



Jens Enemark

A Model System of Transboundary Management

The Trilateral Wadden Sea Cooperation 1987 - 2014
A Personal Account



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Fritz Dieterich

Without whom this would never have been possible

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Foreword – My Personal Account

When I retired as secretary of the Trilateral Wadden Sea Cooperation (TWSC) and head of the Common Wadden Sea Secretariat (CWSS) in 2014, colleagues asked if I would write the history of the Trilateral Cooperation, at least since 1987, the year I was appointed secretary. At that stage, I politely declined.

A couple of years later, the Wadden Academy approached me with a similar request, and I agreed, but with reservations. The Wadden Sea had been my life for 30 years, and because of my involvement, I thought I was not the right person to write an objective story of the Trilateral Cooperation 1987-2014. However, I am a historian by education, history has always been my passion, and ultimately, I thought this would be a good opportunity to return to what I was really passionate about.

It was more difficult than I had imagined. Writing the history of something which you have been part of is unusual, primarily because you have been close to developments and events. It will always be coloured by your personal memories, and memory is, as historians know, not a reliable source of information. It tends to exaggerate your own role. I was further sidetracked by a health issue, and by work on a.o. World Heritage List nominations in the Yellow Sea. It has taken a long time to get it done, and in the end, it can only be a personal account.

I have aimed at building the “story” primarily on sources of the Trilateral Cooperation in an attempt to make it as objective as possible. The sources are, however, also selective. I have primarily used the documents available at the CWSS, documents and minutes in particular from the meetings of the Trilateral Working Group (TWG), Senior Officials (SO) and Ministerial Conferences, reports published by the TWSC, complemented with my personal notes and diaries which I kept until those were substituted by electronic ones at the beginning of 2000. I have not consulted the documents available at the national ministries and archives which would have provided

a wider and undoubtedly more complex and informative perspective and complemented the political considerations which can now be only matters of conjecture. I have attempted to give a fair and balanced assessment of the developments and motives of those involved and have not attempted to evade or hide the mistakes and erroneous judgements on my behalf. I hope that I have escaped writing the sort of brightly coloured story that many similar projects seem to end up as.

What is the use of such an account? It should have some value for both “outsiders” and “insiders”. For “outsiders” the history of the TWSC may, at first sight, seem largely uninteresting. The TWSC is, however, a unique transboundary nature conservation cooperation in a global context. “The Cooperation has been a pioneering model for the protection and management of a transboundary ecological system of international importance” and “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” as the 2007 Evaluation Report of the TWSC stated. I will come back to that later. The way we have approached and reached solutions can definitely be interesting to others, as a source of inspiration or as an example. Personally, I have always learned from other international cooperations.

I believe that insiders will find value in this account to learn about the foundation on which the TWSC was built, giving context to its future. This is by no means a perfect foundation, but it has been laid by many who, most of them at least, acted with good intentions. It is the base from which the future of the TWSC will be determined, not in the sense that everything should remain as it is - this would be the deathblow to any cooperation - but to carefully continue to develop it. I hope those who will have a say in the future of the TWSC will now and then take time to consult this history, particularly when taking decisions to change the course and direction of the TWSC.

Behind the success of the CWSS has been a highly qualified, competent and engaged staff employed for more than 20 years. This has ensured continuity of the work amid the constant changes at national ministerial levels. Marijke Polanski was the first to be employed at the CWSS, in February 1988. She was the finance and



Bettina Reineking, Folkert de Jong and Jens Enemark, on the mudflats near Neuwerk, Germany, 1994 (from left to right).

administrative officer who ensured highly professional administrative, logistical and financial conduct, including on European projects. She was the spider-in-the web for all contacts to the CWSS. Bettina Reineking was engaged in July 1988 and responsible for habitats and species protection and management. She organised the information exchange during the critical phases of the seal epidemics in 1988 and later in 2002, when the CWSS became the focal information point for the epidemic in Northern Europe. She initiated seal and bird monitoring and was our highly regarded international shipping expert. Folkert de Jong started at the CWSS in August 1990. He was the first deputy secretary and responsible for environmental management and assessment and coordination of the Quality Status Reports (QSR) in 1991, 1993, and 1999. He was in charge of the development of the overall trilateral conservation and management strategy based on the Ecological Target concept, which remains at the base of the protection of the Wadden Sea to this day. Harald Marencic was employed in January 1995 and was responsible for the Trilateral Monitoring and Assessment Programme (TMAP) and coordinated the QSR in 2004 and 2009. He built the TMAP to become the leading programme for the Wadden Sea and the QSRs as global examples. After the inscription of the Wadden Sea on the World Heritage List, he took over the World Heritage matters. Gerold Lürßen was employed in 1996

as the data handling coordinator and responsible for developing and managing the common data base in the context of the TMAP. Under his guidance, the TWSC became the hub of international cooperation, with one of the best databases for its work, critical to everything the TWSC undertook after 1996. He was also responsible for the IT of the CWSS, making it an efficient working unit. Later he assumed some of the responsibilities of Bettina Reineking when she left the office, notably developing work on birds that became the international flyway cooperation. Though only employed on temporary contracts Manfred Vollmer, who became the director of the Wadden Sea Forum (WSF), also belongs to the core staff. He was employed as project coordinator for Lancewad and LancewadPlan 1999-2007, which he coordinated with an admirable effectiveness, and as member of the initial project team of the Wadden Sea Forum. Thanks to their professional skills, foresights and critical attitudes the CWSS became a highly regarded and indispensable entity within the TWSC.

I hope, furthermore, that this piece of history will also be considered a tribute to all those who now over more than a generation have contributed to the Wadden Sea conservation in general and the TWSC in particular. The TWSC is just one element of what has been an outstanding achievement alongside national parks and nature reserves, aided by politicians, policy makers, managers and NGO representatives. We have all created something globally unique, as I said at my retirement reception. It was not something I said just to gratify the guests, but something I consider true and at the core of all that has been achieved. A Wadden Sea community has grown across the various boundaries, in the first place the physical boundaries between the countries but also across the cultural differences, between government authorities, non-governmental organizations and scientists. There are literally hundreds of members of the Wadden Sea “family” who made the TWSC a success. ‘No-one mentioned, no-one forgotten’, to quote a Danish saying. Without their input and support we would never have been where we are now. This is maybe the most valuable outcome of now almost two generations of cross-boundary Wadden Sea collaboration.

A final wish. I hope the story can inspire someone to write the history from a scientific point of view, not only of the TWSC, but the whole

Wadden Sea conservation movement. The Wadden Sea conservation movement is part of the societal paradigm shift which came about after the Second World War. But why and how did this ecosystem-based approach to conservation result in so much more than just the independent efforts of the various national regions involved? How was it possible that a coastal band of intertidal and subtidal areas, islands and dunes, salt marshes and off shore area expanding over more than 500 km across three nations became subject to nature conservation in the framework of the highest conservation legalisation of those three countries? And how did those nations establish a cooperation to consult and coordinate actions within such a limited time span of



Outing CWSS staff in 2000 (CWSS Archive).

some 10 years, primarily in the 1980s? It is important to understand the answers to these questions when we consider the future of the Wadden Sea.

I ended up in the Wadden Sea work by chance. When I started I had really no idea about the Wadden Sea. As an historian and political scientist, I came from a different world, but working with so many different people with different backgrounds has enriched my life. This may sound pathetic, but I say it without reservation. Recently I came across a paper which we drafted around 1990 on where we as CWSS wanted to be at around 2000. Though we did not achieve all the goals set out, we pretty much accomplished them later, though not perhaps

in the ways we had first envisaged. However, we must have done some things right.

The history of the TWSC 1987-2014 remains my personal account. I must admit that I take pride in the statement made by Tim Badman, the then-director of the IUCN World Heritage Programme when presenting the IUCN evaluation of the Wadden Sea Nomination to the World Heritage Committee in 2014. He declared that “the cooperation of the Netherlands, Germany and Denmark presides a model system of transboundary management” and “[W]e think this is a model of effective transboundary cooperation and a particularly commendable use of the World Heritage Convention to underpin that cooperation within the framework provided by this cooperation”. I have taken the liberty of incorporating this in the title of my personal account.

A final note. The story may seem to evolve in chronological order. That is true to some extent, but the majority of the story is built around a number of themes and in each of the chapters I will cover several periods. That is definitely true for the penultimate chapter, the World Heritage, which covers pretty much the whole period. For those who become confused, which is entirely understandable, I have included a timeline in the Annex.

The Year It Began. 1987

In July 1987, I was, to my surprise, appointed the first secretary of the Trilateral Cooperation. I had kept an eye on the function since its creation had been announced at the Ministerial Conference in The Hague in September 1985. I happened to read about it in a Dutch newspaper on the train as I was travelling to an interview for an internship at the Province of Fryslân which coincidentally turned out to launch my Wadden Sea career. Leading such a secretariat with my background would be really interesting and fulfilling, I thought.

I had been approached by a Dutch colleague at the Ministry of Agriculture who asked me whether I would be interested in the job and encouraged me to apply for it when the position was opened in spring 1987, but I had never expected to be appointed. Being appointed for an international position is rarely based on the qualifications of the candidate. I was not entirely new in the business and had acquired some background qualifications for the job, but I had only been employed roughly a year as acting secretary of the Dutch Wadden Sea Coordination Committee and had limited knowledge of the ecological side of the Wadden Sea. However, my experience of the acting secretary job may have been an advantage in securing the post of secretary. In addition, I had gained knowledge of Wadden Sea protection and management systems in Germany and Denmark during the five-month internship at the Province of Fryslân, preceding the employment as acting secretary. For sure, it was to my advantage that I spoke all three languages. I had the right age, younger than my would-be superiors, and was a partly unwritten page.

The Administrative Agreement negotiated between the three responsible ministries to establish the CWSS had agreed that it should be located in Germany at first, and the next location to be decided at each Ministerial Conference on a proposal by the incoming presidency. I was later told that Veit Köster, the Danish representative in the negotiations had come up with this elegant solution, a neat one in the sense that it gave the ministries a leverage in all sorts of negotiations,

not only on the location of the CWSS but e.g. also to signal that the head of it was supposed to be a non-German. Indeed, Denmark was due to preside over the TWSC the following year and it was improbable that the nation would propose translocating the organisation against the wishes of the Dane heading the CWSS!

If located at the same locality for a 5-year period, it would be highly unlikely that the CWSS would ever be moved. I fitted well into this German strategy - if such a strategy was ever conceived. And so, no use was ever made of that provision.

Naturally, I was strongly in favour of a permanent location. It would have been impossible to build a strong secretariat with a competent staff and guarantee continuity if it had been periodically relocated. For me it was also clear that it should be permanently based in Germany, which governed the largest portion of the Wadden Sea and had the most complex governance system, making it difficult to reach and engage with from abroad. And Germany had hitherto, as we shall see later on, not been the progressive partner in the cooperation up to that stage. The location of the CWSS in Germany had, however, not been formally decided when I was appointed. The Dutch delegation considered it should be located in Hamburg, easily accessible for all. Later I heard that the director of the Biologische Anstalt Helgoland in Hamburg, where the initial interviews for the position took place on 15-16 June 1987, had offered to host the secretariat free of charge.

I had, however, also heard from Claus Helbing, the director of the newly established Lower Saxon National Park Authority in Wilhelmshaven, the day before the first interview, at a symposium in Delfzijl where he also publicly mentioned it, that Lower Saxony lobbied to locate the secretariat in Wilhelmshaven and to house it in the same building as his authority. It is quite sensible to link this to the fact that, at the time, the state secretary of the German Federal Environmental Ministry, Clemens Stroetmann came from Lower Saxony. I have no idea when the decision to locate the CWSS in Wilhelmshaven was taken. When I was offered the job, I decided for a couple of reasons that I would only accept it under the condition that the location would indeed be Wilhelmshaven.

I was offered a two-year contract and Wilhelmshaven was a location to which I could commute a couple of times per week and still continue

an undisrupted family life near Groningen. Equally important, I did not want to be based e.g. at a scientific institute located in a dreadful building in Hamburg, far away from the Wadden Sea without immediate connection to Wadden Sea policy makers, managers, scientists and NGOs. I knew Wilhelmshaven and the Lower Saxon National Park Authority from a visit the year before and had established contacts to the director and a few of the staff members. This was an attractive location which appealed to me. A new organisation established to protect and manage the Lower Saxon Wadden Sea National Park with a professional and passionate staff constituted an inspiring environment which, in an anticipated difficult start-up period, could at least give me the necessary backing as a junior partner, but would also be a key collaborating working partner in the future.

I informed the German head of delegation that I accepted the job offer on the assumption that the CWSS would be located in Wilhelmshaven. It was only then that I discovered that a decision in favour of Wilhelmshaven had been taken by the German ministry. The head of the Dutch delegation, who had been exceptionally helpful in promoting my job chances, phoned and informed me accordingly and also disclosed that the Dutch Ministry would now call on the German Environment Minister to reverse the decision with a view to locate the secretariat in Hamburg. The telephone call was obviously intended to make me part of this undertaking, assuming that I would also advocate Hamburg. My announcement, however, that I had accepted the offer on the condition of Wilhelmshaven took the Dutch head by surprise and undermined any further Dutch activities on that front. In hindsight, I must admit that I did not handle the situation in the most appropriate way, without informing the Dutch of my decision beforehand. They had proposed me, a Danish national, as a Dutch candidate, quite an exceptional action in international work and it could be no surprise, therefore, that they were not best pleased with my decision, to say the least.

The formal signature of the Administrative Agreement was delayed pending general elections in Denmark in September 1987, and the two-year work contract could therefore not be signed before October with commencement 1st November 1987. In the months of September and October leading up to the formal employment, I paid a couple

of visits to the Federal Ministry of the Environment in Bonn, which would become my formal employer as stipulated in the Administrative Agreement, to iron out the more personal aspects of the employment and the practical aspects of establishing the CWSS. With my background being a Danish citizen and having been employed in the Netherlands, I was familiar with employment conditions in those countries, but Germany obviously was uncharted territory for me. I had, I must woefully admit in hindsight, certain prejudices about how things would work in Germany and about Germans, but I enjoyed great support from all levels of the Ministry with a great deal of flexibility and a determination to make a good and successful start and support the CWSS in every way possible.

The first day at the office, which was actually not at the location of the CWSS - most had now become accustomed to this abbreviation instead of the formal name Common Secretariat for the Cooperation on the Protection of the Wadden Sea as it was labelled in the Administrative Agreement - but in The Hague at the Ministry of Agriculture, on 2 November 1987, at a meeting of what we later branded the Trilateral Working Group (TWG). The meeting was a rather disenchanting affair for a newly employed secretary. It is not unnatural that such meetings are dominated by budget issues. Budget is at the core of what all organisations can and should do. In this case, however, it was a petty discussion raised by the Dutch about CWSS office equipment and what constituted a reasonable proportionate payment of the reserved annual budget for the two remaining months of 1987. About whether the 100,000 initially reserved for the annual CWSS budget was DM or guilders. Was it payback time for my refusal to support the Dutch initiative to reopen the discussion on the location of the CWSS? Fritz Dieterich, the German chairman of the TWG and my first superior, was resolute, never wavered and gave full support in this as in all future cases.

It was not only the Dutch, it must be admitted, who had resentments about locating in Wilhelmshaven. The Danes found it remote with inferior public transport facilities. They all, in common with later colleagues in the two other German federal states, were sceptical about how it would work out with the close relationship to the Lower Saxony National Park Authority. On the latter, I had to publicly distance myself

on appropriate occasions. It was not very subtle, in hindsight. On the former, we deliberately instated a policy of rotating meetings around the different countries and regions of the Wadden Sea. That not only contributed to reducing resentments against Wilhelmshaven, but it fostered the “family” feeling, something which we had neither intended nor foreseen, but which grew out of the arrangement. The proximity to the National Park Authority was, however, only an advantage, as I had foreseen, especially in the beginning as mentioned earlier when I needed all the support I could get, both on Wadden Sea matters but also on practical matters of finding my way in Wilhelmshaven.

I had agreed with Fritz Dieterich to spend the first two weeks after the first meeting at the Ministry in Bonn and they were very well spent as an investment in the future work. Being the current chair of the TWSC and in particular the host country, Germany had a special responsibility towards the CWSS. Notwithstanding its formal independent position, the CWSS and its staff were subject to German administrative rules for public authorities including accounting for the budget spending. I got familiar with how administrative matters functioned in Germany and at the same time I got to know many future colleagues with whom I would have to work. I am still grateful for the unrestricted support which I enjoyed from the German Ministry during the start-up period and in all the years after.

Finally, in mid-November, I took up office in Wilhelmshaven in the National Park Authority building. Two rooms had been made available in a corner of the former technical school at the Virchowstrasse. This building became my work place for the next almost 27 years, beautifully located at the “Grosser Hafen”, at that time still part of the navy zone - Wilhelmshaven was and still is a city dominated by the navy for which it was built some 150 years ago - with a splendid view of the Jadebusen underscoring our relationship with the Wadden Sea. A huge former classroom was supposed to be my office and a much smaller one was intended for the assistant, a typical German “Vorzimmer”, the antechamber to the boss’ office. Both were equipped with German dreary standard desks. On my desk sat a green phone and a red one; one for incoming and one for outgoing calls, it was explained to me. It had been imprinted on me in Bonn that public authorities in Germany do not spend money on frivolous office equipment and any

expenditure above DM 500 would need the approval of the Ministry, a requirement which was soon lifted because it became impractical.



First day at the office in Wilhelmshaven. Welcome by the Lower Saxon Wadden Sea National Park Authority (CWSS Archive).

lines, and a photo was taken. Work could finally start from location Wilhelmshaven.

Later during the day, I was welcomed by the chief executive city director Arno Schreiber, who popped in at the secretariat together with a journalist from the “Wilhelmshavener Zeitung” and handed over a bottle of schnapps as token of welcome. The director had been one of the central persons lobbying for locating the secretariat in Wilhelmshaven and remained firm supporter of the CWSS, particularly when we wanted to extend or improve the office. We exchanged some friendly words. He already showed up at the CWSS on 2 November and was disappointed not to find me there. I informed the journalist about my background which was always good for a few

The Quality of the Parts Is dependent on the Quality of the Whole. How the TWSC Came About

When I started in November 1987, the TWSC had already been nine years under way and the political basis for the Cooperation been laid. It is important to look into the history of what had been decided at consecutive ministerial meetings, or Governmental Conferences¹ as they were officially labelled, because they set the basis for the work in the years after 1987. It also helps build a picture of the nature of the cooperation, which deviated from a traditional treaty or convention-based collaboration.

A Wadden Sea Convention? How did the Wadden Sea States come together in the first place

The TWSC can look back at a 40-year history. Officially, it commenced with the first Governmental Conference in 1978, held in The Hague, and was formalized with the signing of the Joint Declaration at the Copenhagen Ministerial Conference in 1982. The establishment of a joint secretariat was agreed in The Hague at the 1985 Ministerial Conference. Attempts to cooperate started earlier, and the way in which the Cooperation operates nowadays is, at least partly, the result of those initial years. It was a cooperation that was developed cautiously. Recently Anna-Katharina Wöbse has examined how this came about. The following outline is primarily based on her findings, together with official and non-published papers from the 1982 and 1985 conferences.

In the 1960s, the International Union for the Conservation of Nature and Natural Resources (IUCN, the World Conservation Union), the International Council for Bird Preservation (ICBP), now BirdLife

¹ The official name of these meetings is “Trilateral Governmental Conferences on the Protection of the Wadden Sea” to signify that at such conferences ministers or whoever represents them speak for their respective governments. That is no different to ministerial conferences, which adopt declarations. For the sake of simplicity, I mostly use “Ministerial Conferences” and “Ministerial Declarations” or refer to them as the city or location where they were held e.g. “Esbjerg Conference” in the text.

International, and the International Wildfowl Research Bureau (IWRB), now Wetlands International used the Wadden Sea to advance their wetlands protection initiatives, apparently because there was sufficient data to justify it as a coastal wetland area of international importance. The Dutch Wadden Sea was mentioned as particularly worthy of protection at several conferences of those organizations in the 1960s. It was also mentioned in a recommendation at the World Wildlife Fund's (WWF) second international congress in 1970 along with four other areas as being cases that should enjoy international conservation efforts. This was a pretty remarkable recommendation adopted by an organisation whose president was Prince Bernhard, husband and consort of the Dutch queen.

At the occasion of the signing of the Ramsar Convention in 1971, the Wadden Sea as a whole was mentioned as a key area for migratory "Eurasian waterfowl" as the recommendation of the Conference on the "Conservation of the Wadden Sea, north-western Europe" expressed it. In 1974, however, the most decisive initiative took place. The IUCN circulated a "Draft convention on conservation of the Wadden Sea region" which finally, be it in a negative way, launched the cooperation between the three countries on the Wadden Sea.

Dutch experts and policy makers played a central role in these first steps to create a trilateral Wadden Sea Cooperation. It was not because there were no discussions in Germany or Denmark on the Wadden Sea and its protection. In the mid-1960s, the first discussions on establishing a national park in the northern part of the Schleswig-Holstein Wadden Sea were held and several nature protection areas had been established both in the Danish as well as the German Wadden Sea proportionally larger than in the Dutch part. There was seemingly no interest in initiating a collaboration with neighbouring countries on Wadden Sea matters either in Germany or in Denmark. Such initiatives originated in the Netherlands, predominantly because it was seen both as critical and advantageous by Dutch scientists, policy makers and NGO-representatives. However, the full story has yet to be written to put the background, drivers, and outcome of this process in context. Lately the history of the early years of the German conservation community and the establishment of the German national parks has been published. There is a need for a similar historical study

of the Netherlands, in particular to discover how the peculiarities of the Dutch system came about and, in this context, to explore in further detail how the TWSC was established.

Roughly, the story is this. In the wake of the coastal protection plans following the catastrophic storm flooding in the southwestern Netherlands in 1953, plans to embank major parts of the Dutch Wadden Sea were conceived. It became increasingly contentious in a country that had a long history of coastal protection and land reclamation. The dual dam project to link the island of Ameland with the mainland led to the foundation of the influential Dutch Wadden Society in 1965. In that same year, Dutch scientists under the lead of Jan Verwey, former director the Netherlands Institute for Sea Research, launched a scientific working group which in the following years evolved into a working group with German and Danish scientists. The increasing public awareness of the Wadden Sea resulted in the appointment of a government review committee, the Commission Mazure, in 1970, to study the advantages and disadvantages of the above-mentioned reclamation projects. In its report in 1974, the Committee basically concluded that the costs of embanking the Wadden Sea would outweigh the benefits and that the Wadden Sea should be protected and conserved because of its natural, landscape and recreational values. This confirmed what the Dutch government had basically already announced in 1971. The progressive left-wing government, which took office in 1973, endorsed the conclusions of the committee and progressed towards establishing a comprehensive protection for the Dutch Wadden Sea. This resulted in an overall government spatial conservation planning decree, in Dutch the so-called PKB (“Planologische Kernbeslissing”), for the Dutch Wadden Sea.

Undeniably, this fertilized the soil from which initiatives were taken driven by an idealistic sentiment of scientists and NGOs, but also, and more importantly, by an objective interest in elevating the protection of the Wadden Sea to a cause of international importance. It was the attempt to create a new platform from where the actors, be it government authorities, scientific institutes and NGOs could advance and mutually strengthen national and regional initiatives. The quality of each part of the Wadden Sea region was dependent on the quality of the whole.

It is in that context that an IUCN proposal for a Wadden Sea convention from autumn 1974 should be appraised. If it was not directly initiated by the Dutch government, its sponsorship is highly likely. The draft proposed the protection and conservation of the Wadden Sea as one coherent area including a tentatively broad landward buffer zone of some 10 km in combination with vague conservation and planning measures and a Commission with all embracing responsibilities. The draft Convention was met with an unambiguous rejection from Germany. It was actually never seriously considered. It was far too ambitious and imprecise at a point in time when deliberations on comprehensive protection schemes had only started. The idea of a Wadden Sea Convention was later never seriously discussed though it was raised by the NGOs on a number of occasions as we shall see below.

The Dutch government attempted to “save” the idea by organizing an international expert meeting on Schiermonnikoog in autumn 1975 making use of the network of the Wadden Sea Working Group, the scientific expert group established in 1965. The meeting was to become known as the first International Scientific Wadden Sea Symposium (ISWSS), though the first official one was held four years later. The organizer of the Schiermonnikoog conference was Wim Wolff who came to play the leading role in establishing the collaboration across the Wadden Sea, both on the scientific level as well as on the policy and management level. He was also a leading figure in the NGO-collaboration, e.g. as member of the WWF advisory committee for the Wadden Sea NGO cooperation. He was the leading initiator and editor of the Wadden Ecology which was published in the 1980s. This was the white book which the Wadden Sea Working Group, mentioned earlier, had been aiming to publish ever since its formation years before. It provided the Wadden Sea with a scientific information basis that was up with the best worldwide and elevated the place into the premier league of the world’s best known nature areas. Wim Wolff’s scientific foresight, his managerial skills, integrative personality and impeccable integrity helped create a transboundary Wadden community that was a decisive element in protecting the Wadden Sea.

The Schiermonnikoog conference agreed a comprehensive set of recommendations that broadly addressed all impacts at that point.

It presented a core message that the Wadden Sea should be viewed as a single entity, and that conservation should be based on what we now term an ecosystem approach. Even when looking back at those recommendations of more than 40 years ago with the benefit of present day knowledge, these were astonishingly progressive and intrepid recommendations.



Esbjerg Conference 1991: The Danish Environment Minister Per Stig Møller compares his mussel-chairman chain, presented to him by the nature conservation NGOs, with the chain of the mayor of Esbjerg, Flemming Bay-Jensen (Photo: Ulf Dahl).

On the basis of the Schiermonnikoog meeting, the Dutch government could now take the next steps. The 1976 draft spatial conservation planning decree, mentioned above, included the firm commitment to work for an agreement with the other two countries on a binding regulation or a “statute” which should include a management vision and a requirement for international consultations with the two other governments. Finally, on 1 June 1978, on the invitation of the Dutch government, the first official consultations on the Wadden Sea between government representatives of the three countries were held in The Hague.

This meeting which included only senior government officials from Denmark and Germany, was to become the 1st Trilateral Governmental

Wadden Sea Conference or Ministerial Conference. The conference was in fact a recognition of the Wadden Sea as being an entity and governments having a joint responsibility for its preservation. They agreed to continue the collaboration by exchanging information and “ideas”, as the press release alluded it, and extend and strengthen the collaboration on the scientific level. Subsequently the next ISWSS, as endorsed by the governments, was held the year after in Ribe. It was further agreed to continue the consultations on the governmental level, and in February 1980, the 2nd Ministerial Conference was held in Bonn, albeit a year later than they had agreed in The Hague.

The Joint Declaration 1982. The breakthrough

The breakthrough for the political cooperation came in Copenhagen at the 3rd Ministerial Conference, 9 December 1982. If a convention could not be signed, then a political declaration of intent could be achieved. There was clearly a need to cast the cooperation into some form of collaboration arrangement and elevate it onto a more institutional level with governments to provide the necessary internal will and backing. A simple albeit brilliant solution was found. Why not use the international conventions relevant for the Wadden Sea, and which the countries had signed up to, as a basis for coordinated protection and management? If the governments would politically acknowledge that a coordinated implementation of relevant international agreements for the Wadden Sea would be beneficial and necessary, they would commit to protect and manage it as an entity and formalise the cooperation.

Rik Hergreen of the nature conservation department of the Dutch Ministry of Cultural Affairs, responsible for nature conservation matters in the Netherlands, was the primary architect. The nature conservation department, by the way on the occasion of the formation of the new right-wing Dutch cabinet, was transferred to the Ministry of Agriculture a month before the Copenhagen Conference in 1982. This integration was obviously done to curb the nature conservation element. Also in Denmark, a new right-wing cabinet had been formed a couple of months earlier, but the Christian-Democrat Minister of the Environment proved very progressive in matters of environmental protection and nature conservation.

In the run-up to the Copenhagen Conference, Rik Herngreen had articulated the approach in a paper containing an outline of a common application of the relevant international legal instrument, discussed at a meeting in Copenhagen in June 1982. It was no coincidence that the Ramsar Convention was central to the argument. The Dutch had, as mentioned above, played a central role in the establishment of the Convention, it was a central international instrument for Dutch wetland policy, and this was the opportunity to demonstrate its applicability in a case which the Dutch government had pursued since the mid-1970s.

The core of his paper's argument was that in the case of a wetland extending over the territories of more than one Contracting Party, the Ramsar Convention required the parties to consult each other about implementing the obligations. This was obviously the case for the Wadden Sea both with regard to its more general obligations, and in particular with regard to the obligation of listing the Wadden Sea as a single wetland of international importance. Similar obligations were part of the Bonn Convention, the Convention on the Conservation of Migratory Species of Wild Animals, concluded a few years earlier, the Bird Directive, the first conservation instrument adopted by the European Economic Community, now the EU, and the Bern Convention, the Convention on the Conservation of European Wildlife and Natural Habitats. The note concluded that "the Wetlands Convention, together with the other relevant conventions, provide sufficient scope for a common and coordinated effort to be made to preserve the Waddenzee as a complex ecosystem of international importance". It recommended that the whole Wadden Sea should be listed, using common criteria and that its individual reserves should be designated using common ecological and administrative criteria. This approach should be laid down in a Memorandum of Understanding, the note finally concluded, which is also the terminology used in a draft issued by the Nature Protection Agency of the Danish Ministry in July 1982, apparently resulting from the meeting the previous month.

The name changed into Joint Declaration during the following months of negotiations, but the essence of the original memorandum was kept and adopted at the Copenhagen Conference. In the Joint Declaration, the governments declare their intention "to consult each other in order to coordinate their activities and measures to implement

the above legal instruments with regard to the comprehensive protection of the Waddensea region as a whole..” and “to this end to intensify and broaden the contacts between their responsible administrations. The results of these consultations will be examined, as appropriate, at Dutch-German-Danish meetings on governmental level about the Waddensea”. The Joint Declaration neither included a map nor any definition of what was meant to constitute “Waddensea region”.

A late amendment by Germany, from October 1982, ensured the insertion of “to implement the above legal instruments”. A further amendment resulted in inserting “responsible” before “administrations”. This was clearly meant to include the German Länder which were responsible for nature conservation in Germany. Though the first amendment had already been part of the July draft, it is likely that it should be considered a limitation of the scope of the Joint Declaration. Rik Herengreen had already complained to a Dutch colleague in July that the Germans were only willing to commit themselves to a very non-binding proposal. During the discussion at the Conference, the Dutch Minister of Agriculture Braks declared that the Dutch government advocated the conclusion of a convention. Also, the Joint Declaration “contained less in the way of commitments” as it was expressed in the record from the conference, but he had received confirmation from the other parties that the “apparent absence of commitments was not intentional” and that “[T]he purpose of the amendment proposed by Germany is to clarify the original text and not to weaken it” as it was expressed in the speaking note for the Dutch minister.

Undoubtedly, the Dutch officials had lost the argument, though Braks’ intervention was a more tactical political intervention to provide his political interpretation. The absence, however, of commitments in the Joint Declaration and the German amendment were intentional. Germany, and probably the other two countries for that matter, were not in a position to enter into firm commitments and had to limit the scope of the cooperation. The discussions on establishing Wadden Sea national parks had only recently started in Lower Saxony and Schleswig-Holstein. This discussion was very sensitive and unquestionably a more firm agreement would be seen as pre-empting the outcome of the discussions. The Dutch and the

Danish conservation schemes for their parts of the Wadden Sea were also of a recent date. In the end, subsequently, the Dutch may not have regretted that they lost the argument.

The Joint Declaration, nonetheless, marked a significant step forward, not in the sense of concrete commitments as the Dutch rightfully had demurred, but in the sense that for the first time the governments had declared a joint political responsibility for the Wadden Sea as a shared piece of coastal tidal area, and a commitment to collaborate on the political level. This was what was realistic and could be achieved at this stage. The Joint Declaration “would lead to an effective policy for the conservation of the Wadden Sea”, Minister Braks hopefully expressed according to the record. The conventions and the directive mentioned in the Joint Declaration came to play a role in the Cooperation in the initial years after its signing. It was more a source of inspiration and policy and management guidance than a formal harmonization and alignment of policies and management, as we shall see later. The Joint Declaration did not require a harmonization of policies and management, but consultations that facilitated an alignment of their conservation efforts.

The convention idea was never later seriously discussed among the governments. The Dutch minister had stated that time would show whether the Joint Declaration needed to be replaced or supplemented “by a resort to other institutional frameworks”. Whether this referred to a treaty or a convention is unclear. The Joint Declaration had done away with raising this issue in a political context forever as we know now.

The issue of to what extent decisions at Ministerial Conferences were binding upon the governments was briefly raised after the 1991 Esbjerg Conference which had adopted some sweeping and seemingly binding agreements on e.g. hunting and oil and gas exploration and exploitation. The foreign affairs of Denmark and the Netherlands almost unanimously concluded that the Esbjerg Declaration was not legally binding according to international law and did not legally commit the states to issue new or amended regulations. The agreements were therefore not legally enforceable through the judiciary system. Nonetheless, since the agreements were an outcome of political negotiations at state level, governments were bound to implement them or else renegotiate them with their counterparts.

The treaty or convention issue was, however, driven forward by the nature conservation NGOs in the following years. Karel van der Zwiep, the lawyer of the Wadden Society, was a long-term advocate of a Wadden Sea Treaty. He was the central figure in the early days of the Wadden-Sea broad NGO cooperation. In the mid-1970s, he initiated with the support of the International WWF and the Dutch WWF the cooperation of non-governmental conservation organisations in the three countries. Through the so-called project 1411, WWF International channelled substantial amounts of money to Germany and Denmark to establish WWF Wadden Sea offices in both countries. The International Coordination Team (ICT), was the name given to the team of representatives from the Wadden Society and the German and Danish WWF which also represented other national NGOs. The cooperation, mainly under the lead of Karel van der Zwiep, achieved substantial influence in the early days of the Wadden Sea Cooperation, as we shall see later.

On the treaty issue, the core of his thinking was that since the different national legal systems deviated, a common protection regime across the Wadden Sea could not be created unless the states were legally obliged to do so and would enable inhabitants of the countries to have access to courts to enforce it. The outcome of the study into an integrated system for conservation, as it was called, was discussed at an international symposium organised by the Dutch Wadden Society in September 1995, but his idea never enjoyed broad support in the Wadden Sea NGO community of nature conservationists who were unfamiliar with legal aspects. They did not see the added value.

In the spirit of compromise, it seems, Karel van der Zwiep was however able to deliver a draft text for a convention to the 2001 Esbjerg Conference, on behalf of the NGOs. The draft text was never discussed at or in advance of the 2001 Ministerial Conference, but since this was his last Conference before he would retire, as a token of recognition and gratitude for his lifelong achievement, a rather coded statement was included in the Ministerial Declaration. The ministers agreed that an international park or a Wadden Sea Convention would be “reviewed within existing fora, both with regard to possible advantages, disadvantages and potentials for implementation, and that the results will be reported”. No such reporting was ever done.

Few saw any added value in concluding a Wadden Sea treaty. New European Directives made it even less likely. And not least, the whole development of the Cooperation itself made the discussion superfluous.

I was positive towards a Wadden Sea Convention. The 1991 Esbjerg Declaration was, I thought, a step towards a more legally binding arrangement, and a convention would give the Cooperation a profile which it missed in comparison with other international environmental cooperations such as the OSPAR Convention. The Cooperation was



Esbjerg Conference 1991: Bent Muus, WWF Denmark, presents the WWF report "The Common Future of the Wadden Sea" to Per Stig Møller, Environment Minister Denmark, Dzsingisz Gabor, State Secretary for Nature Management, the Netherlands and Klaus Töpfer, Federal Environment Minister, Germany (from left to right) (Photo: Ulf Dahl).

always mentioned as a somewhat inferior cooperation in national reports and was never considered equal to those based on international conventions. I also thought that it would give the Cooperation a formal basis and require the governments to clarify how the agreements should be related to e.g. European legislation. The arguments were, I must admit, not very well thought through and had more to do with prestige, achieving a formal status, which was easier to communicate to a wider public and the media. Materially, there are practically no differences between how a regional environmental convention such as the OSPAR Convention works and the Wadden Sea Cooperation. The Cooperation may even be more effective and materially more binding since it is a political cooperation opposite to the regional conventions which are

bureaucratic mechanisms. That was the message which Veit Köster, the famous Danish environmental legal expert and assistant secretary of the Danish Environment Ministry mentioned above conveyed to us when the issue was discussed after the 1991 Esbjerg Conference.

Towards a joint secretariat

The Joint Declaration did not encompass any institutional mechanisms of coordination other than it was agreed to hold Governmental Conferences. The Dutch had wished the Joint Declaration to include a special provision for an institutional coordination team of officials but that was not feasible at the time.

The idea of an international Wadden Sea Office was for the first time publicly mentioned, in the Statement of Concern of the International Coordination Team (ICT) of the Wadden Sea NGOs which was submitted to the 1982 Copenhagen Conference. The office should provide progress reports on the joint conservation agenda and involve the NGOs on an informal basis. An official discussion of and a reaction to the Statement of Concern and a meeting with ICT representatives had not been foreseen during the preparation of the Conference. According to Karel van der Zwiep, who had talked to Minister Braks in advance of the conference, the agenda item was added at the Conference following a Dutch proposal in exchange for some confidential information (pers. information). The idea of a Wadden Sea Office could also easily have been a pilot boon on behalf of the Dutch. It is noticeable that the representative of Bremen also underlined the importance of this point during the meeting. Was it a coincidence that he supported the idea, now, that the German WWF Wadden Sea office had been located in Bremen a couple of years earlier?

During the meeting, State Secretary Rohr of the German Federal Ministry for Agriculture commented on the Wadden Sea Bureau proposal. "When the collaboration started", he stated according to the record, "there existed some difference of opinion as regards an international Wadden Sea-Bureau". The German position was, he continued, that "bureaus of this kind would not be of any use as means of cooperation because of the different conditions and legislation in the countries concerned". Braks' reaction to the German repudiation

of this suggestion was that the Dutch delegation had taken note and respected the German point of view. It is hence very likely that the suggestion had been on the table and been discussed but had met German hesitancy. This should have been of no surprise given the overall German reluctance to enter into binding arrangement, which the establishment of a bureau would have been. This was also communicated to the ICT representatives in a rather coded way during a suspension of the conference.

Again, the issue was raised and now on the table for the following conference which was held in The Hague on 12 September 1985. The 1982 Conference, due in spring 1984, was postponed, probably also because the Netherlands hosted the Ramsar Convention meeting of the Contracting Parties in Groningen in 1984. The reinforcement of the cooperation stood at the centre of the preparations of and the deliberations at the 1985 The Hague Conference. An analysis concluded that while progress had been made in implementing the obligations of the conventions mentioned in the Joint Declaration in the three Wadden Sea countries, extra work on subjects of common responsibility would be best dealt with through enhanced coordination. It was, however, a rather too positive assessment. The obligation to list the Wadden Sea for the Ramsar Convention, which was a central obligation of the Convention, had been excluded from the review. In 1985, only the Dutch and the Lower Saxony part had been listed, the Danish part followed two years later and the Schleswig-Holstein part only in 1991. It was not in line with the common delimitation criteria that was the intention of the Joint Declaration.

The need for further consultation and coordination was carefully drafted to justify further steps on cooperation, which was now deemed more acceptable. The German national parks had been declared and would be installed in the months after the conference. The controversial new sea wall in front of the Tønder marsh, resulting in the loss of some 25% of the existing Danish Wadden Sea salt marsh area, had been built and the last obstacle for declaring the Danish Wadden a Ramsar site had been removed.

This resulted in two agreements. First of all, Trilateral Governmental Conferences would be held at least every three years. The Joint Declaration had been vague on this point and only referred

to consultations on government level and not stipulated any time period. This was supplemented with the establishment of annual meetings of senior government officials and intensification of the consultations on the policy level, and regarding scientific research. The institutionalization of meetings of senior officials was undoubtedly meant to enhance the cooperation, improve coordination and to have a forum which would enable high level policy decisions to be made in between the Ministerial Conferences.

Secondly, “the common secretarial functions related to the above mentioned activities will be provided for in a distinct and adequate way” as the decision document phrased it and continued “[T]hese functions will be carried out by special manpower within one of the administrations concerned, be it on rotation or otherwise”. Sometimes official documents include intriguing language to cover up compromises concluded, or contentious discussions held, but this was a very odd and curious language to explain that a joint secretariat would be established for the Cooperation. The Dutch instruction for the conference stated that it had not been easy to reach agreement with Germany on “formulating” this point and that consultations with the Länder were still pending. This is the Dutch perspective, and purely on the basis of the record of the meeting it is impossible to discern what the motives of the parties were. Were the Länder hesitant towards such a supranational institution because in a German context they jealously guarded their competencies on nature conservation?

A trilateral working group was authorized “within half a year” to work out how this “is to be realized in the best practical way” and define the tasks to be done and evaluate models “for their realization” as the Conference agreed. The newly installed SO meeting arrangement should take a decision on such a proposal within another three months. It took much longer. Timetables are meant to be infringed, I have seldom experienced that they are kept, otherwise the outcome may seem dubious. It took about one and a half years to finally agree on a joint secretariat. It was codified in what was called an Administrative Agreement (AA), as mentioned in the previous chapter, between the three country ministries responsible for the TWSC. It provided a legal status which could not be achieved under the Joint Declaration. The Agreement entitled it a “Common Secretariat for the Cooperation

on the Protection of the Wadden Sea”. This rather complicated and unappealing title was soon changed into the Common Wadden Sea Secretariat or its abbreviation the CWSS.

The Agreement equipped the CWSS with comprehensive and wide-ranging tasks. For the negotiations on the secretariat, Germany had provided an overview of secretariat duties, based on Joint Declaration obligations and other commitments agreed over the years. The overview was primarily meant to justify the employment of a secretary on an academic level and matching administrative support, and to allocate a corresponding budget. The overview set out some remarkable tasks which would not normally have formed an explicit part of the task package of an international secretariat. One was the analysis of legal instruments available in each country to fulfil the obligations of the Joint Declaration. In clear text, was the secretariat of the opinion that the countries could meet their obligations? Another task was even more far-reaching, namely to “collect information on activities that have or may have significant effects on the natural environment in the Wadden Sea, to identify and signal such activities and give suggestions for appropriate action”. It was stipulated in a further paragraph that the secretariat could only present suggestions to the Cooperation and could not act publicly without the consent of the parties. It was an opportunity which we did not often use because it was always directed at what competent authorities did or ignored and it was always difficult for national representatives to ascertain what their own governments did or did not do for political reasons.

The functioning of the secretariat was overseen by one representative from each of the ministries and the budget financed by a third each. The initial budget of the secretariat was DM 300,000 and increased over the years with an increase in staff and extension of activities to around EUR 700,000 when I retired in 2014.

The obscure words in the decision document from The Hague Conference that the functions would be done by a dedicated team within one of the administrations concerned, be it on rotation or otherwise, had led to the establishment of a secretariat on its own. The location which seems to be concealed in “rotation” was an issue of discussion. The location issue was solved as outlined in the previous chapter. The Secretary was appointed for the period between two

trilateral governmental conferences, “which is normally three years”, the Administrative Agreement stated. It became longer when the period between conferences increased to four years in the late 1990s. The CWSS was supported in terms of staff regulations, salary and travel regulations and other financial matters by the Federal Ministry for the Environment in Bonn or as of the 1990s by the Federal Nature Agency. The arrangement worked perfectly well until the CWSS became a fully independent entity in 2010 through a revised Administrative Agreement both in terms of content and legal status.

The Trilateral Wadden Sea Cooperation 1987-2014

Before I delve into the major developments of my 27 years as a secretary of the TWSC, I believe it would be helpful to briefly outline the overall historic context of those years and give an overview of how the TWSC was organized and how it developed.

Changing times. The historic context.

The 27 years of the TWSC, during which I served as secretary, can basically be divided into three periods. The first one ended with the Esbjerg Conference in 1991, the second ran until the Ministerial Conference in 2001, again in Esbjerg, and the final period comprised from then until 2014. Each period had its own specific historical context.

In the first period, part of the 1970s and 1980s, nature and environmental protection was high on the political agenda and many basic breakthroughs could be noted, namely the aftermath of Carson's Silent Spring, the UN Environmental Conference in 1972 in Stockholm, and the Brundtland report in 1987. It was the period in which practically the whole of the Wadden Sea became subject to a strict protection regime with national parks and nature reserves and which naturally also opened up for a new era of transboundary cooperation in the Wadden Sea. Moreover, the CWSS was given much sympathy and backing - and the benefit of the doubt. The Ministerial Conferences of 1982-1991 were not only high profiled meetings with responsible ministers attending, but also events where political consultations were held on key issues and debates were long and extended.

Basically, this period ended with the first Esbjerg Conference in 1991. It was in all respects an incredibly influential, productive, and shaping conference in terms of the TWSC. It laid out the programme for collaboration for the next 25 years. It was a time where everything fell in place, but it was also a time when stakeholders, with the exception of the nature NGOs, had not been involved in the trilateral

cooperation. They had no idea of what was about to happen and ingenuously thought that it was going to be a conference which would be similar to the preceding ones, namely smooth words, low profile and without implications. But the opposite was true.

