, this has not happened - and the CWSS has remained in Wilhelmshaven. Although issues of accessibility were mentioned to the evaluators, there appears to be no desire (and many costs and few likely benefits) to change the location of the CWSS. This is not considered further.

#### 5.1.1 Legal status and Governance of the CWSS

According to the 1987 Administrative Agreement, "*The legal status of the CWSS, including that of its personnel, is determined by the laws of the country in which the CWSS is located. The Party in whose country the CWSS is located shall be the formal employer of the Secretary*". In fact, the CWSS has no legal status of its own. The Secretary is employed directly by the host Ministry in Bonn, while all other staff are employed through a contract with the Secretary himself, and have no official employment status with any legal body. Similarly, contracts for externally funded projects are entered with the Secretary himself, not with any legal entity.

The supervision of the CWSS is provided jointly by three representatives, one from each of the responsible national Ministries. They are chaired by the representative of the Party responsible for hosting the next trilateral conference.

#### 5.1.2 Tasks and staffing of the CWSS

Terms of Reference for the CWSS were established in 1987, and have not been reviewed since. They are described fully in the Administrative Agreement, and in summary are:

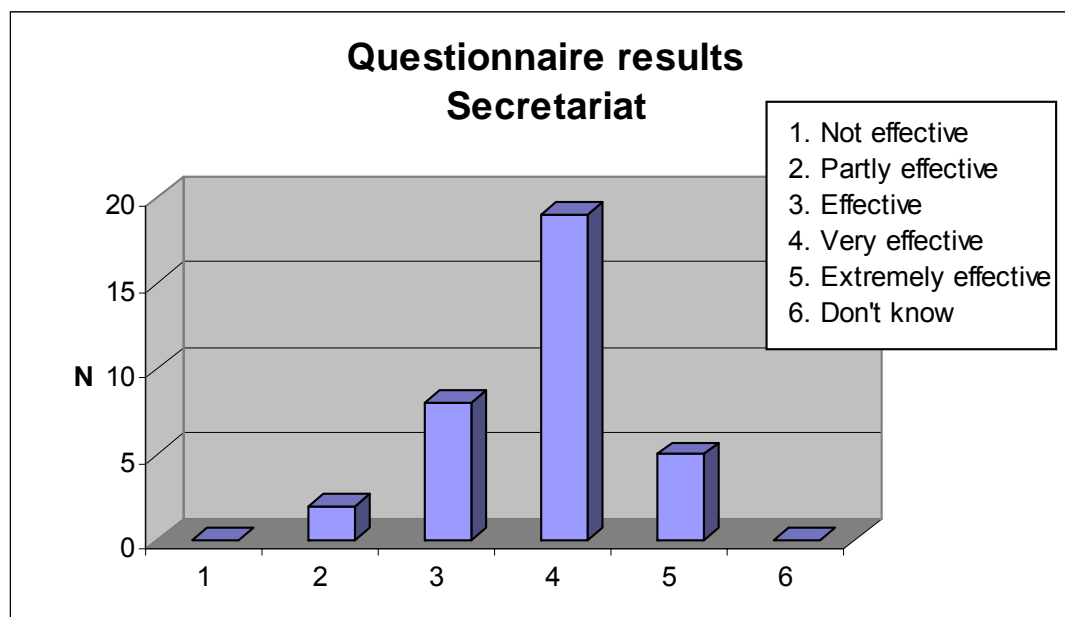
- To provide assistance with regard to trilateral conferences, the standing bodies and working groups.
- To collect and disseminate information on conservation measures.
- To provide assistance with regard to trilateral meetings on practical management in the field of nature conservation.
- To collect and communicate information on activities that may impact the natural environment of the Wadden Sea.
- To promote and review scientific research projects.
- To support scientific symposia.
- To make suggestions for a coordinated approach by the Parties in international fora.
- To prepare the annual work programme and budgets and reports.
- To undertake other duties assigned to it.

The 1987 Administrative Agreement states that “*the duties of the Common Secretariat shall be carried out by a Secretary who is provided with adequate administrative support*”. Currently, in addition to the Secretary there are 5 permanent and one project staff members, all of whom report to the Secretary. Four of the permanent staff have technical functions, and one provides the financial and administrative support functions of the CWSS. There are no support staff. The list of current staff positions and key tasks is provided in Annex 4.

A simple (2 page) work plan for the Secretariat is prepared annually by the CWSS and approved by the TWG. This does not indicate who is responsible for each task nor when the output is to be delivered. This plan is based on core activities plus any specific activities approved by the TGC. Each staff member has a TOR, but they do not have annual work plans of their own. There is no process for performance appraisal.

## **5.2 ISSUES AND PROPOSALS**

The evaluation found widespread praise for the work of the CWSS, with the expertise, dynamism and institutional knowledge of the Secretary and staff seen as a critical driver for many of the achievements of the Cooperation. Over the last two decades, the CWSS has provided a stable focal point for support and coordination of activities of the Cooperation, significant leadership in setting a common conservation and management agenda, as well as coordination of research and monitoring. The issues elaborated below should therefore be considered in this very positive perspective.



### **5.2.1 Legal status for the CWSS**

The absence of a legal status for the Cooperation or any legal body to govern the CWSS in its host country poses potential risks:

- Significant potential liabilities for the Secretary (the employer of the staff);
- Uncertainty and insecurity for staff, for example because they have no institutional employer, links to the unions etc;
- Questions over the legality and liabilities of the Secretary signing contracts and receiving (eg European) funds; and
- Lack of legal accountability to the Cooperation.

Although the current arrangements have worked to date (not entirely without problems), the evaluators conclude that this situation poses a significant risk/liability for the Cooperation. The risks emanate from the following hypothetical situations: staff redundancies, staff disputes or legal action, recruitment of a new Secretary, default of contractual obligations with an externally funded project, health and safety at work issues. Although some of these liabilities would fall to the host Ministry as employer of the Secretary, the evaluators do not believe this arrangement to be adequate.

A further problem with the current lack of legal status for the Secretariat is that the default regulations on issues such as budget management, auditing and staff terms and conditions are those of the host Ministry. Although the administrative support of the host country has been strong and effective, this arrangement does not allow the Cooperation to establish its own independent practices, should it wish to do so.

The evaluators therefore propose that a study is undertaken by the host country to identify legal options that might help to overcome these issues for the CWSS as well as strengthening the governance of the Cooperation (see Chapter 4). The following options should be explored:

- Option 1. All staff to be employed/contracted directly by the host Ministry.
- Option 2. Staff (and external contracts) to be “adopted” by an existing legal entity (preferably also located in Wilhelmshaven).
- Option 3. Establish a national non-profit legal entity, with the proposed Board appointed as the Directors.
- Option 4. Establish an international legal entity for ratification by the 3 parties, and with the host government as Depositary of the agreement.

Option 1 would overcome some but not all of the current issues. Option 2 could potentially overcome several of the weaknesses, but would result in extremely confused lines of accountability and governance arrangements. The evaluators favour the last two options, however each should be compared with the *status quo* in terms of advantages and disadvantages, and should take into account experience from similar initiatives elsewhere. We understand that Option 4 may be very difficult to achieve in the absence of a formal treaty between the three countries.

*R5.1 A study should be undertaken by the host country to identify the optimal legal status for the CWSS, which will reduce liabilities and risk and strengthen accountabilities. This should then be presented to the other parties for approval. Existing staff and contracts would be transferred to the new arrangements without any loss of rights.*

### **5.2.2 Supervision / Governance of the CWSS**

The current arrangements for the supervision of the CWSS need strengthening. More frequent visits are required to the CWSS by the appointed supervisory representatives (Heads of Delegations) and their Chair, to enable greater engagement with and more guidance and encouragement for the staff. We were informed that there had been no such visits between 1998 and early 2007, although the Secretary has frequently visited the HODs. Holding more governance and technical meetings at the CWSS offices would greatly help this process.

*R5.2 The HODs (or the proposed new Board) as the supervisory/governing body of the CWSS should enhance their engagement with the CWSS. At least one meeting of the TWG/SOs/new Board per year should be held at the CWSS headquarters.*

### **5.2.3 TOR and staffing of CWSS**

The current Terms of Reference for the CWSS have not been amended since 1987, and do not reflect current activities such as the coordination of monitoring activities, or the support to the WSF. The role of the CWSS needs to be clarified and refreshed through the proposed comprehensive process of strategic planning for the Cooperation (see Chapter 3). This should lead to a clear identification of the needs that the Cooperation has for secretariat support, which will then enable the human and financial resource needs of the CWSS to be determined and allocated accordingly. If the package of measures proposed by this evaluation is implemented, then the CWSS will need to adjust its activities. Whilst this may be a refreshing process, it will also bring management challenges and some risks. Appropriate training should be offered to staff to meet new challenge, and the Secretary should receive support for change management.

Despite this absence of a clear “needs” analysis, 52% of respondents to the questionnaire indicated that the CWSS had enough staff for the current tasks, 29% Not enough staff, 6% Too many, 13% Don't know. This indication that the CWSS is operating “at capacity” is supported by the fact that the recent addition of responsibility to support the WSF, and to develop the World Heritage Site proposal has clearly strained the resources of the CWSS. As the well-recognised “motor” of the Cooperation, any reduction in size would inevitably lead to a reduction in delivery unless the goals of the cooperation are substantially reduced. Furthermore, the addition of any substantial new activities, such as coordinating implementation of World Heritage work (if designated) would clearly require additional staff.

A particular issue that requires rapid resolution is the support that the CWSS is currently providing to the WSF. This is covered in Chapter 6.

Questionnaire respondents were asked to indicate the level of importance they attach to various activities of the CWSS. The results are provided in the table below. This emphasises the view that the core functions of the CWSS should continue to include those of servicing the Standing Bodies, coordinating monitoring and assessment activities, disseminating information, and supporting project development. Chapter 3 has identified an important need to strengthen the profile of the Cooperation through coordinated communications activities. It is expected that the CWSS will need to allocate resources for this work.

Results of Questionnaire (No. of Responses) CWSS Activity	Very / Extremely Important	Important	Not / Not very Important
a). Servicing the TWG and SO meetings	30	3	0
b). Servicing TMAG and WG meetings	27	2	3
c). Coordinating monitoring and assessment	22	7	2
d). Communication of information within Cooperation	18	12	2
e). Identifying, developing and coordinating projects	17	13	3
f). Raising the international profile of the Cooperation	13	11	8
g). Public awareness activities about WS	10	12	11
h). Coordinating strategic planning and reporting	18	6	6
i). Developing policy and management guidelines	12	11	6

*R5.3 The current TOR for the CWSS should be updated to address the present and future needs of the Cooperation, and the human and financial resources adjusted and allocated accordingly.*

*R5.4 Once the new TOR of the CWSS has been defined, the Secretary should update the TOR for individual staff. Individual annual work plans and performance appraisal and follow-up training should be used to aid staff development.*

#### **5.2.4 Role of the CWSS in projects**

The evaluation revealed a crucial role for the Secretariat to (continue to) be involved in projects, as a major tool for implementation of the activities of the Cooperation. There is already an impressive track record in this regard. The Questionnaire responses indicated that the CWSS should continue to be actively involved in identifying funding opportunities, developing projects, coordinating applications, and coordinating implementation – but not generally involved in on-the-ground implementation. In order to achieve maximum impact, as much of the work as possible should be channelled through both governmental and non-governmental partners. The Secretariat should also have a major role in communicating the results of project activities, and coordinating evaluations (which should be undertaken for each project).

Projects bring complex, intensive and time-limited demands in terms of staff resources; generally, additional project staff should be hired specifically for these purposes, rather than relying on core staff. Additional concerns have been raised about communication and implementation of project results. It is therefore recommended that a budget allocation be made to enable staff to receive training in project management, and that each project should be subjected to best practice project management procedures, with clear responsibilities for oversight, implementation and communication of results defined in a project plan. The option of having a staff member appointed for project development, fundraising and quality project management should be considered.

The financial aspects of projects are discussed in Chapter 8.

*R5.5 CWSS staff should receive training in project management; all projects should be subject to best practice project management through a project plan coordinated by the CWSS.*

#### **5.2.5 Effectiveness and management of the CWSS**

As already described above, the evaluation revealed a high degree of satisfaction from the main stakeholders of the Cooperation in the effectiveness of the CWSS.

Despite this, the evaluators note that the CWSS is dominated by senior staff (with no support staff), several of whom will simultaneously retire in 8-10 years. This high seniority level, combined with little or no staff turnover, brings relatively high salaries, lack of flexibility to process low level work and provide cover if any staff are absent. This is a particular problem with regard to the administration and finance management of the CWSS (see Chapter 8). Furthermore, there is no budget flexibility to bring in short-term staff to assist with peak workloads. Although this flat structure, stability and experience has some advantages, it can also hinder flexibility, openness to change and embracing new agendas. The appointment of 1-2 support staff, and/or the launch of an intern programme would go a long way to resolving these issues.

*R5.6 The Secretary in close consultation with HODs (or the proposed Board) should identify mechanisms to build more flexibility into the staffing of the CWSS (eg. by appointing support staff and increasing capacity through secondments (to and from the CWSS), exchanges, student placements, internships, volunteers).*

Important concerns were expressed by staff of the CWSS about the Cooperation, many of which are reflected in the findings of this independent evaluation. The most important of these include the lack of clarity of strategic direction, and lack of

collective leadership. These issues lie outside the mandate of the CWSS to resolve, and the Secretary and his staff often find themselves taking responsibilities and fire-fighting on issues that should have been addressed by the governing bodies. These issues, coupled with heavy workloads, have led to some demotivation in recent years. The Secretary has initiated a consultant-led process to rebuild team confidence and cohesion, which appears to be paying dividends internally, but cannot deal with the fundamental issues which are outside the mandate of the team. The measures proposed in this evaluation report may help to resolve many of these issues.

#### **5.2.6 The 1987 Administrative Agreement**

This evaluation has proposed a number of measures which would require significant updating of the 1987 Administrative Agreement, such as legal status and governance of the Secretariat, TOR etc.

*R5.7 The 1987 Administrative Agreement should be updated in line with the recommendations made in this evaluation report.*



## **6. LEGISLATION, MANAGEMENT PLANS AND REPORTING**

### **6.1 BASELINE SITUATION**

#### **6.1.1 Formal legal responsibilities**

The formal basis of the Cooperation is described in Chapters 3 & 4. The Joint Declaration by the three countries is not a legally binding instrument. It is a political declaration of intent, expressing a joint responsibility for the protection of the Wadden Sea as a shared marine wetland area of international importance. Specifically it requires the three Governments to consult each other in order to coordinate activities and measures to implement international legal instruments.

Responsibility for implementation of commitments made through Conventions, and legally binding obligations through EU Directives, rests individually with each of the three countries.

#### **6.1.2 International Conventions and Agreements**

At the time of the 1982 Joint Declaration the focus of attention was primarily on the Convention on Wetlands of International Importance as Waterfowl Habitat (Ramsar Convention), The Convention on the Migratory Species of Wild Animals (Bonn Convention (CMS)) and The Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention). All are specifically identified in the Declaration, along with specific reference to the need to coordinate activities relating to resting and breeding areas for seals and resting, feeding and moulting grounds for waterfowl.

The three countries also concluded the 'Agreement on the Conservation of Seals in the Wadden Sea' in 1990 which is a regional agreement under the Convention of Migratory Species of Wild Animals (Bonn Convention).

Since the Joint Declaration was signed in 1982 a number of other international Conventions have been ratified and of particular note are the Convention on Biological Diversity, the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR), the Convention of Human Rights and the Aarhus Convention. Similarly a number of CMS Agreements have been signed by all three countries including the Agreement on the Conservation of African-Eurasian Waterbirds (AEWA) and the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS).

A large part (9,750 km<sup>2</sup>) of the Wadden Sea Area has been declared under the Convention on Wetlands of International Importance especially for Waterfowl Habitat (Ramsar Convention).

In 2002 13,000 km<sup>2</sup> of the Wadden Sea was also designated as a Particularly Sensitive Marine Area (PSSA) by the International Maritime Organisation. This measure is intended to reduce the risks of shipping accidents and pollution from operational discharges.

Important progress has also been made in relation to the preparation of a submission to UNESCO for the German and Dutch Conservation Area of the Wadden Sea to be designated as a World Heritage Site under the World Heritage Convention. It has been recognised that such a designation can be enlarged at some future point to cover the entire Wadden Sea ecosystem. The nomination papers are currently being prepared under coordination by the CWSS

### **6.1.3 EU Directives**

EU Directives are of particular significance because of the formal legal obligations they impose on member states and the ability of the Commission and European Courts to take action should countries fail to deliver their obligations.

At the time the Joint Declaration was signed, the only EU Directive specifically referred to was the Conservation of Wild Birds (Birds) Directive. Since that time a wide range of Directives have been agreed, including the Water Framework Directive, Environmental Impacts Assessment Directive, Environmental Liability Directive and Habitats Directive.

These Directives have been one of the most significant and positive developments for the Wadden Sea that have occurred in the last 15 years. Their importance was recognised in the Schiermonnikoog Declaration which states that the Cooperation will '*...further develop the Wadden Sea Plan into a management plan for the Wadden Sea Area, in accordance with the stipulations entailed in the Habitats, Birds and Water Framework Directives and other European directives and regulations, in particular Article 6(1) of the Habitats Directive*'. It goes on to state the desire to ensure '*a coordinated and consistent implementation of European legislation in a transparent way*'.

Further Directives of relevance to the Wadden Sea are being prepared including a Marine Strategy Directive.

A large proportion of the Wadden Sea Area (94.8%, 14,710 km<sup>2</sup>) has been designated either as Special Protection Areas (SPAs) under the Birds Directive or Special Areas of Conservation (SACs) under the Habitats Directive. Together they form part of the EU wide Natura 2000 network.

Under the Water Framework Directive the Wadden Sea has been assigned to six different River Basin Districts.

In the last few years there have been a number of developments in relation to integrated coastal zone management (ICZM). In part this has been prompted by a communication from the European Commission to the European Council and the Parliament on an ICZM strategy for Europe and the subsequent adoption of a resolution in 2002 by the Council and Parliament which sets out a strategic approach and principles for coastal zone management for member states to pursue. Since that time national stock-taking of the major actors, laws and institutions has commenced, along with the development of coastal zone management strategies. This has been the subject of active discussion within the Cooperation and the Wadden Sea Forum. Work has begun on development an ICZM strategy and how this relates to the current Wadden Sea Plan.

A full account of ICZM best practice principles and recommendations from the European Parliament and Council (2002) are set out in the review undertaken by Oxford Brookes University and hence are not explored further here.

### **6.1.4 Boundaries**

The area of the Cooperation is, in general terms, the area seaward of the main dyke (or, where the main dyke is absent, the spring high tide water line, and in the rivers the brackish water limit) up to three nautical miles from the baseline or the offshore boundaries of the Conservation Area. Additionally some inland marsh areas of Denmark and Schleswig-Holstein are part of the Wadden Sea Area.

Within the Wadden Sea Area a Conservation Area is defined which consists of the Dutch National Planning Decree Area ('Planologische Kernbeslissing'), the three German National Parks and the Danish Wildlife and Nature Reserve.

The Wadden Sea Area is approximately 14,700 km<sup>2</sup> and the Conservation Area is approximately 11,200 km<sup>2</sup>.

#### **6.1.5 Management plans, monitoring and reporting**

The achievement of a comprehensive level of protection throughout the Wadden Sea Area is rightly regarded as a major achievement by all the parties involved.

In addition, a high level of cooperation has allowed the preparation of the Wadden Sea Plan which includes an agreed set of targets relating to landscape and culture, water and sediments, habitat and species, and identifies the projects and actions which must be carried out to achieve the targets. Very effective coordination of complex monitoring programmes and data handling has allowed an assessment to be made of the Wadden Sea ecosystem and the most recent Quality Status Report was published in 2004. A Policy Assessment Report appraises progress made between Trilateral Governmental Conferences and draws extensively upon the results in the Quality Status Report. The combination of the Wadden Sea Plan, Quality Status Report and Policy Assessment Report are a highly effective package to assist the implementation of the ecosystem approach and the Cooperation, and all involved should be congratulated on the substantial amount of work that hides behind the production of these important documents.

#### **6.1.6 External studies**

In relation to the legislative issues an important report was commissioned by the Wadden Sea Forum on the legal instruments. This was undertaken by Oxford Brookes University and is entitled 'Review of International legal instruments, policies and management in respect of Wadden Sea Region', August 2003.

In brief the strategic recommendations from this report were:

- a. The trilateral agreement should be amended so that the policies it seeks to enforce have the teeth to ensure compliance – the establishment of so called 'enforceable legitimate authority'.
- b. The definition of a geographically coherent area that links the protected sites with their hinterland.
- c. That consideration is given to the establishment of a trilateral ICZM strategy
- d. That Members continue to press for World Heritage site status for the Wadden Sea.

Another useful report, also commissioned by the Wadden Sea Forum from the same consultants, was entitled 'The Operation of the EIA Directive in the Wadden Sea Region'.

## **6.2 ISSUES AND PROPOSALS**

Our starting point in considering the issues relating to legislation is that the Cooperation exists to facilitate the long term conservation and sustainable use of the Wadden Sea using the principles of the ecosystem approach. It does not exist to deliver requirements of EU Directives as the obligations and accountability for implementation of these Directives rests firmly with individual member states. Nor do we believe that the Cooperation should express its vision solely in the context of the

Directives. This is because the Directives have specifically defined objectives which are narrower in scope than the more holistic perspective of the Cooperation. The Cooperation is an international collaboration for a very large and complex ecosystem. It needs to rise above individual legal instruments and take a wider look at the ecosystem as a whole, including its many values and uses.

The review by Oxford Brooks University highlighted the very many challenges to the operation of international and European policy and legislation in the Wadden Sea Region and the complex web of competent authorities. Their most fundamental conclusion was that the major obstacle was the lack of a region-wide enforceable legitimate authority for the State declaration and the Wadden Sea Plan. It is clear to us that without a fundamental change to the legal status of the Cooperation and a change in the approach at a country level, the Cooperation cannot act as the enforcement authority for implementation of Directives. The legal situation of the Cooperation is addressed in Chapter 4 and the relevance of the Cooperation and the need for a strategic perspective is described in Chapter 3

## **6.2.1 International treaties**

### **6.2.1.1 Relations with International Treaties**

The evaluators consider that the unique nature of the Wadden Sea ecosystem and the remarkable achievements of the Trilateral Cooperation are not adequately integrated and profiled into the work of international conventions and initiatives concerning the Wadden Sea. Such integration into the work of legally binding treaties will, itself, help strengthen commitment to the Cooperation. Furthermore, these other initiatives individually and collectively offer many opportunities of good practice for consideration by the Cooperation. Examples include:

- Ramsar Convention: inclusion of the Wadden Sea as a regional initiative under the Convention.
- UNESCO-MAB: demonstration possibility as new style international Biosphere Reserve, including core, buffer and transition areas.
- World Heritage Convention: excellent opportunity to strengthen the Cooperation by the proposed nomination as a World Heritage Site.
- CBD: demonstrate application of the ecosystem approach for the Wadden Sea.

*R6.1 The Cooperation should review opportunities and then proactively strengthen its links and profile with(in) other international treaties and initiatives, including the Convention on Biological Diversity, Ramsar Convention, UNESCO-MAB, OSPAR, MARPOL (PSSA), World Heritage Convention, Bonn Convention, Berne Convention.*

In May 2008 Germany will host the ninth meeting of the Conference of Parties of the Convention on Biological Diversity (COP-9). This meeting provides an ideal opportunity for the Cooperation to showcase the achievements of the international collaboration and ecosystem approach on the Wadden Sea. Every effort should be made to utilise this opportunity and the deadline of May 2008 should drive delivery of a number of aspects of the implementation plan of this evaluation.