The following ten-year period up to the next Esbjerg Conference in 2001 became more challenging in terms of making progress on the joint trilateral conservation agenda. The environmental mood slowly changed, and it became more difficult to attain results. Users became much more conscious of the changes which environmental regulations brought about such as the Habitat Directive which was introduced in 1992 and which against avowals of governments soon proved to have significant implications in terms of conservation. In the Wadden Sea, there were intense conflicts in the Netherlands around the gas drilling and shellfish fishery issues. In Schleswig-Holstein, the summary report of the big ecosystem research project with contentious suggestions for the extension of the national park and enhancement of the regulations raised a regional storm of opposition. In the Danish part, the phasing-out of hunting also raised an outburst of local protests never seen before. This curbed any trilateral suggestions and proposals that would go beyond what was regionally discussed and regulated and made any trilateral debate delicate. There was, however, never any doubt about the common responsibility for the Wadden Sea and the will for trans-border protection, albeit in a more difficult and contentious political environment. The Ministerial Conferences were still forums of consultations though on a more limited scale than in the preceding period. They became, however, large meetings with wide stakeholder representation and emphasis on engagement at different levels, creating the Wadden Sea community attitude that transcended national boundaries.

Around the turn of the millennium, the political atmosphere changed profoundly, at least in Denmark and the Netherlands. New right-wing populist parties which were against any further environmental and nature conservation restrictions, became influential in both countries, most pronounced in Denmark. The new right-wing government in my country, which took office a couple of weeks after the 2001 Esbjerg Conference, radically changed course. From being at the forefront in international environment cooperation, it became the reluctant if not

disruptive partner within the TWSC as within many other multilateral environmental cooperations. Denmark was increasingly frustrating the cooperation. It was an uphill battle on almost all dossiers. New activities were off-limit, and existing activities such as monitoring and data handling were questioned continuously. Notoriously, Denmark did not become partner of the first tranche of the World Heritage nomination process, and this exemplified the difficulties of expanding the cooperation in the last period. As long as the others succeeded in preventing Denmark from frustrating progress, this was considered a success.

It was not made easier by the constant organizational changes on the environmental protection level in Denmark in that period. The responsibility for the Wadden Sea dossier changed to the regionally based office of the Ministry of the Environment, which was more or less a continuation of the environmental section of the Ribe County Council. The county councils were abolished following the reorganization of local government level in 2006, but the disengagement of the central department of the Environment Ministry in Copenhagen, the former Forest and Nature Agency, meant loss of continuity and expertise for international affairs. The attempt to change the tide through the establishment of the Wadden Sea national park in 2010 was a substantial success locally but was of little help for the TWSC during the years to come. Potentially, however, if managed correctly, the establishment of the national park could constitute a game changer and again bring Denmark onto the level of the two other partners.

In the Netherlands, the administrative situation was not much different from Denmark, at least the first couple of years. The contentious debate around the shellfish fishery and the gas drilling continued. Around 2005-2006, a political solution was found to those dossiers by the installation of a governmental commission. The Meyer Commission basically resulted in the termination of cockle fishery, agreements on phasing out bottom impacting mussel fishery, prohibition of gas drilling in the Wadden Sea itself, and the establishment of the Wadden Foundation to allow for investments in nature restoration and regional economic and social development. The responsibility for the TWSC was transferred from the central department of the Ministry of Agriculture to the regional directorate

in Groningen. It was in many ways a logical step since the regional directorate was already responsible for a large part of the national policy dossier. It was, however, also a challenge in the sense that the competencies for international cooperation were then largely absent regionally and it took time to build them. Furthermore, local interests seemed to prevail over international ones, especially when there were political controversies.

In 2011, the regional directorate in Groningen was dissolved as part of a political redirection, resulting in downsizing the Ministry, including its engagement with nature conservation activities. The dossier was moved back to the central ministry in The Hague. With devastating consequences. Responsibility for the Wadden Sea had disappeared from the department roughly 10 years earlier and few felt inclined to reassume it, not least because the department was subject to a merger with the Ministry of Economic Affairs, and subsequently part of the bureaucratic downsizing. During the radical reorganization of the Ministry and other ministries, the responsibility for e.g. monitoring and maintaining the infrastructure of the data base, simply disappeared. It became difficult to ensure continuance, engagement with all the different regional levels. Too much rested on too few shoulders. It was thanks to Jaap Verhulst, the regional ambassador of the Ministry, the holder of a big network, and Bernard Baerends, the untiring drudge, that the work continued almost unabated.

Notwithstanding those organisational changes, overall the Netherlands continued to be an unwavering supporter of the TWSC. Throughout the years, the Netherlands were always the creative partner, good for inventive ideas and interesting initiatives. The Dutch were continuous drivers for new methods, open for engaging with the community at large and boundless consensus seekers.

Germany and the federal states were a landmark of support, proficiency, steadiness and continuity, and positivity with regard to the Wadden Sea. Germany had been a reluctant partner at the start of the TWSC around the 1980s, but this changed significantly. Germany became politically and in terms of resources the foremost support of the TWSC including the CWSS. Part of the explanation is of course that the CWSS is located in Germany and that it therefore feels a special responsibility for it, and as the largest stakeholder by

area of the Wadden Sea, also enjoys the bulk of the gains made in the Cooperation. Most tellingly, Germany and the federal states with the national parks have built up an institutional setting which guarantees political focus, continuity and maintenance of competencies within which the TWSC is a continuation and reinforcement of the work of their authorities. For Germany, the core mandate of the TWSC is the conservation and protection of the Wadden Sea which conversely also indicates that Germany was reluctant to engage in activities such as in cultural landscape activities beyond this mandate. However, Germany can also be quite traditional in its approach to resolving issues and quite stubborn and unbending in pursuing its own interests.

The change of Ministerial Conferences which had been set in motion in the preceding period continued in the next period. The conferences were used increasingly to engage the Wadden community and giving the various partners a stage for voicing their interests while at the same time expressing their commitment to the Wadden Sea protection and the TWSC. The political participation decreased. There were no Danish ministers participating at the 2005 and 2014 conferences, even though the latter was held in Denmark. There were hardly any political consultations at the plenary conference meeting. Footnotes had been ironed out before the meetings. This is partially understandable given that the plenary meetings were small Wadden Sea "parliaments" or conventions. Critical issues had to be resolved beforehand to prevent further discussion.

Organization

What was a very simple and unsophisticated organisation when I started in 1987 grew to a comprehensive and multi-layered organisation over the 27 years, which is in itself not surprising considering the global importance of the Wadden Sea. As was noted earlier, at the 1985 Conference, it was agreed that the Trilateral Governmental Conferences should be held "at least every three years" and meetings of Senior Officials should be held annually. The whole idea of the Senior Officials was to have a body able to take policy decisions, guide the TWSC between the ministerial conferences and serve as the gate keeper for those conferences. Then there was a further group of officials which had come together to prepare the conferences and had

set up the CWSS. This group was made permanent under the name Trilateral Working Group (TWG) when the secretariat was established. It expanded over the years to not only include representatives from the competent ministries from the three countries but also to include representatives of the ministries of the federal states and the national park authorities in Germany and the regional authorities in the Netherlands and Denmark. Under the TWG several permanent thematic and expert groups were established over time, such as the Trilateral Monitoring and Assessment Working Group (TMAG), the seals and birds groups and other more ad hoc working groups.

This arrangement worked well for 10-15 years. At the beginning of the millennium, there was increasing discontent among various working group members and the CWSS on how well the organisation worked. Proposals from expert groups were re-worked at higher level without resulting in clear agreements and decisions. Often, proposals were returned to the expert groups for additional information. Organisational matters were discussed on several occasions, particularly on the level of the TWG and several adjustments were introduced to regain effectiveness and transparency, regrettably in the middle term to no avail. The problem was rooted much deeper and related to the increasingly difficult political context. No streamlining of an organisation can change this radically.

At the secretariat, we were extremely dissatisfied with how the cooperation worked, and felt frustrated about how our work was appreciated, along with the limited mandate we were allowed, in spite of the professionalism we felt we possessed. It resulted in difficult working relationships between the staff. We hired a moderator to help us analyse the working situation and advise on how we could improve conditions and regain some job satisfaction. The advice was, in short, to prioritize working on themes which were constructive and enjoyable and not spend time on issues we could not influence. This was, however, not always a choice a secretariat could make, though we were undoubtedly the entity that determined the direction of the work despite the organizational issue.

As an outcome of those troublesome discussions, at the 2005 Schiermonnikoog Conference, it was agreed to evaluate the TWSC ("Over the next period, we will evaluate our cooperation including

our organizational structure”). At the beginning of 2007, we engaged Mike Moser, former director of Wetlands International and Andy Brown, former executive director of English Nature, to carry out the evaluation. In addition to hoping for suggestions for some new directions and work relations, I also thought it would be a good opportunity to have confirmation that the TWSC was relevant and that the CWSS was doing a good job. This was nevertheless a highly risky undertaking because mostly evaluators will always find something fundamental to criticise the organization for, and the CWSS stood at the centre of that organization.

After interviewing various people and reviewing the documents that the TWSC had produced over the years, in June 2007 Moser and Brown delivered a comprehensive report with a thorough analysis and well-informed recommendations on how to improve the Cooperation’s direction of work and governance. It was gratifying to read in the report that “[T]he Cooperation has been a pioneering model for the protection and management of a transboundary ecological system of international importance” and that it “has delivered significant added-value to the work of the individual countries, and many aspects of its work are world-class in quality”. On the CWSS, the evaluators stated they “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”.

Two main recommendations stood out, firstly to refresh the 1982 Joint Declaration to include the political commitments which were now dispersed over the Declarations, adopted by the Conferences since 1982, to tidy up the work of the TWSC and provide it with a better direction. This should be done especially with underlining the political nature of the cooperation by explicitly creating a Trilateral Wadden Sea Governmental (Ministerial) Council, to meet formally every 3 years to provide the political mandate for the TWSC. Secondly, the governance structure should be radically changed. A Wadden Sea Board should be established to replace the Senior Officials and the TWG level and should comprise six governmental representatives (two per country), up to four “independent” members and an independent chair. The chair would be appointed by Ministers through open recruitment. To

set this in motion, the evaluators proposed to form an Implementation Task Force of three “wise” eminent persons, one from each country, to prepare and negotiate the refreshed Foundation Agreement and the new governance arrangements.

The evaluation report had some very interesting and attractive elements, such as an independent chair instead of a rotating chairmanship and a Board of members, who would take collective responsibility for the running of the Cooperation, rather than delegation-based representation from the three nations.

Unsurprisingly, the recommendations and in particular those for the Implementation Task Force, met with resistance. Those involved accepted that the 1982 Joint Declaration had become outdated, but they were hesitant to accept the governance recommendations. It was signalled that the independent chair proposal and the procedure to designate her or him was not acceptable. Germany could not accept only two representatives since it had three federal states involved. Also, the two representatives of WWF Germany and the Wadden Society, observers in the TWG, were hesitant to commit to becoming independent members bearing the same responsibility as the government representatives in such a Board. Undoubtedly the governance proposal by the two evaluators was inspired by similar arrangements in England and would work impeccably in an Anglo-Saxon context where the division between government responsibilities and the civil society historically is much more fluid compared to the sharp division of north-western Europe.

It was all a step too far. In the end, the Senior Officials fought the prospect of being side-lined and wanted to do it their way. Understandable, because they would be made accountable for the outcome. It was, however, also an expression of the caution which had permeated the Cooperation in previous years and one of the reasons for the evaluation. In the end, the evaluators were hired to help implementing the recommendations and draft the refreshed Joint Declaration and the new governance arrangements. Whether this was a wise move could be queried; it placed the evaluators in a position of handling their own critical evaluation and recommendations, but in a totally different context. No one else, however, was rightfully considered able to do the job.

The so-called refreshed Joint Declaration, which was adopted at the 2010 Sylt Conference, was an agreement resembling a convention. The wording “share the view on the following” was deliberately inserted between the preamble and the main body of the document to stop it being construed as an internationally legally binding instrument. The refreshed agreement succeeded in consolidated the agreements and decisions from earlier Conferences into a single consistent and coherent agreement, which more clearly defined the objectives and work areas of the Cooperation. The consultants succeeded in doing a job that allayed many fears. It did more than reflect on the discussions around 2010, but it failed to bring clarity on points such as the discussion around the landscape heritage which was predominantly an issue for the adjacent mainland to the Wadden Sea. Germany could not prevent this being a part of the agreement but continued its historical stance of impeding its integration into the Cooperation. One could also question whether it was relevant to include a vision in the agreement or whether this should have been solely a management issue, but it was included on the wish of the Dutch negotiators. The refreshed Joint Declaration had its flaws, but it was not at all bad. In international cooperation, whether it is a legally binding agreement or just a declaration of intent, it all comes down to whether the parties are committed and determined to use the possibilities such an agreement offers, as we shall see later. And the refreshed Joint Declaration offered a lot.

The other central renewals of the refreshed Declaration were the establishment or the institutionalization of the Ministerial Council meetings. The Evaluation Report highlighted one of the weak points of the TWSC as being the lack of legally binding enforceable agreements, but the strong point was that it had a clear political mandate, confirmed by regular ministerial meetings. The time between the ministerial conferences had, however, increased and the political focus of the Cooperation had diminished since the 1997 Stade Conference. The intention of the refreshed Joint Declaration was to reinstate the political focus and relevance. It was therefore essential that Ministerial Council meetings would be held on a regular basis. In the Governance Arrangements, it was stipulated that those meetings should be held triennially. A couple of years after the 2010 Joint Declaration and the Governance Arrangements had been adopted, the new Board decided

to postpone the next Council meeting until 2014 and the next one until 2018. It may seem insignificant and rather innocent to postpone a meeting by roughly a year, as long as it is held and the arguments seem valid, but it was a serious breach of a recently-made agreement. The decision signalled that Council meetings could be shifted arbitrarily and were not deemed as important as they were meant to be in the context of the Joint Declaration. It undermines a cooperation when its strongest asset is undervalued.

The most significant flaw of the renewal lay within the new Governance Arrangements. The ambition was to have a Wadden Sea Board at the centre of governance chaired by an independent, albeit influential and high profiled chairperson selected in an open process and comprising a limited number of members and independent advisors who were collectively accountable for the decisions of the Board, as recommended in the Evaluation Report. But it was in essence discarded. A solution was agreed which very much resembled the existing one, namely that the incoming presidency proposed a chair to be approved by the Board. Who of the other countries would be willing to overrule such a proposal? The result was, however, the nomination and formal appointment of chairs who were not even



Signing of the Sylt Declaration and the Joint Declaration 2010: Minister Gerda Verburg (the Netherlands), State Secretary Ursula Heinen-Esser (Germany), and Minister Karen Ellemann (Denmark) (from left to right) (Photo: Martin Stock).

of similar status to former Senior Official chairs and whose job understanding was mainly a moderating one. The former SOs, being senior government representatives from the central ministries, were influential and accountable.

The Wadden Sea Board membership was upped to four per country to accommodate the German desire to have the Länder represented - a fully understandable wish. It inflated the Danish and Dutch delegations with additional members with no direct responsibility for Wadden Sea conservation. Each four had to operate as one delegation to keep the focus of the work. The function of head of delegation was soon reintroduced, going against the recommendation of having all members operating in equality and on the basis of joint accountability. But it was unavoidable given the circumstances. The proposed independent members became advisors, which was another more sophisticated label for observers, two from the green organisations, two representing the WSF.

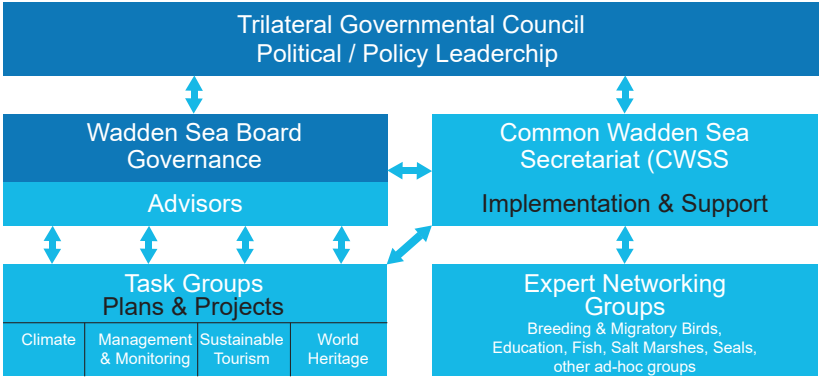
It was hardly an improvement on the old regime, and with the disappearance or merger of SO and TWG, the commitment at policy level represented broadly in the abandoned TWG was lost. This was the downside of the evaluation and I shoulder some of the blame for it. I was a strong advocate of organisational changes and streamlining on the basis of creating a more involved, effective, and accountable organization. Regrettably, I was unable to direct the changes and did not foresee the consequences.

A further major flaw in the new governance arrangements was that the WSB was responsible for the CWSS instead of the formerly three appointed representatives, who also represented the three governments financing the budget. The governance arrangements relevant to the CWSS were incorporated into the revised AA which, having been ratified by the countries involved, provided it with a legal basis. According to the AA, the WSB shall appoint the Secretary and review his/her performance annually and determine the Terms of Reference for the CWSS and terms and conditions of employment for the CWSS staff. The chairperson of the WSB does not have a specific function in relation to the CWSS, and the collective responsibility of the WSB has never been seen as a collective accountability.

The organizational changes became a good illustration of the fact

that in most cases changes in organization will not change the spirit of collaboration. Conversely, it is more a mirror of its difficulties and its inabilities to maintain and extend political relevance. It was an illustration of the deeper political problems which are difficult to solve. The competencies and integrity of the individuals involved are hence central to the success of any international cooperation. During periods of difficulties, cooperations will often face an unnoticed devaluation of its importance which in turn will attract people with a different understanding of the job to be done.

It seems obvious that the mistakes that were made in terms of governance after the last evaluation, for which I am also responsible, have to be corrected. The obvious would be to re-establish the “old” governance structure with a commission of senior officials presided by the senior official of the presiding country with clear lines of communication to the CWSS. Furthermore, Ministerial Conferences or Council meetings should be held on a triennial basis. The TWSC is based on a political declaration of intent, not on a treaty with associated clearly prescribed legal commitments. The strength of the TWSC is the political commitment and the Ministerial Council meetings are hence the central elements of the Cooperation. The excuse that it is difficult to have sufficient themes for ministers within such short time intervals



Organizational chart

are simply not valid. It has been done before it can be done again. The Ministerial Conferences and the Council meetings are the body and soul of the TWSC. It is from these that it obtains its legitimacy and profile. And where it must deliver politically.

The outline of the flaws in the organizational design could easily convey the impression that the 2010 Sylt Conference was a failure. On the contrary, the Conference concluded very productive years as we shall see in more detail later. In a material sense, it was not only a refreshment but restatement of the Cooperation. The Wadden Sea had been inscribed on the World Heritage List in the period, green light was given for developing the sustainable tourism strategy, and the flyway cooperation, and a revised and extended Wadden Sea Plan was adopted, to mention just a few of the highlights. The German chairmanship had been extremely committed to make it a success. It was under the resolute leadership of Elsa Nickel, deputy-director



Ministerial Council meeting, Sylt 2010 (CWSS Archive)

general of the Federal Ministry of the Environment and Christiane Paulus, the influential head of unit of the conservation section, that such achievements could be reached.

The Sylt Conference was politically well visited under the chairmanship of the German State Secretary Ursula Heinen-Esser. The Dutch and the Danish governments were represented by Minister Gerda Verburg and Minister Karen Ellemann. As with previous conferences, the Conference provided a platform for users, conservationists, and scientists to showcase their achievements to the political representatives from the countries and other attendants. There

was even a Korean delegation present involved with the Memorandum of Understanding, concluded the year before between the Ministry of Ocean and Fisheries (MOF) of the Republic of Korea and the TWSC.

As a novelty, an interactive discussion during the open session of the Conference invited ministers, stakeholders and guests to consider “A Vision for the Wadden Sea - Steps to Achievement”. The overall objective was to encourage participants to play an active part in achieving it. The session was moderated by Andy Brown and was much appreciated by the participants. It was felt that this was a central function of the Conferences, to obtain the good ideas and commitment of key stakeholders for the protection of the Wadden Sea, and a fruitful continuation of the Wadden Sea Cooperation. Maybe this was the central function of the session, to provide a platform for stakeholders to be heard. We had come a long way over the 20 years where stakeholders initially felt that they had been excluded, as we shall now see.

The Defining Year 1987–88. Towards the Bonn Conference 1988

I started the secretariat in November 1987. Busy months followed with building up its infrastructure, participating in the Second North Sea Conference in London in the second half of November 1987, and helping prepare the second SO meeting mid-December in Bonn. In January 1988, I commenced a round of visits to the authorities and NGOs in the Netherlands, Germany, and Denmark to build up a network which would be absolutely essential for the work in the coming years. The “house style” of the CWSS was designed with the beautiful logo. And I employed Marijke Polanski as my assistant as of February 1988.

The next Ministerial Conference, which was planned for at the end of 1988, was looming, but I sensed that the work of the CWSS could not be judged on the basis of a conference in which it had hardly any stake. We would under any circumstances have some respite. Until the next conference in 1991, we had time to build the basis for the cooperation over the next 4 years and to validate the establishment of the CWSS. I had an idea of the direction to head in, inspired by my time at the Dutch Wadden Committee, but no idea of whether it would be possible. I had no doubt that the secretariat had to play an active role if the TWSC should develop beyond the sketchy framework in terms which existed in 1987 and demonstrate its legitimacy to governments. I received much, often contradictory, advice on what I should do and above all should not do. I had to basically ignore it and follow my own instincts, but not forget that those pieces of advice signalled genuine interest and concern. The first year and the following three years, which ended with the 1991 Esbjerg Conference, became incredibly hard-working, intense, and exciting for the staff of the CWSS and for me.

Wadden Sea News Letter

During my first months in office, Michel Binsbergen of the Dutch Research Institute for Nature Management on Texel, which was headed by Wim Wolff, suggested that the CWSS should take over the publication of the “Wadden Sea News Letter”. The News Letter had emerged as a result of the agreement to intensify the cooperation of scientific research made at the 1st Wadden Sea Conference in The Hague in 1978. At the 2nd Wadden Sea Conference in 1980, a group of coordinators had been installed to promote exchange and collaboration in science. One of the outcomes was the publication of the News Letter, first published by the institute in June 1982, and distributed to about 150 institutes and authorities. At the 1985 Ministerial Conference, the Institute suggested that the costs of the News Letter should be shared between the three countries. Apparently, however, it promised to continue its publication for the following two years. Now the Institute felt that the newly established CWSS was designed to continue the Wadden Sea News Letter.

With Michel Binsbergen, we established an editorial board whose additional members were Karsten Reise from the scientific institute “Biologische Anstalt Helgoland -Wattenmeerstation” at List, Hubert Farke and Bernd Scherer from the National Park Authorities of Lower Saxony and Schleswig-Holstein and Svend Tougaard from the Fisheries and Maritime Museum in Esbjerg, a group of people that represented science, authorities, green organisations and museums. Its first meeting was held at the beginning of May 1988 on Rømø at Svend Tougaard’s farm. The CWSS Wadden Sea News Letter appeared under very different circumstances until 2013 when it ceased. Firstly, it was published as hard copies and posted to some 1,000 addresses, mainly in the three countries but also beyond. Later, it was published as an electronic News Letter. When Bettina Reineking was employed in July 1988, she became the editor until around 2000 when Harald Marencic took over her job. When Natalia Drozdovych was employed as communication officer at the CWSS in 2010, she became the editor.

The News Letter was the communication instrument of the CWSS and the TWSC and became an important news channel for what was going on in the entire Wadden Sea. It was, however, always a struggle to produce it, as no extra resources were made available and

none of the staff until Natalia had skills in communication when they took over. When she was employed, we finally had both the person and the resources. The parties, however, did not consent to extending her contract, and I decided to halt publication. It seemed it was not a priority for the ministries in the three countries and while no one at government level lamented it, the CWSS lost an important channel of communication and exchange with the external community, and a platform to continue to profile itself. It would be a wise decision to revoke an unwise one.

Mass mortality seals

On the day of the formal inauguration of the CWSS, 12 April 1988, at a reception at the Columbus in Wilhelmshaven on the invitation of the German state secretary Clemens Stroetmann, an increased number of seal abortions was reported at the island of Anholt in the Danish Kattegat. This marked the official start of the seal epidemic which had probably already been under way some months earlier. Already in February - March 1988, the number of dead seals along the Danish Kattegat-Skagerrak area and the Wadden Sea coast in Schleswig-Holstein was approximately three times higher than the average for the same months in the previous four years. Over the summer, the epidemic caused the death of some 8,500 seals in the Wadden Sea which was around 60% of the Wadden Sea seal population. This dreadful event became the first test for the CWSS.

As the mass deaths spread into the Wadden Sea during May, it was clear that it was an exceptional incident; it became a race amongst scientists and politicians to explain its causes, rule over the communication, and govern its implications. During the summer, an 'end of the world' mood ruled the public conversation. It was unclear from where this mass mortality of seals originated and there was fear that this unidentified disease could in the end spread to humans with devastating consequences. An extended algae bloom off the south-western coast of Norway in May-June, which threatened to affect the salmon aquaculture of the fjords and the overall life of the North Sea, compounded this doomsday mood and the media was quick to seize on it. There was an overall uncertainty of the implications for the environment. The tourist industry naturally feared that tourists would stay away and would severely affect the industry along the Wadden Sea coast during the summer.

There was a sense that something had to be done politically. At the end of May, Klaus Töpfer, the German Federal Environment Minister, embarked on an excursion from List, Sylt to the seal bank at the Danish Lammelæger, where the die-off had already hit hard. Together with Peder Agger from the Danish Forest and Nature Agency and Svend Tougaard I accompanied him on the ship. The attention of the media and local politicians and conservationists was huge. During a conversation on the upper deck, we cautiously mooted that the epidemic could have a natural cause, rehabilitation of seals was not the solution and could even aggravate the situation, and that it was too early to react politically, - in other words, we felt Töpfer's presence may backfire. He politely brushed aside our hesitations and declared that it was his duty to demonstrate that the authorities cared and would do their utmost to find the causes of the seal deaths and support the local communities.

Earlier I had also attempted to get the parties to support the idea of a meeting in the context of the TWSC to take stock of the situation but unfortunately found no ear. If the TWSC was seen to do nothing, I felt that its relevance and that of the CWSS would suffer. This was even more serious against the background of negotiations, ongoing since the 1985 Conference, on an agreement between the three states on the conservation of the Wadden Sea seals.

It was Berndt Heydemann, Minister of the Environment in Schleswig-Holstein, and well known as a scientist and salt marsh expert in the Wadden Sea community, and his ministry who took the initiative for a joint meeting, which was held, on 3 June 1988, at the Ministry of Finance in Kiel. Minister Heydemann had been appointed minister a month earlier when a new government was formed, and the Ministry of the Environment was established. That the initiative was taken by the Schleswig-Holstein authorities was no surprise since the die-off in the Schleswig-Holstein part of the Wadden Sea had surged in the weeks before the meeting, and there was a considerable public pressure to do "something", as the visit of Klaus Töpfer had demonstrated. It was possibly also part of an inner German rivalry between a state minister of Schleswig-Holstein and the federal minister, representing different political parties, on who was most active.

It was a memorable and in many ways bizarre meeting. Everybody

in the field of seals science and management came, whether they were invited or not; at least that was the impression that the seal rehabilitation centres along the Wadden Sea coast got. Lenie 't Hart, the director of the Dutch seal rehabilitation centre in Pieterburen, showed up in the lobby of the meeting room with a small pup in her arms which she had managed to “rescue” from Danish waters. She was the focus of the media and managed to a certain extent to draw media attention away from the overall discussion on the causes and the environmental implications. This was a situation that would repeat itself during the summer of 1988.

The meeting itself was a quite fruitful exchange of information on the status of the die-offs of seals in the Wadden Sea and the Kattegat between scientists, policy makers and managers. Towards the end of the meeting, Minister Heydemann suggested that his ministry and in particular the Schleswig-Holstein Wadden Sea National Park Authority should coordinate the collection of information on the further development of the mass mortality and coordinate research on its causes. Whether this was something which had been the aim of the meeting on behalf of the Schleswig-Holstein Ministry from the start or was an idea of the minister himself while the meeting progressed was unclear. However, Karl-Günther Kolodziejczok, Deputy Director General of the Nature Department of the Federal Environment Ministry politely pointed out to the minister that the three governments had established a joint secretariat for precisely this purpose, and it was its genuine job to collate the information and coordinate activities. The minister was somewhat annoyed by this statement, which also had the backing of his own Director General and left the room soon after in a displeased mood.

With our responsibility established, and a further commitment to working closely together scientifically on the causes of the epidemic, a colleague from the National Park Authority congratulated me on the outcome. This would definitely mean that the countries would make money and staff available for the secretariat, he declared. I decided not to make the lack of resources and manpower, in the face of this huge new task, a point of discussion with the parties but to solve it as we went along. Immediately after, we started collecting information on numbers of dead seals along the Wadden Sea coast and in the Kattegat

and circulated small weekly reports by fax to authorities, scientific institutions and NGOs.

Fortunately, we had already commenced discussing additional staff support for the CWSS before the seal epidemic and this made it highly topical. Bettina Reineking started working part time at the CWSS by mid July 1988. In a highly professional manner, she established a network of scientists and managers which not only covered the Wadden Sea and the Kattegat but basically all of North Western Europe waters where the seals epidemic raged. Peter Reijnders of the Nature Management Institute on Texel, internationally known especially for his research on seal reproduction and PCBs, was a particularly important link on this and future seal management research and monitoring activities. Thanks to Bettina the CWSS became the key organization for collating and circulating the data and informing the press, in particular through the German press agency DPA, every Friday afternoon. This was an extremely important function because we were able to get comprehensive and reliable data on the table and follow in detail the development of the seal epidemic. The research established that the die-off would likely be around 50-60% of the total numbers so it did not completely eradicate seal populations and, moreover, it did not seem to affect humans or other species. The doomsday predictions of seals dying out could therefore be dismissed over the summer. It was essential that this message was circulated and broadcast by the media. The highly valuable and dependable data were all circulated by the CWSS and as a result the media became an important partner for us.

Data make a difference - and make politics. The CWSS was very successful in collecting the data, demonstrating its usefulness for policy making, and underpinning the negotiations on the Seals Agreement. However, the work of coordinating research institutes and scientific research, and the work of the seal rehabilitation centres, was doomed to fail from the beginning. Everyone sensed that this role was about achieving status and guarding and jostling for position. The Seal Rehabilitation Centre in Pieterburen succeeded in liaising with Ab Osterhaus, an internationally highly recognized virus expert from the Erasmus University Rotterdam, and over the summer he managed to determine that the cause of the mass mortality was the phocine

distemper virus (pdv), a virus closely related to the canine distemper virus. At a press conference on 29 August 1988 at the church in Pieterburen (the rehabilitation centre itself was considered too small for such an event), the sensational findings were trumpeted by Ab Osterhaus and by Lenie 't Hart. It was a unforgettable press conference and an extravagant number of fax machines, which were not common in those days, had been made available to a sensation hungry national and international media. In front of the press, Lenie made it clear that she and her centre had played a significant role in making this possible. It was an extraordinary liaison between an internationally renowned virus expert and an animal welfare organisation. It served its purpose for the seal rehabilitation centre, which became untouchable for years to come.

In autumn of 1988, the epizootic had petered out. Around 18,000 seals fell victim to the epizootic in north-western European waters. It was estimated that close to 60% of the Wadden Sea seal population fell victim, some 8,500 dead seals, so confirming the previous prediction. The number of seals counted in the year after the epidemic was lower than 5,000, almost as low as when the aerial countings started in 1975. In May 2002, a new outbreak of pd-virus started in the Kattegat area. It was a month later than in 1988 and also spread to the Wadden Sea and other north-western European waters. The 1988 routine was replicated. Seal reports were again circulated, using state of the art email and published on the CWSS website. The same pattern as in 1988 could be recognized and though 22,500 seals were reported dead, the epizootic was slightly less severe. In 2002, more than 10,600 dead seals were registered in the Wadden Sea, a death rate of about 40-50% of the estimated seal stock. We had again lived up to the occasion.

The Seals Agreement

During the peak of the epidemic, the draft “Agreement on the Conservation of Seals in the Wadden Sea” was negotiated. The idea for such an agreement under the Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention), concluded in 1979, was firstly referred to by Germany at the 1982 Copenhagen Conference. According to the minutes, State Secretary Hans Jürgen Rohr, Germany, mentioned the possibility of drafting such a regional

agreement for seals under the Bonn Convention when the Joint Declaration was discussed. Since the Convention had been concluded on the initiative of the German government, it was not surprising that it brought forward this option. The Convention promotes, as one of its central objectives and measures, the conclusions of regional agreements between countries for migratory species that need or would significantly benefit from international co-operation. The Wadden Sea seals would seem to justify such an agreement.

At the 1985 The Hague Conference, on a concrete proposal by Germany, it was agreed to develop such an agreement as announced in a “Declaration on the conservation of the seal population of the Wadden Sea by the conclusion of a trilateral agreement”. The declaration argued that seals of the Wadden Sea constituted a separate population which was endangered. This was a precondition for a regional agreement under the Convention. The other two countries agreed to the proposal, indicating that this would enable them to gain experience of such regional agreements. The Dutch had long wanted to pursue an agreement for migratory birds on the West-Palaeartic flyway under the Convention. This eventually came about when the African-Eurasian Migratory Waterbirds (AEWA) Agreement was concluded in 1995, so there were good reasons for the Dutch to support the seals proposal expecting something in return, of course, at a later stage. The Wadden Sea seals became listed in Annex II of the Convention after the Conference, which was a precondition for concluding a regional agreement.

A comprehensive draft had been prepared by Germany at the beginning of 1988 and the intention was that it should be adopted at the Conference in Bonn at the end of the year, as mentioned above. It was inconceivable that in the light of the epidemic an agreement would not be signed and overall, there was consensus between the parties. Much had also already been done to improve the protection of seals; in particular hunting had been forbidden a decade or two earlier and seal sanctuaries had been established. There were nevertheless two contentious issues in the negotiations over the summer, namely the competency to manage seals and to what extent rehabilitation should be allowed.

Germany wanted to continue listing seals as species which under

German legislation could be hunted. This would mean management continued to be the responsibility of the hunting authorities. The Dutch wanted to prohibit hunting but allow rehabilitation of seals. A solution was found in Art. VI of the Agreement in which taking, i.e. removing of seals from the wild through killing or capture, was prohibited but competent authorities were permitted to grant exemptions for scientific research under strict conditions and “for institutions to be designated nursing seals in order to release them after recovery, insofar as these are diseased or weakened seals or evidently abandoned suckling seals”. This meant that the existing responsibilities could be upheld, and the so-called seal hunters in Germany were still the only ones allowed to kill suffering seals. The statement of rehabilitation was sufficiently broad to allow any sick seal to be “rescued”, a clause that can be assumed was a result of the lobbying of the seal rehabilitation centre in Pieterburen. Its status preceding the 1988 epidemic and its active engagement in the scientific discovery of the epidemic causes, as well as the massive coverage of it saving sick animals over the summer had evidently paid off.

The rehabilitation of seals became a much-discussed issue throughout the following period. The Agreement had no impact on numbers of rehabilitated seals which apparently again rose in the aftermath of the epidemic. The Conservation and Management Plan for the Wadden Sea Seal Population 1991-95, elaborated according to the Agreement and adopted at the 1991 Ministerial Conference, stated that nursing of seal is not necessary from a biological and wildlife point of view. The plan attempted to reduce the taking and rehabilitating of seals by such restrictions as prohibiting transport between sub-regions or releasing seals taken from outside the Wadden Sea. However, it was of little help, numbers rehabilitated in Pieterburen, and to a lesser degree at German centres, continued to grow.

The seal expert group, which was established by the Conservation and Management Plan consisting of the seal experts from the three countries, delivered a “Statement on Seal Rehabilitation and Release, based on scientific experience and knowledge” before the 1994 Conference. It reiterated the viewpoint that the rehabilitation and release of seals should not be undertaken and that the level of taking since the Seals Agreement had entered into force was too high

to be justified. On that basis, Arnd Rüger from the Ministry of the Environment in Schleswig-Holstein took the initiative for a meeting between policy makers and scientists in autumn 1994. At a meeting in Hamburg standards were agreed which Arnd Rüger and I developed into a set of policy and management guidelines and principles which aimed at reducing the taking of seals to the lowest level possible.

These guidelines were submitted to the 1994 Leeuwarden Conference for approval. At the Conference, the guidelines were amended on one point. The draft guidelines prohibited the release of seals born in captivity. The only station where this took place was at Ecomare on Texel. On the intervention of the Dutch delegation, a sentence was added, that “exemptions can only be allowed after the approval of the competent authorities”. It codified standard practise and therefore was one of those seemingly small incidents that in itself could do no harm, but which added up to others and continued to frustrate and undermine the implementation of the common policies and management on rehabilitation. As a renowned central information and awareness centre in the Wadden Sea region, Ecomare was able to count on much sympathy in the Wadden community. If Ecomare could be exempted, other rehabilitation centres should maybe not be held too strictly to account.

Though the guidelines are still prevailing policy, they have had limited if any impact on the rehabilitation of seals. Pieterburen deliberately frustrated the cooperation and the implementation of any guidelines. In questionnaires developed by the seal experts, it was unwilling to divulge the numbers of taken and rehabilitated seals, or information on the use of medicine. With seal numbers increasing, particularly after the second seal epidemic in 2002, the number of rehabilitated seals increased, in Germany as well, and the implementation of a common policy faded further. Countless meetings were held trilaterally to discuss the issue and to somehow find common ground. The most recent larger meeting was held in 2011 with participation of all seal experts and representatives of rehabilitation centres and moderated by a former director of English Nature. It was to no avail.

Recently, however, after the departure of Lenie 't Hart as director, it seems that a more restrained taking policy is finally being pursued by the Seal Rehabilitation Centre in Pieterburen, one that takes more

account of ecological aspects. Whether this is the result of the decades of discussions is difficult to say and whether it is a policy that will prevail is to be seen, but the apparent change should be welcomed.

The reasons for failing to implement the guidelines are not difficult to work out. Pieterburen had the support of the general public, and there was no political willingness to challenge the public mood. The centre could more or less pursue its own policy. The argument often brought forward in the political debate was that apparently the seal population was doing well, so why bother? Lenie 't Hart was also clever in emphasising that she was not interested in population dynamics but in rescuing individual seals and animal welfare.

There was another element that made any trilateral policy practically impossible. Denmark refrained from any rehabilitation of seals and left it to German and the Dutch colleagues to discuss this. It was probably out of anxiousness to avoid re-starting a debate on rehabilitation in Denmark. It had been terminated years before and the risk was that it might oblige Denmark to reintroduce rehabilitation, albeit on a small scale. The issue had already been solved in Denmark in the best ecological way and it was not a contentious policy, so Denmark chose to withdraw to the moral high ground from where it could watch the others battling without intervening. Materially, rehabilitation never became a truly trilateral policy.

Bonn Conference

Seals obviously played a dominant role at the 5th Trilateral Governmental Conference, which was held in November 1988, in the prestigious and high security NATO meeting room of the Federal Chancellery in Bonn. It was attended by Minister Klaus Töpfer, who chaired the meeting, Minister Gerrit Braks, the Dutch Minister of Agriculture and the Environmental Ministers of the three Länder of Lower Saxony, Schleswig-Holstein and Hamburg. Minister Lone Dybkjær, Danish Environment Minister was ill but was represented by Leo Bjørnskov, the Director General of the Forest and Nature Agency, together with representatives of the regional and local authorities in the Netherlands and Denmark. There was still simultaneous German-English translation at that point. The next meeting in Esbjerg in 1991 was the final occasion that simultaneous translation was offered.

The seals epidemic had created substantial media attention in the conference and it can be assumed that that was the reason for the excellent political turnout, which clearly demonstrated that the Wadden Sea was an issue high on the political agenda in all three countries. There were ample discussions involving daunting proposals. During the discussion on the seals action programme mentioned below, the State Senator from Hamburg, Kuhbier, suggested the meeting consider designating the whole of the Wadden Sea as a national park according to common criteria. Klaus Töpfer sympathised with the idea of an international park Wadden Sea as a vision. Minister Braks, representing a country normally keen on visions, dismissed the suggestion, observing that the term national park in Dutch carried connotations of excluding people.

The Seals Agreement was adopted with a few insignificant amendments. Aware that any agreement could take some time to ratify and implement, in advance of the Conference we from the secretariat had worked on formulating a more practical and active interim programme which eventually became the 8-point action programme. Originally comprising 10 points, Germany opposed the number because only months earlier a 10-point programme for the North Sea had been presented by Minister Töpfer. Our 8-point plan pre-empted questions from the media and the wider public about whether the governments understood the urgency of the situation. It worked perfectly, as the subsequent press conference demonstrated.

The action plan also provided the CWSS with a legitimate role as coordinator. The call for more research, seal sanctuaries and improved wardening was by no means ground-breaking, but it gave the CWSS a track record of coordination to equip it for similar work in years to come. The “Joint Conservation and Management Plan for the Wadden Sea Seal Population”, commencing in 1989, stemmed directly from our action plan and was the first time the CWSS had managed an EU project. It was financed under a predecessor scheme within the LIFE programme. Though we had to overcome many obstacles over the five-year course of the project, it was highly successful. It gave scope to test new scientific methods such as tagging to enable scientists to track seal movements. Aerial monitoring of seals was intensified and synchronized across the four regions. Overall, the project delivered a

wealth of information and the seals monitoring scheme is viewed as exemplary, not just within the Trilateral Monitoring and Assessment Programme (TMAP) but also for marine mammals worldwide.

It took, by the way, two years for the Seals Agreement to be formally signed as a regional agreement under the Bonn Convention. When the agreement adopted at the Bonn Conference was presented to the Bonn Convention secretariat, it was met with objections to both its material and formal legal content. It took time to negotiate and amend the text but at a small ceremony on 16 October 1990, at the Federal Ministry of the Environment in Bonn, it was signed by State Secretary Clemens Stroetmann and a representative of the German Foreign Office together with the Danish and Dutch ambassadors in Germany. It came into force on 1 October 1991, just in time for the 1991 Conference.

A further key item of the Bonn Conference was the implementation of the Joint Declaration. Before the Conference, agreements were analysed to try to identify any gaps in implementation of international legal obligations, in particular with regard to the Ramsar Convention. Whilst noting that progress had been made, gaps remained. The analysis unsurprisingly identified one of the central stipulations of the Ramsar Convention as needing urgent attention; namely the requirement to formulate and implement a policy of conservation and wise use of wetlands on their territory. Wise use was a term that could be interpreted in many ways and be cherished or misused. It was in fact an ante-Brundtland sustainability definition which the Dutch were especially keen to apply in the Wadden Sea context, whereas the Germans, in particular the German NGO-representatives, distanced themselves. For them, it meant continuing human use for a range of purposes and the Wadden Sea national parks had recently been established to exclude that type of use, at least in the long term. An agreement was reached which did not really state anything more than the Ramsar Convention itself, namely that “common approaches to the formulation and implementation of the conservation and wise use of the Wadden Sea as a wetland of international importance” should be developed. In the next three-year period, however, it became the starting point for the discussion around visions and aims and eventually led to the Guiding Principle.

There were many other items on the agenda in Bonn. North Sea Conference, scientific symposium, meeting of nature managers and a response to the Statement of Concern III of the International Coordination Team (ICT) of the nature conservation NGOs referred to earlier.

The Bonn Conference was in many ways successful. It was the first conference with broad political representation across the countries. It came up with the appropriate political responses to the challenges which were of concern for the wider public during the summer of 1988, in particular the mass mortality of seals but also the pollution questions. And it provided a substantial agenda to work with over the next period under Danish presidency.

There was another remarkable thing. The Bonn Conference illustrated subtle changes of relationships between the partners. Germany had traditionally been the reluctant partner in the Cooperation, often moderating the proposals and initiatives of the others, and the Dutch had tabled progressive proposals. Now, however, the Germans suggested designating the Wadden Sea as one national park. It took the others by surprise, at least the Dutch, who now vetoed it. The Germans were, so to speak, with the creation of their Wadden Sea national parks, able to leave their defensive positions and go on the offensive.

It was definitely also a success for the secretariat. Its first year of work was praised by the delegations. At the end of the conference, Germany proposed expanding the staff of the secretariat without mentioning a precise number or amount of additional budget. Minister Braks was hesitant to approve such a proposal at the conference, and a formulation was found that the future duties of the secretariat should be analysed. Materially, as of 1990, it was extended with one additional deputy secretary and the position of the administrative and financial officer was extended to a full-time position. On 1 August 1990, Folkert de Jong took up the position at the CWSS.