*R6.2 Senior Official for Germany should highlight the opportunity provided by the Convention on Biological Diversity COP-9 and ensure that the work of the Cooperation is show-cased during the Conference. Specific provision needs to be made in the work plans of the CWSS to contribute to COP-9.*

### 6.2.1.2 World Heritage Site

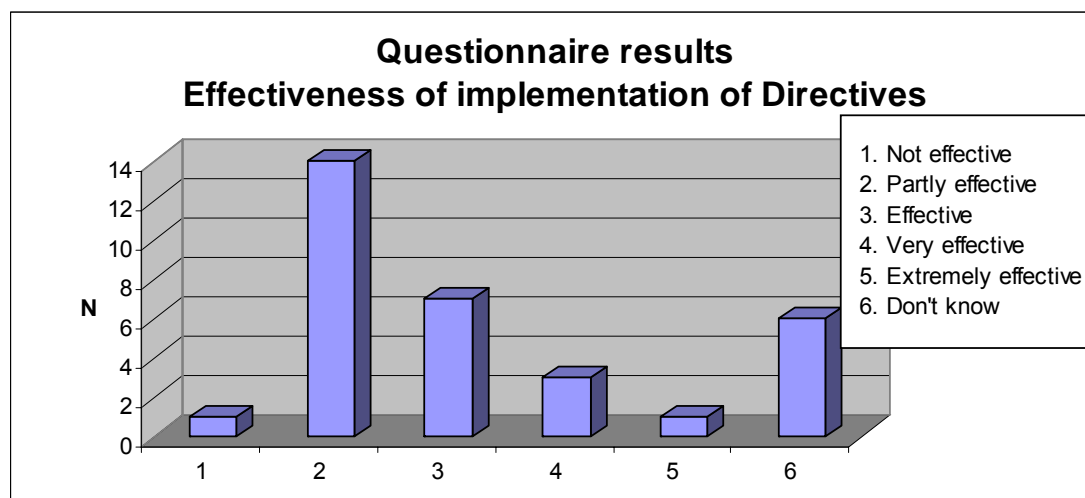
We commend the work done to date to prepare a submission for World Heritage Site status. Designation would confirm and highlight the international significance of the Wadden Sea. Experience elsewhere suggests that World Heritage Sites can play a major part in promoting nature values and contribute in a significant way to the economic and social wellbeing of the area. A number of natural sites throughout Europe have demonstrated considerable potential for promotion of the area as a tourist destination.

The listing of part of the Wadden Sea ecosystem as a World Heritage Site offers tremendous opportunities, although we believe that designation of the whole system would provide even greater benefits. We hope that Denmark will at the appropriate time become a full and active partner so that the designation can embrace the whole of the Wadden Sea coastal area.

*R6.3 The Danish Government should review its position as soon as the draft nomination documentation is available and is strongly urged to become a formal partner in the submission of the World Heritage Site application.*

### 6.2.2 Harmonisation of Directives

It was clear from comments made to us that many participants in the Cooperation felt that considerable progress had been made in relation to the implementation of Directives. However, concerns were also expressed that more needed to be done and there were still a number of differences in approach, particularly in relation to implementation of the Birds and Habitats Directives and the EIA Directive.



Concerns expressed included:

- The complexity of designations, legislation and regulations and competent authorities in the Wadden Sea coastal area.
- Inconsistent interpretations of habitat types, for example, sandbanks
- Different species being selected for designation.
- The lack of a uniform approach to implementation of Directives.
- The failure to properly integrate nature protection with sustainable use and development.
- Lack of a level playing field.

The word 'harmonisation' is used in this report as it implies an orderly whole which does not require an absolutely consistent or uniform approach. This is important as it is neither possible, nor rational, for all competent authorities implementing the Directives to have absolutely consistent approaches to implementation of all Articles of the Directives. It is not so much a level playing field that is required but a playing field which is level enough in order to play a good game – and deliver the overall aims of the Directives.

It is beyond the scope of this evaluation to undertake a full analysis of all the variations, consistencies and inconsistencies that exist between the competent authorities with responsibility for implementation of Directives. Instead we have used the Articles of the Habitats Directive as an illustrative example to explore where further attention might contribute to further harmonisation, or add value through sharing of experience between the responsible authorities. Referring to the Articles of Directives ensures that the full range of obligations are explored, and not just those which might be the focus of discussion to date. We have indicated those areas where we believe further attention would deliver the greatest benefits.

### Checklist of Articles of the Habitats Directive and priorities for further study

Art.	Scope	Focus to date	Comment	Possible areas for future harmonisation or value added	Priority
1	Definitions – habitats, species, favourable conservation status etc	High	Significant effort on Interpretation of a few habitat types Consideration of what species selected for designation Started work on reconciling conservation objectives, FCS and ecotargets in WSP	Some problems with habitat interpretations and bird species designated to be resolved Significant work required to achieve common understanding and methodology for assessing FCS for all designated habitats and species	☺ ☺ ☺
2	Maintain or restore to FCS  Taking account of economic, social, cultural requirements and regional and local characteristics	High  Medium	Consistent with overarching aim of WSP  LANCEWAD project is an important contribution	Assessment of progress critical  Significant value added in sharing experiences in how this is being done	☺ ☺ ☺  ☺ ☺ ☺
3,4,5	Coherent ecological network	High	High proportion of ecosystem is protected	Some anomalies exist but little conservation benefit from addressing. Biggest issue is what happens beyond 3 nautical miles and use of future Marine Directive	☺ ☺ ☺
6,7 6(1)	Conservation measures and management plans	Medium	Analysis of conservation objectives undertaken. Work started on further development of Wadden Sea Plan	Further development of WSP. Sharing approach to conservation objectives.	☺ ☺ ☺
6(2)	Avoiding deterioration and	Medium	Established guiding principle and management principles	Assessment of management plans against the objectives and	☺ ☺

6(3)	disturbance Appropriate assessment of plans and projects, alone or in combination	Low	One of the more difficult aspects of the Directive and of considerable significance for sustainable use and development	targets in the WSP Value-added in sharing examples of how this Article is interpreted and applied in practice Essential area to consider in detail and share ideas and experiences. Best practice guidance may be helpful	☺ ☺ ☺
6(4)	Over riding public interest	Low	A critical issue in decision-making	Useful to have an overview of how it is interpreted and extent and circumstances of its use	☺ ☺
8	Financing and co-financing	Low	Money for projects has been a major pre-occupation but not examination of how partners are funding management	Examination of overall management costs of Wadden Sea and costing the benefits of ecosystem goods and services	☺
9	Periodic review of Natura 2000	Low	No discussion	Worth finding out what Commission has planned	☺
10	Land-use planning and development policies	Low	Essential in achieving wider aims of the Directive	Review plans and policies throughout the Wadden Sea against agreed set of assessment criteria	☺ ☺ ☺
11	Surveillance	High	Greatest focus of attention and resources	Harmonisation of procedures and data management . What are priorities for TMAP?	☺ ☺ ☺
12,1 3	Protection measures for Annex IV animals and plants	Low	Little attention	Are there any examples?	☺
14,1 5,16	Taking of wild specimens Capture and killing Use of derogations	Medium	Some work relating to shellfish and seals	What are the potential future issues and will derogations be needed, for example, grey seals	☺
17	Report on implementation	Low	QSR and PAR substantial contributions but not focused on Directives	Aim for QSR report which can accompany national accounts	☺
18	Research	Medium	Significant number of projects commissioned	Research strategy and greater coordination of work might be helpful	☺
19	Amendments to Annexes	Low	No discussion	Are any needed?	☺
20	Habitats Committee	Low	No discussion	Consider taking CWSS staff along with delegations to Commission if they have expertise needed	☺
21	Introductions	Medium	Successful recent workshop on Pacific oysters	Trilateral invasive species/ introductions policy	☺ ☺

R6.4 The Cooperation should undertake a high level review against the requirements of the key EU Directives and determine its own priorities for further collaboration and harmonisation.

A number of comments were made to us about the need for the Cooperation to be more proactive in facilitating the sharing of ideas and experiences. 81% of responses to the questionnaire said there was not enough coordination of activities and only 19% said there was enough coordination.

During the course of this evaluation we saw two particularly good examples of this kind of proactive and coordinating work. The first was the recent paper produced for TWG evaluating approaches to Favourable Conservation Status. The second was the workshop held in March on the Pacific Oyster.

In our experience there is considerable merit in bringing people together in well designed and facilitated workshops to share ideas and experiences, learn from each other and identify areas where more consistent approaches are desirable and possible. In this way the Cooperation can add real value to the work being done at a national/regional level without compromising the principle of subsidiarity.

Utilising the table above, together with our understanding of the Cooperation's work programme, we have identified nine topic areas which might form the basis of a programme of proactive workshops to be run over the next 18 months as the principle way to share experiences, add value and lead over time to greater harmonisation.

### Workshop Programme

Workshop Theme	Objective
Designation of habitat types and species	Catalogue any remaining differences and assess significance in context of conservation of Wadden Sea ecosystem
Interpretation and application of favourable conservation status including conservation objectives and targets	Follow-up recent TWG discussion and prepare ideas for TMAP and further development of the WSP
Taking account of economic, social and cultural requirements and regional and local characteristics	Exchange policy positions and identify good practice
Coherence of the network of protected areas in the Wadden Sea	Determine if network is coherent and identify any gaps
Research and monitoring as a basis for adaptive management resulting from climate change	Identify needs for basic underpinning of climate change adaptation
Management plans	To assess consistency with WSP and extent to which climate change adaptation has been considered
Approaches to appropriate assessment	Exchange case studies and identify lessons learnt
Land use policies and plans in delivery of the wider objectives of Directives	To assess plans and policies against agreed criteria for delivering objectives of EU Directives
Integrating Water Framework Directive with the Birds and Habitats Directives	To take stock of the current position and identify further actions which improve the effectiveness and efficiency of implementing the Directives



*R6.5 The Cooperation should develop a prioritised programme of workshops in the light of its own review against the requirements of the key EU Directives. The aim of these workshops is to share policies and practical experiences in order to learn from each other, increase harmonisation and identify where further work would add most value for implementation. The workshops should be planned over the following 18 months.*

Workshops are of course labour intensive to design, organise and run. It is important that not all of the burden in delivering this programme falls on the CWSS. Cooperation members should consider the draft programme which is produced and identify those workshops where they might be able to assist by organising, facilitating or contributing case studies.

Perhaps the area of greatest challenge to the Cooperation is the way in which Article 6(3) and 6(4) of the Habitats Directive are interpreted and applied. These relate to the way in which plans and projects, not directly connected with the management of the site, are assessed, individually or in combination, and decisions taken regarding use and development. This is a complex area. Additional guidance has been issued by the Commission, but there is still a need for experience in the Wadden Sea to be exchanged. The evaluators are also of the view that throughout Europe there is still much to be learnt about the interpretation and application of Article 6.

*R6.6 The Cooperation should as a matter of priority arrange for the sharing of Wadden Sea experience in relation to Article 6 of the Habitats Directive and seek information from other Member States as to how they are addressing the component parts of this Article. This internal and external experience should be used to prepare a series of informal information notes, including case study material, to assist all competent authorities with formal responsibilities under the Directives, and also interested parties.*

### **6.2.3 Draft Directives**

At any point in time there are always a number of other Directives, in various stages of development, which may be of relevance to the Wadden Sea.

*R6.7 The CWSS should maintain a watching brief on emerging EU legislation and initiate trilateral inputs to the negotiation process and produce early briefings to prompt trilateral consideration.*

The evaluators are aware of the Marine Strategy Directive and consider this will be of importance to the Cooperation.

*R6.8 A paper should be produced setting out the main components of the EU Marine Strategy Directive and its relevance to the Wadden Sea. Particular attention should be given to the merits of recognising the Wadden Sea as a regional sea.*

### **6.2.4 Boundaries**

Views about the adequacy of the boundaries for the Wadden Sea area and Conservation Area vary with 59% of responses to the Questionnaire considering them to be adequately defined and 41% considering them not to be adequately defined.

In relation to the Conservation Area the evaluators were made aware of a number of anomalies regarding the designation of SPAs and SACs. Whilst these have not been investigated in detail in this study it is apparent that not all of them could be explained by natural variation. It is suggested that the workshop proposed above

relating to the coherence of the network of protected areas, also addresses the issue of boundaries of the Conservation Area with the intention of identifying those which make a material difference to the conservation of the Wadden Sea and hence should be addressed by the relevant authority.

The Wadden Sea Area is more problematical in that it is essentially an arbitrary line drawn on a map. It is not consistent throughout the area and is not related to either the issues to be addressed or the current work of the Cooperation. Whilst the evaluators are aware of the sensitivities of addressing this issue we would suggest that the longer term aim should be to remove this line as it serves little purpose. The Cooperation should remain focused on the Wadden Sea ecosystem and respond flexibly in relation to the issues which relate to this ecosystem. It is perhaps worth noting that this flexible spatial approach to issues is the approach adopted by the Wadden Sea Forum.

*R6.9 The Cooperation should at some appropriate point in the future consider the merits of adopting a more flexible spatial approach to the Wadden Sea Area depending on the issues to be addressed.*

#### **6.2.5 Wadden Sea Plan, Quality Status Report and Policy Assessment Report**

The production of the Wadden Sea Plan (WSP), Quality Status Report (QSR) and Policy Assessment Report (PAR) has been a major success for the Cooperation and needs to be built upon in the future.

Of those that expressed a view 58% of responses to the questionnaire felt that the WSP was useful or very useful whilst 42% felt it was only partly useful. The reasons for this are not entirely clear but comments primarily focused around the lack of specificity and extent to which it has been superseded by the obligations of the Directives.

It has been recognised that the WSP will need further development to bring it in line with the Directives. We are aware that this process is underway. We are also aware that it is intended that the Plan is suitable for the management of the World Heritage Site, if that is approved. There is a clear risk that the plan is required to serve a number of disparate functions and thus fails to fully satisfy any of them. We suggest that the Cooperation needs to develop a clear scope for the further development of the Plan in order to guide those charged with preparing it.

*R6.10 A scoping document setting out the way in which the WSP needs to be developed should be produced and agreed.*

The WSP plan has not been amended since it was first produced in 1997, a period of 10 years. In order for plans not to become historical reference documents, but to be actively used documents which guide activities and allow assessment of progress to be made, they need to be kept up-to-date and relevant on a regular cycle. Given the strong linkage with the Directives we suggest that the plan should be brought into line with the 6 year reporting cycle for the Directives (and the proposed trilateral planning and reporting cycle for the Cooperation). The Plan may need small adjustment at the end of a three year period and then a more thorough development after six years.

*R6.11 The WSP should be brought into line with the six year reporting cycle of the Directives with a minor adjustment after 3 years if required.*

The QSR is more highly regarded than the WSP judging by responses to the questionnaire. Of those that expressed a view, 84% felt it was useful, very useful or extremely useful, with only 16% regarding it as not useful or only partly useful.

The QSR and the PAR provide detailed information on the state of the Wadden Sea and progress made between Trilateral Governmental Conferences. They are weighty technical documents but of considerable importance for the success of the Cooperation and the management of the Wadden Sea. We understand that work is already underway to prepare the next QSR and that consideration is being given to production of a series of short thematic QSR documents, perhaps supported by more detailed information available through the web. This appears to us to have considerable merit. We also consider that there may be some value in producing a short overview report written for a wider political and policy making audience. This is of particular importance because of the changes proposed to the Governance and the need to improve communications and profile of the Cooperation.

*R6.12 The future needs of the QSR and PAR should be assessed and consideration given to producing a short summary document for a political and policy making audience. This may be supported by more specialist technical reports and detailed information available through the web.*

*R6.13 Partners in the Cooperation should consider annexing a short summary of the QSR to their individual national reports for the Birds and Habitats Directives.*

The QSR should be brought into the same six year cycle as the WSP so that it provides the evidence necessary to inform the Policy Assessment report and the development of the Plan.

*R6.14 The QSR should be brought into line with the six year reporting cycle of the EU Directives and the development of the WSP.*

### **6.2.6 Integrated Coastal Zone Management**

Integrated Coastal Zone Management has developed in Europe partly as a result of the recognition of the complex environmental, social and economic challenges faced by coastal areas. Many of these challenges also apply to the Wadden Sea coastal region, and exploration of the principles and application of ICZM is of relevance to the Cooperation. Indeed the Cooperation is already practising many of the principles of ICZM.

The further consideration of ICZM within the Cooperation needs to pay particular attention to what needs to be done at various levels - local, regional, national and trilateral. The view of the evaluators is that at the Trilateral level the objective should not be the development of a Wadden Sea wide ICZM strategy/plan. This would be an extraordinarily complex and time consuming task and is beyond the current and proposed scope of the Cooperation. The role for the Cooperation needs to remain at a strategic level and adopt a flexible approach based on addressing the real problems for the ecosystem as a whole.

The Cooperation needs to contribute to the development of ICZM by focusing on the elaboration of the ecosystem based approach and on assisting the development of ICZM at national, regional and local levels. In particular it needs to:

- Maintain an overview of ICZM developments in Europe and beyond.
- Promote the principles of ICZM.

- Share its knowledge of the complex and dynamic natural system and the goods and services it provides.
- Explain the objectives and targets of the Cooperation and the way in which these contribute to well being and underpin the economy.
- Advise on impacts that damage natural resources.
- Seek further harmonisation of Directives.
- Draw attention to the interconnectedness of the Wadden Sea with the rest of the North Sea and the wider catchment areas.

*R6.15 Through the strategic planning process the Cooperation should specify its future work in relation to ICZM.*

## **7. STAKEHOLDER ENGAGEMENT**

### **7.1 BASELINE SITUATION**

The need to make close and effective links between protected areas and people has become a dominant theme of international thinking on conservation in the last decade. It was the central theme of the IV<sup>th</sup> IUCN World Parks Congress in Caracas in 1992 and is a fundamental component of the Convention on Biological Diversity. The Convention promotes the ecosystem approach which recognises the fact that conservation is largely a matter of societal choice. There are many interested communities and productive sectors which need to be involved through the development of effective and efficient structures and processes.

People have been an integral part of the Wadden Sea ecosystem for thousands of years. They have utilised its natural resources, shaped the landscape and enjoyed its beauty. In 2000 the Wadden Sea Region had a population of 3.7 million. The dominant human activities are trade and service, industry and harbours, fisheries, agriculture, recreation and tourism.

#### **7.1.1 Development of stakeholder engagement**

During the early years of the Cooperation the emphasis was on the protection of birds and seals. By the start of the 1980's a more integrated approach was developing and at the 6<sup>th</sup> Trilateral Governmental Conference, in Esbjerg 1991, the whole range of human activities on the Wadden Sea was addressed along with the adoption of the guiding principle and the common management principles. The adoption of the Wadden Sea Plan at the State Conference in 1997 was the starting point of a new phase of the Cooperation as it sought the integration of nature conservation and human use on the basis of the common targets in the Plan. It stated that *'The active involvement of all stakeholders in this process is one of the major challenges for the years to come. Our efforts to protect and develop the area in a sustainable way can only succeed if all those who work and live in the area, are committed to this objective'*. The public discussion that accompanied the preparation of the Plan was a demonstration of this commitment. In 1999 a trilateral workshop about public participation in the Wadden Sea region was held (Nieuweschans) and it played an important role in stimulating thinking about public participation and communication. The importance of stakeholder engagement was further underlined in the 9<sup>th</sup> Trilateral Governmental Conference in Esbjerg 2001 *'...communication, information and public participation are fundamental and integrated elements of the development and implementation of Wadden Sea policies'*. This Conference also took the decision to create a new stakeholder forum and in 2002 the inaugural meeting of the Wadden Sea Forum was held.

Stakeholders have been active participants throughout the history of the Cooperation. Observers have participated in the meetings of the TWG since 2000. Various specialists and independent expertise have contributed to the work of TMAP. External stakeholders have participated through the International Wadden Sea Scientific Symposium and the Trilateral Governmental Conferences.

#### **7.1.2 The Wadden Sea Forum**

In 2001 at the 9<sup>th</sup> Trilateral Governmental Conference (Esbjerg), the decision was taken to establish a new stakeholder forum:

*"To convene, therefore, in accordance with the Terms of Reference in Annex 6, a Trilateral Wadden Sea Forum, as a consultation project, with the participation of the governmental and non-governmental stakeholders, with the task of developing*

*proposals for sustainable development scenarios and strategies for their implementation, respecting the existing protection levels, and ensuring economic development and quality of life. This will be done on the basis of the Shared Vision, the Wadden Sea Plan Targets and the Shared Principles, and as a contribution to the further development of the Wadden Sea Plan. The results of the work of the Forum will be presented to the 10<sup>th</sup> Trilateral Governmental Conference”*

The Forum was convened under the chairmanship of Mr Nijpels, Queen’s Commissioner of the Dutch Province of Fryslan, with 41 members representing a wide cross-section of stakeholders - local and regional governments, agriculture, energy, fisheries, tourism, industry/harbour and nature protection. It met 7 times in plenary and supported a number of thematic groups and commissioned a number of external studies. The work of the Forum was carried out as a project with support from the EU Interreg IIIB programme.

All the proposals of the Forum were discussed in four Regional Conferences and the final report *Breaking the Ice*, together with the associated prioritised Action Plan, was presented to the 10<sup>th</sup> Wadden Sea Conference (Schiermonnikoog 2005). The Conference recognised the tremendous efforts of the participants in the WSF in elaborating the proposals for a sustainable development strategy and recognised that it was the start of a process which is in line with the European ICZM recommendation. The Conference also confirmed that government representatives will take part in the follow-up of the WSF until the next conference; that the CWSS will continue to serve as the secretariat for the Forum; and that there was an expectation that the WSF partners would contribute to the facilitation of the process at an equivalent level.

The Conference also stated that there would be a review of the proposals of the Action Plan for implementation, including identifying appropriate bodies, possible time-frame and approximate costs; and also review the information, recommendations and initiatives of the Wadden Sea Forum Report which are relevant for the cooperation in the framework of the further development of the Wadden Sea Plan.

The Schiermonnikoog Declaration reinforces the importance of stakeholder participation and recognises that the achievement of the guiding principle of the Cooperation ‘*can only be obtained in cooperation with those who live, work and recreate in the area and are willing to endow its protection*’.

Since the Schiermonnikoog Conference the WSF has met in plenary three times under the chairmanship of Mr Klimant, the chairman of the County Council of Ditmarschen, Germany. A Steering Group of 10 persons representing agriculture, energy, fisheries, industry, nature protection, local government and regional government sectors is responsible for preparation of the plenary meetings and coordination of the Action Plan. Technical proposals for the WSF are developed in 6 working groups:

- ICZM
- Shipping
- Energy/industry/infrastructure
- Tourism
- Agriculture and nature protection
- Rules and Regulations/ Perspectives fisheries

At present the two most active groups relate to Shipping Safety and ICZM.

## 7.2 ISSUES AND PROPOSALS

### 7.2.1 Stakeholder analysis

There appears to be little disagreement that engagement with stakeholders is an important activity for the Cooperation. However, there is no clear account of who they are, which stakeholders are important and why and how the Cooperation should interact with them. At one level it is possible to argue that all 3.7 million people who live in the Wadden Sea Region are stakeholders, together with all the tourists and visitors to the region, as all of them have some level of interest in the future of the Wadden Sea. However, is it neither practical nor necessary for the Cooperation to seek to engage stakeholders at this level. Much of the confusion shared with the evaluators about what the Cooperation should and should not be doing in relation to stakeholders, appears to be a result of not distinguishing between those stakeholders and activities which are required at the level of the international Cooperation from those that operate at the national, regional or local levels.

When considering stakeholders it is important to start from a clear understanding of the scope and limits of the work of the Cooperation, have an agreed definition of stakeholder and to develop some typology to classify stakeholders which is of relevance and value to the work of the Cooperation. A simple definition might be '*individuals or organisations who stand to gain or lose from the success or failure of the Trilateral Cooperation*' and a typology might include:

#### Ministers

The three national Governments

Regional (Lander) and local government

National Park Authorities

Environmental NGOs

Productive sector groups (agriculture, fisheries, tourism, oil & gas, harbours)

Scientists

The media

International Conventions and organisations

The European Commission

Local communities	} to be addressed through regional and local governmental and non-governmental organisations
Tourists	
Public	

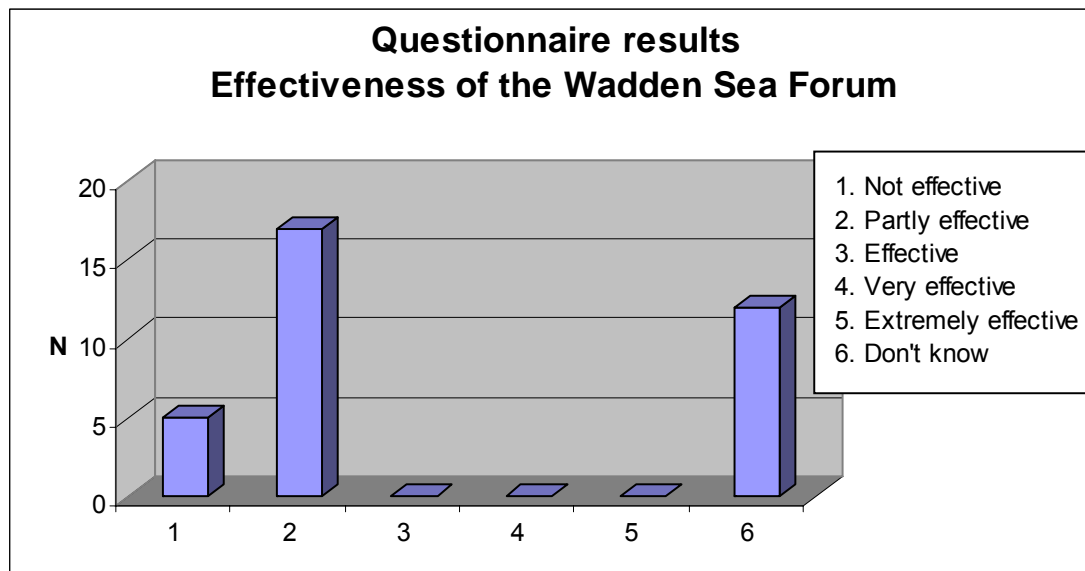
The Cooperation should confirm their stakeholder community, prioritise these and specify how they will engage with each of them in the future.