In accordance with the Administrative Agreement, Denmark, chairing the TWSC for the next three years, announced that the CWSS should remain in Wilhelmshaven.

It had indeed been a good and fruitful first year in the life of the CWSS.

The Common Future. The role of the Nature Conservation Organizations

Before I turn to the next three-year period 1989-1991 of the TWSC, I shall describe the roles of the Wadden Sea nature conservations organizations, and their importance for the TWSC. Between 1989-1991, their activities had a particular influence on the TWSC through the development of the “Common Future” report.

Exploring the role and influence of the nature conservation NGOs on the TWSC is an exciting story because the Wadden Sea is one of the first examples of NGOs cooperating across national political boundaries to protect a shared nature area. The NGOs considered it as one nature area well ahead of society at large coming to consider it worth protecting and conserving as a single entity. WWF International played a key role in the first years, together with its national representatives, the Wadden Society and other national conservation organizations. The Wadden Sea undoubtedly became a model of cooperation for NGOs which they could capitalize on internationally. Its history has been written in bits and pieces, mostly by those who were actively involved. At some point, the story should be written from a historic-sociological perspective because it will reveal how to link international and national developments and different perspectives, and how NGOs and GOs succeed or fail in furthering common interests. The story told here is just a brief personal contribution commenting on the developments I have seen evolving from a position on the other “side” of the table.

The WWF had a considerable influence on the creation of the trilateral cooperation. It was the WWF together with the scientists around the Wadden Sea Working Group which put the Wadden Sea and the need for a cooperation between the three countries on the agenda. It had, however, apparently little influence on how the cooperation was established. But there may have been common ground between many NGO officers, scientists and policy makers in central positions, and in the case of e.g. the draft Convention developed by IUCN in 1974 (which foundered on German government opposition), it should

be noted that WWF international and IUCN were close neighbours in Gland, Switzerland.

The WWF was apparently determined to showcase the Wadden Sea as one of its most important international projects. In 1977, WWF International initiated Project 1411 to coordinate the efforts of the WWF in the Wadden Sea. Substantial amounts of resources were invested in making it a success. The Dutch WWF may have had a leading role in this together with the Wadden Society, the single most powerful NGO in the Wadden Sea region. Hemmo Muntingh at the Wadden Society was instrumental in building connections with NGOs in Germany and Denmark. When he was elected Member of the European Parliament in 1979 and left the Wadden Society, his position was assumed by Karel van der Zwiep, who was employed as lawyer for the Society.

Project 1411 proposed setting up WWF Wadden Sea offices in Germany and Denmark. A German WWF Wadden Sea office was established in Bremen in 1980, headed by Holger Wesemüller, who together with Hans-Joachim Augst had written a concept for how to designate the German Wadden Sea as a national park. Later a regional office was established in Husum which was headed by Rolf Wandschneider for a short period, followed by Peter Prokosch. A similar approach was applied in Denmark, albeit on a much smaller scale, with



Karel van der Zwiep at the Esbjerg Conference 2001 (CWSS Archive).

the establishment of the WWF Wadden Sea Secretariat which was headed by John Frikke for a short initial period followed by John Frederiksen. Within the Netherlands, the Wadden Society would play the leading role also acting on behalf of the Dutch WWF.

Project 1411 aimed at building a structure of collaboration between the NGOs on Wadden Sea matters nationally, with the WWF offices as the central coordination points, with the end

view of developing a common trilateral NGO strategy for the protection and management of the Wadden Sea. An Advisory Committee was established with e.g. Wim Wolff and Hartmut Jungius from WWF International as members. The four regional WWF-Wadden Society coordinators constituted the International Coordination Team (ICT).

Unquestionably, the Wadden Society and in particular Karel van der Zwiëp played a leading role during the first decade. It was on his initiative that the first “Statement of Concern” was presented at the 1982 Copenhagen Ministerial Conference on behalf of the WWF and the Wadden Society with the support of practically all central green NGOs in the three countries. The Statement was a powerful request to the governments to start “a joint international Wadden Sea policy at long last” and in this context to implement the relevant international treaties. In order to be assured of progress, the Statement requested the establishment of an “International Wadden Sea Office or -Secretariat involving the Non-Governmental Organizations in the three states on an informal basis”. For the first time, the ICT met with the ministers at the margin of the Conference to present the Statement and it was put on the formal agenda for ministers to discuss. Apparently on the suggestion of the representative of Bremen, the ministers agreed a common favourable declaration on the Statement. This was also fairly easy in the light of the adoption of the Joint Declaration which pledged the common implementation of the relevant international legal instruments. The declaration did not mention or reject the idea of an international secretariat but pointed to the responsibilities of the national administrations to cooperate. During the meeting, however, Germany declared that it was against setting up such a secretariat “because of the different conditions and legislation in the countries concerned” as mentioned earlier. Statements of Concern were similarly submitted to the conferences in 1985 and 1988. The ICT was given access to the ministers at both conferences and the ministers on both occasions responded with favourable declarations to the recommendations and requests of the NGOs.

The role of the NGOs was significant. It demonstrated the willingness and a determination of all the national green NGOs with huge membership, some 8 million was mentioned - Karel van der Zwiëp was never cautious mentioning big numbers -, to consider the



First Wadden Sea Day, Wilhelmshaven, 2006 (CWSS Archive).

Wadden Sea as one ecological entity and advocate transboundary protection. They critically followed but also supported the ministers in their attempts to extend and deepen the TWSC. The recommendations centred around building better national coordination mechanisms. “National coordination is a precondition for a successful coordination on international level” as the Statement of Concern II, 1985 expressed one of its key starting points. A better institutional framework should be created and the request for a Wadden Sea Bureau was reiterated in the 1985 Statement. International legal obligations such as the Ramsar Convention and the Bird Directive should be implemented. The Statements very much mirrored the discussions on the governmental level. Unquestionably the strategy was to both support government initiatives and afterwards capitalize on the outcomes of the Conferences by referring to them as achievements of the NGOs. A marked Dutch imprint was, however, recognizable in the Statement of Concerns’ recommendations and there were undoubtedly close contact between the Dutch government representatives and the Wadden Society.

Much had changed, however, in the relatively short period between 1982 and 1988. The German Wadden Sea national parks and the Danish Wadden Sea nature reserve had been established. In particular the German NGOs considered the creation of national parks an

achievement of their own. They were no longer willing be considered the junior partner in the cooperation with the Wadden Society. Probably they also felt that the emphasis on legal mechanisms and structures and the regular references to the Dutch system were now a past station. The launching of a Dutch Wadden Society project on what was labelled an integrated system for conservation and management of the international Wadden area project, which Karel van der Zwiep headed, confirmed their apprehensions. The project aimed at devising and creating a proposal for a legal, policy and coordination structure across the existing structures. The Advisory Committee of the WWF cooperation approved finance through project 1411 at the beginning of October 1987. The meeting also noted, however, that such a system could be achieved through informal management criteria.

The German representatives in the ICT were not convinced and wanted to reconsider the direction of NGO cooperation. In 1989, therefore, on the initiative of the German representatives, WWF decided to have 1411 reviewed. Peter Burbridge - an English environmental consultant, who was hired to do other jobs for the Wadden Sea Cooperation later - was tasked with the review, travelled around the Wadden Sea region and conducted a series of interviews with centrally placed persons in April/May 1989. His report "Elaboration of an Integrated Management Plan for the Wadden Sea" was discussed at a WWF advisory committee on Texel at the beginning of June 1989. WWF ICT members participated (except for the Dutch since the Wadden Society was not a WWF organization). The 1411 project had achieved progress, the record from the meeting noted, but "a major negative point is that the project brought hardly any progress in the development of an international management concept". The record continued, "[T]he work of the ICT is hampered by insufficient information flows and lack of common long-term goals. We are acting on an almost purely reactive basis, too often on regional or national level". This was an outright assail on how the Wadden Society as lead partner had conducted the cooperation hitherto.

In his review report, Peter Burbridge stated that discussions should be stimulated on a higher level and that something should be produced which allowed thinking in concepts, policies, and options. He proposed producing a "mini-Brundtland for the Wadden Sea" with

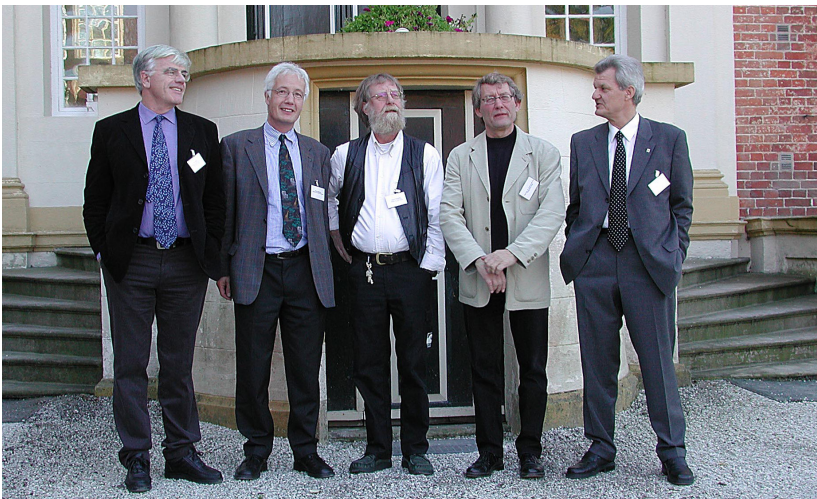
a clear 25-year vision and guidelines on how to achieve it. On his proposal, it was decided that 1411 “should focus on a high political, international level. WWF should provide leadership and help integrate the skills from the 3 countries in an integrated approach with the objective to manage processes rather than uses”. This should result in the production of the mini-Brundtland report he had suggested which in turn should be based on a number of brief expert reports by Wadden Sea experts commissioned by the project. A core group was set up to work with the lead of Peter Prokosch and with Peter Burbridge as consultant. In November 1991, just before the Esbjerg Conference, the report “The Common Future of the Wadden Sea” was published by WWF with a foreword by Prince Philip, the International President of WWF.

Behind the publication of the “Common Future”, as it was publicly referred to, lay two years of quarrelsome and contentious work which evidently laid bare the ideological differences between the Dutch and the German NGOs on nature conservation in the Wadden Sea, and on top of that, some deep personal resentments between some of the key players. Right from the beginning, the tone was set. Though the Wadden Society could not prevent the project going ahead, it questioned its worth. The fact that the Society did not become a full member of the core group but was only an observer demonstrated its deep reservations and revealed a determination that its own project on integrated systems should be defended and prevail.

The German members very much represented the viewpoint that the German Wadden Sea national park approach should lay at the basis for the new conservation and management strategy. There was a firm commitment to the standpoint that conservation would have the priority and that a zoning system should be introduced, which should result in the closing off of at least half of the Wadden Sea for any human use or activity, in accordance with the prevailing IUCN national park category guidelines. The view of the Wadden Society was that a clear strategy was necessary which would allow for a legal balancing of the interests across the different systems. This was the core of the “Integrated Systems” project. The objective was in principle not to exclude activities and uses and to use zoning as just one of the instruments to regulate human activities. It was not

very helpful for the further process that the Society developed its own overall strategy “Wad nu, wat later”, as a response to the one developed in the “Common Future” project. The wise use concept of the Ramsar Convention, which the Society embraced, was red rag to the Germans and the accusation that the Society was too soft on nature conservation did not help either.

The emotions ran high. Peter Burbridge attempted to unite both positions by elevating the discussions onto a more strategic level. It was, however, only with the help of Wim Wolff that a final version could be elaborated and published. In the light of Wim Wolff’s work on the report, the Wadden Society finally agreed to support it, along with practically all relevant green NGOs in the three countries. The Wadden Society was, however, not a leading organization or initiator of the report as it had been previously with the “Statement of Concern”. It



Wim Wolff, Peter Prokosch, Svend Tougaard, John Frederiksen and Holger Wesemüller photographed on the occasion of the 25th anniversary of the TWSC at the Schloß Gödens, October 2003 (from left to right). Wim Wolff and Svend Tougaard were members of the WWF Wadden Sea Advisory Board. Peter Prokosch, John Frederiksen and Holger Wesemüller were members of the International Coordination Team (CWSS Archive).

was just one of many parties involved and regrettably, this diminished the significance of the report.

In fact, the “Common Future” was a very balanced report with the natural process concept as its central overall protection and

management concept, and with references also to the Dutch system as a model for a Wadden Sea-wide management strategy, and the “Integrated Systems” project. It is questionable whether there were insurmountable ideological differences between the Dutch and the German NGOs. If one reads both expert statements of Karel van der Zwiëp and Holger Wesemüller published in the technical reports volume, the differences are not significant, and it was clearly more a case of conflicting personalities. The Germans no longer wished to play the junior partner. They wanted their efforts recognized. At this stage, both the Dutch and German NGOs - and if the Danes would have left any fingerprints in this process it would have been similar - aligned with their national protection systems as they considered them to be results of their efforts too. They had become part of the system. There is nothing invidious or odious about such a development; it is no different to the situation in which e.g. national trade unions find themselves. It demands, however, another strategic approach to overcome the differences between the national systems and elevate the approach to be above these. Peter Burbridge had already suggested this. The “Common Future” was in that sense a successful project, but it was never followed.

What was the impact on the TWSC? I was informed about the “Common Future” project at a very early stage, I had been interviewed by Peter Burbridge back in May 1989, and knew that we, the TWSC and the secretariat, had to deliver and stand up to the challenge if we were not to be marginalized in the debate. That was also why we made the discussion very much about the Guiding Principle and a more substantial Ministerial Declaration a priority, as we shall see later. Many of the recommendations of “Common Future” were part of the 1991 Ministerial Declaration and that was chronologically not because of the publication of the WWF report and a subsequent response of ministers, but because there had been a very close interaction between the different networks. The success lay in the mutual exchange of ideas and proposals and the furthering of such approaches within the different networks. This became the real success of the “Common Future”. In political terms it helped make the 1991 Esbjerg Ministerial Conference a fabulous success for us all.

The alienation between the Wadden Society and the German WWF

before and during the “Common Future” process was regrettably never overcome, though personal relationships improved. The “Common Future” was also intended to devise a strategy for the NGO-collaboration. It failed. The “Common Future” never came to play any major role in the NGO-collaboration. The NGOs were tied to the national protection regimes and that was the basis on which the collaboration took place. The NGOs were given access as observers to the 1994 and 1997 Ministerial Conferences. The influence on the development of the Wadden Sea Plan (WSP) for the 1997 State Conference was limited, if not to say absent. This was remarkable



Willem Kuiper, director of the Wadden Society delivers the joint NGO statement to minister Jozias van Aartsen, Leeuwarden Conference 1994 (Photo: Rob de Groot).

because the WSP articulated many of the recommendations of the “Common Future” report. One reason may have been that the WSP was still contentious and subject to debate until the last minute. The NGOs were regrettably hesitant to associate themselves with a project that they thought potentially could fail. Most likely, however, it was because national divergences prevented the elaboration of a common position beyond some general formulations. The intervention by Holger Wesemüller, WWF Germany, in the process in Germany was, however, crucial in moving the process around the WSP ahead, as we shall see later.

Until the end of the 1990s, the TWSC, unlike many other international environmental cooperations, did not have NGOs as observers at working group meetings. Colleagues in the TWG and SO were hesitant to allow NGO observers at meetings because they felt this might jeopardise the constructive atmosphere that they considered existed. Moreover, NGO observers could not be confined to nature conservation organisations but would also have to include international user organisations such as fisheries or oil and gas extraction organisations. However, it was inevitable that NGOs would be permitted to attend meetings as observers. The provision was that they represented trilateral interests and abided by a number of rules. At the end of 1999, five organisations were granted observership to the TWG, including two nature conservation organisations, the



Anja Szczesinski, head of the International Wadden Sea School, (left) and Nataliya Drozdovych, communication officer CWSS (CWSS Archive).

International Wadden Sea Team (IWST) representing the WWF and the Wadden Society and Seas at Risk, representing the green organisations around the North Sea.

This arrangement was confined to the TWG, not to SO and expert meetings. This continued to work until the WSB was established in 2010. We at the secretariat advocated the observership arrangement for some time for various reasons. First of all, we thought that

representation of NGOs at such meetings would help professionalize the work. It would raise national priorities and stimulate discussions of them within the TWG environment. It would require that NGOs would themselves deliver inputs of a certain quality and bring new viewpoints. Secondly, it was an important channel for communicating details of TWG work and thinking, though certain restrictions on confidentiality would need to be respected. Thirdly, it would require the nature conservation organisations to speak with one, trilateral voice, something that had been missing since the 1988 Ministerial Conference. It would constitute the only trilateral view next to the CWSS and therefore carry a substantial political weight.

In truth, it would have exceeded expectations if all three aspects had been fulfilled, optimally at the same time. As is the experience from such arrangements internationally, some of the decision making moved to other levels, such as the Heads of Delegation meetings or the meetings of the Representatives or was postponed to the SO meetings. The nature of the discussions changed. It dragged the organisations into discussions and, irrespective of the formalities, gave them a responsibility they would not have had otherwise. The organisations, and in particular the WST, contributed with many high qualitative written inputs and involved themselves in constructive discussions. It was e.g. on the proposal of the WST/WWF that the International Wadden Sea School (IWSS) was established as a joint project. Disappointingly, too many of the organisations were subdued in their reactions when they were met with government opposition to proposals, and the expectation that the nature NGOs would speak with one voice was wishful thinking. The divide that had become clear during the “Common Future”, and which also existed previously to the project, was never overcome completely.

In the WSB, the arrangement shifted. The NGO-observers were now labelled “Advisors”, four advisors, of which two represented the Wadden Sea Team, one from the Wadden Society and one from the German WWF. It became ever clearer that they represented slightly different viewpoints. One of the representatives often argued that precisely the difference in protection schemes and approaches had promoted a healthy competition that had allowed them to aim high. In fact, competition was absent. The working systems were just different.

This apparently legitimised taking different positions rather than seeking a common one. It was an illusion to believe that organizations could iron out their differences and not inherently represent their own interests. The NGOs retain responsibilities for national structures which they have not only contributed to but which are very much part of their identities. It was entirely naïve to think these differences would vanish once they were sitting at the same table. Overall, however, the contributions of the WWF and the Wadden Society have been, irrespective of the differences, invaluable for the development of the TWSC. They are an inherent part of its success. And for the CWSS, it is part of the job to be the only really trilateral institution.

Amazing Esbjerg 1991. Creating the Policy Framework

The three years between Bonn and the next Ministerial Conference in Esbjerg 1991 were pivotal for the TWSC. The Conference has been one of the two best for the Cooperation - so far, remarkable for the breadth of issues debated and farsighted political decisions taken. It determined the agenda for the Cooperation a generation ahead and was a breakthrough in terms of formulating a common policy and management regime for the Wadden Sea comprising principles, rules and procedures for those involved in protecting and managing the Wadden Sea as a shared transboundary nature area.

Part of the success was the use made of opportunities under other international conventions and cooperations, in particular the North Sea Conferences and the Ramsar Convention. In the nature of the Joint Declaration, the TWSC has been exceptionally good in using the opportunities which such international cooperations offer especially in this initial period. They helped define key future issues for the TWSC and contributed to profile-raising both externally and internally. Before I turn to more internal matters and preparation for the Esbjerg Conference, I will outline how we used the North Sea Conferences and Ramsar Convention and engaged with the IUCN on the global level.

By contrast, however, the TWSC never really succeeded in aligning the relevant European Union legislation, the most important tools for protecting and conserving the European environmental and natural heritage, with its own approaches and policies. Why is that and how can it be explained?

North Sea Conferences

The 2nd North Sea Conference, held in London 22-23 November 1987, some three weeks after I had assumed my job, was the first international conference I participated in. The London Conference was the most significant of the North Sea Conferences held in the

1980s and 1990s. It was an exciting conference which drew enormous attention from environmental NGOs and the media. Notable outcomes were the adoption of the precautionary principle, the agreement to use best available technology and especially the aim to reduce input of nitrogen, phosphorus, and toxic substances to the North Sea from rivers and land-based sources. It was a breakthrough for the protection of the North Sea.

The North Sea Conferences were a German initiative. In 1980, the German Council of Environmental Advisors had presented its report on the environmental problems of the North Sea and concluded that a successful environmental protection policy had to be based on the precautionary principle (“Vorsorgeprinzip”) implemented through international cooperation. The first North Sea Conference was held in Bremen 31 October-1 November 1984. The conference concentrated on pollution reduction from land and sea-based sources and improving the joint monitoring of the North Sea. The Wadden Sea was referred to as being an area deserving of protection, along with similar particularly sensitive coastal areas of the North Sea.

This statement was picked up by Germany to demand a last-minute addition to the agenda of 1985 Ministerial Conference. On a German proposal, a working group was installed to examine what had been done to implement the Bremen Declaration regarding the Wadden Sea and analyse what other adjacent North Sea states needed to do to protect the Wadden Sea against pollution. The working group did an excellent job. A joint statement was submitted to the 1987 London Conference in which a number of measures and requests were outlined on what the Wadden Sea states intended to do and what was expected of all North Sea states. The joint statement was welcomed by the North Sea states, but the most significant part of the Declaration was that it “endorse the shared responsibility of the North Sea littoral states to protect the Wadden Sea against pollution and to safeguard the reproductive capacity of these regions which are important for the living resources of the whole of the North Sea”.

The Conference was held in the QEII Conference centre in London and was opened by Prince Charles who made some bold statements which did not seem to correspond with the prevailing UK position. There was much at stake for Klaus Töpfer, the German Federal

Environmental Minister. It was his first major international conference, Germany had been the initiator of the conferences, their fierce advocate and the public mood in Germany was that finally something substantial should come out of a conference, especially when it was held in a country opposed to the environmentally progressive mood in Germany. The outcome indeed seemed to satisfy the demands, it was a success for most of the countries of mainland Europe, including the Wadden Sea states and it set the bar for forthcoming conferences.

The secretariat had had no stakes in the success with regard to the Wadden Sea, and I had little notion of what the Conference was about, other than it was an issue which the TWSC should continue to be involved in, and that the CWSS should have a coordinating role.

The next North Sea Conference was scheduled for the Netherlands in 1990 and in preparation for the 1988 Bonn Ministerial Conference, papers were produced on the countries' views of the implementation of the London Declaration and an analysis of pollution affecting the Wadden Sea. Discussions at Bonn had centred largely on agricultural input. The Schleswig-Holstein Environment Minister Heydemann hit on a delicate subject when he pointed to the importance of reducing the input of nutrients from agriculture. This was apparently directed at the Dutch Minister Braks who had to agree to a 50% reduction figure being inserted in the decision paper. Until then the target had been vague. It was agreed that a joint working group should elaborate a Joint Statement to the 3rd North Sea Conference on the basis of what had been presented at the Conference.

The negotiations leading to the 3rd North Sea Conference, at which I participated, were more technical and detailed than those in London, it seemed. It was about consolidating and extending the achievements of London's broad statements. Eventually, the initial draft of the North Sea Ministerial Declaration became so bloated with technical proposals that it was difficult to discern the political relevance of it and the Dutch chairmanship, at a very late stage, decided to produce an entirely new, abbreviated draft. It could have gone wrong, but fortunately it was timely.

In addition, work on a new Joint Wadden Sea Statement was not without contentious discussions. It eventually side-stepped the most tricky policy difference between the Wadden Sea states. The

Netherlands was strongly against the German proposal, supported by Denmark, to declare the North Sea a Special Area according to Marpol I and II on the prevention of discharges of oil and chemicals by ships. Rotterdam was evidently the issue and the Dutch apparently feared that the international competitive position of the harbour would be at stake from such a measure. Eventually, a statement was agreed in which most of the proposals mirrored ongoing policies by the states themselves. It included, however, some significant commitments such as “the development of principles to end activities to gain new arable land in the Wadden Sea area by land reclamation”, a commitment which had never been laid down in a previous trilateral document, but which could be used in future policy development measures.

The Declaration from the 3rd North Sea Conference held in The Hague in March 1990 used similar wording to that adopted in the London Declaration two years earlier on the Wadden Sea with the difference that this time the Joint Statement as Annex 4 of the Declaration was “noted” against the more stronger “welcome” used in the London Declaration. It was the French who were opposed to “welcome” and Germany gave in by proposing the more neutral “noted”. Technically, nothing could be said against the French intervention because North Sea states could hardly be requested to take responsibility for what the Wadden Sea states themselves undertook in the Wadden Sea. However, compared to the London Declaration it was undoubtedly a devaluation of the Statement. Opposition by the French and others was probably also a political reaction to some of the progressive ideas of the countries around the German Bight.

Notwithstanding, the Hague Declaration included some significant decisions on the protection of habitats and species for the first time. This was an area which I believe the input from the Wadden Sea played a significant role. A Memorandum of Understanding on Small Cetaceans in the North Sea was concluded, resulting in the adoption of the binding agreement under the Bonn Convention for this species for the North and Baltic Sea in 1993. It was similar to the Seals Agreement concluded a couple of years earlier. It was also agreed to investigate the possibilities of using beached oil pollution victims among seabird and coastal birds as indicators of the effectiveness of measures taken on pollution from ships and offshore installations.

After the Hague Conference the dynamism of the North Sea Conferences faded. An intermediate conference devoted to fisheries and the environment was held in Copenhagen in 1993 and in 1995 the 4th North Sea Conference was held in Esbjerg, Denmark. But neither had the energy of the earlier events. The EU and the OSPAR Commission had taken over the more technical and legalistic work, as had been envisaged when the North Sea Conferences had been set up as a political collaboration.

However, one body created as the result of the London North Sea Conference became very important for the Wadden Sea. This was the North Sea Task Force, specifically launched to enhance scientific knowledge and understanding of the North Sea environment. Folkert de Jong actively participated in this Task Group, for most of the time assisted by Klaus Koßmagk-Stephan from the National Park Authority in Schleswig-Holstein. The primary achievement of the North Sea Task Force was the production of a Quality Status Report (QSR) for the North Sea. Initially, QSRs were produced for regions of the North Sea and on the basis of the regional QSRs an over-reaching QSR was produced. In 1993, one of regions was the Wadden Sea and for the first time we got the benefit of a fully fledged QSR. As we shall see, the regular QSRs which we produced came to play a central role in the TWSC.

With the intermediate Copenhagen Conference in 1993, the North Sea Task Force terminated as it had done its job. CWSS work became less centred on the North Sea Conferences and concluded with the 1995 Conference. The goals we had set, of profiling the Wadden Sea and our work in a North Sea context, to strengthen our profile internally and externally, had been accomplished.

Ramsar Convention

Another international platform which was important in the initial years was the Ramsar Convention. Its terms constituted one of the central legal instruments for the TWSC, and for the Convention's proponents, the Wadden Sea had something to offer in return. It was one of the most significant intertidal wetlands inscribed on the Ramsar List with an unparalleled international dimension in terms of its significance for migratory birds and also because it was one of

the initially few transboundary wetlands of international importance. The Lower Saxony part had already been listed in the mid-1970s. The Dutch part was listed in 1984, on the occasion of the Conference of the Contracting Parties in Groningen. Denmark followed suit in 1987, relatively late because all other wetland areas in Denmark had been listed already. However, the Wadden Sea had been set on hold to await the conclusion of the reclamation of the foreland of the Tønder marsh, in connection with the advanced dike, as mentioned earlier. With the listing of the Hamburg Wadden Sea in 1990 and the Schleswig-Holstein part in 1991, practically on the date of the 1991 Esbjerg Conference, the whole of the Wadden Sea was now listed as a Wetland of International Importance.



Peter Bridgewater, secretary general of the Ramsar Convention (in the middle), Jens Enemark (left) and Holger Wesemüller on the occasion of the 25th anniversary of the Cooperation, 2003 (CWSS Archive).

The wise use concept was a further central issue of the Convention and had been discussed at the 1988 Bonn Ministerial Conference. The outcome had been somewhat disappointing, but it was also agreed that the TWSC should actively engage in raising this concept at Ramsar Convention conferences. It provided an opportunity for the CWSS to be actively involved at those conferences. At the Ramsar Conference in Regina in 1987, it was decided to have the wise use issue discussed at the next Conference in 1990 in Montreux, Switzerland. A working

group had been created to study how the criteria for the identification of Ramsar sites should be elaborated and the wise use provision be applied. A report of the work group was scheduled for discussion. It was agreed in the context of the TWG that the TWSC should also contribute. Rob Uytterlinde from the Dutch Ministry of Agriculture elaborated a paper which was agreed at TWG level and I should present in Montreux. The paper was apparently inspired by the discussions over the development of the new Directive which later became known as the Habitats Directive. It set out the underlying principles for conservation and wise use of the Convention and how this was interpreted in the Wadden Sea context. These principles later became those of the Esbjerg Declaration, namely careful decision making, avoidance, the precautionary principle, translocation, compensation, restoration, best available technology and best environmental practises.

The paper was largely ignored at the Montreux Conference. One reason was that it was delivered too late to be seriously recognized within the working group. The main reason was, however, that it was largely irrelevant to most of the Contracting Parties. The Norwegian chairman of the working group did not want to discuss visions and abstract guidelines. He wanted to discuss what was paramount for the Eastern European and developing countries, namely to what extent could wetlands be used for the livelihood of the local people. Subsequently, the Montreux Conference adopted some rather insipid guidelines for the implementation of the wise use concept. As a result, a project was set up under the Convention's secretariat, financially supported by the Netherlands, to study how the guidelines could be implemented. The outcome of this exercise was scheduled to be considered at the 1993 Ramsar Conference in Kushiro, Japan.

Within the Ramsar project, a number of sites including the Wadden Sea were invited to deliver reports on how the wise use concept was translated into action. These reports were collated and discussed at an international workshop on Texel in September 1992, and its outcome reported to the Kushiro Conference. An unspectacular and unambitious '[A]dditional guidance for the implementation of the wise use concept' was adopted by the Contracting Parties. It proposed strengthening "international cooperation between developed and developing countries, or those whose economy is in transition, for the

implementation of the wise use guidelines and additional guidance, and of appropriate project activities”. It was of little relevance in the Wadden Sea context where the discussion had advanced in quite a different direction, as we shall see later.

It was also a clear sign that the Ramsar Convention had drifted away from having focus on conservation issues in the direction of sustainable use, with emphasis on use. There was also no willingness within the three states to consider aligning the boundaries of the listed areas, let alone presenting the Wadden Sea as one transboundary Ramsar area. This was far too sensitive during the discussions on the implementation of the Habitats Directive and the nomination of the Wadden Sea as a World Heritage property. This only became possible once the Wadden Sea had been inscribed on the World Heritage List. The Convention therefore lost its relevance for the TWSC. I participated in the Ramsar Conferences during the initial years, but it was more to keep abreast of what was going on in the international conservation community and to nurture networks. The last one I took part in was the Valencia Conference in 2002, but only for a few days and with the specific aim of networking with the Koreans.

World Parks Congress

Every decade, the IUCN holds what is called a World Parks Congress for nature conservationist from all over the globe to discuss the role of protected areas in biodiversity conservation and sustainable development and to set standards for effective protection. The first World Parks Congress was held in Seattle in 1962. I participated in the 3rd Congress, in Caracas, Venezuela in 1992. It was devoted to global change and protected areas and how protected areas could be managed effectively. The whole conference took place under quite tense circumstances. A coup d'état had been attempted a couple of weeks before by the later-president Hugo Chavez, and security measures were extreme.

The Wadden Sea was invited together with six other major protected areas worldwide, including the Great Barrier Reef and the Serengeti, to share its experiences and perspectives on conservation and international collaboration, in key presentations to an audience of more than 400, at the end of the conference. It was recognition of

the global importance of the Wadden Sea, its unique transboundary cooperation, and its advanced state of conservation. Peder Agger, who was the outgoing chairman of the TWG, Holger Wesemüller from WWF, Germany and I made an oral presentation of our achievements, supported by traditional slides. In contrast to most of the other sites, which had made beautiful video presentations, ours felt a bit amateur and relaxed - but we managed to convey our central messages that transboundary cooperation on shared systems is not only necessary but also highly beneficial, and that the involvement of NGOs is a precondition for effective management.

The next World Parks Congress was held in Durban, South Africa, in September 2003. The overarching theme was “Benefits beyond Boundaries”. The key issue was how protected areas could contribute to the welfare of societies outside their boundaries. It was, I believe, the first time the economic value of conservation was at the forefront of a wide-ranging global conservation meeting. In advance of the meeting, an international workshop on coastal and ocean management had been held in Baltimore in July 2003 in association with the biannual Coastal Zone Conferences in the US. The workshop was organized by the National Oceanic and Atmospheric Administration (NOAA) in collaboration with the UNESCO Intergovernmental Oceanographic Commission with participation from many coastal protected areas around the world. The workshop was chaired by Charles Ehler, director at NOAA, who together with Fanny Douvère later became known for his pioneering work on marine spatial planning. The workshop resulted in the invitation to present the Wadden Sea case at a workshop organized by NOAA at the Durban Congress, along with presentations of the Great Barrier Reef and other international renowned conservation initiatives, a bit similar to the 1992 format. This undoubtedly reinforced the position of the Wadden Sea as one of the most prominent conservation initiatives both in its national contexts and as a model for transboundary cooperation on a shared coastal wetland system.

The presentation of the Wadden Sea case at the two World Parks Congress was unsatisfactory, in spite of what it had to offer to the international conservation community and the recognition and reputation it enjoyed globally. The Wadden Sea partners never showed

any real interest in furthering such initiatives or using them within the TWSC. Part of the explanation is surely that the partners were not aware of the prominent position occupied by the Wadden Sea within the global conservation community, and there was uncertainty as to what the Wadden Sea case had to offer. The primary reason meetings of this sort never caught the attention of our Wadden Sea colleagues was that their relevance for the national and regional Wadden Sea management agendas was unclear, and we never managed to convey that relevance. The partners were apparently also quite happy with the role of the CWSS. The CWSS never received a full and clear mandate to represent and promote the Cooperation at international meetings, so they were never entirely satisfactory occasions. First and foremost, the CWSS brief was to use the meetings to engage with a global community and draw on experiences gained elsewhere.

Participation at the North Sea Conferences and the Ramsar Convention meetings enabled us to make effective use of the obligations and guidelines which relevant international conventions and cooperations had to offer the Wadden Sea. It also helped establish and reinforce transboundary cooperation. In this regard, the Wadden Sea is one of the best examples worldwide. The ultimate recognition of this was when, after many years of preparation, the Wadden Sea was finally inscribed on the World Heritage List, crowning the efforts to protect and manage it as one, inseparable ecological system with a global significance well beyond its confined boundaries. I shall return to this later.

European legislation

Why was the TWSC in reality never successful in coordinating the implementation of relevant European nature and environment protection measures for the Wadden Sea as a whole? In an article on marine transboundary conservation and protected areas from 2016, I have briefly outlined what I see as the causes for failure to align the way in which European legislation is implemented throughout the Wadden Sea.

The Birds Directive, the first piece of European legislation in the field of nature conservation, was explicitly mentioned as one of the legal instruments in the 1982 Joint Declaration. Though the Joint

Declaration does not call for coordinated implementation of the mentioned legal instruments but “to consult each other in order to coordinate their activities and measures to implement them”, it is to all intents the expected outcome. There were however hardly any consultations of the Joint Declaration on either the delimitation of the Special Protection Areas (SPAs) or on the content of the designations.

Consecutive Ministerial Declarations from 1991 on, in various almost incantatory fashion, called for a coordinated or synchronized, or whatever phrasing was used, implementation of relevant legislation, being the Birds and Habitats Directives, the Water Framework Directive (WFD) and the Marine Strategy Framework Directive (MSFD). It started with agreement at the 1991 Esbjerg Conference to establish a coherent special conservation area, as the Habitats Directive phrased it, covered by a coordinated management plan. The implementation of this agreement failed on the Birds and Habitats Directives but was a basis for the later development of the Wadden Sea Plan (WSP). The designation of the Natura 2000 areas was undertaken on a national basis, and the coherency which has been achieved over the years of the current Wadden Sea Natura 2000 areas is mainly the result of interventions by the European Commission and decisions of the European Court of Justice.

The MSFD makes it possible to designate sub-divisions of marine areas and facilitate further cooperation between member states in shared marine areas. This would have been an opportunity to designate the Wadden Sea as a sub-division and help coordination and further cooperation under this directive. It could have built momentum to work towards a uniform, harmonized implementation of all relevant EU legislation including the previously mentioned directives. The Netherlands, however, has chosen not to apply MSFD to its marine waters within the three nautical sea miles and the opportunity for the TWSC cooperation to operate in a coordinated way has been lost.

The TWSC and European legislation operate on entirely different levels and harmonization of implementation is not straightforward. The European legislation is directed at the member states which have a degree of discretion. The directives are legally enforceable through the legal system of the European Union, in particular through decisions of the European Court of Justice. The differences in implementation

between Wadden Sea member states cannot therefore be overcome by an act of political will, as some would assume.

In 2010, a review of the implementation of Natura 2000 measures in the Wadden Sea concluded that substantial achievements in collaboration and harmonization had been achieved - to such an extent that further progress on specific features and objectives for conservation was deemed unlikely. It was decided that efforts should therefore be switched to practical collaboration. The recommendation to develop a Natura 2000 roof report for the Wadden Sea, similar to that required by the WFD for the joint water bodies and attached to the national reports turned out to be difficult. The two “systems” are simply not compatible.

We should accept these incompatibilities and not spend unnecessary time and resources on harmonization. Rather we should nurture the strengths, compatibility, and mutual reinforcement of the two “systems”. The European legislation has great merits in that it is legally enforceable and provides a firm foundation for Wadden Sea conservation. Let us also not forget that two decisions by the European Court of Justice related to the Wadden Sea, the Leybucht decision and the decision on cockle fishery, were instrumental in establishing and interpreting Art. 6 of the Habitats Directive, the absolute key article of the Directive, specifying the conditions under which assessments must be carried out and activities and projects allowed to go ahead.

The TWSC is a political cooperation across boundaries that brings to the fore the need to protect and manage the Wadden Sea as an ecological entity. The quality of its work is dependent on each single political and management entity having responsibility within that area. The TWSC’s goal is to mobilize each of those separate resources and foster a willingness to make this come about, so that the “systems” can support, reinforce and complement each other.

Preparing the way for Esbjerg 1991. Nature managers meeting

1989, the year after the Bonn Ministerial Conference, was devoted to practical work. The Danish chairmanship was keen to deepen the cooperation and a very fruitful and constructive cooperation developed between the chair and the CWSS. Peder Agger, head of unit at the Nature and Forest Agency of the Ministry of the Environment, became the chairperson of the TWG and it was with his unequalled knowledge

and inspiring and visionary approach that we were able to make the next three years defining years for the TWSC.

One of the first things we were involved in was the organisation of the next nature managers meeting on saltmarshes, as had been agreed at the Bonn Conference. The first nature managers meeting was held on the island of Neuwerk in October 1984, on the invitation of Germany. It was specifically targeted at Wadden Sea “experts in nature management” or “technical managers”. The format for the meeting was quite broad and various issues relating to how to organize nature management and the transboundary exchange of information were discussed. One should not forget that this was in the infancy of coordinated nature protection of the Wadden Sea as a whole. The Dutch and Danish Wadden Sea nature protection schemes had been established just a few years earlier and Germany was in the process of establishing its national parks. The recommendations of the meeting were submitted to the 1985 the Hague Ministerial Conference.

The Conference agreed that such meetings should be held regularly but not on an annual basis as the recommendation implied. The recommendation to establish a central management body within each of the protected areas was slightly beyond the mandate of the managers’ meeting, the Conference noted, but was welcomed as a valuable contribution. The final recommendation, to devote the next meeting of the nature managers to salt marsh management, was approved in principle but put on hold until further notice. Because of the ongoing debate at the time around what would become the last major embankments of the Wadden Sea - at e.g. Nordstrander Bucht and Fryslân Buitendijks, the latter which was averted by a decision of the Dutch administrative court - this was far too sensitive an issue to be left to nature managers. At the time, it also became superseded by a major conference on salt marsh management which WWF organized in Hamburg in August 1986 on the occasion of the International Wadden Sea Day. This conference brought together a wide range of conservationists and managers for the first time and produced an overview of salt marshes and their protection and management in the entire Wadden Sea. The WWF Wadden Sea Day signified a major breakthrough politically on the importance of salt marshes and their management.

It was three years before the next managers meeting was held. On the first meeting of Senior Officials in December 1986, the Dutch proposal to hold a meeting on the island of Schiermonnikoog to discuss nature management and recreation was welcomed. The meeting was held in September 1987 in the town hall of Schiermonnikoog with some 50 Wadden Sea managers and experts from the three countries. It was an excellent conference, but the most vivid memory of most participants was the terrifying thunderstorm which hit them during the excursion to Engelsmanplaat! A group was taken by surprise by the thunder and lightning during the walk on the sand flat from the boat to the bird watching hut. They had to dispense with any metal fixed to their bodies, such as watches, and fall flat on the sandflat for several minutes to avoid attracting the lightning. It was a frightening experience, and it could easily have been the last nature management meeting for some.

Two further nature managers meetings were held, one in 1989 on the island on Rømø, on salt marsh management, and one in 1991 on the island of Norderney, on dune management. An extraordinary workshop on enforcement and wardening was held the same year on Rømø. They were all organized by national authorities but in cooperation with the CWSS and, unquestionably, delivered very valuable input to ongoing discussions on trilateral level and showed the rapid change in perspectives on nature protection and management which had happened in a very short period. The salt marsh management conference on Rømø resolved in particular that natural processes should be allowed to take place. It was added, however, that the limits should be determined by the need for coastal protection. Notwithstanding this, it was one of the first times that the natural processes approach was mentioned so explicitly in a trilateral context. Other issues discussed were limitation of land reclamation, removal of summer dikes, and extensified grazing, all contentious issues around 1990. These discussions demonstrated that a rapid transformation of viewpoints towards more conservation and more natural management was under way.

The Norderney Conference in 1991 became the last in the line of nature management conferences. There were of course many more meetings in which managers, scientists and NGO-representatives

were involved, but never in the context of a structural programme specifically targeted at management issues and managers. As in any organisation, we at the CWSS had to set priorities and moreover, I was personally not convinced of the effectiveness of such conferences because the discourse at the meetings was governed very locally and what we needed at the time was an overarching approved policy framework on how to protect and manage the Wadden Sea as a whole. This was only partly achieved by those conferences.

We did therefore not press for their continuation. In hindsight, this was a wrong choice because we lost the local managers along the road. They became distanced to the trilateral work because they had increasing difficulties in seeing the relevance to their daily management of the very politically driven work of the TWSC. The nature management conferences were there precisely to give managers a structural voice in the cooperation and once they were terminated it was difficult to reinstate them. This would have been at the cost of other activities and would have led to the questioning of the other priorities we had set. The consequence was, regrettably, that the managers as a target group were insufficiently involved in trilateral matters and did not form the supportive group they should and could have done. On the contrary, they often complained that trilateral policies and measures were not relevant or even counter-productive in their daily jobs.

Whilst the nature management conferences had been mentioned in preceding Ministerial Conferences, the ones on Rømø and Norderney were not specifically mentioned in the 1991 Esbjerg Declaration. In part, this was because their recommendations became an integral part of the overall policies on salt marsh and dune management, adopted at Esbjerg. It was also a sign of the diminished importance of the managers' conferences. Nevertheless, the common standards for wardening that were set out at the Rømø workshop became an integral part of the Esbjerg Declaration as Annex 1, being the only annex to the Declaration. This probably happened to address a pressing political issue at the time, rather than for any practical operating guidance.

Monitoring and research

A speedy start was made on a number of the other agreements of the 1988 Bonn Ministerial Conference. Just a couple of weeks before

the Bonn Conference, the 6th International Scientific Wadden Sea Symposium (ISWSS) had been held in List, Sylt, devoted to the monitoring of the Wadden Sea. The Bonn Conference was able to respond positively to one of the primary recommendations of the symposium, namely, to develop a joint monitoring programme for the entire Wadden Sea. A working group with the additional participation of the National Park Authorities of Schleswig-Holstein and Lower-Saxony was quickly installed in May 1989. It was chaired by Karsten Dahl of the Danish Forest and Nature Agency and myself as the secretary, who had absolutely no knowledge of monitoring, tasked to design such a joint monitoring programme.

It took a very pragmatic approach by attempting to find a common denominator of existing programmes within the Wadden Sea and then build a common programme, which would allow for a staged expansion, taking account of the development of the various regional programmes. Since the monitoring programmes at that point were not fully developed and showed many gaps, the proposal of the working group was less than perfect. There was no real agreement on whether it was necessary to process the data in a uniform manner, only that some sort of harmonization should be undertaken. It was suggested that the CWSS should be made responsible for the data processing. At that time, however, very few institutions, such as the Research Institute at Geesthacht, had sufficient capacity to process large volumes of data.

The proposal, which was submitted to the 1991 Esbjerg Ministerial Conference, was turned down in the first place because of mounting resistance in Germany which was in the midst of large-scale environmental research for the Wadden Sea area, the Ecosystem Research Programme. The Germans felt any future monitoring plan for the Wadden Sea had to be seen to draw upon the findings and conclusions of the programme to justify its expense. The working group proposal did not meet expectations in that regard.