### 7.2.2 The Wadden Sea Forum

The evaluators, and the majority of those interviewed, felt that the Forum was very successful in the first phase of its existence between August 2002 and February 2005. It made a fundamental contribution by bringing different sectors together and breaking down the barriers between participants. There is now an inter-sectoral community with a greater understanding of the ecosystem values of the Wadden Sea and the many challenges and opportunities ahead for the area. Participants now know each other to some extent and can interact to pursue common objectives. The Forum completed its primary task to prepare a report on sustainable development strategies and action plan and this was submitted to the last Trilateral Governmental

Conference. This was a considerable achievement and was rightly commended in the Declaration.

However, there are current concerns about the effectiveness and future of the Forum.



The Questionnaire was completed by 34 people of whom 16 were participants in the Forum. Whilst the questionnaire was directed specifically towards assessing the effectiveness of the current ongoing work i.e. since the Schiermonnikoog Conference, the comments suggest that this was not necessarily appreciated by those who completed the questionnaire.

The Wadden Sea Forum is apparently currently not running as effectively as the Cooperation and its members would wish. Not all of the intended Working Groups are yet up and running, and work is slow to be implemented. There is an apparent lack of resources to pursue specific projects and to a large extent Working Groups are dependent on the determination and ability of their Chairs to drive the agenda forward. There is also a spatial incompatibility between the Forum and the Cooperation as the Forum extends its interests beyond the Wadden Sea Area.

Of particular concern is the relationship between the Forum and the Cooperation, and Governmental support to the Forum.

#### **7.2.2.1 Relationship between the Forum and the Cooperation**

The relationship between the Forum and the Cooperation appears to have become confused. This confusion has contributed to a weakening of support for the Forum, demotivation amongst participants and slow progress in a number of areas of work. This relationship needs to be addressed as a matter of priority; the current position is not just unsatisfactory for all concerned, but it threatens to undo the considerable achievements of the Forum since 2002.

Having considered all the relevant information and listened carefully to the broad range of views, we are firmly of the view that the Wadden Sea Forum is correctly considered to be an independent entity outside the governance of the Cooperation.



Indeed, the Forum has its own constitution. As such it is entirely free to make its own decisions about its future.

Tasks for a future Forum were identified in *Breaking the Ice* and include:

- Oversee, stimulate, facilitate and evaluate the implementation of the strategies.
- Encourage the further dialogue between stakeholders in the region.
- Inform each other and exchange views about relevant developments.
- Initiate new initiatives and actions.

These seem to the evaluators to be very worthwhile tasks and we hope that the participants in the Forum will be able to develop a work programme which contributes to the conservation of the Wadden Sea ecosystem and realises its economic potential for the benefit of local communities.

It is not the purpose of this evaluation to advise the Forum, however, we would suggest that it needs to fully debate and agree its future role and the focus of its work. More specifically the Forum needs to set out what it wishes to achieve between now and the next Ministerial Conference in 2010. This will also assist the Cooperation in determining how it might best engage with and support the work of the Forum.

#### **7.2.2.2 Governmental support for the Forum**

The Cooperation is committed through the decisions at the last Trilateral Governmental Conference to participate in the Forum until 2010. However, given that the work of the Forum extends well beyond nature conservation and sustainable use, and in effect seeks to promote specific economic development, it is important that the Cooperation decides the extent and nature of its participation. The minimum is to maintain a level of input which ensures that the nature conservation obligations and targets in the Wadden Sea Area are understood and hopefully taken into account in any proposals or projects that emerge from the Forum. A wider involvement of officials from other parts of Government such as those responsible for economic development, tourism, fisheries and agriculture would provide fuller engagement in policies and hopefully would help to resolve conflicts and result in better sustainable use and sustainable development proposals emerging from the Forum.

*R7.1 The Cooperation should consider whether it wishes to assist the WSF further by encouraging officials from other parts of Government to participate in the working groups of the Forum.*

A particular cause of concern has been the failure of the Cooperation to provide a review of the proposals of the Action Plan for implementation, including identifying appropriate bodies, possible time frame and approximate costs; and also review the information, recommendations and initiatives of the Wadden Sea Forum Report which are relevant for the Cooperation in the framework of the further development of the Wadden Sea Plan. These were commitments made at the Schiermonnikoog Conference 2005.

*R7.2 The Cooperation should give priority to undertaking a review of the WSF report as required by the Declaration made at the Schiermonnikoog Conference.*

Currently the WSF receives administrative support through the CWSS and is expected to provide an equal contribution through its own members. The evaluators received a number of comments from participants in the Forum that this was

unreasonable and contributed to the lack of motivation of members. The evaluators also received comments from representatives of the Cooperation that the Forum needed to demonstrate clear commitment to the future and not rely solely on Government support. The evolution of the Forum and the current lack of clarity about its role and relationship to the Cooperation contribute to this position.

If the Forum was a formal mechanism established and operated by the Cooperation then the current funding arrangement would appear to us to be unreasonable. However if the Forum is, as we understand it to be, an independent entity free to establish and pursue its own agenda, then this funding position appears to us not to be unreasonable.

A further issue raised is the role of the CWSS in relation to the Forum. CWSS staff participate in the Forum in two ways – first as individuals with specific expertise and knowledge of the work and priorities of the Cooperation, and second as administrative support to the Forum.

The first of these is appropriate provided the contribution required is part of the agreed plan and priorities of the Cooperation. However, if the staff participate in the Forum without a clear mandate from the Cooperation then problems will arise. In relation to the provision of administrative support to the Forum if the CWSS have the job of delivering the agenda of the Cooperation it is difficult to see how can they be expected to also provide the administrative support to a Forum that may wish to pursue a different agenda. This puts the staff in an invidious position which may also lead to a conflict of interest.

The Cooperation should clearly separate engagement of Secretariat staff as specialists in the Working Groups of the Forum, from any role to provide administrative support. Ideally the Forum should employ its own administrative support by utilising and matching the 50% funding provided by the Cooperation. The Cooperation should offer to host this administrative support post within the CWSS headquarters in Wilhelmshaven as a way of ensuring an effective two way communication of plans, projects and issues. Consideration should also be given to further cementing the relationship between the Forum and Cooperation by inviting the Chair of the Forum to participate in the proposed Board as an independent member. It is important that this matter is resolved as quickly as possible and certainly within 6 months.

*R7.3 The Senior Officials of the Cooperation should write jointly to the Chair of the WSF to clarify their position and the possible contributions from the Cooperation – 50% cash contribution to be matched by the Forum for independent administrative support; accommodation at CWSS Headquarters; seat on the proposed Board. If this is accepted by the WSF a Memorandum of Understanding and joint project plans should be developed.*

### **7.2.3 Meeting the stakeholder engagement needs of the Cooperation**

Irrespective of the future developments relating to the Wadden Sea Forum, it is clear that the Cooperation needs to develop mechanisms to improve its engagement with stakeholders.

There is a primary need for engagement at the strategic level and across the issues of relevance to the international collaboration. Specific tasks to be undertaken include:

- Seeking views on the scope, structure and targets of the revised Wadden Sea Plan.

- Receiving comments on the plans and priorities for the year ahead.
- Obtaining feedback on how stakeholders currently view the work of the Cooperation.
- Identifying and discussing issues of concern and emerging issues.
- Developing policy positions which deliver WSP objectives.
- Seeking advice on possible partners to participate in projects.

This is clearly not an exhaustive list.

One option that might be considered is to ask the Chairs of the current regional Advisory Boards that exist along the Wadden Sea whether they would be willing to convene from time to time to assist the Cooperation. These Boards are already established entities and the Chairs provide a conduit to and from a wider range of other stakeholders, local to regional, and across a range of sectors. They might provide a useful sounding board for the Cooperation on a wide range of issues. Even if they are not willing to constitute a formal group there may be merit in the Cooperation inviting the chairs to an informal dinner discussion to explore future opportunities and challenges in relation to the Wadden Sea, or even sharing thoughts on this evaluation.

*R7.4 The Cooperation should invite the Chairs from the Advisory Bodies along the Wadden Sea to a meeting to discuss the merits of them forming a formal or informal advisory group to the Cooperation.*

Euregio Wadden/Watten is a forum representing the island communities, one of the most important stakeholders in the Wadden Sea Area. It is essential that they have direct access to the Cooperation.

*R7.5 If the interests of the Island communities are not adequately addressed through the Advisory Groups mentioned above, then the Chair of Euregio Wadden/Watten should be invited to join the group of chairs of Advisory Boards. Alternatively, the Chair of Euregio Wadden/Watten should be invited to be an independent member of the proposed Board.*

Whilst some sort of stable grouping of stakeholders such as that described above is desirable in order to build understanding and the confidence to speak freely, including being constructively critical, there may well be scope to convene from time to time other informal groupings of stakeholders in order to discuss specific issues or topics.

*R7.6 Once the Cooperation has resolved its relationship with the Wadden Sea Forum it should consider whether there are specific issues or projects ahead which might benefit from discussion with particular groups of stakeholders. These need to be identified and built into the annual work plan.*

#### **7.2.4 Environmental NGOs**

Given the international significance of the Wadden Sea ecosystem, the level of protection it is afforded and the campaigning, educational, advocacy and outreach abilities of environmental NGOs it seems appropriate to specifically address their involvement in the Cooperation. Some concerns were expressed that there had been a decline in the level of environmental NGO involvement. Closer investigation suggested that this was not due to any lack of interest but was largely a result of work pressures and competing demands. It was also apparent that whilst participation might have declined at the international level, local NGOs were very

active along the Wadden Sea and were playing a vital role in environmental education and communicating the values of the Wadden Sea to a wide audience.

Due to a lack of resource the previously successful NGO Wadden Sea Days had regrettably ceased and there remains a need for experience to be shared between local activities and issues of international significance.

The Cooperation should consider bringing together environmental NGOs to share experiences throughout the Wadden Sea, to explore further opportunities to inform and influence others and to develop common views about how to address the challenges ahead. This might be possible through a regular workshop session with a smaller group of NGOs.

### **7.2.5 Reaching out through others**

Irrespective of the work of the Forum and any other formal and informal meetings with stakeholders there will remain a very large number of organisations and individuals which the Cooperation will find difficult to engage with directly. There will simply not be the resources to do so.

Institutions that participate in the Cooperation undertake their own stakeholder consultation and participatory processes, and have greater capacity and outreach within their own territory. During the evaluation we heard about a number of such consultation exercises. However, we also were made aware that whilst there were a number of opportunities for the organisations involved in these exercises to mention their participation in the international Cooperation the opportunity was rarely taken.

All the organisations involved in the Cooperation should commit themselves to raising the profile of the Cooperation through their own consultation and publicity and marketing materials.

### **7.2.6 Use of the Web**

The other route to wider stakeholder engagement is through the provision of information on the web site and in publications. 68% of responses to the questionnaire said that the web site was useful, very useful or extremely useful to them and a further 31% said it was quite useful. The evaluators have also made extensive use of the web site to access information. We have not been able to fully assess the use made of the web site but it appears to be well designed and is obviously highly regarded by many people.

Of particular note is the Wadden Sea Newsletter which has been published since the Cooperation began in 1978. Previously the newsletter was only available in hard copy and now it is only available electronically. This electronic newsletter enables a wider audience to access the work of the Cooperation and is a relatively easy mechanism to use.

*R7.7 The Wadden Sea e-newsletter should be continued as a wider communication mechanism.*

The Secretariat should assess the use of the web site and collect information and feedback from users. The extent to which the web site can be used to both inform and involve a wider audience needs to be investigated further.

## 8. FINANCIAL ARRANGEMENTS

### 8.1 BASELINE SITUATION

#### 8.1.1 Core budget

The funding arrangements for the core budget of the Common Wadden Sea Secretariat (CWSS) are determined by the Administrative Agreement signed in 1987. Article 4 commits the parties each to financing one third of the annual budget.