Whilst the instalment of a joint programme at this stage was largely a failure, substantial progress was made on individual programmes. Following the 1988 ISWSS and the Bonn Ministerial Conference, a major seals research project was launched to study population dynamics in the wake of the 1988 mass mortality as mentioned earlier. It resulted in the setting up of the excellent monitoring programme and

the formulation of an overall conservation and management plan for seals. The monitoring and assessment programme proved to be world class, producing some of the best information on marine mammals in the world. This would not have been possible without the excellent collaboration of the relevant scientific institutes in the countries. Peter Reijnders of the Dutch institute at Texel was the leading scientist in setting up this programme and responsible for the annual assessment of the data which were published by the CWSS.

Also, huge progress was made on breeding and migratory birds monitoring. On the initiative of the National Park Authority of Schleswig-Holstein and Bettina Reineking, a meeting was held at the CWSS in December 1989 with breeding bird monitoring specialists and researchers from the three countries with the aim of formulating a joint monitoring programme for the entire Wadden Sea. This was followed about a year later by a similar exercise for migratory birds with Hans-Ulrich Rössner, WWF, Germany, being involved in the ecosystem research in this field in Germany, as the leading proponent. Both programmes, together with the seals programme, became the piloting monitoring programmes within the later Trilateral Monitoring and Assessment Programme (TMAP). Without doubt, both programmes belong to the leading monitoring programmes for breeding and migratory birds worldwide, producing some of the best knowledge available on developments and trends on coastal birds.

The collaboration on migratory and breeding birds involves an enormous number of experts from the three countries supported by hundreds of voluntary counters without whom the monitoring would simply not have been possible. It is impossible to single out individual experts. You will find those as authors and counters in the regular trend reports published in the Ecosystem series by the CWSS. The bird expert community is among the most active and dedicated groups within the TWSC, and without their outstanding expertise and thorough knowledge, we would not have been at the forefront of coastal bird research. Since the inscription of the Wadden Sea on the World Heritage List in 2009, the bird programmes have been extended with the Wadden Sea Flyway initiative resulting in a wealth of information on trends. Bettina Reineking and later Gerold Lürßen were the coordinators, the steady anchors of the programmes and

guarantors that the results were produced and utilised at the trilateral level.

The development of trilateral bird monitoring and the collaboration around migratory and breeding birds are of such significance that in my view the history should be written separately.

Wise use and Guiding Principle

In August 1990, Folkert de Jong commenced working at the CWSS as first deputy secretary. Being responsible for ecosystem management, he took up the task of providing the TWSC with a more strategic basis for its future activities which he outlined in the report “Wise Use and Conservation of the International Wadden Sea”, later published by the secretariat in 1992 and outlined in an article in the *International Journal of Estuarine and Coastal Law*, 1992. He expanded on the outline that had already been developed for the Ramsar Montreux Conference in the summer of 1990.

The 1988 Bonn Ministerial Conference had agreed to develop common approaches to the wise use and the conservation of the Wadden Sea. At an SO meeting in 1990, it was agreed that the main objective of the 1991 Ministerial Conference should be to consider the Wadden Sea as a whole and “take such common actions as may be required to safeguard a sustainable development of the international Wadden Sea”. The report was central to developing the basis for the Ministerial Conference.

Moreover, the wise use report was pertinent to the discussion which literally raged across the Wadden Sea about environmental quality objectives and references. This discussion was in essence about what direction the Wadden Sea conservation should take. The real achievement of the report was to bridge the different regional approaches and weld them into one comprehensive approach to Wadden Sea protection and management. It still forms the basis for the TWSC.

This is not the place to go into detail on the discussions of the environmental quality objectives and reference situations. It was an attempt to politically define what a healthy Wadden Sea should be and set nature conservation objectives and standards that could serve as guidance for policy makers and nature managers. The best-known

model in this case is probably the Dutch “Amoebe” model which was developed within the Dutch Ministry of Transport, Public Works and Water Management. It set out quantitative objectives for a number of biological indicators based on data from 1930. The year was a time at which it could be assumed that human influences in the (Dutch) Wadden Sea were relatively minor, but at which there was also sufficient data available to assess the ecological state. The model determined that a good ecological status could be declared if indicators measured in 2010 fell within 150%-90% of the reference values set in 1930. The Dutch Institute for Nature Management on Texel, however, favoured a more qualitative approach. The institute argued that quantitative objectives for dynamic systems like the Wadden Sea were not feasible and the 1930 data were not as indisputable as they were made out to be. Quality objectives were also discussed in Germany. A report by the Schleswig-Holstein National Park Authority in 1990 looked at the issue in the framework of the ecosystem research mentioned above. The report set out quality objectives and standards not only for biological effects and abundance but also for human activities and interventions.

On the basis of the analysis of these and other national and international approaches, the wise use report set out a reference ecosystem using baselines for chemical, hydrodynamic and geomorphological conditions, culminating in a proposal for intermediate and ultimate goals.

The report was positively received by the TWG and it was agreed to discuss it with a broad selection of experts from the three countries at a workshop, which was held at the CWSS on 11-12 April 1991. The objective of the workshop was to “start a process of harmonizing the various approaches in the three Wadden Sea countries for the development of systems for the assessment of ecosystem quality”. The central task was “to develop a common Guiding Principle for the desired future of the Wadden Sea ecosystem”. The workshop was one of the most important held under the auspices of the TWSC.

There were heated debates amongst the participants. The Amoebe-model approach, which had a prominent place in the discussions, was basically discarded, though the participants did not fully dismiss the quantitative objectives option. The “common Wadden Sea policy

should be based on a set of common verifiable political targets on the desired ecological quality”, as the report from the workshop stated. The most important outcome was the consensus on a guiding principle for a “trilateral Wadden Sea policy” which “should be to achieve a complete, natural and sustainable ecosystem in which natural processes proceed in an undisturbed way”. This was very much in agreement with the suggestion contained in the wise use report with the addition of “complete” and “natural” because it was felt that “sustainable” was too narrow - or broad for that matter - to cover the defining features of the Wadden Sea. Political targets had to be developed strictly along the lines of this guiding principle, the workshop concluded.

The proposal for a guiding principle was discussed a couple of months later at a TWG heads of delegation meeting in Hamburg preparing the first draft of the ministerial declaration. It was included in the draft declaration with one amendment, namely, to skip “complete” and insert “as far as possible”. Though it was a guiding principle and not a policy objective in itself, it was probably felt that the originally proposed text could be interpreted as a political commitment. The adjustment did not in any way reduce the importance of the principle. It was also agreed at this meeting that ecological targets should not be set now, but between the forthcoming and the next Ministerial Conference in 1994. An agreement was included accordingly in the draft declaration for the forthcoming Ministerial Conference.

And with that, the Guiding Principle - now with capitals - was adopted without reservation at the 1991 Esbjerg Conference. Supportive riders were added on maintaining, improving and safeguarding the natural features of the Wadden Sea, together with a set of management principles which had been basically agreed in the earlier Montreux paper. The suggestion to develop a set of common ecological targets towards the 1994 conference was also part of the 1991 Declaration. It was a huge success, and its significance can barely be overstated. It defined a coherent approach and a common political direction which had been lacking to that point, and it laid the basis for almost all future policy and management initiatives.

This achievement can largely be ascribed to the work of Folkert de Jong, who managed to combine various approaches into one comprehensive and convincing one. It remains the baseline of the

TWSC to the current date.

Another advocate of the Guiding Principle throughout his lengthy career in the Wadden Sea was Bernd Scherer, then employed at the Schleswig-Holstein National Park Authority and later its director. The Schleswig-Holstein Wadden Sea National Park Act 1985 already included as its central objective the protection of the natural processes of the National Park. He was important in another respect. He was part of the support team in the “Common Future” project mentioned earlier and, so to speak, the liaison between both. That compounded the strength of the message.

Contents and contexts

The wise use and guiding principle approach work was not the only work ongoing to substantiate the work for the TWSC. After the 1988 Bonn Ministerial Conference, we produced a report on air traffic flight activities in the Wadden Sea, both civilian and military. It was the first work report done by the CWSS. It was an issue which was politically not very contentious in the sense that disturbance from such an activity was limited, but it was also a test case for how far we could go in reporting and recommending common approaches. The report was well received, also because it attempted to collate state of the art information on the activities and the knowledge on the disturbance effects on the Wadden Sea environment. Its recommendations were largely included in the 1991 Esbjerg Declaration both on civil and military air traffic.

Within the seals project, co-financed by the European Commission, the Seals Experts Group worked hard to draft a seals management plan that would sit within the Seals Agreement which would come into effect around the 1991 Esbjerg Ministerial Conference. Led by Bettina Reineking, a comprehensive inventory of the conservation status was prepared, collating all relevant information for the Conservation and Management Plan for the Wadden Sea Seal Population, as it had been officially dubbed. As mentioned earlier, the plan basically consolidated existing national policies but it succeeded in setting out some general principles around conservation and seal capture and it assigned specific scientific institutions and nursery stations as the central actors in the Plan.

Another issue which was heavily debated around 1990 was blue mussel and cockle fisheries. The Dutch dominated the Wadden Sea mussel fishery and increased prices led to stocks being overfished, firstly in the Dutch part and later in both the German and Danish Wadden Sea, where it was largely unregulated. It was clear that there was a common conservation issue to be addressed.

A joint work group was established in 1990 to study the effects of blue mussel fishery and to come up with policy recommendations for a common approach. Because of the sensitivity of the issue, conservation organisation representatives and fishery experts were included within the work group. The group drafted the first comprehensive overview of the issue for the whole Wadden Sea and came up with some remarkable and precise recommendations. It recommended closure of large intertidal and subtidal areas of the Danish Wadden Sea for wild mussel fishery, which was the only part of the Wadden Sea where this took place. In the Dutch and German parts of the Wadden Sea mussel fishery is based on relocating seed mussels to culture lots from where they will be fished when they have reached an appropriate size. The report recommended confining this seed fishery activity to subtidal areas only, with no further expansion of culture lots or introduction into new areas. Finally, it recommended that the import of mussels from areas outside the Wadden Sea should be prohibited and the harmonisation of regulations within the Wadden Sea. These recommendations all found their way into the Esbjerg Declaration albeit in a slightly weakened state as a result of political discussions.

Developing the information basis

The actual preparation of the Esbjerg Conference started in the winter of 1990/91. The TWG had determined that instead of producing national reports, one overview report would be published. This would not only include an overview of the different protection regimes and the progress achieved since the 1988 Conference but also encompass a quality status assessment of the Wadden Sea and a report on the effects of human activities. The quality status section of this “development” report was drafted under the eyes of the Wadden Sea Assessment Group, established specifically for that purpose and comprising representatives of the responsible national agencies and the National

Park Authorities in Germany, whilst the status and effects of human activities was drafted by the CWSS.

The Dutch Tidal Water Division of the Ministry of Transport, Public Works and Water Management collated all the data on pollution and produced the maps and tables of the various pollution sources within the regions of the Wadden Sea for the Assessment Group. It was the first time a consolidated, jointly assessed overview had been available, and it was Joop Bakker from the Tidal Division who put much effort into producing it, a huge accomplishment which the CWSS would have been unable to produce on its own. Joop Bakker continued to produce the pollution overviews for the Quality Status Reports that followed. The maps for the report were produced by the Schleswig-Holstein National Park Authority as an act of goodwill towards the Cooperation. GIS maps of the entire Wadden Sea did not exist at that time, and it would have been practically impossible for the CWSS to produce them, so it was a much-appreciated joint effort of authorities and colleagues.

The report, remarkably, also included a chapter on climatological changes and the possible effects of sea level rise and increase in temperature on the Wadden Sea before this was considered an issue in a political context. The estimates of the report do not significantly deviate from current predictions. The report also looked at the Wadden Sea in the context of the East Atlantic flyway, establishing the need to look at the flyway as part of the migratory bird conservation strategy which later became a cornerstone of the TWSC after the inscription of the Wadden Sea on the World Heritage List.

The Development Report was an important new creation. For the first time a complete overview of the entire Wadden Sea was given in the context of the TWSC. Furthermore, it served as pilot for the later Quality Status Reports which came to play an essential role in substantiating the role of the TWSC. Obviously, it all contributed to reinforcing and strengthening the role of the CWSS as the central information and coordination body.

On the basis of the development report, an Assessment Report was produced. It was an idea which we had copied from the 1990 North Sea Conference and was intended from a policy standpoint to define the political issues that should be addressed at the Conference. It was

an attempt to link the information database to political decisions and so foster a wider understanding of how those decisions came to be reached. It is in itself a sensible idea, but such a document not only works to define the issues, it also works the other way around. In a ministerial context there can be no “light” between what is ultimately agreed and how it has been defined, and the negotiation processes seek to erase any actual or conceived differences. In this case it turned out to be better than expected. It had been uncharted territory. However, in subsequent assessment reports, all controversial issues were removed, and the documents became quite meaningless and lost their function.

Drafting a declaration

The start of drafting a declaration was a challenging one. The idea of drafting a declaration for the 1991 Ministerial Conference to include all decisions by the ministers in one document was a new invention. It differed from previous conferences, where each of the political discussion points was a separate agenda item, and each agenda item carried with it a background decision document. This format would not work when the conference was tasked with agreeing an overall political framework for protection, conservation, and management. The TWG was reluctant to follow the CWSS proposal for drafting a declaration, but Ben van de Wetering, who had been secretary of the 1990 North Sea Conference, supported the idea in a TWG-meeting and referred to the declarations of the North Sea Conferences.

The secretariat was authorized to start conceiving a framework and the declaration of the 1990 North Sea Conference served as the model. At the next meeting of the TWG mid-April, at the vacation resort of the former DDR-government on the island of Vilm, which during the reunification process a year earlier had become the ownership of the German Federal Nature Agency, members were still reluctant to produce guidelines, objectives and policies. They were apparently anxious about the political implications or incapable of overseeing the consequences, and because of the distance both the German and the Dutch head of delegation were absent. It was decided to leave setting out the further line to the heads of delegation. It gave us time to visit the island which had been left in an almost natural state for centuries and allowed us to roam the landscape of the Mönchgut with the head

of the department of the Vilm Institute.

The heads of delegation meeting took place in Hamburg at the beginning of June as mentioned above. In the ensuing three-day



Esbjerg Conference 1991: Klaus Töpfer (Germany), Per Stig Møller (Denmark), and Dzsingisz Gabor (the Netherlands) (from left to right) (CWSS Archive).

meeting of the TWG at Groningen at the beginning of July a full-fledged draft declaration was agreed and over the coming months it was used in inter-ministerial consultations. The draft covered the common principles for management including the Guiding Principle, all relevant human activities with an impact on the Wadden Sea, monitoring and science cooperation, and cooperation with respect to other relevant international agreements and organizations. Never before had a conference covered such broad and diverse subjects.

Esbjerg Conference

When the ministers met, on 13 November 1991, in Esbjerg, there were still a number of issues left for them to decide on. The Danish Minister for the Environment Per Stig Møller, chaired the Conference and his German colleague Klaus Töpfer, and the Dutch State Secretary for Nature Management Dzsingisz Gabor, were also in attendance. For the first time governmental (GO) and inter-governmental (IGO) observers also attended. Michael Smart, Assistant Secretary General

of the of the Ramsar Convention attended. Through his many years with the Convention and before that for the International Waterfowl Research Bureau, later to become Wetlands International, he was very familiar with the Wadden Sea. He had conducted a monitoring mission on the Leybucht embankment the year before where I had accompanied him. The Leybucht had been placed on the Montreux record at the Convention meeting just a few months earlier to enable further reporting regarding possible violation of the Convention.

Michael Schofield, Director of the East Region of English Nature, the nature conservancy authority for England, was a further observer. Shortly before I took office in Wilhelmshaven, in my function as acting secretary for the Dutch Wadden Sea Coordination Commission, I met a delegation from The Wash. The Wash, located on the North Sea coast, is England's largest tidal area and comparable to the Wadden Sea, albeit much smaller. There are links e.g. through seal and bird migration between the Wash and the Wadden Sea. There was definitely an interest in information exchange on both science related issues and practical conservation and management experiences. It resulted in a Memorandum of Intent being signed at the Conference which initiated a number of projects on staff exchange and mutual participation in workshops and conferences. It was the first of a series of Memorandum of Understandings signed later under the auspices of the TWSC.

Claus Stuffmann participated in his capacity of nature conservation director at the European Commission. I had visited him at the Commission a year earlier to liaise on Wadden Sea matters, especially regarding further co-financing beyond the seals project. On that occasion, I had also spoken to the Environment Director Laurens Jan Brinkhorst. Though the visit did not result in any further agreements, the Wadden Sea must have been an interesting case for the nature conservation department. The Habitats Directive was in its latest negotiation phase and Claus Stuffmann may have thought the Wadden Sea could showcase some of the strong elements of the Directive as a transboundary tool, since it was indisputably part of the network foreseen in the Directive.

Finally, there was a representative of the Soviet Russian government. Both a Russian as well as a representative from West Africa had been invited to signify the close relationship between the breeding areas of

the Arctic and the wintering areas of West Africa for migratory birds and therefore the need for cooperation. Germany, and in particular the Schleswig-Holstein National Park, already liaised with Taimyr, the breeding area of the Brent geese, and it was intended to extend it to the whole of the Wadden Sea in the middle and long term. No West African showed up, and the Soviet Union was dissolved about a month later. That was the end of flyway plans for the time being.

The attendance of the observers had a very positive impact on the conference. It confirmed the international context within which the Wadden Sea should be seen, and the observers were helpful on a couple of occasions in formulating amendments to the Declaration. Right at the beginning of the Conference, Germany proposed a new paragraph at the beginning of the draft Declaration which stated that “[T]he participants decide upon establishing a common protected area, ranging from Esbjerg to Den Helder, with the highest possible protection regime”. Though it was presented as a statement of intent, it was nevertheless an extraordinarily far-reaching and astonishing proposal, even in the positive environmental mood at that time. One may speculate why Germany came up with such a proposal. A similar but weaker proposal had been tabled at the 1988 Conference, so in that sense it could not come as a surprise. However, it clearly demonstrated that Germany, with its strong and profiled national parks (Hamburg had declared its part of the Wadden Sea a national park the



Danish delegation with Minister Per Stig Møller, chairman, at the Esbjerg Conference 1991 (CWSS archive).

year before, and practically the whole of the German Wadden Sea was now covered by national parks), was the progressive partner in the Cooperation. It has maintained this position ever since, in contrast to its reserved and reticent position during the initial years of the TWSC. The proposal was probably in the first place a political move related to the group which had produced the “Common Future”. Whether the proposal was accepted or not by the others, its emergence could only be seen as an achievement.

Unsurprisingly, both the Dutch and Danish delegations were hesitant to accept such a far-reaching proposal, which would mean the establishment of a common protection area of some sort. The proposal could almost be viewed as an attempt to revive the infamous Convention which had been buried some 15 years earlier. It was doubtful whether the Germans had intended that, and anyway the risk of its acceptance was minimal since both the Dutch and the Danish delegations could be relied upon to reject it.

On the proposal of Claus Stuffmann, it was amended to “[T]he participants agree to undertake the necessary steps to establish a coherent special conservation area covered by a coordinated management plan for the Wadden Sea, stretching from Esbjerg to Den Helder,” which should take into account the Bird Directive, the forthcoming Habitats Directive and the Ramsar Convention. No one could be against this proposal because the wording was borrowed from the forthcoming Habitats Directive which itself was about to be adopted.

The Danish minister, Per Stig Møller, managed to replace “integrated” with “coordinated” because he thought that the word “integrated” implied a bureaucratic approach. What’s in a name? But it signalled that he had been taken aback, and in reality did not wish to go this far and so attempted to weaken the agreement. The Dutch position was probably no different from the Danish one. In the SO preparatory meeting, the Dutch had managed to include the words “guiding principles” - non capitals - in the preamble, to avoid any suggestion that the Declaration would be as binding as an international treaty. It was therefore no surprise that afterwards the decision became the source of contentious debates between the states and sometimes collegial discontent in terms of interpreting what the

political implications were. However, it laid the foundation for the Wadden Sea Plan which was adopted at the 1997 Stade Ministerial Conference.

During the opening of the conference, a new voice was heard. High school students from Esbjerg delivered a statement to the ministers on behalf of their own school and two others from the Netherlands and Germany. Two weeks before the conference they had met at a seminar in Tönning under a European Community supported programme to discuss problems related to the Wadden Sea and they had developed some common recommendations. I had personally participated in one day of the seminar and Peter Prokosch of the WWF Germany facilitated part of it too. His signature was recognizable in the recommendations which amongst others demanded stricter regulations, stopping of hunting, and reduction of grazing. Did the young students really appreciate what they had signed up to?

Bent Muus, chairman of the Danish WWF, presented the “Common Future” report to the ministers, which had been discussed with Per Stig Møller at a meeting the afternoon before, and equipped him with a mayor’s chain of mussels which he carried during the conference and at the press conference. It was quite fitting to the occasion as became apparent during the conference. The “Common Future” had been presented to members of the TWG a couple of months before, we knew about the internal discussions between the WWF and the Wadden Society, and it was only published shortly before the Conference. It was now clear that the “Common Future” and the draft Ministerial Declaration were quite similar in scope and direction. Both parties - the governments and the NGOs - could broadcast their versions of the story: that governments had apparently listened to the demands of the NGOs; and governments that they were willing to listen to the NGOs. It had benefited both sides and reinforced the conservation agenda significantly. The German proposal may have been a direct result of the “Common Future”.

There were several issues to be discussed and decided by the ministers after the final meeting of the Senior Officials the day before but only three of considerable political weight, namely oil and gas exploration and exploitation, blue mussel and cockle fishery, and hunting. Fortunately, - or deliberately - the issues were spread evenly over the countries. There were no gas or oil resources known in the Danish Wadden Sea and

exploration and exploitation activities were anyhow legally forbidden according to the Statutory Order for the Wadden Sea Nature Reserve. A couple of years earlier, in discussing the Zuidwal exploitation site in the western part of the Dutch Wadden Sea, the Dutch government had agreed to a ten-year moratorium for gas exploration and exploitation within the Wadden Sea protected area. Germany, however, had an ongoing and highly sensitive societal discussion on oil drilling and exploration at Mittelplate which, as was frequently pointed out, is located in the middle of the Schleswig-Holstein Wadden Sea National Park.

Exploration and exploitation of oil was objectively a much more hazardous activity for the environment compared to natural gas exploitation, but the RWE-Dea, the licensee and operator of the platform, was entitled to use its legal rights and had received permits for its operation. The exploitation of oil was planned to commence around this time. There were also plans for exploitation of natural gas within the Lower Saxony National Park on the boundary with the Netherlands for which a concession had already been granted. Additionally, there was a small exploitation site in the Leybucht. Could a ministerial conference forbid or limit the operations? That was the legal issue under discussion. It was solved in the sense that it was agreed to avoid the construction of new installations until the 1994 Conference and companies, in particular RWE-Dea, were called upon to refrain from exercising existing legal rights and concessions. In effect it would be a moratorium similar to the situation in the Dutch part of the Wadden Sea. This would then be evaluated at the 1994 Conference but unquestionably with the intention of making it more permanent or excluding exploitations, be it oil or gas, from the Wadden Sea. In the end it was a political move which contributed to avoiding questions from NGOs and the concerned public at large but which we all believed in. The environment ministers had, however, no means and no standing to enforce the agreement, as the next conference would show.

The cockle and blue mussel fishery was a particularly sensitive issue for the Netherlands because of its extent and importance, particularly for the Zeeland economy. In the preparatory meetings back in June-July, both the German and Danish delegates had been privately urged to maintain a firm position and demand the closure of areas, as was

suggested in the mussel report mentioned earlier. The closing of areas as a new policy initiative was also part of the ongoing debate in the Netherlands so it was realistic to expect that a common position could be reached on this point. Germany, however, was determined to have its position on cockle fishery reflected in the Declaration. This was to ban the activity completely and it was resolved by differentiating between blue mussel and cockle fishery. On blue mussel fishery, it was agreed “to close considerable parts of the Wadden Sea, including intertidal and subtidal areas”. A comparable text was agreed for cockle fishery for the Dutch part with the insertion basically of “permanently”. Why this was not included in the blue mussel agreement remains obscure but would have been relevant. The German prohibition of cockle fishery was included in the Declaration. Denmark, however, wished to keep open the option for cockle fishery in its area, in spite of the fact that there had been no fishery hitherto. It was unclear to participants why this wish was explicitly raised. Denmark therefore demanded the inclusion of the text “that cockle fishery in Denmark will only be carried out in quite specific, well-defined areas”. The word “quite” was an invention of the Danish minister himself during the debate at the Conference to replace the originally suggested “one”, meaning one area, which may be an indication of the political importance he attached to it.

This concession from the two other delegations, in particular the German one, however, came at a price when the hunting issue was discussed. It was particularly sensitive in the Danish part of the Wadden Sea where hunting was considered the right of the “ordinary” man, had a long tradition, and was particularly extensive compared to the rest of the Wadden Sea. The German minister warned that he could not leave the conference without also having set limits to hunting. The Danish proposal of reducing and regulating hunting within zones would not suffice. Following the initial discussions, Peder Agger, Arnd Rüger of the Schleswig-Holstein State Environment Ministry and myself were tasked to make suggestions for a text to the Declaration. During the lunch break we sat down to prepare two alternatives, a Danish one which included a staged reduction and an alternative which phased out hunting of migratory species altogether. With these alternatives, the Danish minister was under severe pressure

to accept one, having achieved the cockle fishery concession. As a small concession, the German and Dutch ministers agreed to include the step by step approach from the Danish side so the proposal came to read “progressively phase out hunting of migratory species in the Wadden Sea”.

That the Danish minister agreed to this formulation was probably not only because of the assumed linkage to the previous issue but it was also an expression of his own personal animosity towards hunting. Everyone in the room felt that this was something extremely sensitive. The Danish delegation was quite conscious of what this would mean. I was sitting next to the minister and during the discussion, a high ranked Danish delegation member leaned over to him and said that he could also simply decline. Many others, I assume, like myself may not have completely appreciated what the agreement implicated. What was covered by the words “migratory species” and what did “progressively phase out” entail?

It was only after the conference that I understood that “migratory species” covered all bird species which resided or stopped over in the Wadden Sea. It was in fact a total ban on hunting to which the Danish government had committed itself. It was metaphorically a bomb which soon was to explode in the face of the Danish ministers. However, I am convinced that without the pressure from the other Wadden Sea countries the Danish hunting regulations, which could not have been sustained in the long term, would never have been addressed. The Danish nature NGOs were too weak politically to make a difference.

On a final note, as mentioned earlier, Germany categorically rejected the proposal for a monitoring programme which a working group had come up with. Germany wanted to develop a much more ambitious programme in the light of the results which had been gained in the large-scale ecosystem research programme and without which it could not be justified. The Dutch and the Danish delegations were sceptical because it was clear that this would demand additional resources both nationally and for the CWSS.

On balance. The significance of the Esbjerg Conference

The Esbjerg Conference was a success in practically every respect. It was a successful political conference where ministers took direct

political responsibility for the outcome of the conference. It set out the guidelines and objectives for the TWSC and harmonized across the Wadden Sea territories what was acceptable in terms of human activities and impacts, and put into place a policy and management framework which, though refined in later years, is still valid. It addressed in a visionary way many pertinent and relevant issues and themes. Climate change and sea level rise was addressed, and it was acknowledged that it could potentially have a significant impact on the functions of the Wadden Sea. Reintroduction of species was addressed, and the Houting was mentioned as a species where coordinated efforts would be necessary. Half a year before the conference, the reintroduction of Houting into the German and Dutch parts of the Wadden Sea, as had been done in the Danish part, was discussed at a small workshop in Tønder, but it was considered technically unfeasible in the Netherlands. Now the fish migration is at the top of the agenda.

The nomination of the Wadden Sea as a World Heritage site was actually agreed at that conference, but since the Netherlands had not yet ratified the Convention a decision to head for an inscription could not be agreed and the issue would get stuck in the following years. Flyway cooperation was defined as joint activity. Coordination of activities with regard to the relevant European Community directives likewise. It was agreed to investigate whether a common delimitation on the basis of the Ramsar Convention would be possible. All these issues were visionary and in one form or the other came to play a significant role during the next generation of the TWSC.

Why was it such a success? One reason is undoubtedly that the environmental mood around 1990 was extremely positive and the urgency to act was acknowledged. Another is that the TWSC, through the establishment of the CWSS, had created an institution which potentially could act as the rallying point and motor for the cooperation. The CWSS helped provide and develop the visions and the proposals. It was the first conference where we had the opportunity to play a significant role in its preparation and we were well aware of the fact that it was a sort of exam we had to pass. It is not enough to have the positive environmental mood on your side, the moment must also be seized.

Above all, it was because a sense of community was created among

those who were devoted to the Wadden Sea and acknowledged a mutual interest in engaging in the work of the TWSC. Everyone at ministry and management authority level rallied around the TWSC. More importantly, we managed to synchronise and reinforce the national and trilateral agendas on all levels. It was a shining example of how different levels complemented each other.

Finally, it was because the NGOs really had produced something visionary with “Common Future” and challenged governments to deliver. It was a seldom seen combination of devoted people, visionary efforts and political progressiveness and open-mindedness. This mixture would not come to be repeated in the next generation. The compromises arrived at on some of the sensitive issues mentioned above did not diminish the importance of the Conference. On the contrary, they further underlined the political commitment to and value of the TWSC.

The Conference would never replicate itself in at least one aspect. The political debate ran to almost 5 hours, from 10:00 hrs to 15:00 hrs, interrupted only by a short lunch. They had been exhausting days in Esbjerg, but we left in elevated mood.

Ahead however lay much hard, thankless and sometimes tedious work. And broken illusions.

Leeuwarden 1994. Stormy Years

After the Esbjerg Conference, the Netherlands took the chairmanship until the next Ministerial Conference which was held in Leeuwarden in November 1994. It was a confusing period in many respects. The relationship between the Dutch chairmanship and the CWSS was strained. The success of the Esbjerg Conference was ascribed by many to the CWSS, and whilst we wanted to move on quickly after Esbjerg, the Dutch chairmanship had other ideas. To what extent should the CWSS serve the chairmanship, or was it the Dutch delegation? Mutual trust was in short supply.

The positive political mood on the Wadden Sea work, which had reigned in the years before the Esbjerg Conference, changed significantly in the years that followed; almost instantly in the Netherlands and Denmark, and partly as a result of the agreements made in Esbjerg. This became apparent in trying to implement the Esbjerg Declaration. When the Danish Statutory Order for the Nature and Wildlife Reserve in 1992 was revised, it became plain to the local governments and user groups that the agreement on hunting implied a complete phasing out of hunting in the protected area over a period of six years. The local user group had accepted the introduction of new hunting restrictions; it had been discussed in the run up to the Esbjerg Conference, but they felt the ban had simply been parachuted on the Wadden Sea without any pre-consultations. It caused uproar and led to widespread local opposition against any further restrictions. It was considered particularly harsh by many locals in the light of opening up the Danish Wadden Sea for previously banned cockle fishery, albeit on a small scale.

The new Danish government, which came into office in January 1993 with Svend Auken as the Environment Minister, attempted to lighten the mood by proposing a change in the hunting policy. Apparently, this was a suggestion which came from inside the Forest and Nature Agency and took up the old ideas proposed by the user group, i.e. to maintain hunting areas in the Wadden Sea but compensate

by creating coherent hunting-free areas in the tidal and adjacent fresh marsh areas. A workshop held a month before the 1994 Conference at the Danish Wildlife Institute at Kalø regrettably generated sympathy for this idea amongst experts from the other countries - in contrast to the ISWSS recommendation the year before to retain the agreement of the Esbjerg Declaration. Regrettably, the Conference hence gave Denmark green light to develop a strategy along these lines. Subsequently, in the Wadden Sea Plan 1997, it was stipulated that “[H]unting of migratory species has been, or will be, progressively phased out in the Conservation Area or in an ecologically and quantitatively corresponding area in the Wadden Sea Area”.

The Danish position had triumphed and Svend Auken did not hesitate to underline that he had changed the policy of the former minister and listened to the concerns of the local population. However, locals viewed the u-turn as a sign of weakness. In June 1995, an estimated 5,000 people demonstrated at the Rømø causeway against the government's Wadden Sea policy. It is probably no exaggeration to state that this started a country-wide movement against what was considered a left-wing bureaucratic environment policy. The kickback would in the end radically change official Danish environment and nature conservation policy with regard to the Wadden Sea and the TWSC in the longer term. However, it also had positive sides. The regional and local governments became involved directly in trilateral consultations, the Danish Wadden Sea Conservation Area was extended to include areas on the islands and the Skallingen peninsula, and during the next decade the Wadden Sea National Park was established as a result of involving local communities from the outset. At the end of the day, it is questionable whether the change in policy was of any help to Minister Auken. The locals distrusted their government, which through giving in to their demands, succeeded only in spurring the opposition.

Also, in the Netherlands, heated debates followed the Esbjerg Conference. The closure of areas of the Wadden Sea for blue mussel and cockle fishery had already been debated in the Netherlands between the government, the sector and conservation groups, but the outcome of the conference that “considerable parts” should be closed “permanently”, at least for cockle fishery, came as an apparent surprise to the sector. In 1993, 26% of the intertidal area of the Dutch Wadden

Sea was closed for mussel and cockle fishery, amounting to some 15% of the total Dutch Wadden Sea, not in itself a very credible translation of the word “considerable”. The policy added, however, a new element, the so-called food reservation policy. In years with limited food availability, 60% of the average food demand of birds would be reserved for them. Originally 70% had been proposed but the figure was lowered during parliamentary debate, clearly demonstrating that such figures were sensitive to political negotiations. This, however, did not stop the debate around the shellfish fishery in the Netherlands. On the contrary, it became more contentious between the fishery sector and the conservation organizations which were also split on the issue.

As a result of the evaluation in 1997, an additional element was introduced, namely to confine seed mussel fishery to the subtidal area, in addition to what had been agreed earlier in Esbjerg in 1991. This policy was stipulated in the Wadden Sea Plan in 1997. The Wadden Society which surprisingly initially pursued a more cooperative line and supported co-management initiatives, changed its opinion under pressure from other organizations such as the Dutch section of BirdLife International which wanted a radical change of policy encompassing e.g. phasing out of cockle fishery. It was an astonishing stance for the Wadden Society to take, and it would haunt it for years to come. The debate continued and became a genuine political issue at the start of the millennium.

The issue of gas exploration and exploitation in the Dutch Wadden Sea was no less contentious. In 1994, the moratorium which had been agreed 10 years earlier - and which was also the reason the Dutch government agreed to a moratorium in Esbjerg in 1991 - ended. The companies wanted to resume exploration in the Wadden Sea, contrary to the intention of the Esbjerg Declaration, in which the governments called upon the companies to refrain from exercising their rights. This was reiterated by the Dutch government when the spatial conservation planning decree underwent its periodic amendment. In the end, having exerted heavy pressure on the Dutch government, the companies got their way. The government sanctioned exploratory drillings in the protected area under the condition that any newly discovered gas resources had to be exploited from outside the protected area through deviated drillings. After its about-face on the shellfish fishery issue, the

Wadden Society did not waver on gas exploration and, together with other Dutch conservation organisations, succeeded in stopping the plans through years of court procedures. It was not until the beginning of the next millennium that the issue was solved through an unhappy marriage between agreements on how to regulate shellfish fishery and gas drilling.

In the German part of the Wadden Sea, the exploitation of oil at Mittelplate in the Schleswig-Holstein National Park triggered equally contentious public debate. In 1992, the state government licensed the oil company to exploit the oil after a successful trial period, but in the light of the public debate it was not without hesitation that the license was granted. It was an open secret that the German Federal Ministry of Economic Affairs thought that Klaus Töpfer as Federal Environment Minister had gone beyond his mandate at Esbjerg and should never have agreed to a moratorium on behalf of the federal government. The Minister of Economic Affairs was determined to correct this at the Leeuwarden Conference. It was apparent to everyone as, during the negotiations, the representative of the Economic Affairs Ministry, was standing immediately behind the German State Secretary, Clemens Stroetmann, to dictate exactly what he could say on this issue. Auken, annoyed by the German position, in citing Tocqueville, declaimed that the German position on exploitation of energy resources in the protected area of the Wadden Sea was not only a stupid act but also a criminal one. It sent shockwaves through the conference room. Eventually it led to nothing other than a statement that exploitation outside the protected area could be considered. For the remaining areas, the stance taken in Esbjerg 1991 was maintained in the Leeuwarden Declaration. Three years later, in the Wadden Sea Plan, the Dutch position of not allowing new installations in the Conservation Area and only allowing exploration if exploitation could be done from outside the protected zone was elevated to a joint policy. The Esbjerg agreements of prohibiting new installations in protected areas had been upheld beyond the 1994 conference, but the call for a moratorium failed.

Whilst this half-way success can partly be credited to the TWSC, other agreements were not implemented. The red list of marine and coastal species and biotopes in the Wadden Sea identified by a working group had no relevance. The work was warmly welcomed at

Leeuwarden as being important for ecological target implementation, but this was another way of saying that it did not fit into the Wadden Sea management approach; the report was shelved and nothing substantial was done with the results.

In Esbjerg 1991, the intention had been to harmonize environmental impact assessment (EIA) for the Wadden Sea. It was a Dutch initiative, and the Netherlands was leading on the issue. A work group with participation of regional authorities in Denmark and the Netherlands produced an extensive report but there was no willingness in Germany and Denmark to introduce EIA regulations specifically for the Wadden Sea region, as had been done in the Netherlands for a European Directive which by its nature had to be implemented within all member states. I acted as secretary for the group and initially thought that it would be a splendid example of harmonized implementation of European legislation across the Wadden Sea region. The report of the work group was warmly welcomed in the Leeuwarden Declaration and it was agreed to exchange information on relevant EIAs on a voluntary basis. This was later done by the Inter-regional Wadden Sea Cooperation (IRWC) which developed around this time, but it fizzled out in the years after with no tangible result. It was yet another example that harmonization of European legislation for a specific theme and for a regional entity within the member states was impossible, as was pointed out in the previous chapter.

The cooperation between the main public information centres in the Wadden Sea region and exchange of exhibitions, as agreed in Esbjerg, turned out to be more difficult than initially believed. A conference of information centres on Texel in autumn 1993 resulted in only limited interest in joint communication activities from the centres and information officers along the coast. They all had a local perspective and did not see any added value in cooperating across the region. Again, a rather lightweight formulation was agreed in the Leeuwarden Declaration. It simply noted the initiative of the Netherlands for developing a communication plan, and it was reiterated in the Stade Declaration in 1997. In the following years various initiatives followed, with little success. It was not until the International Wadden Sea School (IWSS), which was established on the initiative of the German WWF on the occasion of the 25th Anniversary of the establishment of

the Cooperation in 2003 and the later inscription of the Wadden Sea on the World Heritage List, that something substantial was achieved in this field.

This was the new reality which became especially apparent when the TWSC turned to working on the key agreements of the 1991 Esbjerg Declaration.

Defining common boundaries

The Esbjerg Declaration encompassed two central agreements which would determine the work of the TWSC in the next six-year period. Firstly, the agreement to set out ecological targets and a comprehensive set of measures to achieve them. Secondly, it pledged to take the necessary steps to establish a coherent special conservation area covered by a coordinated management plan, in particular taking account of the Habitats and Bird Directives and the Ramsar Convention.

In principle, it was not difficult to interpret these agreements or link them; the Wadden Sea should be designated as a coherent special conservation area under the Habitats and the Birds Directives, as a Natura 2000 area and the targets linked to practical measures would deliver the coordinated management plan.

When considering how to implement the agreements, we immediately ran into problems and as often, those problems were political. The uncertain implications of the Habitats Directive, which was agreed by the Council in 1992 and had to be implemented within a three-year period, loomed in the background. In an attempt to defuse the discussions around the Directive, it was often proclaimed that its implementation would have no legal or other implications beyond existing regulations, though most of us knew this would not be the case.

The implementation of the agreements would also demand an even more united conservation and management framework than had been agreed at the Esbjerg Conference. The Netherlands was certainly unwilling to go further at this stage, and that would probably also have been the case for the other two countries if they had been asked. The Dutch were in the midst of a revision of the spatial

conservation planning decree, the instrument which would implement the agreements of the Esbjerg Declaration. Overloading the discussion with further agreements at this stage would have proved too much. Furthermore, the Dutch undoubtedly felt that the CWSS should lower its tone.

Then there was the question of how to implement the two agreements. How to commence the process? Either with one alone or two together? From Stuffmann, I had already received indications at the Esbjerg Conference that the European Commission would consider co-financing production of the coordinated management plan. He confirmed the promise in April 1992 during a visit to the Commission to discuss the extension of the seals project. I therefore pressed on with formulating a project proposal and circulated a draft which could be submitted to the Commission. It proved to be running too far ahead of the troops, who needed to discuss the next steps of implementation of both agreements and how they should be linked. I misjudged the situation, driven by the sheer wish to obtain co-financing from the Commission and maintain momentum.

The consultations within the TWG in spring 1992 ended in nothing and it was concluded that as a first step the area to be covered by the management plan should be defined. I thought that the area would in itself not have legal implications and that we could therefore use the Ramsar Convention definition of wetlands without linking the delimitation to the Convention in a formal sense. Starting work from there we could also include the Birds and Habitats Directives as we went along. In my opinion, this would have been an effective way of working and could have spared us much discussion.

Drawing boundaries on a map, however, will always be interpreted as having implications of some sort or another. In the case of harmonization of boundaries, irrespective of whether they were tentative, every alignment would go against carefully reached and politically balanced boundary decisions in each of the regions. The Dutch Wadden Sea protected area e.g. did not include any offshore areas. Following a Ramsar definition of wetlands which included waters up to a six-meter average depth would necessitate extending the boundary into the offshore area, a notion that was also rejected during the ongoing revision of the spatial conservation planning

decree in 1992. It was the issue of gas exploitation and shrimp fishing which prevented any considerations in this regard.

In the case of Germany, it was a bit the opposite. The Lower Saxony National Park already included substantial offshore areas and all the islands except for the inhabited parts, and the Environment Ministry was concerned that this would reopen a discussion which had been concluded less than 10 years earlier. Furthermore, it would additionally include a discussion on the conservation status of the estuaries of the Elbe, Weser and Ems which had deliberately been excluded from the National Park. In the Schleswig-Holstein part, the islands had been excluded from the National Park and only a very limited part of the offshore was included. In the Danish part, the Wadden Sea Ramsar site included the majority of the freshwater marsh behind the sea walls, and the other countries were concerned that a discussion according to the Ramsar Convention criteria would also allow for the inclusion of the fresh marsh areas which were proportionally larger than the Danish ones.

Eventually it was agreed at a TWG-meeting in early October 1992 in Denmark, to “zoom” in on a wider area which in some form could be considered to be part of or related to the Wadden Sea. This commonly defined area stretched from 12 nautical sea miles offshore until a vaguely defined inland boundary of the fresh marshes, including the islands. This area was the basis for further discussion of defining a common management area or a coherent special conservation area, as the Esbjerg Declaration had stated.

It was a shared understanding that any common delimitation should be based on ecological criteria. A trilateral working group was set up, headed by Garry Post of the Dutch Ministry of Agriculture and Bettina Reineking as secretary, to define the delimitation criteria for the Wadden Sea habitat area according to the Habitat Directive, taking into account the Birds Directive, since the Natura 2000 areas would also include the Special Protection Areas for Birds, and the Ramsar Convention areas. Each of the three countries would anyhow be confronted with delimiting their Wadden Sea habitat areas and notifying the European Commission.

In mid 1993, it submitted a report which set out clear ecological criteria. Several decisions of the European Court of Justice dictated

that only ecological criteria should determine the delimiting of the habitats according to the Directive, and delimiting the Wadden Sea habitat area on a common basis meant including not only those areas of the Wadden Sea already under protection but, in compliance with the Birds Directive, also adding areas offshore, on the islands, inland fresh marsh areas and areas of the estuaries. It was an excellent report which, however, was immersed by the ensuing discussion on the implementation of the Habitats Directive.

In the year after the adoption of the Directive, it became increasingly clear that its implementation was not as easy as first thought. Moreover, the promise that it would have no further legal implications beyond state-of-the-art protection could not be upheld. The Directive became a highly contentious piece of European legislation which took years to implement and needed many decisions by the European Court of Justice. It became obvious during this process that the Wadden Sea could not be delimited on a common basis according to the Habitat Directive, so the Cooperation fell back on seeking a more general way of delimiting the Wadden Sea which sought to embrace the existing designations and balance various interests. It was not until the Leeuwarden Conference itself that an agreement was reached.

Eco-targets. Developing a unique concept

In parallel with the boundary issue discussion, the development of the ecological targets started. A work group was created to select a set of ecosystem parameters, assign reference values and ecological targets to the parameters. The group consisted of one person per region and was chaired by Jaap de Vlas with Folkert de Jong as secretary. In October 1993, the work group delivered a report which became and still is fundamental for the trilateral Wadden Sea policy and management.

The starting point for the development of the Eco-targets was the Guiding Principle adopted at the Esbjerg Conference in 1991, namely “to achieve, as far as possible, a natural and sustainable ecosystem in which natural processes proceed in a natural way”. The central philosophy of the concept elaborated by the work group was that the trilateral conservation policy and management should be directed towards achieving the full range of habitat types within a natural and dynamic Wadden Sea. Each of these habitats needs a certain quality

(natural dynamics, absence of disturbance, absence of pollution), which can be achieved by proper conservation and management. In fact this formulation reintroduced “complete”, which had been deliberately deleted in the negotiations on the Guiding Principle leading up to the Esbjerg Conference.

The work group had originally proposed using both an area as well as a biology category. In the process, the work group decided to use in principle only the area based approach and hence divide the Wadden Sea into the six habitat categories of which the Wadden Sea consists and which distinguish it from almost all other larger tidal areas worldwide. The six habitat types are: the tidal area; the beaches and dunes; the estuaries; the offshore area; the rural area on the islands; and the adjacent mainland where the rural area is within the agreed boundary. Targets for biology would in principle not be necessary if the area-based targets were to determine the direction of conservation and management. Notwithstanding this, targets for birds and marine mammals would be added during the process and integrated into the six habitat types as we shall see later. Chemical targets, the quality of water and sediments, were also proposed and they are valid across all habitat types. During the process, but independently from the report of the work group, targets on landscape and culture also became part of the package.

The target approach is qualitative. That was in essence already an approach which had been developed and sanctioned at the expert work group held in April 1991, mentioned in the previous chapter. As an illustration of the nature and abstraction level of the targets those for the tidal area are a good illustration:

- A natural dynamic situation in the tidal area.
- An increased area of geomorphologically and biologically undisturbed tidal flats and subtidal areas.
- A natural size, distribution, and development of natural mussel beds, Sabellaria reefs and Zostera fields.

Additionally, there are also targets for seals, grey seals, harbour porpoise, migratory and breeding birds, and fish which apply to the tidal area.

This approach, including the package of targets, was adopted at the

Leeuwarden Conference 1994, but not without further discussions and disputes. The policy makers at the ministries, in particular the Dutch ones, felt that the targets were politically sensitive. What did the targets and the philosophy of direction implicate, and would it not be possible to quantify the targets so that they could be directly linked to measures and financial implications the political consequences could be made clear? They wanted to select and combine targets and hence make them politically more agreeable. This would, however, confuse the distinction between concept and measures. The concept should be adopted politically before measures could be conceived.

A TWG-meeting in Groningen in early July 1994 was particularly critical in this respect, and it was a close call that we basically saved the concept with a few amendments. It was in that phase where we had to give in and develop targets for birds, both breeding and migratory ones, and seals. Though it was not necessary with the area-based approach taken, it enhanced the acceptance of the targets across the whole Wadden Sea, we must confess.

The adoption of the Targets was a major achievement (and from now on they would be written with capital T). It has never received the acknowledgment it deserves. It is an approach which is globally unique, and in the 2007 evaluation report, the Target approach was specifically emphasized as being world class, together with the Wadden Sea Plan and the TMAP. It is unique in many ways. It is unique in an international context because it moves the focus away from discussing legal frameworks and management structures and allows for a broad cooperation on protection and management. It is unique because it solves these endless discussions about setting - quantitative - goals and targets for nature conservation. Regrettably, it has, with a few exceptions, not found any followers in the implementation of the European Directives. The Habitat Directive is implemented in a legal context also in the Wadden Sea, and countries typically set quantifiable goals which, at least partly, also aim at avoiding sensitive political discussions and court cases. This is also a reason why the Target approach has found only a few followers on the ground in the countries and the reason why it has not received the recognition it deserves.

It must be admitted that we have not been able to harden up the

approach and move from the more conceptual level to implementation. We have in that sense failed to convince a wider audience, outside the 'inner circle', of the usefulness of the approach. The cooperation has also failed to be more open to connecting targets, the TMAP and the QSR. In trying to avoid controversy, we have held back on admitting that the Targets have not been fully implemented and that there are areas which need greater effort. There are positive signs in nature management, however, that the Target approach gains ground and will become a more integral part of modern nature management. We should, therefore, not be distressed by the apparent limited use of the Target approach on the ground. We should see it as an approach which is complementary to the Natura 2000 approach and which is truly a trilateral approach that makes the TWSC what it is - something globally unique.

Developing a management plan. A failed attempt

After the delivery of the target report and the report on the delimitation issue in 1993, we had made sufficient ground to secure the European Commission co-financing for the development of a coordinated management plan as agreed at Esbjerg. The budget amounted to € 370,000 - back in those days Community value was expressed in ECU - of which half was co-funded by the Commission.

It was the start of an unhappy and poorly scheduled passage which led to much frustration within the TWSC and the CWSS. Once the money had been secured, the question was how to implement the plan. An overall coordinator had to be employed and the Dutch chairmanship demanded that the position be located at the Dutch Ministry. It was inconceivable that in a joint project where the CWSS was the overall coordinator and was accountable for the finances, one of the partners could monopolize the implementation; so under German pressure it was agreed that the project should be implemented by the CWSS, where the coordinator should be based. Part of the deal, though, was that Robert Uytterlinde of the Dutch Ministry of Agriculture should be appointed the project manager. It was a solution with significant deficiencies both internally and externally with unclear lines of reporting and flawed responsibilities. It was in the end unclear to whom the project manager was accountable, and it bypassed the

internal work division and responsibilities of the other staff of the CWSS. It was a solution which I should never have accepted and in hindsight deeply regretted. In the end, it was a failure. No plan was adopted by the Leeuwarden Conference and the draft from the process lacked quality. It was discarded after Leeuwarden.

A trilateral project group was established to elaborate the draft plan. It consisted of representatives of the regional authorities in Denmark, the German National Park Authorities and the Dutch Ministry of Agriculture. The project manager chaired the group. In the first couple of months of 1994 three two-day workshops were held at the CWSS on eutrophication, dunes and the offshore, and the tidal area, involving more than 50 experts from the three countries. The aim of the workshops was to outline the key management issues in those fields and help define possible measures to be addressed by the draft plan. The workshops produced a wealth of information and recommendations, but the work came to a standstill. It was not difficult to collate the background information but the central issue of delimiting the management area and the targets to be pursued was outstanding and was not solvable by the project group, despite of repeated discussions and requests to the TWG. These issues were of a political nature and had to be solved politically and that was only possible at the forthcoming Conference.

Drafting of the management plan continued through spring and summer 1994 but the texts produced were at best of a general and unspecific nature and could hardly be deemed a plan. The line of reporting became even more blurred between the Dutch chairmanship and the CWSS and it was unclear to what extent it was a common product. Eventually, at a TWG-meeting in Hamburg in September 1994 through a frank intervention of a new German colleague, it was finally realized that further drafting should be halted pending the decision of the Conference on delimitation and targets and that a new attempt to draft a plan should be resumed after the Conference.

In the run up to and during the Leeuwarden Conference, a text was composed that attempted to gloss over the lack of progress and set a brief for a new attempt for the next conference. A TWG and SO meeting in Copenhagen in autumn 1994 was particularly memorable in this regard. It resulted in one of the most vague and complicated texts ever

included in any of the Declarations of the Ministerial Conferences of the TWSC. It attempted to serve all sides and interests. Essentially the text eventually agreed stated that follow up work should only focus on specific targets in the first stage until the next Conference, the 1997 Conference, and not take on board the whole package. It furthermore stated that the Wadden Sea in terms of management was a very diverse place and that any further step should start on the national level in cooperation with local authorities and local residents. Possibly, at the end of that process, measures could be “combined in geographically coherent areas of sufficient size and covering various habitats...” as para. 18.3 of the Declaration stipulated.



Leeuwarden Conference 1994 (Photo: Rob de Groot).

Those who had opposed the Esbjerg Declaration decision “to establish a coherent special conservation area covered by a coordinated management plan” - and they were to be found primarily within the Dutch delegation, but undoubtedly others found it complicated too and tacitly consented to the Dutch position - were victorious and us at the CWSS the vanquished ones. It was undoubtedly a setback compared to 1991. However, essentially it mirrored the changed situation since 1991 and the growing opposition from society in general to further progressive agreements.

Leeuwarden Conference: Wadden Sea Area and Conservation Area

The Leeuwarden Conference was held on 29-30 November 1994 in the newly built “Harmonie” multipurpose centre in Leeuwarden. There were several novelties in the Conference set-up in comparison with the previous ones. A large communication market opened at the centre and there was much public attention around the conference. The Wadden Society presented their newly established youth organisation, the Wad-o-logen, the future researchers and publicists of the Wadden Sea and, remarkably, the Ministerial Conference was opened for non-governmental organisations, not only those representing nature but also those representing fishery, outdoor and recreational organisations and oil and gas drilling companies.

Because of the strenuous preparations in the months up to the conference and the contentious issues still to be negotiated at the Conference, the mood was tense. Angela Merkel, who had been appointed Federal Minister for the Environment less than two weeks before the Conference, sent her apologies and was replaced by the State Secretary Clemens Stroetmann. This was not well received by the hosts considering that the Dutch minister Jozias van Aartsen had also taken up office just a month earlier. Svend Auken’s outburst cited above also characterized the tense atmosphere.

As usual, the day before the actual ministerial conference, Senior Officials met to discuss and resolve the remaining outstanding political issues in the draft Declaration. The delimitation issue in conjunction with the Targets and the management plan was still unresolved and no immediate solution was in sight. However, the Dutch and Danish delegations had agreed on a proposal that in line with the earlier discussions would include the 3 nautical mile offshore zone up to the mainland, including the islands, the estuaries and the inland fresh marsh areas, designated as Ramsar and Bird Directive areas. The latter accommodated Denmark which had demanded that the inland marsh areas would be included in what the two delegations labelled the “trilateral area of cooperation”, an area of common management without any direct legal implications.

Germany could only agree to offer the existing National Parks as part of the “geographical focus” as the proposal read, but Germany was divided on the issue. It was Lower Saxony which disagreed with



State Secretary Clemens Stroetmann (Germany) at the Leeuwarden Conference (Photo: Rob de Groot).

the Dutch-German proposal. An argument, as mentioned earlier, was that the Lower Saxony National Park in comparison to the protected areas in the other Wadden Sea regions included offshore areas and most of the islands. The most sensitive issue, however, was the inclusion of the estuaries into any area designation of any sort. The large estuaries were located in Lower Saxony, and only by excluding them was it possible to reach a political agreement within Lower Saxony in the 1980s to designate the National Park. About a week before the conference, Lower Saxony attempted to reach consensus within Germany - with the federal government and the other three coastal federal states including Bremen - with a proposal that maintained the original one but at the same time signalled the willingness to examine an extension until the next Conference. Lower Saxony also promised to make efforts to designate appropriate parts of the estuaries as protected areas. The Germans were strong as long as they moved within the boundaries of the National Parks, but as soon as we had to move outside of those boundaries, Germany was confronted with a different reality.

At some point during the discussion, when a solution seemed out of sight, the Dutch Senior Official and chairman of the Senior Officials meeting, André van der Zande, in irritation and somewhat condescendingly, remarked towards Fritz Dieterich, head of the German delegation, that Germany was apparently not able to make the long jump yet, as Denmark and the Netherlands were, and would

perhaps prefer to catch up later. Fritz Dieterich replied that the long jump was not the only Olympic jumping discipline and reminded his colleague that triple jump covered a much greater distance. It was apparent, however, that if no agreement could be reached, Germany would be blamed. The German delegation had already agreed to an introductory paragraph which stated that since the Wadden Sea was an ecological entity, the offshore zone, the estuaries and the islands all belonged to the Wadden Sea in the broader sense. The word used to indicate this was “coherency” Regrettably, however, within the same paragraphs in the draft Declaration, the Guiding Principle was now confined to the tidal area, salt marshes and the dunes. The Dutch had prevailed in their argumentation that the Wadden Sea should be confined to the Wadden Sea “proper” in accordance with its own understanding of the Wadden Sea. The subtle distinction, however, never came to play a role in the long run.

It was inconceivable that a solution would not be found at the Conference. All three delegations agreed that a common delimitation of some sort should not have any legal implications and should not lead to the alignment of existing boundaries but would be regarded as some sort of a soft mutual arrangement. If a solution was not found, everyone was conscious that this would have grave implications for the TWSC.

During a short break, the Lower Saxony Senior Official, Heiner Davidsohn, who was also to become a difficult negotiating partner in the following period, had to give in to the pressure. In hindsight quite an elegant solution was found for the apparently insurmountable problem. The area proposed by Denmark and the Netherlands became the so-called Cooperation Area or Wadden Sea Area for which also the common management plan would be valid, whereas the German suggestion was labelled the Conservation Area - later witty colleagues would entitle it the conversation area - which was logically smaller than the Wadden Sea Area and included all the Wadden Sea national parks, nature reserves and protected areas. The German request to single out the estuaries as an area which would need special protection was met. Politically it meant, however, that the estuaries would never become part of the Conservation Area. It was also agreed that after having designated the Natura 2000 areas, the implications for the Wadden Sea Area and Conservation Area would be considered.

Once the agreement was reached, it was included in the draft Declaration for the Conference and once the section of the Ministerial Declaration had been adopted by the ministers, a large map at the conference room showing the new boundaries was somewhat pathetically unveiled, on the instruction of the Dutch minister. Had it all been preconceived beforehand? It caused relieved applause by some of the participants and an obliged one by others.

The, partly unintended, philosophy behind the agreement, that over time the Conservation Area would be extended within the Wadden



The Dutch Minister Jozias van Aartsen, chairman of the Ministerial Conference, welcomes the participants (Photo: Rob de Groot).

Sea, materialized. Both the Danish and the German Conservation Areas were extended in the following years, in the case of the German national parks even beyond the three nautical mile zone. The boundaries were revised accordingly at the 2001 Esbjerg Ministerial Conference, and in a further step, in connection with updating the Joint Declaration in 2010.

Only the Dutch Conservation Area has remained unaltered since it was introduced in 1980. It is regrettable that the Dutch have not followed the trend and in particular not included offshore areas. The gas and the shellfish fishery discussion has taken all the attention. Even the Wadden Society has not been active in this field and political courage has been lacking. It is vital that the Dutch offshore area finally becomes part of the Conservation Area and that it is added to the Wadden Sea World Heritage property. Overall, while the “philosophy”

has been partly realized, it is probably not as a direct result of the philosophy itself, but more because of a mixture of political attention and exchange of policy and management ideas within the TWSC. The TWSC has undoubtedly played a role in aligning the geographical scope of the Wadden Sea protection, albeit a minor one.

The Wadden Sea World Heritage property which is basically identical to the Conservation Area covers now most of the Wadden Sea Area. The estuaries and the inland areas are, however, not part of the Conservation Area. Has it been an advantage to include the estuaries and the inland areas into the Wadden Sea Area? The focus of the TWSC is on the Conservation Area and though much has changed with regard to the protection and management of the estuaries and the inland areas, it has hardly because of the TWSC's efforts. That being the case, it would seem inappropriate to include areas from outside the Conservation Area. On the other hand, it has provided the TWSC with the opportunity to consider the wider context to which the inland areas and the estuaries belong and in that sense, it has helped politically to maintain focus on those areas.

The success of the Leeuwarden Conference was that a political agreement had been reached on the delimitation issue, that the Targets in conjunction with the underlying fundamental approach had been agreed, and that the management plan still to be elaborated did now cover the Wadden Sea Area. A rather opaque formulation had been agreed on the lack of progress on the management plan, and some similarly obscure and complicated next steps had been lumped together, as mentioned above, to guarantee that the work on the plan would continue.

The Leeuwarden Conference was definitely no highlight in the history of the Cooperation. It was at best a two-step-forward, one-step-back conference. Dissenting voices would even contend it was one step forward, two steps back. Mistakes, also at the CWSS, were made during the three-year process leading up to the Conference, but the main factor was that the political context had changed. The expectations had been too high at the start of the process. Part of the picture, however, is also that those who were against many of the progressive decisions taken at the previous conference, in particular those relating to the special conservation area covered by a coordinated management plan, used the changed political context to frustrate further progress.

While the conference was tense and many things went wrong, one episode made participants smile and eased the atmosphere. In cooperation with the CWSS, the conference organizer had constructed a huge wooden replica of the logo of the CWSS. The logo is a half moon, which consists of the three national parts and conveys the idea of a coherent Wadden Sea landscape from Den Helder to Blåvandshuk. Carpenters were still working on sawing out the three elements of the figure in the afternoon before the Conference, to hang it up at the back wall of the conference room. They had no idea about the course of the coastline and the position of the islands. Eventually the Danish part turned out to fit well into the middle part. The coastline continued uninterrupted and the islands seemed to be located in the right places. It took conference participants some time to discover the error, but it was the talk of the day and a welcome interruption to a rather gloomy conference day. It was a good omen that we fitted together irrespective of the different ways in which things were sorted out in the different regions of the Wadden Sea - and despite the somewhat contentious discussions at the Conference.

There were, however, also highlights to report. As decided at the Esbjerg Ministerial Conference three years earlier, an evaluation had been carried out of the waterfowl counts, as it was termed, since 1980. This had been done by Hans Meltofte with Bettina Reineking as the coordinator at the secretariat with the migratory birds group as the steering group. The report, published in advance of the Leeuwarden Conference, brought the Wadden Sea to the forefront of international waterbird monitoring.

The Leeuwarden Conference was one of the best organized conferences, if not the best, during my time. The city of Leeuwarden is the capital of the Dutch Wadden Sea region, the venue was perfect. On display was the full breadth of the Dutch Wadden community and what it was capable of. The Dutch had done all they could to make it an unforgettable event. During the conference dinner a celebrated Dutch stand-up comedian, Edwin Rutten, entertained guests, some of whom accepted his invitation to join him on the stage. He made a joke by repeating that he admired the attendants being part of the “Trilateral Cooperation on the Protection of the Wadden Sea”, an impossibly long and vague label for what we were doing he asserted. It seems that few have ever ventured to use it again since then.

Stade 1997. The Defining Encounter

Germany took over the presidency from the Dutch and the next Ministerial Conference was held in the pretty Lower Saxony city of Stade, on the southern shores of the river Elbe. The small city had excellent conference facilities. During the 1970s, a nuclear power station and an aluminium factory had been built, which provided the city with extraordinary tax income and enabled it to build the conference centre, and to refurbish and maintain the medieval character of the city.

Together with the Esbjerg Conference in 1991, the Stade Conference is the defining Ministerial Conference of the TWSC. It was the Conference at which the Wadden Sea Plan was adopted, still the basis of the TWSC and an extraordinary document in an international context. In Leeuwarden, it was agreed to “discuss the substantial achievement in the progress in establishing a management plan” and it mirrored the uncertainty of whether the project agreed three years earlier in Esbjerg could be realized at all politically. For me, it was clear, it was now or never, and if we did not succeed at the next conference, the project would be dead, with serious consequences for the TWSC and the CWSS. There would be little future for a serious cooperation that would constitute something worth working for, for years ahead.

We were lucky that the presidency of the TWSC had shifted to Germany. Only under German chairmanship would such a project succeed. As mentioned earlier, Germany had been the dominant partner, the largest and the most vital parts of the Wadden Sea lay within German territory, it had the most complicated governance structure, and it was therefore essential that all parts were on the same page. We were even more lucky to have the most able of persons to chair the work through the next three years. Fritz Dieterich, head of unit at the Conservation Department of the Federal Ministry of the Environment, chaired the TWG through the three years and without his excellent chairmanship, his strategic understanding and tactical flexibility,

and not least his perseverance during and outside of negotiations, the Wadden Sea Plan would never have been adopted and the Stade Conference would not have been a success. During the process, he was under immense pressure within Germany to change course, or at least to aim for a less ambitious plan, but he was backed at the highest political level during those years and by a few centrally placed persons in two of the three federal states. I must admit that I was so focussed on getting the plan done, and had realized, as mentioned, that the consequences of not having the plan accepted would be critical, that I had too little understanding of the pressure some of the colleagues, and in particular Fritz Dieterich, were exposed to. We had a mission to fulfil, the most crucial one in the lifetime of the CWSS and during such a mission dead or wounded would not be recovered.

The overall political atmosphere for nature and environmental protection became even more inimical and complicated during this three-year period compared to the former three years. The contentious discussions mentioned earlier on the designation of the Natura 2000 areas continued. The big demonstration against the Wadden Sea policy of the Danish government was held in June 1995, as mentioned earlier, and the Dutch were in the midst of discussions on the resumption of the gas exploration and the shellfish fishery.

Another critical development came across when the Schleswig-Holstein Wadden Sea National Park Authority published its so-called Ecosystem Synthesis Report in September 1996 - also called the synthetic report by a jokey colleague. The report, which carried the subtitle "Basis for a National Park Plan", intended to summarize the results of the ecosystem research project which started at the end of the 1980s and which should deliver the basis for a revised management of the National Park, including suggestions for significant amendments of the existing National Park law. The publication of the report caused an unsurpassed public uproar on the Schleswig-Holstein west coast. The state government responded to it by promising a public debate without a prescribed outcome. This meant in turn that the state government could not commit itself in trilateral negotiations to decisions and agreements that went beyond the existing status in Schleswig-Holstein or what had been agreed at the previous Ministerial Conferences.

The mantra with which the negotiations on the Wadden Sea Plan

were justified was that the agreements of the Wadden Sea Plan should not go beyond the existing legal basis relevant for the Wadden Sea. In other words, they should not commit participants to something for which there was no legal basis, or which required an amendment of the existing legal basis. Naturally, this limited how the management plan could be developed, but it was a political reality which was no different from the situation in the other regions, albeit not expressed in such a way. And below the level of what was legally stipulated there was in the end, we discovered, sufficient room to develop a common plan.

Developing the Wadden Sea Plan

As mentioned, the Leeuwarden Declaration encompassed a complicated agreement on how to continue establishing the management plan. It was in reality meant to defuse the idea of a common plan directed top down. The assignment which the ministers had given was intentionally an unworkable one, and to pursue again the idea of a common plan, we had to basically thrust aside the agreement but continue using elements of it to maintain continuity and not expose ourselves to critics who would accuse us of not respecting the Leeuwarden Declaration.

A course was set out by the TWG which was followed over the three years with few deviations. There were less than two and a half years to establish the management plan. In an international context, where processes are difficult to align, this was a very limited time. Until the first consultation version of the plan was released in February 1997, the work was done in the fairly shielded environment within the TWG. But once the consultation version was released, a storm was let loose which put likely approval of the plan under severe pressure. The exact details of setting out the plan and discussions about it are hidden in files written in programmes that are no longer accessible in current systems and old hard copies have been discarded.

The first thing we started with was producing an information paper with an update of the status on implementation of the Targets, asserting this was in accordance with the Leeuwarden Declaration. The management plan of the European Commission co-funded project had provided a fairly good overview of human activities across the Wadden Sea but not an assessment in relation to the Targets, simply

because these had not yet been formally adopted. Most importantly, undoubtedly, the information paper laid the basis for developing the management plan following the structure of the Targets. Furthermore, as deliberately proposed by the secretariat, no ad-hoc work group was established for this purpose by the TWG. All papers and suggestions should therefore be considered directly by the TWG, with no filter. It was crucial that the TWG took responsibility for the entire process. The experiences from the previous period had not been good in that respect. It was therefore down to the CWSS to formulate the information paper, which was done over the summer of 1995, during a very busy period in many other respects. A revised Seal Management Plan was under development and a good start had to be made on the TMAP and the DEMOWAD project which was about to be granted in the LIFE-programme.

During this period, we also worked on establishing the technical basis for the Wadden Sea Plan. At a TWG-meeting on Helgoland in May 1996, we got the green light to draw up maps for trilateral management purposes. We had a surplus from the earlier Commission project which we could invest in the maps, and which we did in collaboration with the Dutch Marine and Coastal Research Institute (RIKZ) in Haren. These were maps derived from a Geographical Information System (GIS), but since GIS data were still scattered and not harmonized, they were not very sophisticated and, as we shall see later, also raised some uncomfortable questions from the highest level.

The information paper was circulated within the countries in good time for people to contribute additional relevant ideas and suggestions by the summer of 1996. The Senior Officials had been assigned by the Leeuwarden Conference to oversee progress on the plan. A formal meeting of Senior Officials, however, scheduled for the beginning of 1996 was postponed and a written information paper circulated instead. Tactically it was important not to involve the Senior Officials during a formal meeting because this would necessitate formal interdepartmental and regional consultations and could easily lead to a resumption of the discussion on the strategy of elaborating the plan.

In September 1996, during a TWG-meeting in Copenhagen, the structure of the plan was basically agreed upon, and a comprehensive draft elaborated by the CWSS was discussed at a TWG-meeting in

Noordwijk, the Netherlands, early December 1996. In the trilateral policy and management agreements of each chapter of the plan, which at some point acquired the rather unsexy name of Wadden Sea Plan (WSP), we had been careful in indicating which of the Esbjerg Declaration objectives were still relevant or amended according to the Leeuwarden Conference and were already policies agreed between the countries.

Noordwijk was the first of a number of intense and protracted meetings leading to the Stade Conference. The meetings would run over two days, normally starting at 09:00 hrs and ending at midnight on the second day or even later. During the meetings, the CWSS would produce revised drafts of the WSP which were then circulated directly after the meetings. The meetings at Noordwijk, Kollekole in June 97 and later in Brøndby in September 1997 were particularly memorable in this regard. They were all post-midnight finishes, exhausting but also very constructive. Fritz Dieterich used his chairman's authority to compel people to discuss, agree compromises, take responsibility for what had been agreed and not postpone discussions. He sometimes suspended meetings for a few hours and instructed the delegations to come back with consolidated views on proposed amendments. He disciplined the participants and there was no escape from the negotiation table.

Consultations on the Wadden Sea Plan. Let the storm loose

The TWG Noordwijk meeting and the subsequent meeting at the conference location in Stade at the beginning of February 1997 produced a consolidated comprehensive first draft for consultation until June. It was distributed widely within the countries to the responsible national and local authorities. It was cue for the storm to break, in particular in Germany but also in Denmark. In February 1997, it was clear that an agreement with local landowners to create hunting-free areas in the marshes beyond the sea walls in return for still allowing hunting in the Wadden Sea Nature Reserve could not be reached. It was therefore decided to close state owned areas on Skallingen and Rømø and allow for hunting on areas of the salt marshes in front of the sea walls and hunting from anchored boats and wading west of the islands. Though Minister Svend Auken was met with mistrust and

scepticism by hundreds of locals attending a public meeting on the WSP in Ribe on 13 May 1997, he was able to remove some of the doubts and hesitations regionally and eventually navigate the draft WSP through to the Stade Conference.

It was more difficult in Germany, in particular in Lower Saxony, the state which had taken the initiative to host the conference. During the consultation period, the State Government turned against the WSP and attempted to push it off the negotiation table of the Stade Conference. A bad omen was that the Ministry of the Environment had stopped work on a National Park management plan for the Lower Saxony Wadden Sea National Park about a year earlier and was determined to do the same for the WSP. Why was that? The main reason, it can be assumed, was the state election to be held at the beginning of 1998, just a few months after the Stade Conference. What made this election more important than previous ones was that the then Prime Minister of Lower Saxony, Gerhard Schröder, sought the chancellor candidacy of his party later in 1998. If he could achieve a party majority in the state election, his candidacy would become indisputable. All was set to contribute to his victory. The larger part of the coastal region traditionally votes Social Democrat so any contentious discussions on creating a WSP should then be avoided, or the risk minimised. The circumstance that the federal government represented the opposing party undoubtedly amplified the intention to block the plan and frustrate a conference chaired by the Federal Environment Minister, even if it was held in the home state of Gerhard Schröder. It cannot, however, be denied that the Lower Saxony Ministry felt its own national park was progressive compared to other Wadden Sea conservation regimes and any discussion on a joint plan risked undermining what had been achieved as mentioned earlier. Also, it cannot be denied that the General Director for Nature Conservation of the Environment Ministry, Heiner Davidsohn, for personal reasons - whatever they might have been - was against the WSP. Maybe it was a combination of all three factors, or the simple negotiation trick, dig in, watch developments unfold and attempt to be the master of the situation.

A week after the February consultation version of the WSP had been approved by the TWG, the Lower Saxony Ministry of the Environment wrote to the Director General of Nature Conservation of

the Federal Environment Ministry. The letter indicated that positions taken by the Federal Ministry could not be supported by the federal states. It referred to the development of new zoning concepts and the lack of differentiation in the WSP between the Conservation Area and the whole Wadden Sea Area. Also, the letter indicated that the use of the word “Plan”, suggested a binding legal nature. The statement that Lower Saxony represented the views of the federal states was not true and backfired. This was made clear a couple of weeks later in a response letter from the Deputy Director General of the Federal Environment Ministry. The aim of the consultation phase was to discuss and further develop the issues on zoning and differentiation between the Conservation Area and the Wadden Sea, but the federal states had been involved in all talks and negotiations from the beginning, the letter from the Deputy Director General stated, and all steps regarding the WSP, including the development of the concept and contents, had been agreed with the states.

The issue was apparently again discussed at a meeting in Bonn at the beginning of March 1997. After the meeting, the Lower Saxony Ministry repeated the viewpoints expressed in the former letter and added that in order for the states to agree, a consultation had to be carried out in the states with sufficient time for discussions on the basis of a German translation of the WSP. The arguments used in the pre-Leeuwarden negotiations were recycled, namely that the agreements of the WSP would lower the established standards of the Lower Saxony National Park and agreements outside of the national park were in conflict with decisions taken by the Lower Saxony Government.

The consultation period ran until the beginning of June. In the meantime, the Lower Saxony Ministry used the time to mobilize Lower Saxony resistance to the plan on all levels. State ministries and the district governments of Weser-Ems and Lüneburg were all invited to comment on the WSP, and the district governments instructed to arrange for regional meetings to discuss the plan. It was clear that something was in the pipeline and in anticipation, the chair and the CWSS agreed that we should attempt to isolate Lower Saxony during the further negotiations. Maximum pressure should be put on the Environment Ministry to ultimately accept the WSP and everything else that would be decided at the conference. It was either that or take

responsibility for the debacle of a conference held in the state which made the most trouble.

Whether or not the Director General had by then realized that he was on a failed mission to stop the further negotiations on the WSP will probably never become clear. In May 1997, the Environment Ministry submitted a 16-page position paper to the Federal Environment Ministry. The paper summarized all the comments and amendments from the Environment Ministry and other state ministries in Lower Saxony on the draft plan. It also warned that in light of the late delivery of the “rough” German translation of the draft, further consultations and possibly other comments were to be expected. The statement of late availability of the draft was not in accordance with the facts, others would label it an outright lie, but it was probably placed there to counter any external critical comments from within the state itself such as the political parties and the interest groups. The WSP was a political paper that should be subjected to comprehensive consultation, the statement emphasized, and could not assume the consent of other ministries and interest groups. It was also recommended, in condescending fashion, that the technical expertise of other international organisations such as OSPAR and the Elbe Commission should be employed. This was an obvious attempt to diffuse the importance of the TWSC. The comments, the statement continued, demonstrated that the draft WSP did not constitute an acceptable basis for further negotiations and it concluded “this agenda item cannot therefore - at least in this form - be submitted to the Trilateral Wadden Sea Conference”.

The letter was directed at the meeting between the federal ministry and the state ministries which was held the day after in Bonn. The objective there was to achieve a common German position for the meeting of the TWG to be held in June, in Denmark. It was rebuffed on almost all points. The conclusion of the letter, that the proposals of the draft Wadden Sea Plan were “often banal, many even false and partly beside the point”, were vehemently contradicted. Many of the policy agreements of the draft had already been adopted at the 1991 Esbjerg Conference and were a plain continuation of common agreements. Others were within the limits agreed at the start of the process, i.e. did not go beyond the existing legal framework. Both Schleswig-Holstein, Hamburg, and the Federal Government were prepared to continue the

negotiations and Lower Saxony had to make up its mind whether it would support further negotiations.

Obviously, the Lower Saxony letter had overshot the mark. Resorting to unqualified remarks such as banal, false and beside the point and purporting that the translation had been provided too late demonstrated that the actual purpose was not to stop the process, this had been lost in the previous months, but to create a backstop for the Lower Saxony Environment Ministry that would enable the state government to pass the buck on to the federal level and the other states. This was also the purpose of public meetings that were held by the two district governments. I participated in the one held in Cuxhaven in mid-June. The tenor was the same, Lower Saxony was ahead of all others in terms of the legal protection of its Wadden Sea, it would work constructively with others if they were willing to adapt to the same standards. Lower Saxony would not allow its standards to be undermined and moreover, would demand genuine public participation.

Opposition within Lower Saxony mounted. I collaborated closely with Holger Wesemüller, head of the WWF Wadden Sea bureau in Bremen, during this period, and he staunchly opposed the position of the Environment Ministry both in public e.g. at a meeting which was transmitted by the regional television channel NDR as well as in letters to both the Environment Minister Monika Griefahn and the Prime Minister Gerhard Schröder. He also voiced his critique in a personal meeting with Minister Griefahn and Davidsohn. This was the most critical and important intervention by environmental conservation organisations, which otherwise did not have any influence on the negotiations and rather distanced themselves from the whole undertaking, aware that should the Wadden Sea Plan fail, it would also be a failure they would have to account for.

The Green Party also submitted questions in the Lower Saxony state parliament to which Griefahn had to respond. Lower Saxony was slowly becoming cornered and had to meet the wishes of the others. Undoubtedly, the perspective of Lower Saxony was different, it felt it could continue to act as the unwilling and cautious, yet progressive partner and so curb any eventual protests from the local communities.

At the TWG-meeting at the Kollekolle conference centre near

Copenhagen, 18-19 June 1997, where the comments on the draft had to be discussed and evaluated, it was likely that a further draft could be developed but it was by no means certain following further internal German consultations. Over two days of intensive work, a draft was established with many reservations. However, it was approved at a SO meeting some 10 days later and could be made put out for further public consultations over the next couple of months. As of that point in time, it was clear that a draft could be submitted to the Stade Conference. Intense discussions raged over the summer, particularly within Germany, both on the official level and in the press. In the media, a discussion on whether or not to postpone the conference popped up, mostly instigated by parties opposed to the governments, but it never developed into a serious debate. Discussions on the draft continued intensely until the last hours and several drafts were developed before a final draft could be submitted for approval by the ministers.

In the final phase of the negotiations there were two moments which illustrated the mode and atmosphere of the talks. The first one ensued at the September SO meeting in Brøndby near Copenhagen. It was apparent that the Germans had gone into great detail on the various drafts. As mentioned earlier, Germany could only agree to proposals that fell within the existing legal framework or other regulations and agreements. This approach limited the scope of discussions and made it almost impossible to talk about anything what was not of a legal nature, such as policy intentions or management initiatives. The stance was also used to frustrate some of the Danish and Dutch proposals. It became a major annoyance to the Dutch Senior Official at the Brøndby meeting, frustrated by the extended discussions and the lack of progress on negotiating footnotes. He unwisely challenged the position of the German chairmanship and so played right into the hands of those who opposed the Plan, instead of supporting the position of the Germans around the table. The Germans got rather annoyed and called for a separate meeting which the Danes and the Dutch, apparently in a coordinated action, firstly attempted to avoid. Nevertheless, a meeting was held on 8 October 1997 in which the tone had altered and they both had to abandon their positions. It was a fault of the Dutch delegation, a misinterpretation of the situation which could have gone wrong.

Exactly at that point the German Federal Environment Minister, Angela Merkel took matters in her own hands. In an apparent attempt to accommodate the complaints, especially from the East Frisian islands and the other islands in general (they were always outspoken in their opposition - the East Frisian islands having produced a lengthy statement of opinion on the draft Plan in August), she travelled to the island of Borkum to meet with the mayor, a CDU party member just like Merkel. It was a calculated and brave move that broke the resistance. She demonstrated that she was not above things and willing to listen to complaints from the local communities. She assured them that nothing would be agreed that could go against the interests of the local communities. She neither gave in on the already agreed positions nor promised things she could not stand by.

Undoubtedly, she received many complaints and was under some pressure which I sensed on the eve of the Conference. I was called to her table during the official dinner and in very strong words she complained about the how the harbours had been designated on maps that the secretariat had produced for the draft Plan. It was unacceptable, she intoned, and we were the responsible ones. I was not aware of a problem, suggested that this should be technically discussed later, which she somehow accepted. Apparently, as I came to know from a colleague afterwards, the harbour industry had complained that from the maps it would seem that the estuaries would now be part of the Conservation Area and damage shipping interests. This was by no means the case. Angela Merkel had indeed met with representatives of the Chambers of Commerce from northern Germany on 16 October 1997, at which the estuary issue was discussed. The secretariat was requested to define the geographical boundaries of the estuaries on the same day and promised to have a map ready at the conference. The whole map issue was a complicated one. Electronic generation of maps was in its infancy and we lacked both the means and the proficiency to make high quality maps. That apparently caused the misunderstanding, whether a deliberate one or simply a mistake by the harbour industry is still the question.

Stade Conference. Mastering the tempest

The Stade Conference extended over three days. On 20 October, WWF Germany held a conference at the conference centre, following a similar format to the earlier International Wadden Sea Days. Both the 20 and 21 October were devoted to various preparatory meetings of the TWG and the SO but there were still substantial differences and footnotes at the end of the meeting sequences. Notwithstanding this, there was time for a lavish conference dinner with a Wadden Sea ballet performance. The mayor of Stade welcomed the guests - in German. Though an interpreter had been provided and stood next to him, he continued speaking without interruption. At one point, I went up to him and suggested in German that the interpreter be given a chance to summarize the first part of his speech for non-speaking Germans. He brushed me off and I had to return crestfallen to my seat at the minister's table, to the amusement of the attendants. The mayor continued unaffected. Now it was the turn of Walter Hirche,



Stade Conference 1997: Johan de Leeuw (the Netherlands), Angela Merkel (Germany), Svend Auken (Denmark) (from left right) (Photo: Ursula Euler, BfN).

the parliamentary state secretary at the Federal Ministry for the Environment to put his full authority into asking for a translation. He stepped up to the podium but was brushed off as well and had to return to his seat at the same table, empty handed, the same way I did. Finally, the mayor had completed his speech and the translation was offered.

On the morning of the Conference, 22 October 1997, Svend Auken had to leave early and could not participate. It was rumoured that the Danish Prime Minister contemplated calling a general election and Svend Auken's presence in Copenhagen was therefore necessary. Or was it because he did not see any gain in staying at the Conference? However, before he left, a high-level meeting of ministers and their seniors had produced solutions to all the footnotes. A late amendment document was produced, and the Stade Declaration with the Wadden Sea Plan annexed to it was finally adopted in plenary without much debate. A sigh of relief went through the Conference.

The official part of the Conference had taken little time to complete. In my recollection, there was only a brief discussion of a proposal by the ICT to include something on integrated coastal zone management.

It would be too technical and tedious to refer to all the technicalities discussed during the negotiations. It would also demand a detailed examination of all the drafts and the discussions. There were hundreds of issues, small and big, but the main discussions, predictably, centred on industrial activities and associated harbour activities in and around the Wadden Sea. It was clear from the beginning that harbours and shipping matters were much more sensitive issues in Germany than other parts of the Wadden Sea because of the estuaries and the entrances to the major harbours of Bremerhaven, Bremen and Hamburg. This was originally one of the arguments which the Lower Saxony Environment Ministry wielded against the Plan. It was insinuated, also in the press, that this was a Dutch attempt to curtail the activities of the major German harbours and advance the competitive advantage of Rotterdam. Whether it was true or not, it can be largely dismissed. It was used as a convenient argument by the port and shipping authorities. The aim of the policy was to prevent the extension of existing harbours and the building of new ones in the Conservation Area. That soon turned out to be a policy which could not be implemented so a formula was found which could be used both within the Conservation Area as well as in the Wadden Sea Area at large, i.e. areas outside of the Conservation Area, where it related to infrastructure. This stated that major modifications and extensions, and the building of new facilities should be carried out "in such a way that the environmental impact is kept to a minimum and permanent, or long lasting effects are avoided

and, if this is not possible, compensated". For the Conservation Area a stricter policy was agreed, namely that such would not be granted "unless such is necessary for imperative reasons of overriding public interest and if no alternatives can be found".

Actually, these were the regulations enshrined in Article 6 of the Habitats Directive and it lifted the agreement to the European level which, as most people agreed, would have happened anyway. Did this make trilateral cooperation in this field - and others - redundant? Partly, and that being the case, the emphasis should have been placed on how to harmonize the implementation of the Directive and others, e.g. in defining the circumstances under which the "imperative reasons of overriding public interest" and "alternatives" could be applied. The European legislative system operates, however, on a different level compared to the trilateral one, as we have seen, and a full alignment of approaches was never and never will be possible. It was, however, a small contribution to how Article 6 should be interpreted and in that sense a small step towards harmonization.

Overall, the discussions on the estuaries were very contentious. The German estuaries are among the most industrially developed estuaries worldwide and it was apparent that it would be difficult to advance conservation interest in the estuaries, certainly in a trilateral context. This had already become clear during earlier Target discussions in which estuary Targets were of limited scope. This became even more evident when common policies were discussed. The core hope was to provide a more natural transition zone between fresh and salt water and improve the conservation of the estuaries. This was also laid down in the Wadden Sea Plan. It did not help, however. The ecological state of the estuaries had continued to deteriorate. They had only reluctantly - and only partly - been designated as conservation areas under the Habitats Directive. The estuaries have all been substantially deepened since to serve the larger container ships and plans for further deepening are underway. It has not and will not be feasible to introduce a common port policy for Germany setting priorities for harbour activities which would also take account of the ecological interests. The same goes for Eemshaven and Esbjerg. They have expanded and the shipping lanes have been deepened. A reversal of the situation is not within sight. I believe the situation will not change before the global economy

changes, e.g. either through shifting transport channels or by an increase in local production requiring less shipping.

Shellfish fisheries and oil and gas extractions were other battlefields. Shellfish fisheries had already been extensively discussed at the Leeuwarden Conference three years earlier. It was widely accepted amongst ecologists that cockle fishery was and would continue to be an unsustainable fishery activity. Whereas it had been phased out in the German part, the license granted as a result of the 1991 Conference was still valid in the Danish part. In the Netherlands, discussions had continued. The new approach - or catchphrase - was now co-management. In January 1997, a workshop was held in Groningen to discuss the issue of co-management, but the outcome made no difference. As long as partners, in this case the fishery organizations, refused to take responsibility for better fishery management and refused to accept sanctions for failing to fulfil agreements, it would be pointless. In the case of cockle fishery, the Wadden Sea Plan simply reflected the policies at that time, indicating that, in the Dutch part, a co-management scheme was in operation with the industry "in which the protection and enhancement of the growth of wild mussel beds and *Zostera* fields are central elements".

On blue mussel fishery a similar agreement was made in addition to the closed areas already agreed in Esbjerg 1991. Additionally, it was almost possible to agree to confine the fishery to the subtidal area, had it not been for the Lower Saxony part. Here, it was argued that the area would be insufficient to sustain a commercial fishery unless the intertidal area could be used, albeit on a limited scale. This was even though the fishery in Lower Saxony was of limited size compared to other parts, with only 3-4 licenses in operation. It was therefore agreed that an exception could be made to allow fishery in the intertidal zone provided a management plan was in place. A few years after, a management plan was developed for Lower Saxony which principally allowed for mussel fishery in the intertidal. We at the CWSS, in a report mandated by the Administrative Agreement, criticized the approach as not conforming to the Wadden Sea Plan. The report was noticed, nothing was done, and we were made to understand that this was none of our business.

As regards the exploitation of oil and gas, the Wadden Sea Plan

stipulated that new installations would not be permitted in the Conservation Area and that exploration activities would only be allowed in the Conservation Area “if it is reasonably plausible that deposits can be exploited from outside the Conservation Area”. This was at least a confirmation of the agreement reached at the Leeuwarden Conference and comparable to the discussion in the Netherlands at that time. A couple of years later, the government and the concessionaires, after pressure from the environmental organisations and following a court decision, agreed to refrain from any additional exploration drillings in the Wadden Sea.

Years later this became a heavily debated issue in conjunction with the ongoing cockle fishery in the Netherlands which lead to the



Children handing over their ideas to the Chairperson Angela Merkel at the Stade Conference (Photo: Ursula Euler, BfN).

installation of the Commission Meyer. Basically, cockle fishery was phased out, the cockle fishers were compensated, gas drillings were allowed on gas fields within the Conservation Area from installations based on the adjacent land and a Wadden Foundation was established with a capital fund of € 800 million. This money was to be invested in improving the environmental and socio-economic status of the Wadden Sea and the adjacent region. I have always thought that linking such issues, because that was what was done, would always

lead to an unhappy marriage where the family at large would pay the costs. Why should gas extraction be allowed, or indeed cockle fishery? The latter activity significantly impacted the Wadden Sea and could and should have been terminated under the Habitats Directive. Court rulings by the Dutch Administrative Court had already shown the way, but it was politically unthinkable that the activity should simply be terminated without compensation.