After an initial substantial increase the core operating budget for the CWSS has risen gradually every year, apart from one year where the budget was reduced, to the latest figure for 2006 of €609,950. Excluding the one year where the budget declined, and the first year where there was a substantial increase, the average annual increase was 9.9%. This budget covers all the staff, office and associated costs of the Secretariat. Of the total 2006 budget €456,500 (75%) was salaries of the 6 permanent staff and €35,000 (5.6%) covers the rent/leasing costs of the office. €28,000 (4.6%) was allocated for information and education, including publications such as the Wadden Sea Newsletter and reports, and €16,500 for TMAP/WSP (2.7%). A small sum €3,700 (0.6%) was allocated as unforeseen expenditure. The remaining budget (11.5%) is largely made up of basic running costs such as postage, telephone, consumables and travel.

Following a proposal by the CWSS, the core budget is agreed by the Representatives around March/April for the year ahead, with projected figures for the following two years.

#### 8.1.2 Project funding

In addition to the core operating budget of the CWSS, the TWG has frequently been asked to consider requests for small amounts of project funds to assist monitoring activities, preparation of reports and workshops. These have been subject to much discussion, even when small amounts of money are involved.

The Cooperation has also secured substantial external funding for 16 projects (see table below) with a total budget of over €10m. The European Union has funded nine projects (approximately €5m) through Life and Interreg funds, and the rest of the projects have been funded by one or more member Governments in the Cooperation. In a number of cases the CWSS has operated as a lead partner with other organisations and in other cases it has acted as a subcontractor.

#### **Externally financed projects undertaken by the CWSS since 1987**

	<b>Name of Project</b>	<b>Total Budget (€)</b>
1	Joint conservation and management plan for the Wadden Sea Seal Population (1 <sup>st</sup> part) – EU funded	288,799
2	Joint conservation and management plan for the Wadden Sea Seal Population (2 <sup>nd</sup> part) – EU funded	906,924
3	Erstellung eines integrierten Monitoringkonzeptes für das gesamte Wattenmeer einschließlich Anwendungsempfehlungen	59,105
4	Numbers and distribution of waterbirds in the Wadden Sea: Results and evaluation of 36 simultaneous counts 1980-1999 (Melfotte Project)	89,502
5	Preparation of a common coordinated management plan for the	340,000

	Wadden Sea – EU funded	
6	Breeding success	53,174
7	Monitoring of pollutants in birds eggs	8,691
8	DemoWad – EU funded	1,370,400
9	Eutrophication	93,316
10	LANCEWAD – EU funded	2,117,185
11	WADSIIS (subcontract) – EU funded	38,140
12	TMAP	287,200
13	Coastal future project (subcontract)	6,000
14	WSF – EU funded	2,069,882
15	LANCEWADPLAN – EU funded	2,546,130
16	HARBASINS – EU funded	220,000

A small amount of additional resources come from the sale of publications and sponsorship, for example, for the publication of the book “*Wadden: Verhalend Landschap*”.

This does not of course provide a full account of the financial resources devoted to the Cooperation as costs of participation for member governments and other organisations and individuals have not been included. Whilst it is beyond the scope of this evaluation to quantify these resources it should be noted that a very substantial amount of time and financial resources are committed to the work of the Cooperation by a wide range of organisations and individuals. This is of immense value in delivering the vision and goals for the Wadden Sea.

### **8.1.3 Financial reporting**

Financial accounts are maintained throughout the year by the Secretariat and at the year-end a full account is prepared and is checked and confirmed by an external accountant. The full account is then passed to the German Ministry. The German Ministry may audit the accounts at any time.

## **8.2 ISSUES AND PROPOSALS**

### **8.2.1 Equal shares of budget**

During the evaluation various parties raised questions regarding the basic funding arrangements, including whether it was appropriate for all three parties to contribute an equal share of the core operating budget, given the different extent of territorial ownership of the Wadden Sea. Our understanding is that the work of the CWSS is essentially one of facilitating the cooperation of three country partners. This cooperation requires networking with all three countries and whilst there are variations between the partners the basic level of interaction required is similar. The role is clearly not one of practical implementation on the ground, or any activity where the geographical scale of the territories in the Wadden Sea area substantially influences the workload, and hence affects the share allocation. In addition, any departure from the three equal shares would create significant challenges to develop a rational and objective approach for the allocation of shares which all parties could agree. It would be divisive and difficult to resolve. On this basis we see no argument for departing from the existing arrangement of three equal shares, and hence no specific proposals to change this arrangement are being made.

One difficulty arises from this arrangement and that is the danger of one party reducing their contribution and this then becoming the position of all three i.e. the budget is set by the lowest contribution. This does not appear to have been a

significant factor to date as the overall core budget appears satisfactory and there have been above inflation annual percentage increases. Budgeting difficulties for one or more parties will inevitably arise from time to time and provided common ownership and responsibility is recognised these should continue to be resolvable through discussion and overall flexibility in financial arrangements.

*R8.1 All three parties should reconfirm their commitment to their mutual financial support of the Cooperation through the (proposed) refreshed Administrative Agreement. Core budget shares should remain equal.*

### **8.2.2 Alternative core funding sources**

A few people interviewed raised the question whether it was appropriate for the Cooperation to continue to be supported only by the three participating Governments, or whether any other funding mechanisms were appropriate. It seems to us that the work undertaken to date, and the work to be done over the foreseeable future has been, and will continue to be, driven by governmental needs. Thus the Governments should continue to share the core operating costs of the CWSS as this is the hub around which the whole Cooperation functions. If the agenda of the Cooperation broadens in the future it may be necessary to consider whether other parts of Government should contribute resources to the Cooperation.

There are issues relating to funding of projects and stakeholder engagement where non-governmental funding may be appropriate and these are dealt with separately.

### **8.2.3 Host country support**

Experience with most similar inter-governmental initiatives suggests that it is common practice for the host nation to cover the cost of the office facilities of the Secretariat. The principle argument for this is that the host nation derives a range of benefits from hosting the Secretariat, including the prestige of hosting a successful international collaboration, reduced travel costs for in-country representatives and tax revenues from employed staff. We were surprised that this was not the case for the Trilateral Cooperation. Part of the reason for this may be as a result of the confusion arising from the English version of the Administrative Agreement in which Article 4 states that 'office facilities are provided by the party where the secretariat is located, normally outside the budget', whereas the German version refers to office equipment. The office facilities cost approximately €60k per annum (equipment and repairs (€13,700), rent for offices (€27,200), leasing costs of equipment (€8,000), running cost (€13,000)). The rent of the office and costs of housing are approximately €40,000.

*R8.2 The host country Government should consider whether they should make specific provision for covering the costs of the office facility at Wilhelmshaven in the light of the Administrative Agreement, the likely/recommended permanence of the Secretariat in Germany and the benefits derived from hosting the Secretariat.*

### **8.2.4 Budgeting process**

The draft budget is prepared by the Secretariat after discussion with financial advisors in the Ministry in Bonn. This draft budget is also passed to a different part of the German Finance Ministry for scrutiny and approval. It is then presented to the Representatives and the SOs for approval. It covers only the basic operating costs of the Secretariat.

We have three concerns about this process. First, it appears to involve a significant number of levels of scrutiny for a relatively small budget, a number of parts of which are fixed costs. Second, it runs the risk of promoting a discussion about minor



administrative issues at a senior level. Third, it appears to be disconnected from any discussion about plans, project and priorities for the year ahead.

*R8.3 The HODs/Representatives should advise the Secretary about the kind of approach they require for planning and budgeting, including the levels of delegated authority that might apply, which results in a more streamlined process and establishes a link between plans, priorities and resources (money and people). The Secretary should consider the advice provided and prepare a process for developing and agreeing the core operating budget. The proposal should then be put to the HODs/Representatives to approve.*

### **8.2.5 Projects**

The Cooperation should be congratulated for securing substantial additional external funding for specific projects. Many of these projects appear to have been instrumental in securing the achievements of the Cooperation since it started in 1978.

#### **8.2.5.1 Large-scale projects**

The Secretariat has been successful in attracting external funding for several large-scale projects, particularly from EU Life and Interreg programmes. However, there seems to be no clear long-term strategy for external funding in the context of delivering the goals of the WSP, and little recognition that one needs to invest in staff and expertise in order to develop external funding opportunities.

Large-scale projects requiring significant external funding inevitably take time to develop and the financial management tasks can be onerous. Staff will need to continue to develop good contacts with donors, develop skills in making funding applications and in project management.

*R8.4 Time should be specifically allocated in staff plans to undertake the necessary work to develop, manage and deliver externally funded projects. Training in project management should be offered where necessary.*

The Cooperation will need to continue to examine which aspects of its programme might be delivered through external project funding. This picture of potential areas for external funding would be complemented by a clear picture of potential funding sources. It is beyond the scope of this evaluation to investigate and assess all of the different funding sources, and we are well aware of the difficulties of securing funds from industry and individuals. However, we believe, on the basis of experience elsewhere, that successful partnership projects involving nature, communities and tourism can attract significant funding. There may also be scope to secure funding to share the immensely valuable experience gained in the Wadden Sea in applying the ecosystem approach across governmental boundaries with other member states in Europe and elsewhere.

Consideration should be given to employing a specialist consultant to assess the opportunities for external funding and advise the Cooperation on priorities and approaches for securing additional resources.

It is normal practise to ensure that an overhead charge is made in relation to externally funded projects. We understand that this has been included in project budgets and is calculated at 10% of the salary of any person employed in the project. This figure appears low by comparison to other organisations.



*R8.5 The Secretariat should investigate overhead charges for externally funded projects in other organisations. Higher overhead charges should be made where appropriate.*

As a governmental cooperation there are inevitably a number of funding sources that will either be unavailable or difficult to secure. This is a pity as the Wadden Sea Cooperation agenda - to secure the long term future of the ecosystem for the benefit of present and future generations - should be of interest to a number of potential funders such as lotteries, charitable trusts, corporations and individual donations and legacies. These could provide important co-financing to the government contributions.

*R8.6 A feasibility study should be undertaken on creating a Trilateral Wadden Sea Foundation for receiving and disbursing funds that would not normally be available to governments.*

#### **8.2.5.2 Smaller-scale projects**

As well as the need to fund larger scale projects, there is inevitably a need for funds for small-scale projects. Many of these are of great assistance in delivering the annual work plan, they often act as catalysts for other activities and they may also lever in significant amounts of in-kind time and energy. We were concerned to hear that the process for securing small amounts of additional resources for specific projects was a rather *ad hoc* and time consuming in-year process that involved consideration by a variety of groups.

A small project fund would provide some flexibility as well as saving considerable time in negotiations. The fund should be tied to the agreed work plan for the year. Where project proposals develop in-year they should be held until plans are developed for the following year, unless there is some urgent reason why they need to be progressed earlier. Such reasons might include changes in priorities, or the unexpected availability of external funding. In such cases there should be a clear and agreed internal process for considering project proposals and making decisions.

*R8.7 A small project fund (say €50 -100k per annum) should be established by the three parties.*

*R8.8 The Secretariat should prepare a list of projects, and their estimated costs, as part of the annual work planning cycle.*

#### **8.2.6 Financial management and administrative support**

The complexity of managing the finances and administration of the CWSS and its externally funded projects has increased over time. This burden essentially falls on one individual in the Secretariat. Over time the skills and expertise required to deal with the finances has increased. Whilst some external assistance is available through the German Government and an external accountant this still presents a significant management risk should the individual have any prolonged absence for any reason, or decide to resign. We are not aware of any contingency plans to manage this risk.

*R8.9 The Secretary should undertake an assessment of the financial and administrative capacity and skills in the Secretariat, and ensure appropriate mechanisms are in place to manage risks.*

This is not the only risk which needs to be managed and we were surprised that there was no risk management process operating in the Cooperation. This is dealt with in Chapter 4.

## **9. IMPLEMENTATION PLAN**

This evaluation report has made 49 recommendations to improve the functioning of the Trilateral Wadden Sea Cooperation. These range from substantive proposals concerning a refreshed Foundation Agreement and changes to the governance structures, to more specific proposals for studies. Many of these recommendations form a “package”, and can only successfully be implemented as such. The aim of this chapter is to assist the Cooperation by making suggestions for an orderly and timely implementation of this package.

During discussions with senior representatives of the Cooperation (SOs, HODs and Chair TWG), there was a strong demand to “fast-track” the most substantive recommendations, rather than waiting for the next TGC in 2010. This approach is strongly supported by the evaluators so as to capture the momentum gained from the evaluation to best effect. Furthermore, the evaluation report suggests some fundamental changes to the cooperation including the refreshed Foundation Agreement, Strategic Plan and new governance structure, which are urgently needed to meet the challenges ahead (possible World Heritage Site, climate change adaptation etc.). Finally, it will be important to seize the opportunity provided by CBD COP9 in May 2008.