The significance of Stade

The Stade Conference was the WSP. What was achieved by the WSP? Most notably, there was now a comprehensive and wide-ranging policy plan for the entire Wadden Sea in place. It systematically translated the Guiding Principle and the Target approach into an all-inclusive policy plan to deal with the Wadden Sea on an ecosystem basis, with all the flaws and compromises such a plan has as an outcome of a political process.

In an international context, the Plan is a remarkable achievement. It is to my knowledge the most advanced plan for a transboundary protected area worldwide. Despite the significantly changed political mood over the years, all the agreements made at the Esbjerg Conference 1991 held good and it provided further legitimacy for the Cooperation and a firm basis for the secretariat to continue its work. The individual projects, which were left-overs in areas where joint policies had not been developed, provided a solid basis for future work, though it also became evident that many would not be implemented because a change in focus had rendered them redundant or simply because the necessary resources could not be mobilized.

On the downside, the plan was not a management plan in the sense agreed at the Esbjerg Conference 1991. It did not include a time frame, action-orientated measures, or responsibilities. It was not an operational plan which gave direction to daily management. It is a political agreement on policies and overall management of the Wadden Sea Area. Regrettably, however, a footnote was added to the plan to explain what was meant by a “political agreement”, namely “[m]eaning it is a legally non-binding document of common political interest”. An amendment which came about from a Dutch intervention. It was a derogatory and superfluous labelling of an endeavour into which huge work, political capital and will had been invested. It was apparently

necessitated by the prevailing political discussion, or maybe because of a lack of political courage. Actually, the governments were expected to live up to the policies of the Plan, whether a formal legally binding document or not. In a material sense it did not make a difference.

Whether the WSP had implications for nature managers regionally is difficult to say. It was, however, never thought to be a really relevant document for the managers. It was not considered an enabling document as it rightfully should have been but rather something that was agreed on the highest political level only. The question is also whether it was important in the political debate on national and regional levels. This would need to be investigated in more detail, but the only part that attempted to implement the Plan so to speak in its entirety were the Danish authorities through a separate planning document and through the amendment of the Statutory Order in 1998. Such an implementation is not mandatory but the other regions, it seemed, were reluctant to refer to the Plan in any of their policy and management initiatives later, anxious that this could be interpreted as something which was a top down initiative.

There was a widespread resistance to deal with the WSP in terms of revising it at consecutive Ministerial Conferences. This was understandable given other discussions, particularly on the World Heritage nomination in the first half of the 2000-decade. Revising the plan at each Conference would have completely wrecked the communication and the debate around the nomination in which the core message was that the Wadden Sea Plan negated the need for any additional measures. The WSP, as we shall see later, perfectly served the function of being the management system or plan required for a World Heritage property.

Revision would, however, have been a logical step from a technical point of view since the WSP was the basis for the TWSC to operate and changed policies should have been integrated into it through regular amendments. Now decisions on policies and management at the 2001 and 2005 Conferences were spread over the Declarations.

Once the 2005 Schiermonnikoog Conference made the decision to nominate the Dutch-German part for the World Heritage List, it was possible to agree at the same conference to update the Plan to “further develop within our Shared Vision, Principles and Targets, the Wadden

Sea Plan (WSP) into a management plan for the Wadden Sea Area in accordance with the stipulations entailed in the Habitats, Birds and the Water Framework Directives and other European Union directives and regulations, in particular Article 6 (1) of the Habitats Directive”. The updated plan was adopted at the 2010 Sylt Conference. This resulted e.g. in the adding of a new chapter on overarching themes on climate, alien species and shipping, on fish in conjunction with newly developed fish targets and a chapter on implementation, integrating the monitoring programme and on how to review and communicate the Plan. It was a significant improvement on the 1997 version. It was more comprehensive and forward looking and it cemented the achievements of the intermediate period.

Regrettably it did not, however, develop into an operational management plan as intended and definitely not into a management plan in accordance with the Habitats Directive. The advice of Andy Brown to separate the policy statements and operational parts unfortunately came too late in the process to be implemented in the updated plan. And politically, there was no room for a discussion of a fundamentally different approach and colleagues were unenthusiastic to test the margins. The aim was an update, though this was not a word found in the agreement in the 2005 Declaration. And update meant, within the existing framework as agreed in 1997.

There is, however, still a need for something more operational especially now that the Wadden Sea has become one unified World Heritage property. Being one property implicates that it must be not only conserved but also managed as an entity to maintain its Outstanding Universal Value. This was the core of the request of the World Heritage Committee, I believe, when the Danish part was added to the property in 2014. The Committee requests the “State Parties of Denmark, Germany and the Netherlands to develop a single integrated management plan for the entire transboundary property in conformity with the requirements of Paragraph 111 of the Operational Guidelines, and to consider the options to strengthen the effectiveness of implementation of coordinated management within the property”. I sensed an unwillingness by the Parties to take on this request. They did not see it as an opportunity to commonly strengthen the conservation and management of the property and to reinforce and extend the

position of the CWSS, a necessary step if the Parties had intended to live up to their commitment to manage the Wadden Sea World Heritage as one property, as it rightfully is. At the 2018 conference, it was however agreed to finally start developing the plan and Germany made this a priority under its presidency. The Annex 1 of the 2018 Leeuwarden Declaration sets out a promising approach to developing the Single Integrated Management Plan, SIMP for short.

In hindsight, the Wadden Plan was an unprecedented achievement. It created a joint framework for the protection and management of the Wadden Sea as one and a firm basis for the work of the TWSC including the CWSS. And nowadays, it is more than a piece of political intention. The WSP is part of the package underlying the Wadden Sea World Heritage inscription. This is how the Wadden Sea states vow to protect and conserve the Wadden Sea on behalf of the global community and in that sense, it has achieved a binding status comparable to an international legal instrument.

We should have done more to communicate it more widely, but the WSP itself does not really lend itself to being communicated. It was and still is a plan first and foremost targeted at policy makers within the governments rather than managers or a broader audience. We should have done more to promote it internationally, but it was probably too advanced in terms of its philosophy and ambition to be of relevance for other transboundary protected areas. It remains a document tailored to the Wadden Sea.

Lastly, that the WSP ever came about was in itself an unprecedented achievement. This was only possible because Fritz Dieterich as chairman of the TWG directed us through an incredibly difficult passage. He was firm towards the members, always a step ahead of everyone, took responsibility for the process and no one doubted his integrity. Credit also goes to the members of the “club” who did the work, had difficult times on the “home front” to defend the several drafts of the plan, and remained committed to the process of getting the job done.

Evidence Based Joint Policy and Management

One of the pillars of the TWSC was its strong evidence-based foundation. As we saw in chapter 2, scientists were fundamental to the establishment of the Wadden Sea protection including the TWSC. Out of the science work grew the International Scientific Wadden Sea Symposia (ISWSS) which became an institution within the TWSC and which laid the wider foundation for the monitoring and assessment programme and the Quality Status Reports.

Scientific Wadden Sea Symposia

The conference held on Schiermonnikoog in November 1975 is now considered the first ISWSS, as they later came to be labelled. It was intended to pave the way for a formal governmental cooperation between the three Wadden Sea countries. In that it was successful. In 1978, the first Governmental Conference was held in The Hague at the invitation of the Dutch government and at that meeting it was agreed to hold a further scientific symposium in Ribe in May 1979. Since then, 12 ISWSSs have been held, the latest in 2017.

The character of the symposia has inevitably changed over such a long period. The symposia until at least 1986 were at the invitation of governments only, though they became a bit more relaxed towards the end of that period as the aims of the symposia changed. They were instituted as one of the key platforms for trilateral policy developments. Participants were invited for their scientific technical knowledge and not as representatives of governments or organisations. Some of the participants of the early symposia were affiliated to non-scientific organisations but it was not until 1983 that the first NGO-representative, Holger Wesemüller, from the newly established WWF bureau in Bremen, participated at a symposium. In this particular case it was possibly because of his expertise on recreation and tourism rather than his standing as an NGO representative. This may explain why there were no representatives from the Dutch Wadden Society, which had been established in 1965, at the first symposia. As of the symposium in

1988, held in List, Sylt on monitoring of the Wadden Sea, there were in principle no restrictions on participation.

Undoubtedly, the first symposia had a significant influence on trilateral policy developments. The first one, as mentioned, resulted in the first Governmental Conference, at least that is what the sequence of developments leads to. The recommendations of the following symposia were all discussed at Ministerial Conferences which agreed common positions on them. Wim Wolff, who continued to play the leading role in the symposia for some 30 years, never stopped emphasising that presentations at and the recommendations ensuing from the symposia should be evidence-based and have a clear target group. He was adamant in underlining this at consecutive symposia. He was never slow to comment if he believed that this was not the case. Presentations were selected on the basis of their scientific quality and the recommendations from the symposia were developed on the basis of the proposals from the participants and the evidence of presentations. During the first years, the proposals for recommendations were developed by a small committee of scientists under his chairmanship - he was not keen to have policy makers at the table. They were discussed in plenary sessions in which everyone could have a say and finally they were approved by the participants. He mastered reaching consensus on the recommendations.

This changed significantly at the end of the 1980s for two reasons. Comprehensive protection regimes had been created covering the whole of the Wadden Sea and strong institutions been established to oversee those. And in 1987 the CWSS was created. This was now where the main thrust of trilateral policy development took place, and the question was what implications it held for the symposia.

The direct reason for looking at the influence of the symposia was a recommendation adopted at the 1990 Ameland symposium (which was by the way the first one which discussed more fundamental aspects of the present and future of the conservation of the Wadden Sea) recommending that the Danish organisers of the next symposium should evaluate the effects of previous recommendations. Henny van der Windt and Margreet ter Steege from the University of Groningen were tasked with the job and they presented their findings at the 1993 symposium. Having reviewed the recommendations of the symposia

and conducted personal interviews, they concluded a direct impact of scientific advice could be detected in only a limited number of policies. The scientific symposia, however, had been important for the development of a trilateral policy and for the protection of the Wadden Sea as a whole. A network had developed, especially after the establishment of the CWSS, and taken over some of the functions of the symposia. Nevertheless, the symposia were still the only platform for policy makers, scientists, and NGOs to meet and engage to develop new innovative concepts and refresh old ideas. They recommended reshaping the symposia to look at specific scientific fields and policies to increase their value to scientists doing research and fieldwork and consequently to increase the value of ensuing recommendations for politicians.

At the 2000 symposium, Wim Wolff looked back at the 25 years of symposia. They had become established, he noted concurring with the previous evaluation, as a forum for information exchange, a nursery for new ideas and a platform for the development of scientific projects. But he questioned whether the symposia were still heading in the scientific direction. He noted that scientists were in the minority at the symposia, and the meetings had seemingly been increasingly taken over by government institutions, topics were determined to an increasing extent by governments and more non-scientific contributions appeared in the programmes. The independent status of the Wadden Sea symposia was at risk, he concluded, and a choice had to be made between scientific symposia organized by scientists and arranged at a university or a scientific institute, or symposia organized by the CWSS and arranged by a government. Both would have their merits. The first would look at established practices and ideas and develop new concepts whereas the latter would primarily have a policy development and information exchange function. The time had come for the TWSC to make a choice about the symposia, he concluded.

The choice was never made, and the question is whether it should be a matter of regret. Looking at the symposia from the perspective of the CWSS, it was sometimes felt that the outcome of the symposia could have been more concrete and could have had a much more specific function in relation to the TWSC, especially the work of the CWSS. On the other hand, they were always well visited by scientists and

NGO representatives and, to a lesser extent, policy makers. The last three symposia before I retired, 2005, 2009 and 2012, were attended by 150 to 200 people, and for those who attended it was undoubtedly of value. The symposia became more interdisciplinary, involving also e.g. landscape managers, archaeologists, and social scientists which increased the value of the them.

We can be satisfied that the choice, as outlined by Wim Wolff, was never made and the organization of the ISWSS has not been put in the hands of the CWSS. If the organization of the ISWSS had been put in the hands of the CWSS, as we contemplated to propose at some point, it would most likely have made the symposia superfluous. They would then only have had a policy function and it would not have been attractive for scientists to attend. We would have missed an opportunity to continue and cement a valuable institution and its network. The choice was, therefore, to carefully develop the symposia to respond to relevant developments. In that sense the latest 2017 symposium is a good example. It developed proposals for a scientific research agenda led by the Dutch Wadden Academy. This is an extension of the function of the symposia which may open up for new challenging developments. It may also provide the opportunity to re-attract a segment that is missed at the ISWSS, the policy makers.

It is essential that the ISWSS is retained as one of the institutional cornerstones of the TWSC. It is one that distinguishes the Wadden Sea in comparison to other international environmental and nature conservation collaborations.

Monitoring and assessment. Establishing the TMAP

The proposal for a common Wadden Sea Monitoring Programme, recommended by the 1988 ISWSS and elaborated upon by a trilateral expert group through 1989-91, was rejected by the 1991 Esbjerg Ministerial Conference. Germany wanted something much more ambitious to include the outcomes of the large ecosystem programmes which were being implemented at that time in the Schleswig-Holstein and Lower Saxony Wadden Sea as mentioned earlier.

A new Trilateral Monitoring Expert Group (TMEG) was installed almost immediately after the conference under the Dutch chairmanship of Ben van de Wetering. The TMEG was tasked with developing

a proposal for a Wadden Sea monitoring programme based on an ecosystem approach, with an appropriate associated system to handle the data. There were substantial differences between the members of what this task actually entailed. The differences were mirrored in the composition of the expert group. Whereas the Dutch and the Danes designated representatives from the ministries or their expertise organisations, the German representatives came from scientific research institutes. The German members aimed to design a new programme from the ground up, capable of handling all the ecosystem research data without regard to practical and financial constraints. The Dutch wanted a more pragmatic approach which took account of existing programmes and feasible finances. Undoubtedly the Dutch chairmanship was concerned that a proposal would be tabled by the TMEG that would demand substantially more resources and coordination. Ben van de Wetering operated adeptly and impartially and did an excellent job to reconcile the different viewpoints.

There were intense discussions in the TMEG on how to design an integrated monitoring programme for the Wadden Sea, but within a year, at the end of 1992, the group came up with a concept. It encompassed a couple of innovative approaches. One was basing the programme on “issues of concern”. For each issue of concern, hypotheses should be developed around which the programme was built. This was an approach which was later followed in the European Commission’s monitoring strategy for the directives. In a Wadden Sea context, it was not unproblematic. Simultaneously with the development of the monitoring programme, the eco-target approach was developed without link to the monitoring programme and vice versa. Not all the Targets adopted at the 1994 Leeuwarden Conference, would be covered by the “issues of concern” approach and combining the two proved challenging to implement.

Another key element of the concept was the close relationship between monitoring and assessment of the results of monitoring and the need to connect science and monitoring through concomitant research. The concept was hence not only a monitoring but a monitoring and assessment programme.

A third element which provoked controversial discussions was data handling. The issue was not whether there should be some sort of

coordinated data handling but whether it should be a centrally or locally based system. In the background loomed the question of resources that would be needed for a central system at the CWSS or closely related to the CWSS as the central data manager. The German argument won the discussion. Technically speaking the central solution would be the most effective and efficient solution as the German data expert convincingly demonstrated, by running the options through a number of criteria related to the drafted programme. Finally, the concept underlined the need for a coordinator to be located at the CWSS.

The concept was welcomed by the TWSC in the sense that it should now be implemented into a practical monitoring programme. In 1994, the Trilateral Monitoring and Assessment Programme (TMAP), as it was now labelled, commenced with a common subset of parameters that were already parts of national programmes under the responsibility of the Trilateral Monitoring and Assessment Group (TMAG) established to implement the TMAP.

Making the TMAP operational

As proposed, the CWSS was authorised to engage a TMAP coordinator. Harald Marencic was selected and started on 1 January 1995. The task was to develop an operational programme on the concept designed by the expert group until the 1997 Ministerial Conference. This became a wide-ranging task, but we managed to obtain co-financing via an EU Life project with a total budget of € 1.4 million which enabled us to implement it in an extensive way. Most importantly, it made the employment of a data coordinator at the CWSS possible, though this initially met some resistance at regional level. The TMEG had recommended central processing of data so it was hard to oppose such a proposal. And so it came that Gerold Lürßen was employed as the data handling coordinator as of February 1996. With Harald Marencic as the TMAP coordinator and the Gerold Lürßen as the data handling coordinator, the CWSS was now well equipped both internally and externally to finally take up the challenge of enhancing and advancing the common knowledge basis of the Wadden Sea. This was of central importance for further developing joint policies and management and enabled the CWSS to expand its proactive role in this.

Both Harald Marencic and Gerold Lürßen were employed on a temporary basis. Since Harald Marencic was financed entirely on the basis of contributions from the three ministries, it was possible to transfer his temporary employment to a permanent one within three years. Gerold Lürßen, however, was employed under the Life project and it took years before his temporary contract was finally converted into a permanent one in 2006. This was not in accordance with German employment regulations, but the governments were not willing to take responsibility for financing the position. It was, however, strategically far too important for the CWSS to give up such a position and we constantly found money outside the core budget of the CWSS, e.g. from surpluses generated through European projects. To continue financing the position, we were strongly supported by the science coordination unit of the Conservation Department of the Federal Environment Ministry throughout the years, and I was lucky that he accepted temporary work contracts instead of taking me to court as he could have done. Finally, with the help of the German and Dutch Heads of Delegation, the Danish opposition to a permanent engagement was broken on the day before the 2005 Schiermonnikoog Ministerial Conference.

It was hard, onerous, and sometimes tedious work to get the TMAP up and running. As a first step and through the process initiated by the Life project, a common package of 28 parameters out of the comprehensive set proposed by the previous expert group, covering all habitats and central biodiversity, pollutions and human activities, was agreed at the 1997 Stade Conference. The common package was elaborated on the basis of its technical and financial feasibility and guidelines were developed for monitoring each of the parameters. It combined and amalgamated the Target and the “issues of concern” approaches into one comprehensive approach.

Part of the agreement was also to set up a data management system to handle the data in a coordinated way by establishing a data centre in each of the four regions, co-ordinated by the CWSS. A fully centralized system with one central data base located at the CWSS had been abandoned. It proved to be politically unworkable and, in the end, technically not the most advanced and suitable solution. The data should, however, be stored in decentralised data bases linked in

a uniform system that enabled unrestrained exchange of the data. In that sense the regional data bases constituted one central Wadden Sea data base. As is always the case with such solutions, there were also exceptions to the general ruling. Some of the data were stored and managed centrally at the CWSS.

The 1997 Stade Declaration stated that “[T]he Ministers AGREE to implement the common package and to this end, establish, as soon as possible, the necessary financial and organizational preconditions for its implementation, including the associated data management”. Though the financial and technical feasibility had been checked and indications had been received that it was possible to implement the TMAP, it needed political confirmation. This was normally not an area which interested journalists. Nevertheless, during the press conference after the ministerial meeting a journalist questioned the cost implications. Minister Merkel passed the subject to me, and as had been indicated in the process, I naively responded that it would indeed require some additional or re-allocation of resources. From the silence in the room and comments afterwards, it became clear to me that there were other thoughts about this and that most were not willing to invest additional resources, or for that matter re-allocate resources. The uphill battle to get the programme running continued.

When the ministers met again in 2001, in Esbjerg, progress had been made, but gaps and deficiencies existed in particular on data management. An additional challenge surfaced. The national monitoring and reporting of Directives, of which the Water Framework Directive had recently been enacted, had to be given priority, since they had legal force. The monitoring of the Directives operated on a different level to the TMAP. National level monitoring centred on implementation and objectives set by the member states, whereas the TMAP programme aimed to monitor Targets and issues of concern at an ecosystem level. This challenge was obscured in the Declaration in various statements. Contrary to the Target approach, an area coverage monitoring is in principle not required according to the Habitat Directive with regard to, e.g. salt marshes. Countries and regions use different methods to monitor salt marshes, so a quite advanced technical discussion is needed to overcome such differences to enable a common assessment.

Another example, but of a different order, is monitoring of pollutants in bird eggs, one of the really innovative parameters of the TMAP, a method that had been developed by the Institute of Avian Research in Wilhelmshaven. It was an attractive monitoring approach because through only one laboratory method it produced uniform results for the entire Wadden Sea. It was a continuous struggle to implement and keep up and running because this relatively simple and cost efficient parameter was not part of a legally required scheme and, something



Trilateral Monitoring and Assessment Working Group (TMAG), during a meeting in 2005 (CWSS Archive).

no one would admit, it was probably also because it could potentially produce other results that could conflict with the official national ones from other monitoring schemes.

The data management was no different. The decentralized-centralized system agreed at the State Conference started to work, but it was a continuous uphill battle to keep it running. It took some discussion within Germany before the regional data centres, as planned, could be established at the National Park Authorities in Tönning and Wilhelmshaven, to serve the core data of the TMAP. In the Netherlands, the State Institute for Coastal and Sea (RIKZ) of the Ministry of Transport and Traffic was the central data base for the Dutch Wadden Sea data. An advanced system was developed to automatically extract relevant data from other data systems to the

Dutch Wadden Sea data system. Because of the relatively limited data from the Danish Wadden Sea, the Danish Agency for Environmental Research (NERI) was largely able to extract the data manually from other data systems and establish a rather unsophisticated data base. The data handling expert group, which was established under the TMAG with the CWSS data handling coordinator as the secretary, was instrumental in getting the system up and running at an acceptable level in spite of internal resistance in the countries.

The evaluation of the data handling system by an internationally recognized Canadian data handling expert in 2004 confirmed that the system was state of art and well designed. During this period, Denmark, as will be outlined later, became a difficult partner in the TWSC. The government which took office after 2001 shifted priorities and opposition in the Danish Wadden Sea Region to further regulations was as strong as ever, so TWSC engagement was reduced. The bottom-line for the Danish engagement in Wadden Sea matters was that the Ministry was prepared to live up to the requirements of the Directives and not much more. In the case of monitoring, it meant that the Directives took priority, not the TMAP, and that in principle data exchange should be done on the basis of what had been agreed between member States. Neither the monitoring requirements nor the data delivery in the EU format met the requirements of the agreed TMAP format and basically to a great extent the TMAP became a bilateral German-Dutch programme. Under these circumstances it was a considerable achievement that the TMAG and the CWSS were able to develop a comprehensive Quality Status Report in 2004 and again five years later, as had been agreed as the normal schedule, in 2009. It was primarily because of proficient and devoted TMAG-chairpersons such as Karsten Laursen and Karel Essink and the tireless efforts of Harald Marencic and Gerold Lürßen at the CWSS that the TMAP was kept running.

The reorganisation of the TWSC in 2010 was also meant to strengthen the work on the TMAP. Regrettably, in reality it weakened the TMAP in the middle and the long term. The TMAG became an expert group mainly operating at Task Group Management level. It was an attempt to strengthen the monitoring and assessment work and keep it away from political discussions which had been damaging to the progress and knocked it off course, it was felt. It was a misjudgement

on our behalf. The Task Group Management was too weak to steer its activities and provide the work with more direction. It lowered the status of its work and the work of the expert groups operating under the TMAG which had really been the programme backbone. In the attempt to keep them away from the political discussions, the work was downgraded. In 2014 only part of the TMAP worked but in those sectors, it was still exceptional.

Quality Status Reports

The regular QSRs were a great achievement. As mentioned earlier, it started with the elaboration of the Development Report for the 1991 Esbjerg Conference, which in aspects had the character of a quality status report but in hindsight also served as a pilot for the real QSRs. The first QSR was styled on the North Sea Task Force's reporting on the status of the North Sea. The Wadden Sea QSR issued in 1993 was a separate report with input from a broad range of scientists from countries happy to make their results available for policy measures and transboundary cooperation.

In parallel, the TMAP was developed and the QSRs and other assessment reports became an accepted part of the programme. QSRs followed in 1999, 2004 and 2009. They became steadily more ambitious - and voluminous - as the data availability through the programme increased, in spite of the challenges and the network became more extensive and structured.

With the exception of maybe the Great Barrier Reef, there is no region which has such an excellent knowledge of its ecological status. It is also a measure of the excellence of the scientific work, which is produced by Wadden Sea scientists, and the close collaboration between science, policy and management. And not to forget, it is also a result of the excellent job of the staff of the CWSS. Without this institution it would not have been possible, and neither would the recognition of the Wadden Sea as a World Heritage property.

There is and never will be enough information. As important as knowing what we know, is knowing what we do not know, i.e. where are the gaps in information. And just as important is to utilise the information to develop meaningful policies and management. Here we have partly failed, at least in a trilateral context. The meticulously

elaborated recommendations in each of the QSRs were punctiliously defused during the policy discussions that followed. It was an illusion that there could be any discernible light between the policy recommendations, as mentioned earlier, and the eventual political decisions at the ministerial conferences. In 2010, a synthesis report of the 2009 QSR was made for policy makers and a broader interested public. Four of our most outstanding and experienced Wadden Sea experts, Wim Wolff, Jan Bakker, Karsten Laursen and Karsten Reise, authored the report, which was based largely on the 2009 QSR although other information was also included. It was a successful compilation in terms of identifying the scientific challenges ahead, and the critical future protection and management issues. Unfortunately, it did not receive the attention it deserved.

The value of the QSRs were and are to keep up the regular status assessments of the Wadden Sea and nurture and feed the invaluable relationship between science and policy in a transboundary context, and maintain the work of the different working levels of the cooperation, in particular that of the expert groups operating contributing to the TMAP. It reinforces monitoring and assessment work and the status of the TMAP. Only this will guarantee that the world class work, for which the TWSC is known, will be able to continue.



It would be a good idea to follow up on the idea of the synthesis report and institutionalize this as part of the QSR process. A small council of Wadden Sea experts should be established to advise the governments on trilateral Wadden Sea policy based on, but not exclusively, the QSRs on a regular basis. In this way it would be possible to differentiate more effectively between what is expert judgment and what is the outcome of a policy assessment process.

Uncharted Territory. Navigating in Troublesome Waters

The 2001 Esbjerg Ministerial Conference convened at the same venue as the 1991 Conference, on 31 October 2001, was not one of the spectacular Ministerial Conferences of the TWSC. This would have been almost impossible given that the previous one was the Stade Conference where the foundation for the TWSC had been laid for years to come.



Ministerial Conference, Esbjerg 2001 (CWSS Archive).

For some it will be remembered as the Conference which had to be finalized before noon sharp. Svend Auken, the Danish Environment Minister and chairman, knew that the Prime Minister would call a general election by noon and at that point his political mandate would expire according to Danish practices. He had to conclude it in time. Others will maybe remember the presentation of the video of the so-called wad-o-logen of the Dutch Wadden Society, who had travelled to Esbjerg along the coast in the weeks before the conference. Again, others will recall the class from a local primary school which won

the award for designing the beautiful conference poster and was photographed with the ministers. It will also be recalled as the Conference where non-governmental organisations were formally admitted for the first time after having been accepted as observers at TWG-meetings.

In terms of participants, it was a huge conference resembling almost a small Wadden Sea parliament and it concluded four years under Danish chairmanship, which had started in a somewhat troublesome fashion with Danish suggestions to downgrade activities and limit finances, especially the budget of the CWSS. The Danes felt that after the Stade Conference the WSP had now addressed most topics, and further activities were not necessary. It changed in the last two years of the chairmanship when Anton Beck was appointed chairman of the TWG and the Danish Senior Official, Ole Christiansen, became more involved. They were very supportive and helped make it a successful chairmanship. It was also the conference where Fritz Dieterich re-emerged after four years and as head of the German delegation in his unsurpassed way was responsible for solving most of the outstanding issues during the negotiations preceding the conference so that most of the footnotes had been solved in the final draft of the Declaration placed before ministers.



Johnny Sørensen, mayor Esbjerg, minister Svend Auken and Monica Breach-Moritz, (Germany), Esbjerg Conference, 2001 (CWSS Archive).

All will undoubtedly remember Svend Auken, at that time an internationally celebrated environment minister. He was an impressive presence, admired for his personal efforts for the environment including the Wadden Sea and his political assertiveness. He was to shine at this Conference. His German and Dutch counterparts, the Dutch State Secretary Geke Faber and German Parliamentary State Secretary Gila Altmann accompanied by three colleague ministers from the Länder of Schleswig-Holstein, Lower Saxony and Hamburg, respectively Klaus Müller, Wolfgang Jüttner and Alexander Porschke, could not match his international stature. The Germans had, however, something up the sleeves which prevented him from entirely dominating the Conference. In the statement to the North Sea Conference in Bergen



Head of the German Delegation, Fritz Dieterich, Abdoulaye Ndiaye (Wetland International), Sten Asbirk (Danish Forest and Nature Agency), Joãozinho Sá (Wetland International) at the Esbjerg Conference 2001 (from left to right) (CWSS Archive),

in March the year after, Germany wanted to include something about the need to curb industrial fisheries and protect cetaceans. They had hit a vulnerable point. Esbjerg was the centre of the North Sea industrial fisheries and processing of fish oil. In the eyes of other North Sea states, it was unsustainable, but if curbed or phased out it would result in the loss of many workplaces in Esbjerg. For him as a social democrat it was not a particularly promising prospect. A weak compromise was

found but the newspapers got hold of it and, regrettably, ran that story instead of focussing on the Wadden Sea and what had been achieved at the Conference. It did not, however, dilute the admiration for minister Auken of those who attended. He was all in control.



Signing of the Esbjerg Declaration by Geke Faber (the Netherlands), Svend Auken (Denmark) and Gila Altmann (Germany), (from left to right) (CWSS Archive).

It was a productive conference at which two agreements stood out, the decision to establish a Wadden Sea Forum, which I shall return to in the next chapter, and the decision to apply for the designation of the Wadden Sea as a Particularly Sensitive Sea Area (PSSA) by the Marine Environment Protection Committee (MEPC) of the International Maritime Organisation (IMO). This designation was declared the following year. It concluded many years of contentious talks - and marked the continuation of controversial talks.

The Origins of the Wadden Sea PSSA

The offshore area off the Wadden Sea holds one of the world's busiest shipping routes with almost 400,000 ship movements annually with the transport of containers, oil and other hazardous substances. It is no surprise, therefore, that the issue of shipping both in terms of shipping safety and operational pollution is of central importance to the protection of the Wadden Sea, and since it is of a transboundary

nature, especially for the TWSC. The issue was hardly discussed in the first years of the TWSC. At the 1991 Esbjerg Conference, the shipping paragraph of the Declaration, however, encompassed a number of agreements which directly targeted international shipping, such as making shore reception facilities available in the Wadden Sea ports and establishing a system to provide information on vessels carrying hazardous substances.

Usually during this period, the discussion on shipping issues was done within the North Sea Conference framework. Much of the discussion centred on whether the North Sea should be designated as a Special Area according to Marpol I and II which aimed to reduce the operational discharges of oil and chemical substances from ships. Germany in particular advocated this but was opposed by the Netherlands, anxious that such a designation would disadvantage Rotterdam as one of the biggest ports in the world. An intermediate agreement was reached at the 1990 the Hague North Sea Conference, at which it was agreed to designate the North Sea as a Special Area according to Marpol V, reduction of garbage. The Special Area issue for Marpol I and II was only resolved at the 1995 North Sea Conference in Esbjerg, and the North Sea declared a Special Area by the IMO in 1998.

Only after this issue had been agreed was the way open for a discussion on an area-based protection instrument that would consider wider conservation aspects and not just the priorities of the Special Areas measures to reduce operational pollution from shipping. I first heard about the new Particularly Sensitive Sea Area (PSSA) designation option - at that time only labelled a Particularly Sensitive Area by the IMO - from Gerard Peet, member of the city council of Rotterdam and member of the board of the “Stichting Werkgroep Noordzee” and observer for that organization in MEPC. He outlined the perspectives during a visit to the CWSS in 1989. Somehow this came to the notice of the German delegation leader preparing the 1990 North Sea Conference, and in a telephone call to our administrative and finance officer he made it clear that we should not have the audacity to propose or support the PSA or any related PSA measures during the negotiations. Apparently, he feared it would complicate negotiations on the Special Area issue and undermine the German position. Notwithstanding this, it was not possible to stop the

discussion of PSSA and the potential designation of the Wadden Sea as a PSSA in the future.

The PSSA had already been discussed within the IMO in the late 1970s. In 1990 the Great Barrier Reef was designated as a PSSA, the first one worldwide. It was however only after the Great Barrier Reef designation that the IMO adopted guidelines for assisting member states in designating areas. Already in the late 1980s, the Wadden Sea was discussed and recommended as a potential PSSA, e.g. in several expert workshops and in reports dealing with PSSAs (e.g. WWF 1987), but it was only until after the Esbjerg Conference 1991 that the discussion commenced on the official level. A German expert group, created to advise the German Environmental Agency, delivered a proposal to designate the Wadden Sea and a large part of the offshore area of the North Sea and the English Channel as a PSSA based on drifting models.

The TWSC was at first hesitant to embark on such a discussion. The attitude changed during the last year of the run up to the Leeuwarden Conference 1994. It seemed that the discussion on the Special Area issue would be resolved at the 1995 North Sea Conference mentioned above. The Netherlands was finally giving up its politically untenable opposition to such a designation, and at the 1994 Leeuwarden Conference, it was agreed to support a special area designation. It opened the way for a discussion on the PSSA at TWSC level.

Furthermore, a shipping accident involving hazardous substances off the Dutch Wadden Sea coast started a discussion on whether the routeing measures for ships should be made mandatory in the traffic separation scheme off the Dutch-German North Sea Coast. This comprises an inner traffic separation scheme and an outer one, the so-called deep water route. This was exactly a measure intended to be introduced in conjunction with a PSSA designation, and it spurred the discussion of the PSSA. At a meeting in The Hague in autumn 1994 it was agreed to further mandatory routeing measures and reporting systems within the IMO. It was also agreed that the PSSA issue needed further study. In the Leeuwarden Declaration, the intention to “study and consider a proposal to the IMO to designate the Wadden Sea and an adjacent zone as a Particularly Sensitive Area” - why “Sea” is not included is unclear - could therefore be agreed, in addition to support

within IMO for making mandatory routing and reporting systems “for all ships or for certain categories of ships carrying dangerous or harmful cargoes”.

This was a significant step forward. Finally, area specific measures could be discussed from an environmental and nature conservation perspective. The discussions, however, stalled. Partly because the discussions on the Wadden Sea Plan excluded extensive discussions on almost all other issues. Partly, and probably most importantly, because German opposition to it continued. At a meeting in the Netherlands in autumn 1997, the German Traffic and Transport Ministry had cautiously indicated that a Wadden Sea PSSA would be conceivable, provided that the entrances to the traffic separation scheme off the Dutch coast were included. No feedback ever came from the Dutch side on this suggestion, and it was never considered. This was probably seen as a confirmation by Germany that Rotterdam opposed the designation when it came too close, so to speak, and that it was indeed part of the competition between the Rotterdam and the German North Sea ports.

The Stade Declaration confirmed the study intention already included in the previous Declaration but also underlined that, within IMO, progress had been made to reduce the environmental impact of shipping on sensitive areas like the Wadden Sea. It noted that “all relevant measures have been taken inside the Wadden Sea or in the adjacent area according to the conditions for Particularly Sensitive Sea Areas (PSSAs) as required by the IMO”. It could be interpreted both that a PSSA designation would now be an option, since all constraints had been removed, and the opposite, that a designation would add nothing to the existing protection regime and would be entirely superfluous.

The Pallas accident

In the period after the Stade Conference, seemingly, the discussions started over again. The Netherlands and Germany agreed to develop a questionnaire which was intended to provide an inventory of the existing regulations and measures in place for the protection of the marine environment and the safety of shipping. A decision could then be taken on how to continue the work when the questionnaire had

been returned and the information collated. This was an intended and a pretty risk-free undertaking which was dramatically interrupted by the “Pallas” accident in October 1998. The Pallas, a freight vessel carrying timber, caught fire in the North Sea on the latitude off the Danish coast of Esbjerg. The crew was salvaged during a heroic action by a helicopter of the German Search and Rescue organization and the Pallas left to float unmanned. Attempts by the - forerunner of - German Coast Guard to tow the ship failed and it eventually stranded on the west coast of Amrum, causing an oil spill of some 60 tons, with a significant impact on the natural environment. The Eider duck population e.g. was badly affected by the oil spill. The accident clearly demonstrated what an even relatively small accident could cause to the Wadden Sea.

The accident caused huge uproar in Germany. The federal and state ministers met to discuss the accident and agreed that a new contingency plan should be developed to deal with and prevent such accidents. A central coastguard was one of the central measures discussed. The issue of whether a PSSA designation of the Wadden Sea and adjacent areas was appropriate was also on the table. We at the CWSS wrote a very critical report about the accident, in particular the apparent failing of the responsible Danish authorities to take appropriate action in the initial stage of the incident. Prompt action would in our view have limited the impacts of the accident, and the lack of appropriate cooperation between Danish and German authorities and the flaws in the German approach were highlighted.

This report was scheduled to be tabled at a meeting of heads of delegation at the end of January 1999. We had succeeded in convincing the Danish chair to call the meeting because the TWSC needed to show that it was relevant in this case. The Danes, however, were deeply dissatisfied with the report. They felt that the Danish authorities were unreasonably blamed, that the CWSS did not hold the expertise to write such a report and were instead playing the game of an environmental NGO. The report was, however, not questioned in substance, and it was a central contribution to the continued discussion around PSSA and shipping safety in general.

The issues could no longer be ignored. The Pallas report was discussed on various occasions, but the delegations were hesitant to

take a position and referred to the ongoing investigations. One and a half years later, Denmark responded that the responsible authorities had acted according to agreed procedures in such cases, and that the contingency plans were in principle adequate. Such cases could never be avoided, the report continued, but Denmark was willing to discuss it with neighbouring countries. In Germany, the Pallas



Gila Altmann and Klaus Müller, Environment Minister Schleswig-Holstein, at the 2001 Esbjerg Conference (CWSS Archive).

accident actually resulted in a thorough reorganization of the whole contingency planning for the North Sea and the Baltic. The CWSS Pallas report was in the end a very successful report that managed to put shipping matters on the agenda of the TWSC and eventually led to the PSSA designation.

The questionnaire on the regulations and measures was now labelled a PSSA questionnaire. Things moved, though they were paused by internal changes in the Danish chairmanship. They moved further during 2000 when observers were allowed to participate in TWG meetings. At a meeting in September 2000, the WWF observer commented on the questionnaire and “stressed that the PSSA item had been discussed without any progress since about 1994”. WWF was therefore now making its own study on PSSA including associated measures. This apparently prompted the chairman to suggest that the TWSC should make its own study as agreed in the Stade declaration, to

be done by an external consultant. The proposal was adopted with the comment that the information already available in the questionnaire should be used. A month later it was endorsed at a Senior Officials' meeting, together with the Terms of Reference for such a study.

Towards the PSSA Wadden Sea designation

Through a thorough assessment procedure of the proposals submitted after the call for tenders, the Maritime Research Centre of the Southampton Institute was granted the project, first and foremost because it had expertise in shipping matters and could look at the issue from both technical shipping and environmental perspectives. It aimed to allow for a qualified discussion with the shipping authorities which had always claimed that we had no understanding of shipping matters. The project was led by David Johnson, who later became the executive secretary of the OSPAR Commission. It resulted in a thorough and well-designed study which confirmed that the Wadden Sea qualified for designation as a PSSA. It outlined various delimitation options for a PSSA Wadden Sea, including a core zone and a buffer zone and suggested three associated protective measures, namely a vessel traffic management system, mandatory reporting and compulsory pilotage for certain vessels. The Southampton Institute had also been asked to look at the benefits and costs of introducing such additional measures. The study concluded, "the benefits to the environment are largely unquantifiable, the principal determinant of which measures should be considered is the benefit to shipping safety against the cost of implementation". These costs would overall be limited by the recommended associated measures.

It was clear from the start that the main opposition to a PSSA designation would come from Germany. It was the old "story" of the conceived attempt by Rotterdam to gain a competitive advantage over the German ports. Even if no additional measures were to be introduced, the PSSA would by its sheer name create the impression that any possibilities for harbour developments were sealed behind an environmental wall in a no-go area. Germany also attempted to influence the ongoing study. At the April 2001 SO meeting, in view of the time the study was taking, I was requested to communicate some detailed specifications to the project team. These added nothing to

matters set out in the Terms of Reference, but the request served to underline the sensitivity of the issue.

The Southampton report was discussed in a meeting with mainly German stakeholders at a consultation meeting at the German Federal Maritime and Hydrographic Agency in Hamburg mid-July 2001. A room had been reserved in the basement of the agency, almost too small to house the number of participants which was much bigger than we had anticipated. It was a hot and damp July day which compounded the tense atmosphere in bunker like facilities.

The majority of the stakeholders represented German harbour authorities and economic interests. David Johnson presented the feasibility study, having been supplied in advance with a catalogue of the questions from mainly German stakeholders collated by the secretariat. The harbour representatives smelled blood and set out to teach this English expert a lesson, apparently assuming that he was just an environmental guy with little understanding of shipping matters. They overlooked that



NGO statement on PSSA is handed over to Svend Auken (right) and Gila Altmann (CWSS Archive).

David Johnson had a maritime background, he withstood the barrage and replied to all questions raised. Notwithstanding the constructive debate that developed during the meeting, it was also clear that only a PSSA which was confined to the Wadden Sea Conservation Area without

additional associative protective measures would be acceptable to the shipping community. An additional offshore zone would, in the view of the participants, not bring any added value and additional protective measures were, in the light of those already taken or planned to be taken in the wake of the “Pallas”, not necessary according to the participants.

And so matters progressed. At the TWG meeting in Roskilde at the end of August 2001, the text for the Ministerial Declaration was negotiated in the presence of shipping experts from the three countries. An agreement was reached to apply for a PSSA designation at the IMO solely on the basis of existing protective measures. Such a designation “will send a strong signal to, and increase the awareness of, the international shipping community regarding the particular sensitivity of the area”, the Declaration stated. It was agreed that the area for which PSSA status should be applied was slightly bigger than the Conservation Area. The Netherlands had offered to include its offshore area of the Wadden Sea up to three nautical miles, to align with the two other countries where their similar offshore areas were already part of the Conservation Area. It would have looked ridiculous if a Dutch offshore area had been excluded in an issue dealing with international shipping.

In a last desperate effort, the harbours of Harlingen and Den Helder attempted to have their entrances excluded from a PSSA area to align with the German estuary ports and the port of Esbjerg. It was crushed by a common action of some in the German delegation and the secretariat. It would have undermined the rationale for having the Conservation Area as the basis for the designation. The PSSA decision was associated with a whole catalogue of agreements on shipping in the Declaration directed at other national and international authorities and carried an annex with the revealing title “[M]easures to Improve Safety of Shipping and Protection of the Marine Environment. Examples of IMO, EU and National Activities”. The only further significant issue was whether to establish an AIS monitoring system for the Wadden Sea by July 2005, as had been decided for the Baltic following an accident in Danish/German waters. The case was weakened by the Netherlands, which was not part of the Baltic arrangement as the other two were. It never became a discussion point since it was overtaken by technical developments and AIS was introduced earlier.

An ad hoc working group under Dutch chairmanship was established to formulate the application for the MEPC meeting in autumn 2002. I went to the meeting which was held at the IMO headquarters in London 7-11 October 2002. It was a fairly undramatic event. The concern that the lack of an additional associated protective measure to those already in place could cause further debate during the meeting was entirely unfounded. It was clear that, if any area on the globe would qualify for a PSSA designation for its ecological importance, in conjunction with all the protective measures in terms of shipping safety in place, it was the Wadden Sea. It was a convincing dossier and the discussions in the working group installed during the meeting centred instead around further PSSA applications from the Malpelo Island and the Florida Keys. There was also a desperate need for the MEPC to demonstrate that the PSSA category would work. Only two PSSAs had so far been designated, the Sabana-Camagüey Archipelago in Cuba in 1997 and the earlier mentioned Great Barrier Reef. The Wadden Sea was also interesting from another perspective, it would be the first PSSA designated as a transboundary PSSA.



Bettina Reineking and Jens Enemark at the 2005 Ministerial Conference on Schiermonnikoog (CWSS Archive).

And so the designation was made. On 10 October 2002, the MEPC adopted the Wadden Sea PSSA as the fifth PSSA and the first one designated in a transboundary context. Immediately a joint press communique was released to celebrate the designation. Less than a year after it had been agreed by the governments, it became reality.

A neglected designation?

What happened afterwards? There is now a total of 15 PSSAs around the globe. A few years after the Wadden Sea had been designated, the Western European Waters PSSA was designated in 2004, covering a huge area off the coast from Spain in the south to Scotland in the north. The designation followed the catastrophic accident of the oil tanker “Prestige” which sank off the Spanish coast of Galicia and caused a disastrous oil spill on the coasts of Portugal, Spain, and France. The Western European Waters PSSA imposes a mandatory ship reporting system, applicable to all oil tankers over 600 deadweight tons. It was remarkable to see that suddenly a Wadden Sea country would agree to a measure that it opposed in the Wadden Sea context and which actually included traffic separation schemes. It is also doubtful whether such a huge and diverse area fulfils the ecological sensitivity criteria. It is clear that this PSSA designation was used for political purposes, possibly as a substitute for a ban on single hull tankers. In my view, it has devalued the PSSA instrument.

The Baltic, except for the Russian waters, was designated a PSSA in 2005, introducing areas to be avoided and changes in the traffic separation schemes. In this case too, additional associated protection measures were agreed by two of the parties in the Wadden Sea cooperation, measures that were declined in for the Wadden Sea. “We wished to introduce a “real” PSSA with additional measures, not as the one in the Wadden Sea”, as one colleague from a neighbouring department of the German Federal Environment Ministry remarked in slightly condescending fashion to an international audience at a conference in Stralsund in 2006.

Notwithstanding this scepticism around the Wadden Sea PSSA, in the years following the designation, we attempted to give it substance and use it to enhance shipping safety and prevent pollution from ships in and around the Wadden Sea. It was obvious that the designation

failed to have the support of the shipping community, both in the industry and at ministerial level. As a representative of the German Traffic Ministry expressed at a meeting, it was clearly something the nature conservation people were interested in, not his ministry. Creating and enhancing awareness around the designation was therefore a prime objective, and in the first half of 2003, we produced a brochure to inform a wider audience. Was the publication of a leaflet as a first action not a declaration of ineptitude ineffectiveness?

Another channel of action was offered through the Wadden Sea Forum (WSF), which was created in 2002 and at an early stage prioritized shipping safety and pollution prevention from shipping. This would offer us the opportunity for an analysis not directed by governments and would allow a much broader discussion with stakeholders. GAUSS, a German consultancy located in Bremen specialized in this field, was hired to do the analysis of the existing measures and agreements, and to identify gaps and deficiencies. They were briefed that the study should not be about whether the PSSA was effective but whether the measures in place were sufficient to guarantee safety and effective pollution prevention from shipping.

Bettina Reineking, as always, competently steered the study and in June 2004 GAUSS delivered a report with 35 recommendations for improving shipping safety and pollution prevention which the WSF basically adopted. Prioritization was given to recommendations which focused on an improved vessel traffic system and mutual support in cases of emergency - measures that Southampton had pointed out in 2001. In the run up to the 2005 Ministerial Conference, an ad hoc working group was established under the TWG to review the progress made since 2001 and the WSF recommendations. Members of the WSF participated in the meeting, which has held at the end of May 2005. The outcome was disenchanting, as the WSF members also made known in the subsequent TWG meeting and a meeting with the SO. The Declaration text and a rather long annex pointed out that although appropriate measures had already been taken in this field, further measures should be taken by the IMO, EU and other fora. No additional measures were agreed at this Ministerial Conference. The governments at the table were uncommitted and determined that the PSSA should not result in any additional protective measures.

A new attempt to improve the PSSA

At the first TWG-meeting in 2006, it was agreed that an external consultant should carry out an evaluation of the Wadden Sea PSSA to be presented to the 2010 Conference. Unfortunately, in 2007 Bettina Reineking retreated from the CWSS, and it was therefore not possible to do the evaluation before 2009 and again a team from the Southampton Solent University, selected on the basis of several quotes, was engaged. The aim was to assess the effectiveness of the Wadden Sea PSSA and in doing so to determine if the designation contributed to the specific protection of the area from impacts associated with shipping, and furthermore, to ascertain whether the current PSSA designation needed to be enhanced in terms of area and additional associated measures.

A Steering Committee was established, comprising representatives of the competent authorities from the three countries and the chairman of the WSF shipping group. In brief, the review concluded that it was impossible to fully evaluate the effectiveness of the PSSA because of gaps in data. However, there was sufficient data on incidents to recommend the extension of the PSSA to include the inner traffic separation scheme, including the approach channels to the ports. Furthermore, the report recommended that a central shipping incident reporting database should be developed specifically for the Wadden Sea PSSA and that much more should be done to enhance the awareness amongst mariners. The extension of the PSSA to international waters would in itself enhance the awareness of the Wadden Sea PSSA for mariners. Although the Wadden Sea PSSA had been designated for several years, it was only partly shown on international electronic sea maps, so it was clear that that was one of the first tasks to be tackled, the report indicated.

Again, the recommendations were largely pushed aside. The individual state shipping authorities opposed any reinforcement. “The safety of shipping in the North Sea”, the Declaration from the Sylt Ministerial Conference 2010 stated, “should be kept at least at the present level, irrespective of which kind of offshore development might occur, and where feasible enhanced”. The WSP, adopted at the same Conference, reiterated this. This sounded more like a surrender to the shipping authorities than a commitment to strengthen the PSSA

measures. The only glimmer of light was that the report should be discussed with the stakeholders after the Conference.

A couple of workshops chaired by Bernd Scherer were held in Hamburg in 2011 and 2012, with participation of a large number of stakeholders. I felt that we now stood much stronger in the discussion with a World Heritage inscription since 2009 in the background. This could not be neglected by the shipping authorities. This, however, only contributed to a more confrontational atmosphere at authority level on both sides, whereas the shipping industry itself was much more open to various proposals. At the second workshop, the shipping



Schoolchildren with ministers at the 2001 Esbjerg Conference (CWSS Archive).

industry amazingly agreed to a joint vision agreed by all parties - with the exception of the shipping authorities. It was astonishing that the shipping authorities could not concur while the industry itself could. It is hard to explain the reason behind it, and it is probably a matter of competencies.

In the event, the shipping authorities, in the joint work group which was basically a continuation of the PSSA study steering group, against my opposition, managed to confiscate the vision which had resulted from the workshop. The work group was chaired by a Dutch representative of the Ministry of Infrastructure and he managed with his German and Danish colleagues to manoeuvre acceptance of his

own vision through the work group. We opposed, and eventually no common vision was adopted at the 2014 Conference, which approved only a long list of comprehensive measures which repeated previous intentions and added new ones. The attempt to build a bridge between the shipping and conservation authorities had failed. Compromises must come from at least two sides. The reasons are known; they are the same ones we started out with 25 years earlier. Furthermore, shipping safety and pollution prevention is typically an area that only reacts to incidents, near catastrophes and disasters. It is nevertheless a disappointing and discouraging conclusion. It had catastrophic consequences when during a storm around New Year 2018/19, a container vessel lost more than 300 containers with impacts mainly on the Dutch Wadden Sea.

The Wadden Sea PSSA will never come to play any role in the further improvement of shipping safety if it is not extended into the international sea, i.e. outside the territorial waters of 12 nautical miles, and is embraced by the shipping community. A further way forward is to establish partnerships between the shipping industry and the World Heritage communities, bypassing the responsible shipping authorities. This is a task for the Wadden Sea Forum and the new World Heritage Partnership Centre.

Landscape and Climate

The work on landscape and cultural aspects of the Wadden Sea region bears many similarities to the PSSA “story”, but also many differences. It concerns developments and threats to values that lie outside the Conservation Area and hence also involves authorities and stakeholders outside of the conservation mandate of the parties of the Cooperation. As with the shipping issue, it has always been difficult to develop and agree on policies for which it is not responsible.

The discussion on sea level rise, climate and climate adaptation, a central issue for the “future” of the Wadden Sea may seem an entirely different area for policy and management. Measures to mitigate the impacts of climate change are likely to involve the cultural landscape “behind” the dikes. In that sense landscape and climate are inherently linked. It may even compel us in future to look at the Wadden landscape in a more coherent way than we do today.

Lancewad. Discovering the landscape heritage

The theme landscape and culture was firstly raised in connection with the Eco-target discussion leading up to the 1994 Leeuwarden Conference. Would it not be appropriate in addition to the Eco-targets to also have targets that focus on landscape and cultural values? It was a discussion that was pertinent in the Netherlands and Denmark and eventually the Dutch delivered a proposal for what was called “(t)argets on landscape and culture” addressing four categories: identity; variety; history; and scenery, which was accepted by the TWG. There was no identification of the area for which these targets would be valid. The Leeuwarden Declaration only stipulated that “(i)n order to protect the Wadden Sea, targets have been formulated for the area of the trilateral cooperation” namely the Wadden Sea Area. The landscape and cultural targets could also apply to an area outside the Wadden Sea Area, where, at least on the landside area beyond the seawalls, the embanked fresh marsh area is the core of the landscape and cultural heritage of the Wadden Sea Region. This area definition issue would always instigate a fierce debate and was in substance never solved.

At the Leeuwarden Conference, Denmark promised to hold a workshop on “the mutual exchange of information and status for conservation of cultural heritage in the Wadden Sea area”. This decision opened the way for looking beyond the Wadden Sea Area. Due to changes in the Danish delegation, the workshop was held in Ribe in September 1997, only a month before the Stade Ministerial Conference. At that point, the draft Wadden Sea Plan had already taken a final shape and the workshop served more to establish a network and mobilize support for the Declaration text than develop a new policy. As will be outlined below, the Ribe workshop, however, played a decisive role in future work in one aspect, the area definition.

The most important event had, however, already taken place the year before. In March 1996, a conference organized by the ‘Nordfriisk Instituut’, Bredstedt was held in Husum on “Kulturlandschaft Nordseemarschen”. It brought together, for the first time, many experts in the cultural landscape history of the Wadden Sea Region from across the three countries. The interest in the theme was considerable and clearly demonstrated that it was relevant for many in the region. Though the aim of the conference was a scientific one, it was also clear that how to manage the landscape was the subject central to deliberations. It was, amongst other sources, on the basis of the Husum Conference that we were able to draft some pioneering text that made clear that this theme had relevance in a transboundary political context and that its most important parts were located on the mainland outside of the Wadden Sea Area.

Fortunately, a future project was agreed in the context of the WSP to describe and map the “most important cultural-historical and landscape elements of the Wadden Sea area”. This should lead to an assessment and policy development, taking account of the Ribe workshop held a month earlier. It was clear that this would encompass the cultural landscape on the mainland beyond the seawalls. It seems that the Stade Declaration itself got it wrong in the sense that “planned mapping of cultural heritage in the Wadden Sea Area will be extended to relevant adjacent parts of the Wadden Sea Area”. It seems that the second “Area” should have been “area”, or was that deliberate?

Lancewad

The working group, Wadcult, established after the Stade Conference, was instructed to find ways and means to implement this project. The Interreg North Sea Region Programme appeared to be a potential funding mechanism for what was now labelled the inventory of the landscape and cultural heritage of the Wadden Sea Region. I pitched the outline of the proposal at a meeting with the Interreg-programme secretariat at a gloomy hotel in Schleswig end of March 1999 and was given the green light for submitting a proposal within less than a month. The project proposal “Landscape and Cultural Heritage of the Wadden Sea Region” which acquired its fame under its acronym “Lancewad”, was approved at the end of 1999 with a total budget of some € 2 million of which half was co-financed by the Interreg Programme and the other half by the countries, mostly as part of existing work. Manfred Vollmer was employed as project coordinator for the project team operating under Wadcult and Gerold Lürßen was involved as the GIS-coordinator. It was a project that involved some 100 people across the Wadden Sea Region in various positions and with various inputs. It was the second largest project within the first Interreg Programme and gained considerable attention from the programme office.

The results of the project were rather impressive. For the first time a comprehensive inventory was made of the landscape and cultural heritage of the Wadden Sea Region in all its facets, the archaeological heritage, the historical buildings and monuments and the historical-geographical values. The information was collated in a common database related to a GIS that was made readily available to the competent authorities, research institutes and other relevant organisations.

It was now possible to establish that the cultural landscape of the Wadden Sea region and its cultural heritage was exceptional in an international context. The inventory made “Lancewad” a concept that is still known and used amongst experts and managers throughout the region. The project also made it possible to develop guidelines and strategies for the conservation and management of the heritage. At a final conference in Bad Bederkesa in Lower Saxony in 2001, the results and the management strategies were discussed and widely accepted by

experts, policy workers and managers from the three countries. The central strategy proposed by the project was the “managed development of the heritage strategy” or what was also on other occasions labelled the “protection through use” strategy, since cultural landscapes evolve through human use and will only be maintained through managed use. This strategy stood opposite to the Guiding Principle for the TWSC, namely to achieve a natural and sustainable Wadden Sea.

At the subsequent Esbjerg Conference in October 2001, the report was welcomed, and the application of the overall management strategy encouraged. There is possibly a subtle difference in the fact that the strategy was not “adopted” or “endorsed” but “encouraged”. The nature conservation authorities around the table apparently attempted to point out that this theme was not their main responsibility and cautiously distanced themselves from the outcome. The conference, however, supported a motion that a follow-up project should seek co-financing at the Interreg Programme. The follow-up project should aim to realize the strategy. Wadcult, was instructed to develop such a proposal, but then the conversation around the landscape and cultural heritage theme slowly changed. Germany at the autumn TWG and SO meetings in 2002, in contradiction to the two other parties, indicated that the follow-up project should not have priority. The cooperation should limit itself to the Wadden Sea Area and beyond this area - and in this case the cultural landscape of the mainland - it was for the regional authorities to take responsibility. In further discussing this at the spring meeting 2003 of the TWG, it was agreed that the CWSS should not be the lead partner.

LancewadPlan

The project application, submitted in September 2003 by the Dutch on behalf of themselves, Lower Saxony and Denmark, but without Schleswig-Holstein, failed to win approval by the Interreg programme. The project was incomplete and non-comprehensive with different regional sub-projects and did not meet the objectives of the programme. Together with the Wadcult chairman, I went to the Interreg secretariat in Viborg, Denmark, to discuss the matter with the programme secretariat. It was clear from the conversation that if we were to have a chance, we would have to follow-up on the first project

with a proposal that implemented the results on a common basis. It was quite plain that the programme secretariat expected a common management plan or strategy.

With this information the regions were given the choice to cooperate - or not. Schleswig-Holstein returned to the fold after a compelling meeting with the responsible authorities in Kiel in January 2004. The project was broadened to include the Wash region to enhance the likelihood of it being approved. At the end of February 2004, the proposal, which aimed at a draft integrated management plan for the landscape and cultural heritage of the Wadden Sea Region, was submitted to the programme secretariat under the acronym of LancewadPlan, signalling that the project was a continuation of Lancewad aiming at turning the mapping and the strategies into policies, management and spatial planning. The proposal, which had a budget of € 2.5 million for a three-year period (July 2004 - June 2007), was approved by the Interreg Committee in May 2004. It was a great success for the CWSS that the obstacles for a second project period had been removed. The Dutch ministry continued to be the formal lead partner of the project but its management, including the budget matter and financial statements, was located at the CWSS and materially there was no difference to the first project.

The same team that had coordinated the Lancewad project on behalf of the CWSS was again appointed with Manfred Vollmer as the project coordinator and Gerold Lürßen as the GIS coordinator for a project team consisting of regional representatives. During its three-year period, the LancewadPlan project developed some remarkable products.

Though my ambition to have as an outcome of the project a blueprint for a common atlas within which the elements could be validated did not fully materialize, mapping and assessment was nevertheless a red thread through the project. The outcome comprised three key products. First of all, a cultural atlas was made covering all the cultural entities with a detailed description of the important monuments and the historic-geographic and archaeological elements. Secondly, a management strategy “The Wadden Sea Region. A living Historic Landscape” in which a common approach to managing the cultural landscape and different sectors was outlined. And finally, a

digital handbook with best practice examples collected from all over the region and The Wash. And not to forget, the products had been used for various regional pilot projects such as spatial planning.

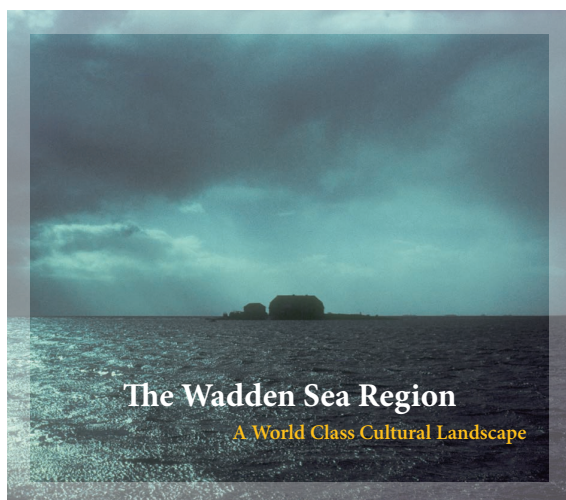
The outcome of the project was discussed at a TWG-meeting at the end of 2007 and was apparently well received, including the suggestion to expand the geographical scope of the TWSC to the adjacent mainland area, the core area of the cultural landscape of the Region, in the ongoing discussion on the refreshment of the Joint Declaration. Also, proposals to hold an annual conference on the issue and enhance the awareness were apparently received well. The reality was different. The issue indeed became part of the discussion on the refreshment of the Joint Declaration and the governance arrangements, but in a different fashion as at least Denmark and the Netherlands had conceived.

Making the cultural landscape part of the 2010 Joint Declaration

At a heads of delegation meeting in May 2009, Germany could not agree to an extension of the geographical scope of the cooperation and moved that “the cultural entities outside of the Wadden Sea Area will not enlarge the Cooperation Area and will not be in the responsibility of the Wadden Sea Cooperation”. Both Denmark and the Netherlands considered this to be a much too negative approach. Germany argued that the authorities responsible for the TWSC had no competencies in the cultural landscape field. This was a truth with modification. Most of the competencies for the cultural heritage are located at the central state level, but undoubtedly some of the regional governments would not wish to be directly involved in a nature conservation collaboration. In addition, the state nature conservation authorities responsible for the Wadden Sea national parks had no intention of having the regional governments included as equal partners and influencing the conservation agenda. This was and is the formal German viewpoint which is very much enshrined in German thinking about division of responsibilities and competencies. Whether this materially deviates from the Dutch and the Danish approaches is questionable.

The compromise which was finally negotiated and included in the 2010 Joint Declaration but stated that “[f]or the specific purposes of

cooperation on landscape and cultural heritage the Wadden Sea Area, and an area beyond, has been identified to include the main cultural entities” and “[A]ctivities on landscape and cultural heritage should be carried out by, or in close cooperation with all relevant administrative levels and with support of the people living and working in the region”. The 2010 Sylt Declaration itself was much clearer in this regard. This whole theme was outside the responsibilities of the Cooperation. A non-committal declaration of intent was made to look further at the subject and review whether it could become part of the Cooperation. In the WSP, which was updated concurrently, a very limited commitment was made to work on this issue. In a material sense, those who considered nature conservation the primary objective of the cooperation and did not wish to take on board issues which could dilute it had prevailed.



Attempts to revive the issue and provide it with a place in the TWSC failed. A comparative study on the international significance of the landscape and cultural heritage of the Wadden Sea Region, for which I had hired the historic department of the Essex County, established that its heritage was outstanding. It was an attempt to demonstrate that the cultural landscape heritage should be valued on a similar level to the natural one which had recently been acknowledged by being included on the World Heritage List. The publication was re-edited

by John Frederiksen and published as a brochure together with the Wadden Academy in four languages to publicise the subject to a wider audience. In 2011 and 2012 two workshops were held to follow up on the LancewadPlan results. Regrettably neither the comparative study, nor the publication, nor the workshops were able to revive the theme within the TWSC. A last attempt was made a couple of months before the 2014 Conference in Tønder to develop some text on this theme together with cultural heritage agencies. It failed entirely. The



Signing of the Tønder Declaration 2014. Sharon Dijksma (the Netherlands), Mikkel Aarø-Hansen (Denmark), Rita Schwarzelühr-Sutter (Germany) (from left to right) (CWSS Archive).

discussions have left no trail in the 2014 Declaration.

There are several explanations as to why it has not been possible to include the landscape and cultural heritage in the TWSC remit. One has already been mentioned, the unwillingness to accept landscape and cultural heritage as a theme within the TWSC for the various reasons referred to - the different perspectives, the different competencies and possibly also the lack of historic dimension. Another is the lack of vision, international experience, competencies, and political significance within the competent authorities for protection and management of the landscape and cultural heritage of the Wadden Sea, mostly within the cultural heritage agencies. The differences in “work culture” between the scientists and the authorities working in

the realm of the natural environment compared to the cultural heritage scientists and the corresponding authorities is striking. There is hardly any understanding among cultural landscape experts that it is sometimes necessary to cross the line into developing strategies and policies that work in a political context; and little understanding of the opportunities offered by international collaboration.

The statement that the Wadden Sea is largely human created and so in principle is both a cultural and a natural landscape has also not been very helpful and has deepened the gap between the disciplines. A striking difference compared with working for the natural environment is the lack of an independent lobby for the cultural heritage, a non-governmental organization that can speak for the interest of the heritage in a transboundary context. Hence there is also the lack of political urgency to act. Those associations which exist in this field are



Cultural entities in the Wadden Sea and the Wash region (source CWSS).

dominated by elderly and have a local perspective. A parallel initiative across the whole Wadden Sea region is politically inconceivable. It should, however, be brought together because the quality of the whole is dependent on the quality of the partials.

Why it is essential to bring together the natural heritage and the landscape and cultural heritage? There is the historic argument. We see only a snapshot of history, as Ludwig Fischer labels it, when we look at the couple of generations we can oversee. The protection of the Wadden Sea is of recent date, and if we want to maintain the Wadden Sea Region as a vital sustainable landscape we must look at the bigger picture. There is the anthropocentric perspective. If we wish to mitigate the impact of climate change and other impacts, then we must look at the landscape as a whole, as Karsten Reise argues. The mitigation of climate change will be at the expense of the adjacent cultural landscape, and we should learn from the past to find solutions for the future. We do not understand the Wadden Sea region cultural landscape without taking account of the natural environment of the Wadden Sea and the opposite is also the case. The Wadden Sea can only be protected and conserved as part of the whole Wadden Sea landscape as such and vice versa for the cultural landscape.

The climate issue

In contrast to the tense discussions on the cultural landscape and shipping related issues, discussions on what could be classed as ‘the climate issue’, related to sea level rise and coastal protection, were conducted in a remarkably constructive and harmonious atmosphere. Much of the credit for this goes to Jacobus Hofstede from the Schleswig Holstein Ministry of the Environment and Folkert de Jong who were respectively chairman and secretary of the Coastal Protection and Sea Level Rise (CPSL) working group.

The CPSL was established in 1998 to action the projects agreed in the Wadden Sea Plan, namely to study the possible effects of enhanced sea level rise and develop proposals for future integrated coastal defence and nature protection policies, experiments with sand suppletion and best environmental practices for coastal protection. It delivered three highly qualified reports to the Cooperation which finally resulted in the adoption of a climate change adaptation strategy at the 2014 Tønder Conference.

The first report, delivered for the 2001 Esbjerg Conference, was ground-breaking. It introduced the breakpoint concept. On the basis of three sea level scenarios, the report concluded that the most realistic would be a sea level increase in the range of 25 to 50 cm to which the Wadden Sea would be able to adapt, but costs for coastal defence would continue to increase. Beyond a 50 cm rise, the worst-case scenario, however, the Wadden Sea would not be able to adapt. The capacity to counter change would be exhausted; it would be the breakpoint at which significant changes could be expected to the Wadden Sea ecosystem, with reduction in the size of the intertidal area and significant increases in costs for coastal protection. The report recommended assessments of how to better balance coastal defence, nature protection and economic development in the coastal zone, investigating best environmental practices and how to communicate the results to the public.

The 2001 Esbjerg Conference signed up to the conclusions and recommendations of the report. The CPSL continued its work unspectacularly but effectively over the next three conferences by deepening the understanding of the impacts of climate change and sea level rise on the Wadden Sea, looking at the exchange of information on best environmental practices and looking at how spatial planning could serve to meet the challenges of climate change. The work was truly interdisciplinary, involving ecologists, coastal protection managers and spatial planners and it peaked with the adoption of the “Trilateral Climate Change Adaptation Strategy” at the Tønder Conference in 2014 as mentioned above.

The strategy is a summary of the best knowledge and best practices that we have on this issue with a real, trilaterally-added value. The three main challenges that the strategy identifies are the sea level rise and storm surges with a rise in sea level between 0.2 and 1.4 metres until 2100, precipitation patterns with higher winter and lower summer precipitation with more fresh water discharge fluctuations into the Wadden Sea, and temperature increases in the range between 2 and 4.7 degrees Celsius also until 2100. These changes may have some quite devastating effects on the Wadden Sea ecosystem and the safety of the region’s inhabitants. The adaptation strategy includes seven elements, of which natural dynamics and interconnectivity of habitats follow

from trilateral principles. Long-term approach is another element of the adaptation strategy. It includes adaptation of infrastructure works and planning approaches but changing “traditional views and feelings probably requires at least one generation of communication and dialogue”, the strategy reminded the audience.

It is a remarkable forward directed piece of work which was endorsed by the ministers at the Tønder Conference 2014. Some 15 years of largely uncontroversial work had created true added value for the TWSC. It will stand the test of time and is a model for how to deal with climate change in tidal environments and for shared nature areas.

One can speculate why the TWSC was successful with developing a strategy for this, as opposed to the difficulties with shipping and cultural landscape. There are many explanations, of which two aspects are definitely of importance. Firstly, the solid, continued and integrated work that took place over the years and secondly, the urgency and clear sense of added value that was felt by all the participants.

The Wadden Sea Forum. A Successful Stakeholder Engagement?

The 2005 Ministerial Conference was a novelty. It was the first time that a Wadden Sea Conference was held on an island, and I must admit that I was a bit sceptical on whether it would be feasible to organize it on Schiermonnikoog, when I first heard about the plans. Admittedly, the island is one of the pearls of the Wadden Sea, it has it all, but would the ministers and other decision makers be willing to make the long journey to the island, and would it be possible to ensure that the logistics would run smoothly? The conferences had grown in size with many activities around the conference itself with a demand for meeting rooms and exhibition facilities.



Ministerial Conference Schiermonnikoog 2005 (CWSS Archive).

But it was a success in spite of the fact that Denmark had only sent its SO and Germany was represented on a lower political level and not political representatives from the Länder. The TWSC literally occupied the island for a couple of days at the beginning of November 2005. The traditional exhibition of stakeholders was held in open air

and there were exhibitions at several locations in the village. The Conference itself was held in the small town hall, and the participants were cramped and literally sat on each other knees. The ambiance was intimate and there was no-one who dared disturb the co-operative atmosphere. The director of the Wadden Society on behalf of the Wadden Sea nature conservation organisations presented a statement to the chairman of the Conference, Minister Cees Veerman, and showed a film about the realm of the Wadden Sea in which a fictional king's booming voice figuratively blasted the attendants out of the room. Most will be able to remember the voice but probably not what



Signing of the Schiermonnikoog Declaration. Susanne Probst (Germany), Cees Veerman (the Netherlands), Anne Marie Rasmussen (Denmark) (CWSS Archive).

it said.

It was the conclusion of the four-year Dutch chairmanship into which the Senior Official Hendrik Oosterveld and his staff Arjen Bosch, Kees van Es, and Bernard Baerends had put much effort and work to make it a success. As a novelty, Hendrik Oosterveld toured the region with his staff a couple of times and held meetings with his German and Danish colleagues, regional and local authorities and stakeholders at large. The aim of touring was, of course, to find out what went on in the different regions and among stakeholders, to create sympathy for the Dutch agenda and create the right atmosphere for the forthcoming

conference. First and foremost, it was the aim to ensure that progress could be made on many of the issues which had been around for some time and which, I believe, the Dutch chairmanship felt could only be moved if a shift was made from the top-down approach which had governed former years, to a more bottom-up approach. There was indeed more engagement across the region in a trilateral context than had been the case in the preceding period. That undoubtedly helped get things moving; for example, a couple of the troublesome issues of the Cooperation such as whether the Wadden Sea should now finally move for a World Heritage nomination.

The key agenda item for the Conference was to consider the outcome of the work of the Wadden Sea Forum (WSF). Under the chairmanship of Ed Nijpels, the WSF had been installed at the 2001 Esbjerg Conference, a brand new body in the context of the TWSC. The final report of the WSF “Breaking the Ice” was handed over by Ed Nijpels to Cees Veerman. How did this come about?

Engaging stakeholders

The 1991 Esbjerg Conference had created an uproar from hunters, mussel fishers and local governments against agreements contained in the Declaration. It was inconceivable that local governments and user organisations should not be consulted in advance of subsequent Conferences. In the context of the TWSC, consultations were, as normal, conducted through the responsible ministries and the consultations were tended to be one way. Stakeholders, both local governments and non-governmental organisations reacted to suggestions on which they were requested to respond, with the exception of the conservation organisations organized in the ICT which submitted joint reactions to the Ministerial Conferences. National governments reacted to those comments and brought, mostly, a selection of views on the various issues into the negotiations.

Surely, in the days around the discussion of the WSP, the image of the TWSC among stakeholders was not a positive one. In order to advance the TWSC agenda after the contentious WSP period consultations, we needed a platform of our own to avoid being seen as part of a national political discourse in which stakeholders would be accountable locally for comments and actions that had to be applied to

the Wadden Sea as a whole. Without a more direct engagement with stakeholders, they could never be made accountable and we would not be able to unleash their positive support for the TWSC.

In 1996, I had visited the Great Barrier Reef Marine Park Authority (GBRMPA) in Townsville, Australia, as part of my participation in the Ramsar Conference in Brisbane. The Authority was in the final phase of developing a 25-year conservation strategy for the reef through a broad stakeholder engagement, seemingly because the authority had faced similar problems of reactions from stakeholders as we had met in the Wadden Sea context. For the GBRMPA, it was an attempt to move from a defensive to a more pro-active role. It was an impressive process and I had hoped that we could start a similar process, albeit on a smaller scale, during the discussions of the WSP. I even invited the communication officer from the GBRMPA to come to the Wadden Sea and explain the Australian process in each of our regions, in the hope that this could invoke some sympathy for starting a similar Wadden Sea process. This was an entirely false hope. It was at no point considered. In Schleswig-Holstein e.g., where the consultations had just recently commenced around the ecosystem research synthesis report, their own consultation trajectory was followed and there was no interest in bringing this under a more or less trilateral umbrella.

Fortunately, the attitude soon changed. Not thanks to the TWSC but to the IRWC which had started discussing how to develop sustainable tourism in the Wadden Sea Region, a theme that naturally was of considerable interest to local governments. The IRWC obviously also had to demonstrate its legitimate existence. At the State Conference 1997, the IRWC was authorized by the ministers to develop a sustainable tourism strategy for the Wadden Sea with stakeholders and local governments. The IRWC, with John Frederiksen as secretary and initiator, succeeded in establishing a broad stakeholder forum, the so-called NetForum, with participation of all the relevant stakeholders, in particular the industry and conservation organisations but also the local governments from the four regions and other relevant bodies such as the National Park authorities. I was asked to chair the NetForum to act also as an informal liaison to the TWSC. The project was co-financed under the EU Life programme which ensured a well-resourced approach.

My chairmanship was not really a success, to say the least! Tourism was not my field and stakeholder guidance neither, but with joint efforts during the two-year project period we managed to design a sustainable tourism strategy which was adopted by all stakeholders. In terms of stakeholder participation in a Wadden Sea transboundary context, it was a success, and it proved that something like this could be done and was highly desired by stakeholders. The NetForum report, on being presented to the TWSC in preparation of the 2001 Esbjerg Conference, was met with considerable disinclination, in particular by Germany, which did not wish to accept it and its recommendations as trilateral policy but wanted to leave it to the local authorities. This was despite the fact that it had come about as an agreement of the preceding Conference. Nevertheless, it created inspiration for a follow-up on a broader scale. The Danish chairmanship in the run-up to the 2001 Esbjerg Conference wholeheartedly embraced the idea as an attempt to involve and commit stakeholders to trilateral work, and practical sustainable regional development, and as an endeavour to change the trilateral narrative from a defensive to a proactive one.

Establishing the Wadden Sea Forum

Notwithstanding the ongoing NetForum process, the discussion on the future aims of the TWSC started from a different standpoint. After the Stade Conference 1997, the discussion on the lack of effectiveness of the organisation, whether perceived or not, was a continual issue in many of the discussions on the trilateral level. It was difficult to make progress on many of the issues and projects agreed in the Stade Declaration and the Wadden Sea Plan. Differences in policies and financial obstacles were mostly implied as being the causes of limited progress, but it was undeniably caused by the regional opposition to follow up on what was agreed in Stade. Additionally, progress was hampered by the ongoing discussions in Germany on the extension of the national parks and the contentious discussions on the Habitats and Birds Directives, and the upcoming Water Framework Directive which would be enacted in 2000.

Already in the autumn of 1999, a discussion was held at TWG and Senior Official levels on the future aims of the cooperation. It was agreed that a future perspectives discussion should be held at an SO

meeting in April 2001 in advance of the 2001 Esbjerg Conference, for which the dates had now been fixed for autumn 2001. In autumn 2000, the CWSS, with the consent of the chair, proposed approaching the discussion through the further development of the Target concept to include social and economic Targets, which, as the note argued, would also be in accordance with the Habitats Directive. “For the socio-economic targets, the challenge is to involve all stakeholders, including all competent authorities, as done, for example, for the Great-Barrier Reef National Park 25-year Strategic Plan”, the note concluded. Could a detailed draft procedure be prepared for the specification of the ecological and cultural-historic Targets and the elaboration of a set of socio-economic Targets, taking account of, amongst others, involvement of relevant governmental bodies, involvement of stakeholders’ priorities and timing for the forthcoming conference in 2001 with the aim of presenting an integrated and consistent concept at the Wadden Sea Ministerial Conference after 2001, the note questioned?

The German position was well known. The TWSC was a conservation cooperation and should not involve itself in such an exercise and suggested the issue be dealt with by regional cooperation. The IRWC, the Dutch delegation and the secretariat should draft a discussion paper for the SO meeting on what was now termed “human use aspects”, the Germans suggested. Finally, the ball was in the opponent’s half. The NetForum approach could now be used in a trilateral context. John Frederiksen was mandated with the Dutch delegation to make a proposal. The note, which we had contributed to informally, suggested the establishment of a stakeholder forum, as had been indicated in the previous paper of the CWSS, and a procedure for how this should be done.

The discussion at the subsequent SO meeting in Harlingen at the “Hotel Zeezicht”, where the Wadden Society had been founded 35 years earlier almost on the date, reiterated the earlier discussions but it was agreed that it should be dealt with at a separate informal SO meeting at the beginning of 2001. It was originally a Dutch idea. The Dutch SO fancied a meeting of the SOs in a relaxed atmosphere, a brainstorming session where all sorts of ideas could surface irrespective of what had been decided earlier. It could set out an agenda of future goals, so

to speak, that could break the deadlock. The Dutch hoped that the German representatives in such an intimate context would yield in their opposition to including socio-economic aspects.

The special SO meeting, or the “SOS”, as it was wittily branded in the secretariat, was held in early January 2001, in a hotel at Nyhavn in cold and dark Copenhagen - a hotel room was hired for the purpose - with the SOs and one of their assistants, a representative of the German Länder and the secretary. The meeting circled around the same issues as had already been discussed at the former meeting with no real progress or breakthrough on the central issues, namely could the organization be made more efficient and should the TWSC expand its mandate to deal also with socio-economic issues? The conclusions from the meeting, - there were only conclusions, no record - mirrored the outcome. Germany continued to be against including the human aspect but could not prevent a further discussion on the note, which had been prepared by John Frederiksen earlier, and the discussion on which had been postponed by the previous SO meeting.

Finally, the negotiations could start on the establishment of a trilateral Wadden Sea Forum (WSF), as it was labelled, in June 2001, following the NetForum model. German reticence was slowly overcome. Germany realized that it could not be against the involvement of the inhabitants and attempts to improve quality of life at the coast for bureaucratic - and political - reasons. No one could be openly against involving stakeholders. Furthermore, sufficient safeguards for the TWSC from the German perspective were provided. The WSF should respect the framework of the existing protection and management regime, including Natura 2000 legislation and it was only a consultation forum, not entrusted with any further mandate.

The negotiations naturally circled around what would be the tasks of the Forum and who should be invited to participate. The three delegations agreed that it should take the statements included in the Wadden Sea Plan as a starting point, a.o. the shared vision which had been modelled on the vision of the Great Barrier Reef Strategy. I was happy to see that elements of the model used in an Australian context could now be used also in the Wadden Sea context. It was further clear that the central objective of such a Forum would be to elaborate a sustainable development perspective for the Wadden

Sea Region without, however, querying the current protection level as mentioned above. How this should be done was the subject of extensive discussions. The task was finally defined as “developing proposals for sustainable development scenarios and strategies for their implementation, respecting the existing protection levels and ensuring economic development and quality of life” as it was phrased in the 2001 Declaration. What exactly was meant with the development scenarios was for most of the negotiators rather unclear, but during the implementation process this became one of the innovative aspects of the process. The agreement to establish a WSF was a highlight of the 2001 Esbjerg Conference, in addition to the agreement to apply for the designation of the Wadden Sea as a PSSA.

The original German suggestion to leave responsibility for the Forum to the IRWC was also given up rather early during this process. It was clear that such a process, potentially affecting the core of the TWSC, had to be controlled by the TWSC. The compromise was to invite the IRWC to actively participate in the process “in order to gain from the experiences of their NetForum process”, as the Declaration expressed it. The CWSS was hence assigned to facilitate the Forum in cooperation with the IRWC secretariat. This gave us scope to pool and extend resources for a possible Interreg application because the delegations, and in particular Germany, were unwilling to commit additional money beyond what was already paid to the secretariat, for such an activity. It was therefore clear from the start that external funding would be necessary to make such a challenging project fly. The governments were also hesitant to engage themselves as members of the Forum so the compromise was that members should be drawn from local and regional governments, non-governmental organisations, both commercial as well as non-commercial organisations, and experts. Was it because the governments sincerely adhered to the strategy that those who would profit, the stakeholders, should also pay or was it done out of convenience? It was probably a bit of both and under the circumstances demonstrated a lack of enthusiasm and a lack of responsibility for the process of putting formal arguments to the fore.

A question during the final months of the negotiations was how to establish the WSF. The NGO observers in the TWG proposed a task force to sort things out in advance of establishing a WSF. That

eventually resulted in the agreement to establish a preparatory committee to designate members, ensure a sufficient budget and, importantly, agree on the rules of procedure that should govern WSF work. The NGO proposal, furthermore, encompassed an interesting suggestion, namely, to appoint Ed Nijpels, the Queen's Commissioner of the Province of Fryslân and former minister of the Environment of the Netherlands, to chair the preparatory committee. It is unclear where this proposal originated from, but it was a suggestion that was welcomed by the governments.

Ed Nijpels was absolutely tailored to the job, and it is to a large extent thanks to him that the outcome of the WSF work was a success. He was himself committed to the process, created the right atmosphere for stakeholders from different backgrounds to discuss openly and in a trustworthy manner, and he drove the process forward. Most importantly, he possessed the stature that would enable the development and agreement of proposals and gain the support of the members. One of the tricks he used to buttress the unity of the stakeholders was to confront the government representatives and blame them for not been too cooperative. That always scored some cheap points with the stakeholders present.

The preparatory committee met at the end of January 2002, to discuss the modalities of the Wadden Sea Forum. An agreement was reached fairly easily on the rules of procedure including the representation of stakeholders and local governments. Facilitated by the governments, each of the regions started appointing members. The budget issue was left to the IRWC secretariat and the CWSS to solve. Eventually this became a contentious issue. We wanted to collect as much as possible on the basis of already existing resources at both secretariats. We considered the WSF the spearhead of the activities until the next conference in 2005, enabling us to do many of the things which had so far not been possible, namely to engage with wider society and execute studies on social-economic aspects in order to engage in a dialogue with stakeholders.

This was a rather naïve approach, it soon became obvious. The state parties were concerned about the control of the process. The German position was well-known. The WSF should be kept low profile and strictly within the framework of what was already agreed in the context

of the TWSC in order to ensure that the WSF would not undermine the nature conservation objectives. The Dutch were apparently more concerned about who was able to raise the profile of the cooperation during their presidency and that could well be the WSF and not the governments. The German and the Dutch found themselves in a common position by agreeing to cut the CWSS contribution by downsizing the budget and deciding that the WSF budget should be a matter for the TWSC. It was clearly directed at me; I was told to tow the line and they attempted to control the process by also involving the chairman of the WSF. They had, however, not calculated with the other partner in the project, and it was thanks to the IRWC that we managed to keep the budget on basically the same level as was originally planned.

At the end of 2002, the Interreg North Sea Region Programme approved the budget and work could really start. Securing the Interreg co-financing was also one of the small victories of the CWSS. There had been much scepticism in TWG circles as to whether we would succeed in obtaining Interreg co-financing, but we spread confidence and declared that we had a good name at the programme office. We got the money and were in control of the spending.

Breaking the Ice

The approval of the budget and co-financing by the Interreg programme inaugurated two and half years of intense, fruitful, and ground-breaking work with the stakeholders represented in the WSF. The CWSS and the IRWC secretariat formed a WSF secretariat with Folkert de Jong as the project leader. The WSF had already met at a constitutional meeting at the end of August 2002 to agree on the rules governing the WSF and the instalment of different working groups. With the help of the governments, representatives had been designated from agriculture, fisheries, industry and harbour, energy, tourism and recreation, nature and environment, local and regional governments, and the regional Wadden Sea advisory boards and national governments as observers. Overall, the WSF consisted of some 50 members and advisors which represented all central interest in the region, an achievement that showed how much interest that was in establishing cooperation after many years of confrontation.

As was stipulated in the Terms of Reference, the WSF was instructed with the “....task of developing proposals for sustainable development scenarios and strategies for their implementation,...”. Whatever was intended with this enigmatic formulation, the building of scenarios and testing of various sustainability strategies and developments by the different scenarios elaborated by the five thematic working groups on agriculture, energy, fisheries, industry/harbour and policy/management were at the core of the work of the Forum. The scenarios were generic with four sub-scenario “worlds” developed around economic growth and EU development. If a strategy, developed by the WSF, was able to “survive” the test, i.e. be feasible in basically 3 out of the 4 “worlds”, it would be considered robust and therefore worth pursuing.



Plenary meeting of the Wadden Sea Forum in Stade, 2004 (CWSS Archive).

There was a strong belief at the start of the zero-decade the EU would develop into an ever-closer political collaboration, and that much of what would happen politically in Europe in future would be determined in Brussels. These were days of the development of a constitution for the European Union under the chairmanship of the former President Giscard d'Estaing which would lead to a sort of federalist Union and on top of that the extension of the Union with 10 new Eastern European countries. It was the belief that the rapid

economic development seen at the end of the former decade and the zero-decade would continue with expanded technical innovations. However, opposition to the federal trend was already present in many Member States. It would lead to the voting down of the draft Constitution in the Netherlands and France, and the draft Constitution was declared dead and replaced by the Lisbon Treaty a couple of years later. Then there were the financial crises which hit the world in 2008 and buried the whole idea of steadily increasing economic growth, with its pipedreams of prosperity for all and full control of the financial markets.

Would all this have had an impact on the development of the strategies and actions which were the outcomes of the WSF work? Undoubtedly, but only marginally. The whole WSF programme could theoretically also have been elaborated without any discussions on the scenarios, but it is doubtful whether it would have resulted in the same comprehensive programme and the engagement of and close cooperation between the stakeholders. The function of the scenarios was to make the participants aware of the overall national and international context, to force them to discuss possible trends, come up with well thought through sustainability goals and reach consensus on the strategies and actions to reach such goals. This would not have been possible without the scenario discussions. Additionally, substantive reports were developed on economic and social developments by Prognos, and on sustainability objectives and indicators by COWI, both internationally highly respected consulting offices. The Prognos report also clearly spelled out what the issues were for the region, decrease in population and low education and innovation. The public service sector played a proportionally bigger role in the Wadden Sea region than in other regions. The Wadden Sea did not have particularly good prospects in a changing world where high education and rapid innovation would be at the forefront of developments.

A final draft report was assembled during 2004 under the guidance of a Steering Committee of the WSF, consisting of Ed Nijpels and the chairpersons of the thematic groups including the project leader. The draft was made subject to a public consultation throughout the region and as part of the consultation process, regional conferences were held to present and discuss the draft with a broader number of local

stakeholders to obtain further suggestions. The regional conferences were attended by almost 300 people, a fairly good result considering the complexity of the matter and the rather high-level proposals, something which was unavoidable in covering such a large area. It was a clear sign of the interest and the support which the process generated.

The report was well received in the region and most of the members of the WSF gave the whole process a note above average, as was documented in the final report, but there were certainly also some sceptical voices, e.g. from the nature NGOs and some of the fishery representatives. In February 2005, the final report “Breaking the Ice” was presented to the Dutch Minister of Agriculture, Cees Veerman, at a meeting in Leeuwarden, matching the time schedule set two and a half years earlier. He welcomed the report but obviously he was not in the position to issue an opinion on behalf of the three governments pending the preparation of the autumn conference. Nevertheless, he invited the WSF to compile an action plan based on the recommendations; it was felt this would help governments to clarify their positions. This move had apparently been floated with the WSF chair beforehand and was meant to help further discussion of the report, since it was felt its sometimes rather abstract suggestions could be difficult to translate into practical action. Getting it more action-directed could make things clearer and help governments “swallow” the overall strategies.