### **9.1 Phases for implementation**

The evaluators have identified the following possible phases for implementation, and this section describes the main component of each phase.

#### **Phase I: June-August 2007**

This phase follows submission of the Evaluation report, and encompasses the summer vacation period. The key elements of this phase should include:

- Dissemination of the Evaluation report to all participants in the Cooperation, to all those who completed Questionnaire or participated in interviews, and through the Cooperation’s web site. This dissemination should be accompanied by a letter inviting any reactions to the report, which should be summarised by the CWSS.
- Ministers should be advised of the main results of the evaluation, and the proposed implementation plan and a first indication of political feasibility of refreshment should be obtained to enable a “green light” to be given for Phase II.
- The Chair TWG and Representatives should meet with the staff of the CWSS to discuss their hopes and fears concerning the evaluation.
- Any urgent recommendations should be implemented, in particular the recommendation on the WSF continuation.

#### **Phase II: September 2007-May 2008**

This will be a vital phase for preparing the more substantive recommendations for implementation, and will conclude with CBD COP9 in Germany. The key elements of this phase should include:

- A meeting of the SOs and Evaluation Steering Group in early September 2007 to consider any reactions received to the evaluation report including the political feed back, and to finalise the implementation plan.
- An Implementation Task Force of three (one from each country) “wise” eminent persons (eg. former politicians, ministers, senior civil servants), independent of the current governance but with a strong interest in the Wadden Sea, should be appointed to:

- Prepare and negotiate within and between their governments the refreshed Foundation Agreement, for signature at CBD COP9.
- Prepare the new governance mechanisms (Board and Governmental Council) including TORs, draft Rules of Procedure, Schedule of delegations etc.
- Redraft the 1987 Administrative Agreement as an annex to the refreshed Foundation Agreement.

This Task Force will need to meet 3-5 times during this period, work in close consultation with Senior Officials, and should be supported by a part-time consultant.

- The Senior Officials should establish a Strategic Plan Task Force to draft a Strategic Plan for the Cooperation covering the 6 year period 2009-2014. The highest level elements of the Strategic Plan (Vision, Mission, commitment to the ecosystem approach etc.) should be given political support by inclusion in the refreshed Foundation Agreement. This will need to be done in close consultation with those preparing the latter document. The Task Force should be supported by a part-time consultant, who will facilitate the discussions and write the plan. This Strategic Plan will be prepared during Phases II and III, in preparation for sign-off by the Board in early 2009.
- The host country should undertake its review of revised options for the legal status of the CWSS.
- The Cooperation and the Wadden Sea should be show-cased at CBD COP9 as a model demonstration of the ecosystem approach for a trans-boundary protected area.
- A Ceremony should be organised for the three Ministers to sign the (proposed) refreshed Foundation Agreement at a side-event during CBD COP9.
- Important issues to be addressed during this phase are also the relationship with the WSF, the scoping of the WSP, and the proposed prioritised workshops on harmonisation of Directives.

### **Phase III: June 2008-December 2008**

This Phase will follow the signing of the refreshed Foundation Agreement and will last until 1 January 2009 when the new governance arrangements will enter into force. During this Phase the current governance structures will continue to operate. The key elements of this phase should include:

- Appointment of the Chair and members of Board.
- A preliminary meeting of the shadow-Board to consider its responsibilities, determine ways of working and to decide on the need for any permanent working groups.
- Preparation of revised TOR for the CWSS and for individual staff.
- The revised legal status for the CWSS should be implemented including matters related to staff and work planning.
- The draft Strategic Plan should be finalised, ready for sign-off by the Board in early 2009.
- The Communications Strategy should be drafted for approval by the Board.
- Issues to be addressed in this phase include relationship with the WSF, the Advisory Boards and the island communities.

### **Phase IV: January 2009 onwards**

This phase will mark the start of the new governance arrangements and the launch of the triennial planning and reporting cycle.

- 1<sup>st</sup> formal (and ongoing) meeting(s) of the Board
- Sign-off of the Strategic Plan 2009-2014 by the Board

- Working Groups and Task Forces established and operational
- Updated Wadden Sea Plan 2010 (linked into the triennial planning cycle)
- Nomination of World Heritage Site?

The following section draws together all of the Recommendations from the report, and allocates them to the Phases described above.

## **9.2 Summary of Recommendations**

<b>Rec. No.</b>	<b>Recommendation</b>	<b>Phase</b>	<b>✓</b>
3.1	A refreshed Foundation Agreement for the Cooperation should be adopted, which is fit for purpose, forward-looking and provides for strong governance.	II	
3.2	The Cooperation should continually seek opportunities to raise its profile at international, national and local levels by re-affirming the outstanding importance of the Wadden Sea, and communicating its collective commitment to the area.	All	
3.3	A Communications Strategy should be developed and implemented, including targeted campaigns to address key issues.	III and IV	
3.4	A Strategic Plan should be developed to define and refresh the long-term Vision, Mission and Strategy for the Cooperation, including both programmatic and institutional development.	II and III	
3.5	The Cooperation should adopt a triennial planning and reporting cycle, including triennial business plans and budgets and annual work plans and budgets.	IV	
3.6	A new Mission Statement should be adopted for the Cooperation in line with the CBD ecosystem approach.	II (link to 3.4)	
3.7	A process of monitoring and evaluation of the Cooperation's strategy, structures and programme, including external evaluation of the entire Cooperation once every six years (two triennial cycles) should be instituted, within the new Strategic Plan.	IV	
4.1	A new governing body for the Cooperation, the "Trilateral Wadden Sea Board", should be established (replacing SO, HOD and TWG levels) with full responsibility for determining strategy, policy coordination, supervising the operational bodies and assessing delivery. TOR and Rules of Procedure should be prepared for the Board and its Chair. Membership of the Board should comprise 2 governmental representatives from each country (a senior official plus a Wadden Sea expert), plus up to four independent members and an independent Chair.	III	
4.2	The proposed Board should determine how it wishes to conduct its work – either through the establishment of permanent working groups, or through the use of time limited task forces / projects.	III	
4.3	A Trilateral Governmental (Ministerial) Council should be established to replace the Trilateral Governmental Conference. TOR for the Council should be prepared for adoption at the first meeting.	II	
4.4	A Wadden Sea Conference should be held once every six years in rotation between countries, to review and contribute to the further development of the Wadden Sea Plan. Other themed workshops and conferences should be organised on a needs basis.	IV	
5.1	A study should be undertaken by the host country to identify the optimal legal status for the CWSS, which will reduce liabilities and risk and strengthen accountabilities. This should then be presented to the other parties for approval. Existing staff and contracts would be transferred to the new arrangements without any loss of rights.	II III	

5.2	The HODs (or the proposed new Board) as the supervisory/governing body of the CWSS should enhance their engagement with the CWSS. At least one meeting of the TWG/SOs/new Board per year should be held at the CWSS headquarters.	All	
5.3	The current TOR for the CWSS should be updated to address the present and future needs of the Cooperation, and the human and financial resources adjusted and allocated accordingly.	II and III	
5.4	Once the new TOR of the CWSS has been defined, the Secretary should update the TOR for individual staff. Individual annual work plans and performance appraisal and follow-up training should be used to aid staff development.	III	
5.5	CWSS staff should receive training in project management; all projects should be subject to best practice project management through a project plan coordinated by the CWSS.	IV	
5.6	The Secretary in close consultation with HODs (or the proposed Board) should identify mechanisms to build more flexibility into the staffing of the CWSS (eg. by appointing support staff and increasing capacity through secondments (to and from the CWSS), exchanges, student placements, internships, volunteers).	III	
5.7	The 1987 Administrative Agreement should be updated in line with the recommendations made in this evaluation report.	III	
6.1	The Cooperation should review opportunities and then proactively strengthen its links and profile with(in) other international treaties and initiatives, including the Convention on Biological Diversity, Ramsar Convention, UNESCO-MAB, OSPAR, MARPOL (PSSA), World Heritage Convention, Bonn Convention, Berne Convention.	IV	
6.2	Senior Official for Germany should highlight the opportunity provided by the Convention on Biological Diversity COP-9 and ensure that the work of the Cooperation is show-cased during the Conference. Specific provision needs to be made in the work plans of the CWSS to contribute to COP-9.	II	
6.3	The Danish Government should review its position as soon as the draft nomination documentation is available and is strongly urged to become a formal partner in the submission of the World Heritage Site application.	II	
6.4	The Cooperation should undertake a high level review against the requirements of the key EU Directives and determine its own priorities for further collaboration and harmonisation.	III and IV	
6.5	The Cooperation should develop a prioritised programme of workshops in the light of its own review against the requirements of the key EU Directives. The aim of these workshops is to share policies and practical experiences in order to learn from each other, increase harmonisation and identify where further work would add most value for implementation. The workshops should be planned over the following 18 months.	II	
6.6	The Cooperation should as a matter of priority arrange for the sharing of Wadden Sea experience in relation to Article 6 of the Habitats Directive and seek information from other Member States as to how they are addressing the component parts of this Article. This internal and external experience should be used to prepare a series of informal information notes, including case study material, to assist all competent authorities with formal responsibilities under the Directives, and also interested parties.	II	
6.7	The CWSS should maintain a watching brief on emerging EU legislation and initiate trilateral inputs to the negotiation process and produce early briefings to prompt trilateral consideration.	All	
6.8	A paper should be produced setting out the main components of the EU Marine Strategy Directive and its relevance to the Wadden Sea. Particular attention should be given to the merits of recognising the Wadden Sea as a regional sea.	II	

6.9	The Cooperation should at some appropriate point in the future consult on the merits of adopting a more flexible spatial approach to the Wadden Sea Area by considering different geographical areas depending on the issues to be addressed which affect the Wadden Sea.	IV	
6.10	A scoping document setting out the way in which the WSP needs to be developed should be produced and agreed.	II	
6.11	The WSP should be brought into line with the six year reporting cycle of the EU Directives with a minor adjustment after 3 years if required.	IV	
6.12	The future needs of the QSR and PAR should be assessed and consideration given to producing a short summary document for a political and policy making audience. This may be supported by more specialist technical reports and detailed information available through the web.	IV	
6.13	Partners in the Cooperation should consider annexing a short summary of the QSR to their individual national reports for the Birds and Habitats Directives.	IV	
6.14	The QSR should be brought into line with the six year reporting cycle of the Directives and the development of the WSP.	IV	
6.15	Through the strategic planning process the Cooperation should specify its future work in relation to ICZM.	III and IV	
7.1	The Cooperation should consider whether it wishes to assist the WSF further by encouraging officials from other parts of Government to participate in the working groups of the WSF.	II	
7.2	The Cooperation should give priority to undertaking a review of the WSF report as required by the Declaration made at the Schiermonnikoog Conference.	II	
7.3	The Senior Officials of the Cooperation should write jointly to the Chair of the WSF to clarify their position and the possible contributions from the Cooperation – 50% cash contribution to be matched by the Forum for independent administrative support; accommodation at CWSS Headquarters; seat on the proposed Board. If this is accepted by the WSF a Memorandum of Understanding and joint project plans should be developed.	I II	
7.4	The Cooperation should invite the Chairs from the Advisory Bodies along the Wadden Sea to a meeting to discuss the merits of them forming a formal or informal advisory group to the Cooperation.	III	
7.5	If the interests of the Island communities are not adequately addressed through the Advisory Groups mentioned above, then the Chair of Euregio Wadden/Watten should be invited to join the group of chairs of Advisory Boards. Alternatively, the Chair of Euregio Wadden/Watten should be invited to be an independent member of the proposed Board.	III	
7.6	Once the Cooperation has resolved its relationship with the Wadden Sea Forum it should consider whether there are specific issues or projects ahead which might benefit from discussion with particular groups of stakeholders. These need to be identified and built into the annual work plan.	III	
7.7	The Wadden Sea e-newsletter should be continued as a wider communication mechanism.	All	
8.1	All three parties should reconfirm their commitment to their mutual financial support of the Cooperation through the (proposed) refreshed Administrative Agreement. Core budget shares should remain equal.	II	
8.2	The host country Government should consider whether they should make specific provision for covering the costs of the office facility at Wilhelmshaven in the light of the Administrative Agreement, the likely/recommended permanence of the Secretariat in Germany and the benefits derived from hosting the Secretariat.	II	

8.3	The HODs/Representatives should advise the Secretary about the kind of approach they require for planning and budgeting, including the levels of delegated authority that might apply, which results in a more streamlined process and establishes a link between plans, priorities and resources (money and people). The Secretary should consider the advice provided and prepare a process for developing and agreeing the core operating budget. The proposal should then be put to the HODs/Representatives to approve.	III	
8.4	Time should be specifically allocated in staff plans to undertake the necessary work to develop, manage and deliver externally funded projects. Training in project management should be offered where necessary.	III	
8.5	The Secretariat should investigate overhead charges for externally funded projects in other organisations. Higher overhead charges should be made where appropriate.	III	
8.6	A feasibility study should be undertaken on creating a Trilateral Wadden Sea Foundation for receiving and disbursing funds that would not normally be available to governments.	III	
8.7	A small project fund (say €50 -100k per annum) should be established by the three parties.	IV	
8.8	The Secretariat should prepare a list of projects, and their estimated costs, as part of the annual work planning cycle.	II	
8.9	The Secretary should undertake an assessment of the financial and administrative capacity and skills in the Secretariat, and ensure appropriate mechanisms are in place to manage risks.	II	



## **Annex 1. Terms of Reference**

### **EVALUATION TRILATERAL WADDEN SEA COOPERATION**

The Trilateral Wadden Sea Cooperation is based on the Joint Declaration, signed at the 3<sup>rd</sup> Ministerial Wadden Sea Conference in Copenhagen in 1982. For a generation now, the cooperation has been successful in achieving a comprehensive protection of the Wadden Sea, in particular through the Wadden Sea Plan, in conjunction with the Trilateral Monitoring and Assessment Program (TMAP), in accordance with the Joint Declaration.

The coordinated implementation of relevant European legislation for a comprehensive protection of the Wadden Sea, which has greatly extended over the last generation, is the corner stone of the Joint Declaration. The challenge is to continue to ensure, in accordance with the Joint Declaration, a comprehensive protection of the Wadden Sea, making further use of the European legislation, and ensuring synergies between the two levels.

At the 2001 Wadden Sea Conference in Esbjerg, the Wadden Sea Forum (WSF) was established. The WSF is now in the process, together with the responsible authorities, to implement their proposed strategy. In this context the status of the WSF and its relationship with the existing structures, including the trilateral Wadden Sea Cooperation as the central focus for the protection of the Wadden Sea and promoting sustainable development in the Region, is an issue of further consideration.

At the 2005 Wadden Sea Conference, the priorities for the work in the coming period until the 2010 Conference were laid down. In particular, it was agreed to "...focus on a closer form of cooperation directed at the process of implementing the EC Directives. Over the next period, we will evaluate our cooperation including our organizational structure" (§30 Schiermonnikoog Declaration). The Senior Officials decided at their May-meeting 2006 to review work organization and decision making with regard to the Schiermonnikoog Conference, to review what organizational changes are necessary to achieve the objectives set out for the period 2006-10 and to include financial arrangements of the cooperation in the review.

#### **Objective**

The overall objective of the evaluation of the cooperation, including its current organization, is to accomplish a more optimal inclusion in and coordination with the relevant European legislation for the Wadden Sea, in the sense of the Joint Declaration linked to the sustainable development perspective for the Wadden Sea Region.

In particular the evaluation will have the following tasks:

1. To investigate the standing bodies of the Trilateral Wadden Sea Cooperation (TWC) such as the SO and TWG, the TMAG and the expert working groups, as well as the secretariat; and to come up with suggestions for making the cooperation more effective and efficient in working together to fulfil the goals set by the cooperation, and to improve the communication structures;
2. To investigate how the European legislation can be better embedded within the trilateral cooperation in the sense of the Joint Declaration, and to investigate overlaps with other relevant international bodies, ensuring better synergies and use of available resources;
3. To investigate how the Wadden Sea Forum and its sustainable development strategy for the Wadden Sea Region can be matched up with the trilateral Wadden Sea Cooperation objectives, including the relationship in terms of the facilitation by the trilateral cooperation;
4. To analyse how local and regional authorities e.g. the "Euregio Wadden/Watten" can be better integrated into the TWC;
5. To analyse what financial arrangements, respectively modifications of the current financial arrangements, (budget CWSS, project financing, long-term budget) are necessary to better and more efficiently serve the organization.

**Steering Committee**

The evaluation will be overseen by the chairperson of the TWG, the HODs and the secretary.

**Procedure**

The evaluation will be assigned to an external consultant on the basis of offers obtained, and through a selection by the Steering Committee. The evaluation shall start with input of relevant members of the standing bodies and the secretariat referred to in task 1.

**Time frame**

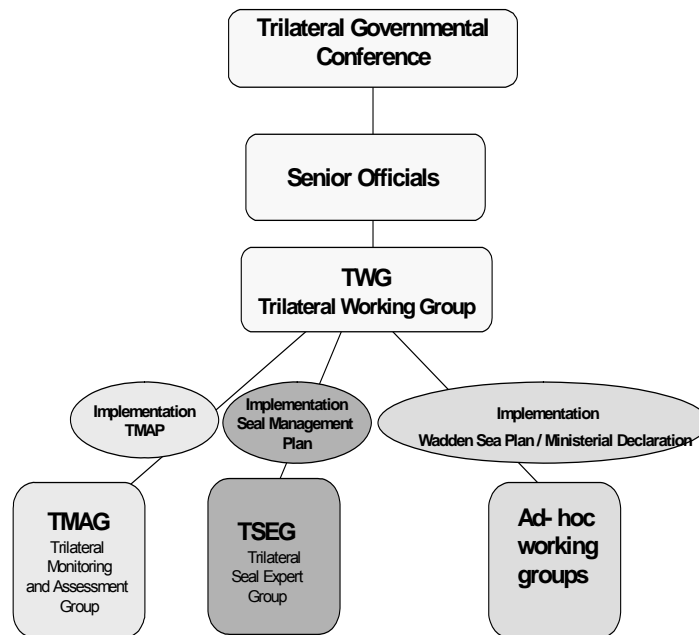
4 months after the assignment of the task.

**Annex 2. Individuals interviewed**

Name	Organisation
Bernard Baerends	Ministerie van Landbouw, Natuur en Voedselkwaliteit, Groningen
Ewan Boonstra	Regionaal College Waddengebied (RCW), Leeuwarden
Carsten Dettmann	Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit, Bonn
Jens Enemark	Common Wadden Sea Secretariat, Wilhelmshaven
Kees van Es	Ministerie van Landbouw, Natuur en Voedselkwaliteit, Groningen
Karel Esslink	Hooiweg 119, Paterswolde, Chairman TMAG (retired)
Hubert Farke	Nationalparkverwaltung Nds. Wattenmeer, Wilhelmshaven
Jochen Flasbarth	Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit, Bonn
John Frederiksen	Miljøministeriet, Miljøcenter Ribe, Ribe
Kristen Fromsejer	De Danske Landboforeninger, Skærbæk
Hubertus Hebbelmann	Niedersächsisches Umweltministerium, Hannover
Klaus Janke	Behörde für Stadtentwicklung und Umwelt, Nationalpark Hamburgischen Wattenmeer
Folkert de Jong	Common Wadden Sea Secretariat, Wilhelmshaven
Jörn Klimant	Kreis Dithmarschen, Heide
Vera Knoke	Ministerium für Landwirtschaft, Umwelt und ländliche Räume, Kiel
Klaus Koßmagk-Stephan	Landesamt für den Nationalpark Schleswig-Holsteinisches Wattenmeer, Tönning
Ad Littel	Ministerie VROM, Den Haag
Maarten Loos	Noord-Nederlands Watersport Bond (NNWB), Lauwersoog
Gerold Lüerßen	Common Wadden Sea Secretariat, Wilhelmshaven
Harald Marencic	Common Wadden Sea Secretariat, Wilhelmshaven
Joop Marquenie	International Association of Oil and Gas Producers, Assen
Elsa Nickel	Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit, Bonn
Kjeld Nielsen	Suensonsvej 3, Fanø
Hendrik Oosterveld	Ministerie van Landbouw, Natuur en Voedselkwaliteit, Groningen

Christiane Paulus	Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit, Bonn
Marijke Polanski	Common Wadden Sea Secretariat, Wilhelmshaven
Bettina Reineking	Common Wadden Sea Secretariat, Wilhelmshaven
Hans-Ulrich Rösner	Worldwide Fund for Nature (WWF), Husum
Hennie Schans	Ministerie van Verkeer en Waterstaat, Rijkswaterstaat Noord-Nederland, Leeuwarden
Bernd Scherer	Ministerium für Landwirtschaft, Umwelt und ländliche Räume, Kiel
Jochen Schmitz	Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit, Bonn
Klaus Püschel	Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit, Bonn
Heiner Spanier	Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit, Bonn
Peter Südbeck	Nationalparkverwaltung Nds. Wattenmeer, Wilhelmshaven
Walter Theuerkauf	Landkreis Aurich, Aurich
Sven Tougaard	Den Danske Vadehavsgruppe, Esbjerg
Hein Tromp	Provincie Fryslan, Leeuwarden
Herman Verheij	Waddenvereniging, Harlingen
Manfred Vollmer	Common Wadden Sea Secretariat, Wilhelmshaven
Hans-H.v.Wechseln	Schutzgemeinschaft Deutsche Nordseeküste, Husum

### Annex 3 Current Structure of the Cooperation



**Annex 4. Staffing and key tasks of the CWSS**

	<b>Title</b>	<b>Key tasks</b>	<b>%</b>
1	<b>Secretary</b> Mr. Jens A. Enemark Appointed 1987	<ul style="list-style-type: none"> <li>• Management secretariat, strategy and task development</li> <li>• Preparation, coordination and implementation of trilateral work and working groups (TWG, SO and TGC)</li> <li>• Coordination international cooperations (EU, Ramsar, Bonn etc.)</li> <li>• External representation</li> </ul>	35 40 15 10
2	<b>Deputy Secretary</b> Dr. Folkert de Jong Appointed 1990	<ul style="list-style-type: none"> <li>• Facilitation TWG, SO, HOD, TGC, CPSL</li> <li>• Facilitation WSF</li> <li>• Overall coordination revision WSP</li> <li>• Coordination ICZM and sustainable development matters</li> </ul>	30 30 25 10
3	<b>Deputy Secretary</b> Ms. Bettina Reineking Appointed 1988	<ul style="list-style-type: none"> <li>• Coordination of the development &amp; implementation regarding species &amp; habitats</li> <li>• Coordination of the development &amp; implementation of the trilateral WSP regarding species and habitats</li> <li>• Scientific coordination &amp; management of trilateral research projects</li> <li>• Coordination of TMAP regarding birds and seals</li> </ul>	40 20 15 15
4	<b>Administration &amp; Finance Officer</b> Ms. Marijke Polanski Appointed 1988	<ul style="list-style-type: none"> <li>• Administration: all tasks connected with office management.</li> <li>• Financial management: all work connected with budget, bookkeeping, banking, tax, insurance, and external contracts.</li> <li>• Translation and language checks: Language checks, lay-out consistency and distribution (TWG/HOD/REP documents)</li> </ul>	45 40 15
5	<b>Deputy Secretary</b> Dr. Harald Marencic Appointed 1995	<ul style="list-style-type: none"> <li>• Preparation, coordination and implementation of TMAP and working groups (TMAG, monitoring experts group), preparation of TMAP decision documents to TWG, SO and TGC,</li> <li>• Coordination international and bilateral cooperations (OSPAR, Wash)</li> <li>• Implementation of research projects and WSP/TGC projects,</li> <li>• Assessment and reporting of results from TMAP and research projects, preparation of QSR,</li> <li>• Publication and information (Wadden Sea Newsletter, website, info-material, lectures)</li> </ul>	50 10 20 10 10
6	<b>Data Handling Coordinator</b> Mr. Gerold Luerßen Appointed 1996 (temporary); 2006 Permanent position	<ul style="list-style-type: none"> <li>• Coordination, planning and implementation of the TMAP data handling and coordination of the Trilateral Data Handling group (TDG).</li> <li>• Data management/coordination of trilateral working groups and projects.</li> <li>• Development and administration of trilateral geographical information system (GIS).</li> <li>• Assessment and quality QA of scientific data for reports and publications.</li> <li>• Concept development, implementation and administration of CWSS IT infrastructure.</li> <li>• Representation of the secretariat on international and national level regarding trilateral IT matters (TMAP, GIS).</li> </ul>	50 15 10 10 10 5

7	<b>Lancewadplan Project</b> Mr. Manfred Vollmer 1999 (only project based)	<ul style="list-style-type: none"><li>• Project work related to the Lancewadplan project 2005-07, not part of permanent tasks CWSS</li></ul>	
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