We should never have accepted this request for developing an action plan. The report itself had not been politically discussed, let alone endorsed, and now we had to develop an action programme based on an unapproved report. It was “changing horses in midstream with the risk of the wagon getting stuck”. It opened a flank to attack before the whole front had been secured. Adversaries could now freely open fire on the whole undertaking.

On thin ice. Falling through it

Looking at the WSF report in retrospect with the timely distance of 15 years and knowledge of the discussions on the report after its delivery, it was, it must be admitted, not the integrating overall proposal it claimed to be. It was therefore open to criticism. It did indeed seek an

integrated regional approach to ecological, economic and social issues in the coastal area under the umbrella of what was around this time a very popular approach, the Integrated Coastal Zone Management (ICZM). This had many connotations to it and could be interpreted in many ways, but for many in the environmental community it was about accommodating developments in a way that would not harm environmental interests. It was a planning strategy rather than a protection approach. It was also debatable whether the report was the response to the challenges mentioned above, depopulation, poor educational achievement, low innovation rate, and the biodiversity crisis. Notwithstanding this, it can be claimed that the different interests were balanced within the sector strategies and recommendations; it was essentially about the development of the various economic interests and accommodating the sector interests within the ICZM framework, not the reverse.

Though we at the secretariat realized that this was the case, we also considered this a consequence of the overall approach, in which the ToR stipulated that the current protection regime was not up for debate. In reverse it would have been inevitable that the emphasis would have been on the economic and social interests, and in order to establish speaking terms with the various sectors, in particular the user stakeholders, their concerns would have to be at the forefront of discussions. It was our firm belief that if we could embrace the WSF without approving all the recommendations, and we could ensure that the process could continue without questioning the protection status, we could institutionalize a constructive future dialogue which would also benefit the Cooperation, the conservation of the Wadden Sea and regionally sustainable development. A condition, however, would be that the WSF would constitute an institution, a consultation platform within the TWSC, facilitated by the secretariat, comparable with the regional advisory boards.

We failed. Germany was entirely unwilling to consider anything of that sort and from the beginning aimed at positioning the WSF outside the Cooperation. This had been the German position from the start, and in that sense, it was consistent. The submission of the draft action plan for the June TWG-meeting, accompanied by a letter from the WSF chairman, to the respective ministers, was of no help.

It only confirmed the strong German reservations. The WSF would best be kept outside the TWSC as a sort of discussion platform. A costing estimate of around € 350,000 for a WSF secretariat and additional costs for implementation of the actions was not helpful, on the contrary. Though the costs were never conceived as a budget to be paid exclusively by the TWSC, it was nevertheless unavoidable that a substantial part should be allotted to the Cooperation. Denmark sided with the Germans, not because it principally shared the German position but because it was unwilling to spend any additional money on the WSF, or the TWSC for that matter. Budget neutrality was the Danish mantra and the German position fitted wholly in this ambition. The Dutch position differed greatly from the two other partners. There was a genuine willingness to continue to support the WSF as part of the TWSC. The Dutch presidency very much wanted to have the WSF and its recommendations approved at the Schiermonnikoog Conference and secure its continuation.

At the mid-June 2005 TWG meeting in Leck near the German-Danish border, a secretariat suggestion for the text of the Ministerial Declaration attempted to amalgamate all viewpoints but was twisted around to a non-committal document, which in essence dismissed the work of almost three years and assigned the WSF a role outside the TWSC. And the action plan, developed in response to the request from the Dutch presidency, was not addressed at all. It was a discouraging result and felt like a personal defeat. The project manager of the WSF, who had not participated in the TWG meeting, (he was independent from this trilateral process) was understandably furious when I told him of the result on my return, and we decided to consult the WSF chairman. We were willing to risk a discontinuation of the WSF because under such circumstances, the WSF would have no function for the TWSC. Indeed, it would have no function at all because in the Wadden Sea context, sustainability is so closely linked to Wadden Sea protection. Why should we continue to support such a project when it would have no impact at all? Why should we not make clear to the stakeholders that this was the case?

On learning of the outcome of the Leck deliberations, Ed Nijpels suggested he should write a clear and unmistakable letter to the three ministers asking that the draft Ministerial Declaration be amended.

“I point out”, Nijpels wrote, “that with the elaboration of the action plan, the WSF member organisations have declared their commitment to invest money and time in the implementation of the action plan and



2005 TWG meeting, in Leck, Germany, at Jens' birthday (CWSS Archive).

to continue in the participation of the future forum. A prerequisite is, however, that this preparedness is mutual, i.e. is shared and supported by the Trilateral Cooperation. Should this not happen, I fear that there is insufficient basis for the WSF member organisations to continue their involvement in the WSF”. The letter was sent off in early July 2005.

Undoubtedly, it came as a bombshell to colleagues in the central ministries. They assumed not without reason that we were the wiremen behind the letter, but the collateral damage was soon contained. Because of the summer holidays and the need to act swiftly, the WSF members including the Danish and German vice-chairs had not been informed and consulted. Apparently, most of the members were unaware of what was going on and therefore unable to exert their influence nationally. Furthermore, the Dutch presidency was petrified about a no-deal on the WSF and its potential discontinuation. It was one of the central objectives of its presidency. It was inconceivable that it should not end with a constructive decision on what it had meant and how it should be continued, which was of course also fully understandable. The

Dutch presidency took the lead in getting an agreement approved that could satisfy both Germany and Denmark and the WSF organisations. The WSF attempted to influence the situation but the outcome was finely balanced. It was clear that “something” had to come out of these negotiations.

A compromise outcome was adopted at the Schiermonnikoog Ministerial Conference. It partly centred around the contentious issue of what role the CWSS should play, because that was also a measure of involvement of the TWSC. It was an unsatisfactory compromise in every respect. Behind the beautiful and pleasing words about the WSF, there was in substance no decision on what had been recommended in “Breaking the Ice” nor in the action plan, only words to the effect that this would be reviewed after the conference. There was no decision on what the WSF should do after the conference. It was labelled as a non-statutory body “complementary” to the Wadden Sea Cooperation, but how exactly the relationship was and should be was not defined. The CWSS should continue to facilitate the work of the WSF in line with the vision and objectives of “Breaking the Ice”, which had not been adopted by the Cooperation. It was an impossible position.

Part of the story is, of course, too that we at the CWSS went against those under whose instruction we worked. We could not be held accountable for working outside of the mandate, but it was clear that



Outing CWSS staff in 2005 (CWSS Archive).

some felt that we had crossed a line. In hindsight they were right. This in the end, in their opinion, should result in our disengagement from further WSF work. That soon came about in the following period. And could we complain? It was an outcome of the events in the summer of 2005 which we had deliberately risked.

Failing mission

We earnestly tried to keep the WSF up and running the next couple of years after the 2005 Schiermonnikoog Ministerial Conference. Additional money was acquired from the governments and the regional authorities along the Wadden Sea coast; just sufficient to employ Manfred Vollmer and a part-time administrative help. Germany, however, demanded that the employment of both should be discontinued at the CWSS, apparently because it was against German rules though the WSF secretariat was allowed to share office facilities with the CWSS. It may have been the argument, but it was also an expression of the determination of the governments to disengage themselves from the WSF, which was then turned into an association according to German law. This was also a sign to the CWSS that we should uncouple ourselves from the WSF work. The WSF never became relevant to the work of the TWSC and for the last 10 years lived a life of increasing isolation.

Why did it get this far? The detailed explanation is given above; but neither Germany nor Denmark, for various reasons, wished to legitimize the work of the WSF. Also, the attitude by the governments that “my stakeholder is not your stakeholder” played a role. Governments were hesitant in committing to a newly created transboundary collaborative of stakeholders and to the new “playground”; this could work in favour of the CWSS. And there were other factors. The Netherlands was in the wake of the discussion of the proposals of the Meijer Commission, prohibiting gas drilling and exploration in the Wadden Sea, forbidding cockle fishery, and establishing the new Wadden Sea foundation. The fishery issue was, as always, divisive. Governments and environmental NGOs feared some sort of a transboundary alliance, and the fishery organisations felt betrayed by the national discussions and soon terminated work in the WSF. In the summer of 2005, the pilot project for establishing a Danish national park came to an end,

and the continuation into an establishment phase had priority which took away some of the focus from the WSF. The WSF, however, had a central function during the discussion and evaluation of the World Heritage nomination. We used the WSF to demonstrate to the IUCN that we had a stakeholder forum in place that was highly relevant for the World Heritage nomination and for the time after its inscription. At least, we kept up the appearance that that was the case.



A tidal flat walk to the Halligen, June 2005 (CWSS Archive).

In hindsight, the WSF lacked a common context, concept, or label to work on. Sustainability is too weak a concept and will have different connotations to different people. The concept of ICZM was too contentious - was the aim conservation or use or both and who should be involved? The Wadden Sea World Heritage inscription has changed this fundamentally. A label that both invites and forces cooperation, in the sense that it is the most powerful label for conservation and sustainable development on this planet, ensuring that the unique features of the Wadden Sea that makes it of Outstanding Universal Value are preserved for generations to come. The newly established Partnership Centrum, based on the idea of a Wadden Sea World Heritage competence centre conceived by us, essentially promotes the idea of working for the conservation of the Wadden Sea World Heritage and using the label to support regional sustainable development. It is

inevitable that the WSF and the Partnership Centre must be merged into one organization. This could then be the fulfilment of the aspirations we had back at the start of the millennium.

As we had predicted or feared, the 2005 Schiermonnikoog Conference was not a success with regard to the continuation of the WSF, but it was a memorable Conference venue and in other regards progressive agreements were reached. The deadlock around the nomination of the Wadden Sea as a World Heritage property was finally broken. How this came about is the story of the next chapter.

Wadden Sea World Heritage. The Pinnacle of Our Efforts

In June 2009, the Dutch-German Wadden Sea was inscribed on the World Heritage List. The Danish part followed five years later, and as of 2014 the entire Wadden Sea was inscribed on this prestigious list of the world's most outstanding natural and cultural monuments. It was the culmination of the work of the CWSS during my period at the secretariat, and as secretary of the TWSC. The road towards inscription was not only a long and winding one, but also one with many potholes, deep valleys, and steep edges. In hindsight it is almost inconceivable that we made it, and we only made it because many were present at the right moment and did the right things.

I knew about the origins of World Heritage from the translocation of the Abu Simbel temple in the Nile Valley in connection with the construction of the Aswan Dam in the late 1960s. I appreciated that monuments labelled World Heritage were something special on this globe - and that was just about it. During the early days of this process, it became clear to me that the World Heritage Convention was something special, something which countries were obliged to do in unity, as opposed to their singular and autonomous efforts when it came to all other relevant international conventions. World Heritage status was a designation which could provide something more binding than the Joint Declaration and bridge the gap between political intentions and legally binding commitments. The ushering in of a treaty through the backdoor, so to speak, not in a formal but in a material sense.

The very beginning

The first time I heard about World Heritage in a Wadden Sea context was in the spring of 1989. I received a letter from the IUCN, signed by Jim Thorsell, head of the World Heritage programme who I later came to learn was a legend in World Heritage circles, on whether I would have any comments on the attached nomination of the Lower

Saxon Wadden Sea National Park or “Wattenmeer (Mudflats of Lower Saxony)-Federal Republic of Germany”, the name under which it was officially nominated, as a World Heritage site. This was, as I would later learn, a letter which the IUCN would send to all potentially involved parties, be it experts, authorities, or institutes to obtain information on the nominated site as part of its evaluation task.

The nomination must have been submitted to UNESCO in summer 1988, but it was not reported within the TWSC and to my recollection not a word was uttered on it during the Bonn Conference in November that year. I have no memory of how I reacted to the letter other than I thought it was a pity that it had not been discussed in the context of the TWSC and that it was something the three countries should do together. Since I was located next door to the Lower Saxony National Park authority, I inquired and, as far as I can remember, was told by the director that this was something the Lower Saxony Ministry had undertaken on its own. He had no stakes in it. I inquired at the Federal Environment Ministry in Bonn, but apparently nobody knew about it, and I was told this had simply been passed onto UNESCO in Paris by the Ministry of Foreign Affairs. The Federal Environment Ministry was not competent in this case.

Later that year, I received a copy of the letter which the director of the IUCN had written to Klaus Töpfer, the German Federal Environment Minister, stating that it would be difficult for the IUCN to positively review the Lower Saxon nomination. The environmental status was not satisfactory and moreover, it only concerned a part of the Wadden Sea. He appealed that the three governments should make a well documented joint proposal backed by good measures to improve the situation. The World Heritage Bureau - the executive of the World Heritage Committee before a World Heritage Centre was formed at the beginning of the 1990s - wrote to Germany in August 1989 that it recommended deferring the nomination “until a fully documented nomination of the whole Wadden Sea complex is jointly submitted by Denmark, The Federal Republic of Germany and the Netherlands”. Germany withdrew the nomination in November 1989, and the World Heritage Committee at its session in December the same year recorded that “[T]he German authorities had decided to follow the recommendation of the Bureau of the World Heritage Committee

and prepare a fully documented nomination of the whole Wadden Sea, to be jointly submitted by Denmark, the Netherlands and the Federal Republic of Germany. The Committee welcomed this initiative and requested the Secretariat to follow up on this matter, in particular to continue its contacts with the Dutch authorities to encourage the adherence of the Netherlands to the Convention". Regrettably, the Netherlands had not yet ratified the Convention in 1989 and only became a Contracting Party in 1992.

We pondered what to do. At the Ramsar Conference in Montreux in July 1990, I met Jim Thorsell and he was not at all convinced that the Wadden Sea would qualify for an inscription on the World Heritage List. He seemed to me to be sincere. Through the good Danish contacts to the UNESCO World Heritage section, we were advised to make a feasibility study for which UNESCO would provide USD 5,000 funding in 1991. UNESCO recommended two consultants for the job, of which Peter Burbridge, whom I knew as consultant for the WWF project "The common future of the Wadden Sea", was one. He knew the Wadden Sea and, moreover, since he had worked for the NGO community, he would also be considered acceptable from that point of view. He was willing to do it for the amount offered by UNESCO, which was a ridiculously small amount, but I had been made aware that I should not expect additional money from the parties.

In July 1991, Peter Burbridge travelled the three countries and conducted consultations with the representatives of ministries and non-governmental organisations. In his report, he concluded that it would definitely be feasible to nominate the Wadden Sea for inscription on the World Heritage List and that it would provide many benefits to the region. He also strongly recommended that such an initiative should be communicated to the wider public in the region because the level of knowledge about World Heritage status was very poor. Finally, he recommended the Netherlands to ratify the Convention so as to make a joint nomination possible. The 1991 Esbjerg Declaration duly accorded the findings of the feasibility study and agreed "to develop a joint proposal for the nomination of the Wadden Sea on the World Heritage List".

World Heritage was not a contentious issue at that time. It was seen as something very positive, a brand of uniqueness, but there was

also quite some ignorance about what World Heritage meant, as Peter Burbridge had already noted. Furthermore, the whole nomination procedure around World Heritage and what it entailed was also not very developed at the time. The requirements for nominations in the early years were rather limited compared to current requirements, and it would have been quite conceivable to develop a joint proposal at that time - the Netherlands ratified the Convention the year after the Esbjerg Conference - without too many problems.

The whole issue, however, got stuck for a number of reasons. It seemed logical to wait until the whole discussion around delimitation, the management plan, Eco-targets and monitoring had been sorted out before developing a joint proposal. The introduction of the Habitats Directive had given rise to wide opposition to any new protection label, and the Netherlands which had taken over the chairmanship from the Danes in 1992 and for that matter also the two other countries



Fiede Nissen, mayor of Langeness and "Postschiffer", and Kirsten Boley, National Park Authority, Schleswig-Holstein Wadden Sea National Park during the IUCN field mission, 2008 (CWSS Archive).

were not really keen to deal with the issue against this backdrop.

The issue was not forgotten and kept warm so to speak. The 1994 Leeuwarden Declaration stated that "the nomination of the Wadden Sea or parts thereof as a World Heritage Site will be strived for by 1997 taking into account the natural values of the area". Though it had only been discussed fleetingly in the run up to the 1994 Conference

in Leeuwarden, and since the whole delimitation issue was only solved at the Conference, it was clear that the agreement could only be articulated as an intention and that the geographical specifics needed clarification. From the formulation it was, however, clear that a nomination should take as a starting point the natural values of the area. In other words, it should be a natural World Heritage nomination.

The sentiment that the Wadden Sea states should firstly sort out their own business before putting together a World Heritage nomination became even more logical in the run-up to the 1997 Stade Conference. It became clear that the Wadden Sea Plan was a prerequisite for a nomination and should the Wadden Sea Plan have failed the likelihood of a nomination would have decreased significantly, if not failed entirely. World Heritage was again discussed in very rudimentary terms in the run-up to Stade. At one point following a discussion in the TWG, the Federal Environment Ministry of Germany took advice on the legal implications on the nomination of the Wadden Sea as a “natural World Heritage property”. The conclusion was that it would entail no legal obligations beyond those already valid for the German Wadden Sea Man and Biosphere (MAB) area. It was the first time that the discussion on the legal consequences would pop up. The explicit reference to a natural World Heritage property was consistent with the 1994 Declaration and consistent with the German standpoint on this, as we shall see later.

No progress was hence made, despite the intention declared in the Leeuwarden Declaration. In the 1997 Stade Declaration, World Heritage was included under the theme of landscape and culture in the WSP. “The nomination of the Wadden Sea Area, or parts hereof, as a World Heritage Site will be strived for, taking into account the natural and cultural-historic values of the area” the WSP stipulated in para. 1.1.1. The associated project specified that it should be done in close cooperation with the “local and regional authorities, as well as local interest groups and local citizens, taking into account i.a. the recommendations of the 1997 workshop on cultural-historical and landscape values”. One reason why the agreement had been placed in the landscape and culture section was partly because the theme was an overarching theme in the WSP, but also because both the Netherlands and Denmark thought this was how they would get cultural values

accepted equally to natural values. The Danish Wadden Sea was listed on the tentative list for both its natural and cultural values and the western part of the Dutch Wadden Sea was included in the tentative list because of shipwrecks from the Dutch Golden Age.

The reviving of the discussion

After the conference, the theme almost died. At that point, I had little confidence that the issue could be moved on, other than it had to be discussed as part of the discussion on the implementation of the Stade Declaration. The unwillingness to deal with the issue in hindsight was also because we had no clear direction under which criteria a nomination should be prepared. Notwithstanding the agreements of Stade, the German colleagues remained opposed to a nomination that included cultural criteria, as advocated by the Danish and Dutch colleagues. One could sense it when the issue was brought up in an informal setting. That prevented an open and honest debate with everyone sticking to their known positions, unwilling to move.

It was Klaus Janke, director of the Hamburg Wadden Sea National Park and member of TWG on behalf of Hamburg, who after the Stade Conference took the initiative to revive the discussion, ensuring that the issue would not be forgotten again. He convinced his other German colleagues that we had to make progress. I particularly mention him because it was a bitter episode when Hamburg at the last moment in January 2008 withdrew from the nomination and attempted to block it. I also mention him because the nomination had many fathers and mothers without whom it would never have been possible to get the Wadden Sea on the World Heritage List. He is one of them.

It was in cooperation with him that we were able to raise the issue in preparation for the Senior Officials meeting in Denmark in late autumn 1999. The secretariat had included the issue in the draft common statement for the meeting, and he had already prepared it internally in the German delegation. In the preparatory meeting, for the first time the German delegation explicitly and unmistakably proclaimed that a nomination should be confined to the Conservation Area - or parts thereof - and hence should be a natural nomination, a view which it had held essentially from the beginning, but which it had never announced as a prerequisite. The Danish and the Dutch representatives again

opposed it and pointed to the connection between nature and culture.

From now on, however, the German viewpoint prevailed. It would become exclusively a natural nomination, i.e. only under the natural criteria. No other option was available because the mantra from now was that the nomination be formulated on existing rules and regulations. No further rules and regulations would be introduced as a consequence of a possible World Heritage designation. The indication in the decision document from the SO meeting that Germany still “considers it a matter of discussion whether this area should be nominated as a Natural Heritage, a Cultural (Landscape) Heritage or a combination” was only meant as a symbolic gesture towards the two other countries which were still seriously pursuing the cultural landscape course. I must admit that at that point I hoped also that the cultural landscape heritage could be somehow acknowledged in a nomination.

The SO meeting agreed to aim at elaborating a common view for the Ministerial Conference in 2001. Since much had happened since the 1991 feasibility study, it was agreed that a reassessment of nominating the Wadden Sea as a World Heritage property should be carried out and the World Heritage Centre in Paris should be sounded out. Because of organizational changes within the Danish chairmanship, contact with the World Heritage Centre was first established in the first months of 2000. On 30 March 2000, a TWG-delegation met with Mechtild Rössler, now the director of the Centre, then responsible for its European section, and her staff.

A number of issues were discussed. On the inquiry as to which category the nomination should be made under, she pointed out that a mixed site approach had its merits from the point of view of the Convention because there were - and still are - few such sites. But her recommendation was quite clear, nominate the Wadden Sea under the natural category and consider nominating it under the cultural landscape category in due course when sufficient information was available. She evaded the question of whether a nomination under the existing rules and regulations would be feasible, indicating that the evaluation of a nomination would be carried out by the IUCN. She added, however, that “[I]t was considered highly conceivable that the Wadden Sea would meet the conditions of integrity” according to the

internal record of the meeting. Furthermore, she underlined that public consultations on the nomination were essential to make stakeholders feel a shared responsibility for it. Finally, she recommended updating and coordinating the countries' tentative lists with regard to the Wadden Sea. Whilst a tentative listing of the Wadden Sea would not be required in advance of a natural nomination, it would nevertheless be helpful for the further process.

The mood was quite positive after the meeting. In the TWG meeting a couple of weeks later, the Dutch delegate reported that the Dutch Wadden Sea islands, having been informed about the consultations, had in principle responded positively. The announcement that Lower Saxony was in the process of amending its National Park law and was therefore not able to move on the issue, did not dampen the positive atmosphere. It was agreed to initiate the updating of the 1991 feasibility study, to be presented to the SO meeting in October 2000 in conjunction with a proposal for a nomination procedure, with the aim to have a decision on a nomination adopted at the forthcoming Wadden Sea Conference in 2001. It was also agreed to develop a proposal for a common coordinated tentative list nomination for the Wadden Sea.

Peter Burbridge was willing to update his 1991 feasibility study. Actually, it became a new feasibility study. Too much had changed since 1991. The Operational Guidelines of the World Heritage Convention had been revised and extended. The TWSC was a very different cooperation from the Cooperation he had found in 1991. The State Declaration and the WSP had laid a firm foundation for common protection and management. The national protection regimes had also been significantly amended and extended. As in 1991, in July 2000 Peter Burbridge and I toured the countries to consult with the representatives of the ministries and the conservation NGOs to gauge the mood and establish a legitimacy for the conclusions and recommendations which would come out of the study. In September 2000, the feasibility study was submitted and discussed in the September TWG meeting and October SO meeting.

Peter Burbridge confirmed the 1991 study that the Wadden Sea Conservation Area was worthy of being inscribed on the World Heritage List. "The Wadden Sea now enjoys a level of environmental protection and wise management that is unprecedented throughout

Europe” and “[A] nomination of the Wadden Sea Conservation Area for inscription on the World Heritage List is feasible under the current conservation and management arrangements”, he concluded. He also noted that there was support for a two-stage approach whereby the natural nomination would be followed by a further stage in due course when more information would be available on the cultural landscape values. He recommended that a nomination should be prepared for and adopted at the 2001 Ministerial Conference. He also recommended that a concerted awareness campaign should be initiated to inform the public and that a public consultation process should be launched to obtain support for the nomination once it had been prepared.

Preventing a no-go. Towards the 2001 Esbjerg Conference

The study and its recommendations were received approvingly, though it was clear from the beginning that the proposed timetable was unrealistic. More time would be needed for consultations, and it was too optimistic to expect that a draft nomination could be tabled at the 2001 Esbjerg Conference, though it was still set out as an intention at the SO meeting to keep up the pressure. The overall aim was to keep the option open for a nomination and not to have it stopped at the Conference which was the risk of having the process set in motion. The two-step approach of first nominating the Wadden Sea under natural criteria was also supported. In reality this confirmed that the German position had prevailed, though on a German proposal at the SO meeting, it was now phrased as “the intention to consider the coherent nomination of most parts of the Wadden Sea Conservation Area for inscription on the World Heritage List as a natural property, taking account of cultural values, at the Esbjerg Conference in close cooperation with the local and regional authorities, as well as local interest groups and local citizens..”. This was done to allow for a flexibility towards local communities to exclude certain areas on the East Frisian islands.

During the discussion in the TWG, Karel van der Zwiep, who had been admitted to the TWG as an observer representative of the Seas at Risk organization earlier that year, was the only one who raised some critical points regarding a World Heritage nomination. He applauded a nomination and the fact that it would acknowledge that the Wadden

Sea was an entity and should be managed as such. But he warned against the commercial pressure that could emerge from recognition. He questioned whether the Wadden Sea Plan was a management plan as set out in the Operational Guidelines. Finally, in the Burbridge report, assessments of the juridical and financial consequences of a nomination were missing.

Interestingly, the SO meeting attempted to retain some form of coordinated public consultation. The TWG was instructed to prepare a leaflet outlining the benefits and the burdens of being a World Heritage property “suited to support a coordinated public consultation process in the three countries”. The public consultations became the focus of the activities leading up to the Conference in Esbjerg in October 2001. Soon it became apparent that an alignment of the consultations in terms of contents, approach, and time was an illusion.

The Dutch delegation declared, having seen the first draft of the joint brochure at the TWG December meeting, that it “was not suitable for a Dutch approach to motivate a broad public and that for this purpose an additional national product would be made”. Quite a diplomatic unilateral blow to the process in the first place. The Dutch apparently wanted to conduct the consultations the “Dutch” way. And the “Dutch” way became clear when the Dutch delegation reported back to the SO meeting in April 2001. The second round of consultations had just been done and “[o]n purpose, these discussions were kept in very general terms: enquiring about ideas people have when thinking about world heritage sites, about emotions that are released by the possibility for the Wadden Sea to become a world heritage site” as was reported. This was much to the amusement of the other delegations who felt the document may be seeking to elicit views inspired by meditation.

The Dutch had a point though. In hindsight, the brochure was not a particularly impressive piece of public information and moreover, if the intention would have been to conduct some sort of common public information and consultation campaign, a much more professional approach should have been taken which went beyond both the resources and capacities of the CWSS and, moreover, was not part of legitimate tasks of the CWSS.

The German and Danish approaches were more traditional compared to the Dutch. In Denmark, the discussion on the intended nomination

was made part of a discussion on a regional planning document on implementing the WSP. It was discussed in the Wadden Sea Advisory Board and a regular round of consultations was done in a written procedure. Minister Auken debated the issue in the parliament and later held a public meeting in the region to round up the consultations. Was it a mistake to link the hearing with the discussion on the regional plan? Did this convey the impressions that notwithstanding previous assurances from the responsible ministry, additional restrictions would follow?

The German approach differed again from the Danish one, with differences between the three federal states. Lower Saxony had not yet concluded the revision of the National Park Act but had established a communication group with representatives of the local government and relevant stakeholders to consult on the issue. Public consultations were, however, only to be held after the adoption of the revised Act by parliament around July 2001. An important change of personnel had taken place at the State Ministry of the Environment in the meantime.

Hamburg had already consulted the inhabitants of the island of Neuwerk which was part of the Hamburg Wadden Sea National Park. They had unanimously voted in favour of a nomination under the natural criteria under the condition that no new rules and regulations would be introduced as a result of a World Heritage recognition. Schleswig-Holstein had established a joint working group of the two Advisory Boards of the counties North Frisia and Dithmarschen, in which all relevant government levels and stakeholders were represented. Public meetings were scheduled in both of the counties for the beginning of June 2001, to be moderated by an independent mediator. Keynote speakers were invited from the German UNESCO board, representatives of German World Heritage Sites (culture, landscape, nature), tourism industry, the TWSC and LANCEWAD Project.

I presented the Wadden Sea case nomination at both meetings. They were both, in their own ways, quite informative and significant for the further process. The meeting room at the county council of North Frisia on 6 June 2001 was packed to the last seat and a rather antagonistic and partly intimidating atmosphere ruled. Banners were unfolded with proclamations against a nomination such as “you do

not have to accept an inheritance". I presented the Wadden Sea case, compared it to other World Heritage sites in Germany and Europe and explained the potential benefits. When I came to present the last overhead sheet - it was still in pre-PowerPoint times - on the disadvantages or burdens of being a World Heritage property, it was blank. It was an attempt to show that under the conditions offered - no further rules and regulations - there would be no additional burdens, only benefits. It caused some laughter and sympathy but it - and the whole arrangement for that matter - made no difference. It was all in vain. People were not convinced, and the majority was against it.

Interactive group discussions after the presentations did not change the mood. I sensed that it was also payback time. One and a half years earlier the Schleswig-Holstein Wadden Sea National Park Act had been revised against the explicit will of the County council, and in particular its head, Olaf Bastian. One of the points he skilfully exploited was the issue of a buffer zone of a potential nomination. It had been indicated in the earlier consultations that no buffer zone would be established since it was neither required by UNESCO nor necessary because the Conservation Area and the much larger Wadden Sea Area covered a large area with a staged protection regime within which human activities were allowed albeit well regulated. Now he pointed to a section in the Burbridge report which referenced a buffer zone and stated that contrary what had been promised a buffer zone would be introduced. In the report, "buffer zone" referred to the Wadden Sea Area outside the Conservation Area and was meant to signal that no buffer zone would be introduced because what was meant by a buffer zone in the Operational Guidelines included the larger Wadden Sea Area. Should this ever be a point of discussion with UNESCO it could now be demonstrated that there was no need for such a zone. In hindsight, though, it was a stupid rationale, and I should never have allowed such phrasing in the report, of which I was largely the originator. Bastian twisted the argument and created sufficient doubt about the intentions of governments. Though I objected to his interpretation, he won the argument and the sympathy of the audience. Whether it would have made a difference is doubtful, the North Frisians were largely opposed beforehand, and it would take a further six years to convince a majority of the county council that a World Heritage nomination was a good idea.



Heads of county council, Dieter Harrsen, North Frisia (left) and Jürgen Klimant, Dithmarschen during the IUCN field mission, 2008 (CWSS Archive).

There was a further clarifying incident during the meeting. The director of the “Nordfriisk Instituut” (North Frisian Institute), Thomas Steensen, in his presentation, claimed that the Wadden Sea was largely Man-made and should not be inscribed on the World Heritage List for its natural but for its cultural values. We had discussed the issue by telephone a couple of days earlier and I had explained him the rationale for going for an inscription solely under natural criteria. He did not heed this and made his point without any reference to our conversation. It made clear to me that the position of my German colleagues was correct, and I was wrong. We should not mix things up here or the whole undertaking would fail.

It was quite different the following day in the county council building of Dithmarschen. The atmosphere was conciliatory and solution oriented. Same performance with a joke about a Dane standing in Dithmarschen 400 years after the devastating defeat of the Danish army attempting to conquer this proud farmer’s republic. The main reason it went so well was, however, primarily thanks to the head of the county council and the advisory board, Jürgen Klimant, who had also during the heated debates on the new National Park Act shown that he was capable of finding acceptable compromises. In autumn 2001, on his advice, an unanimously supported compromise

was reached between the county council and the advisory board in Dithmarschen in which a nomination was supported, provided it encompassed the Conservation Area (National Park) with no buffer zone, no new rules and regulations would be introduced as a result of the nomination, and should such be requested by UNESCO they could only be introduced after consultation with the county council and the advisory board. Finally, if the Conservation Area fulfilled the criteria and conditions, a nomination as a cultural heritage should also be undertaken. This decision broke the Schleswig-Holstein opposition and North Frisia was left alone to defend its position.

Simultaneously with the decision in Dithmarschen, the state government of Hamburg, the Senate, in September 2001, decided to support a nomination under earlier mentioned conditions. Hamburg was the first to officially vote for a nomination. In Lower Saxony, the consultations had started after the adoption of the National Park Act with a meeting similar to those held in Schleswig-Holstein. The result was promising as was reported at the SO September 2001 meeting in Esbjerg. It was particularly important for Lower Saxony to abandon the opposition role which it had held during the last two ministerial conferences and for it to become a more positive cooperation partner. Minister Monika Griefahn had been replaced by Wolfgang Jüttner as new Environment Minister, and Davidsohn had left the Ministry. Hubertus Hebbelmann, the former personal assistant of the previous Environment Minister Monika Griefahn, was now responsible for Wadden Sea matters and it was thanks to him that the position of the state changed from negative to becoming a cooperative partner. The World Heritage issue was the first occasion to demonstrate this, and he seized the opportunity as we shall see. Over the years, Hubertus Hebbelmann became a firm advocate of the TWSC and gone were the years of walking through the desert with unwilling Lower Saxon colleagues.

The situation in Denmark had not changed since spring 2001, as was also reported at the SO September meeting. Minister Auken had attempted to persuade the county councils during a debate in parliament, in which he stated that it was obvious that even if only one of the two county councils opposed a nomination, it would evidently not be possible. Apparently, his intention was to pressure the councils

but that obviously backfired because they now knew that it could be blocked, and they became determined to align their viewpoints. At an animated public meeting on 15 August 2001 in Ribe, attended by some 500 people, he asked how the region could ever refuse to receive the gold medal now that it was had become world class and fulfilled all the preconditions for being designated? They could. The day after, the Ribe county council voted against a nomination followed by the South Jutland council a few weeks later. The decisions were accompanied by an appeal to continue a positive dialogue, but not specifically a dialogue about World Heritage.

It proved a hollow appeal. In fact, for the opponents of a World Heritage nomination, it had little to do with World Heritage, more to do with Svend Auken. It was a protest against what they considered his left-wing urban-imprinted conservation policy and the lack of trust in the government. In conclusion, the Danish position was a NO. Remarkably clear from the hosting country. As councils within a host country, I had assumed they might assume a rather ambivalent position, but not take a decision that would go against and publicly embarrass their own host nation. This was a novelty in how Danish governments normally acted in foreign relations, but it would soon not be an exception.

As mentioned, it was clear in spring 2001 that it was a matter of averting a no go at the Conference and obtaining green light for continuing the consultations. With one country against, the position of the Netherlands became critical. In a remarkably clear note, the Dutch set out their position to the August 2001 TWG meeting and the subsequent SO meeting in September 2001, in Esbjerg. The Dutch, according to the note, had conducted several rounds of consultations and a fourth one was upcoming in September. It was clear that there was insufficient support at this point for a nomination, but the consultations had also shown that there were misunderstandings and miscommunications about the implications of World Heritage and the situation in the other parts of the Wadden Sea. It would be wrong to stop here and lose the opportunity of nominating the Wadden Sea as a World Heritage property. Rather, more time was needed, and a more selective approach of the different interests was necessary to clear misunderstandings and engage in mutually committed talks.

Moreover, it had to be made clear that the nomination encompassed the Conservation Area and should be concluded within one to two years, it was suggested.

This was also the outcome of the discussions. Svend Auken managed to appease the Danish regions at the Conference not to oppose such a conclusion. The Esbjerg Declaration merely welcomed the Burbridge study, which was in itself a step forward and acknowledged that consultations since the publication of the report had shown support but also reservations by stakeholders. Since, however, the consultations had not yet been finalized in the Wadden Sea Region as a whole, they “will be continued with a view to their finalization within one to two years”. Attempting to refer in the Declaration text to details of what had been discussed during the consultations, why some were against and others advocated a nomination would simply have reopened the discussions. It was essential that the consultations should be concluded in each of the remaining regions without being burdened by discussions in other regions.

The tiny hope that the situation in the Danish part could be reversed was crushed immediately after the conference. On the conference day a general election was called in Denmark, as mentioned earlier, and Svend Auken had to conclude the conference before noon in order to still act with a ministerial mandate. The election brought a new coalition into power which entirely changed Danish conservation policy. Though it was never officially reported, the Danish government was now against a World Heritage nomination. The government also changed in the Netherlands during the summer of 2002 after general elections in May. Though new winds blew that were not always pro Wadden Sea conservation, the result was not as drastic as in Denmark.

In Germany, the social democratic-green coalition continued after the general elections in September 2002. The Lower Saxony government announced in January 2003, a month before the state general elections, as the second state government after Hamburg, that it could now officially support a nomination under the agreed conditions. This also bound the new incoming Christian-democratic and liberal coalition government for the coming years. It was clear that the change of staff had paid off.

These developments, right after the Esbjerg Conference, clearly demonstrated that the strategy to avert a no-go had been the right one.

The Schloß Gödens accord

Contrary to what had been agreed in Esbjerg, consultations on the trilateral level on the World Heritage nomination came to a standstill. The Dutch now chairing the TWSC after Denmark were very unwilling to pursue the consultations. At the SO meeting a year after Esbjerg in October 2002, the Dutch delegation informed the other delegations that it was waiting for positive signals from Germany and Denmark before embarking on a further round of consultations. Without such signals the adversaries of a nomination would not change their minds, it was indicated. Preparations for a next round of consultations had been made, the Dutch reported, and consultations could start as soon as the Netherlands received a positive signal from Denmark as well. A new round would, however, only be possible if new arguments were tabled.

If Denmark maintained its position, it would be difficult to continue the process in the Netherlands, since a joint nomination constituted a pre-condition for the Dutch region, it was already announced at the TWG meeting preceding the SO meeting. This was entirely in contrast to what had been announced and agreed in Esbjerg, also on a Dutch proposal, and both the Danish and the German representatives underlined that they would prefer consultations to be concluded without reference to the situations in other regions. The Dutch delegation knew perfectly well what the situation was in Denmark, and linking the Dutch consultations to the Danish situation, and for that matter also the German ones, would create deadlock. The SOs agreed to take stock of the consultations at their meeting a year later.

A year later, the Dutch reiterated their position at a TWG meeting in October 2003. The Netherlands would be willing to continue the consultations if others were to do the same in spite of positive reactions from the region to a World Heritage nomination. The decision making went in circles. The deadlock could only be broken politically. The opportunity came two weeks later, on 22 October 2003, during the celebration of the 25th anniversary of the TWSC at the Castle Gödens near Wilhelmshaven. An informal meeting was arranged with the Dutch Minister of Agriculture, Cees Veerman, the Lower Saxony Environment Minister Hans-Heinrich Sander, a state secretary from the Environmental Ministry of Schleswig-Holstein,

Hendrik Oosterveld, the Dutch SO, Bernd Scherer, the SO from Schleswig-Holstein, who had taken the initiative to the meeting, and myself. It was Bernd Scherer who made clear to Minister Veerman that the Dutch needed to move and conclude the consultations, otherwise no overall conclusions could be drawn and the whole issue of World Heritage would not progress under the Dutch chairmanship. It was the responsibility of the Dutch chairmanship to ensure that the issue would be dealt with as agreed in Esbjerg, he made clear.



The Schloß Gödens meeting on the occasion of the 25th Anniversary of the Cooperation. Minister Hans-Heinrich Sander (Lower Saxony left), Minister Cees Veerman (the Netherlands) (middle), Peter Bridgewater, secretary general of the Ramsar Convention, right (CWSS Archive).

It was an apparently carefully staged German-Dutch alliance on the SO level that led the minister to concede. The consultations could now be resumed in the Netherlands under what was later labelled the “Schloß Gödens accord”. At the subsequent SO meeting in spring of 2004, both the Dutch and German delegations confirmed their intentions to conclude the consultations before the 2005 Conference, whereas the Danish delegation reiterated that the consultations had been concluded and that there was no basis for a nomination. A two-year pilot project to investigate the establishment of a national park for the Danish Wadden Sea had now started, and this definitively postponed any considerations on the nomination into some uncertain future.

It was again on a German initiative that the theme was moved. The new German SO, Dirk Schwensfeier, at the SO meeting in May 2005, underlined that consultations had progressed positively in the Netherlands and Germany. Since a nomination process would take years to conclude, it would be possible for “the unwilling” to join in a later stage. Undoubtedly, he was referring to Denmark and North Frisia, the latter where consultations were still ongoing. The secretariat should be asked to start drafting a nomination document in collaboration with those parts which had so far decided positively, a coalition of the “willing” so to speak. This became the basis for the negotiations in the following months.

At the subsequent TWG meeting in June 2005, the Dutch could finally report that the consultations had been concluded with a positive vote and that the German approach could be supported. The Danes made clear that there could be no support for a nomination from them and that any move in this direction would be a bilateral German-Dutch agreement. In that context, it was questioned by the Danes whether the secretariat could and should have a role in such a bilateral activity. Why this was raised is unclear. Was it directed against the secretariat? Or was it a leverage meant to pursue some other interest? This will never be known, but for sure the relationship between the Danes and the secretariat had deteriorated since the 2001 shift. The Danish delegation had become an unwilling partner and some of the initiatives raised by Denmark undermined previous decisions. It also coincided with the discussion of finally granting permanent employment status to the data coordinator at the CWSS, who had been employed on a temporary basis through consecutive work contracts, financed on an ad-hoc basis, largely from external sources and not from the state parties. It now had to be made legal. The Danish delegation was against this and it can be assumed that the Danish attitude was at least partly determined by this discussion. The matter was only solved the day before the conference when thanks to Hendrik Oosterveld, the Dutch SO chair and the German SO made it clear to the Danish SO that this question would have to be solved otherwise it would burden the Conference. Finally, the Danish SO gave way and, at the Schiermonnikoog Conference, also accepted the coordinating role of the secretariat in the World Heritage dossier.

Though the consultations had not yet been concluded in North Frisia, both Germany and the Netherlands indicated that it was now the time to finally set in motion what had been discussed over the summer, namely to start preparing the nomination document framework, so that sections could be added through the drafting period. Hendrik Oosterveld played a key role in finally getting the issue solved. He was determined that the Schiermonnikoog Conference should signify a success in this regard and the ministers should not leave without an agreement. The Declaration carefully expressed that “Germany and the Netherlands will now start with the preparation of the nomination procedure for a substantial part of the Wadden Sea covered by the southern and central Wadden Sea sub-regions whilst stating that during the whole process and even after a possible designation the area can be enlarged according to the UNESCO Guidelines”.

Nominating the Dutch-German Wadden Sea

Finally, after years of discussion, the breakthrough had been achieved. The work on drafting the nomination document commenced immediately under the German chairmanship in 2006. A working group was established, and a time schedule agreed which aimed at submitting the nomination dossier by ultimately 1 February 2008, the earliest realistic date, but also early enough to potentially have the Wadden Sea inscribed in the summer of 2009. It was a tight schedule within which a public consultation period of about 6 months was also scheduled, during the summer of 2007. It was essential to keep momentum and under any circumstances avoid the risk that the next Ministerial Conference would again deal with the issue, with all the undoubtedly unexpected associated complications. A new debate could elicit new discussions and provide a further opportunity for the sceptics to question the whole undertaking. It was helpful that Denmark was not part of the process and could not hamper progress but could be left to its own business of establishing a national park. That was a convincing argument towards the other stakeholders in Germany and the Netherlands. Now it was a procedural issue not an issue of whether the Danes were for or against it.

The deadline was met thanks to the contribution not only of the project group but of many people from outside the formal cooperation.

Norbert Dankers, Cor Smit, and Martin Baptist from the Marine Research Centre of the Wageningen University, Albert Oost, Deltares, and Burg Flemming, Senckenberg Research Institute, delivered the invaluable expertise for the criteria under which the Wadden Sea was nominated. Karsten Reise, Alfred Wegner Institute, wrote chapter



Wadden Sea exhibition at the Biodiversity Convention (CBD) conference in Bonn, 2008. German Federal Minister Sigmar Gabriel and Jens Enemark (Photo: Baumann).

2a, the description of the property, of the nomination document, currently the best and most comprehensive description we have of the Wadden Sea. Martin Baptist produced the comparative analysis which in a straightforward way convincingly demonstrated that the Wadden Sea was of outstanding value in the sense that it is the largest tidal unbroken system of intertidal sand and mud flats in the world, a tidal barrier island system with limited influence from rivers. And Peter Burbridge was brought in to help the working group to write in particular chapter 3 of the nomination document, the central chapter that had to deliver the justification for an inscription of a nominated property of the World Heritage List.

When the process of writing the nomination document started, it had not yet been decided under which natural criterion or criteria the Wadden Sea should be nominated. Peter Burbridge, in both his feasibility studies, had recommended nominating the property under all four natural criteria. I was therefore astonished that the Federal

Environment Ministry, in an initial meeting, stated it would prefer to nominate it under just one criterion, biological. The suggestion came from one of their “experts” who had never been involved in the TWSC or the Wadden Sea for that matter. One was sufficient, they argued, and technically speaking they were right. But in my view, we needed to go for all criteria because this would do justice to the Wadden Sea as the world’s largest consecutive tidal area and underpin the ecosystem approach in protecting and managing the Wadden Sea. And, of course, there is a great deal of additional prestige related to being inscribed under four criteria. Only the most prestigious and well-known ones such as the Great Barrier Reef are inscribed under all criteria and the Wadden Sea belongs in that league.

Fortunately, it was agreed that we should continue to substantiate the arguments for all four criteria and finally, with the help of the World Heritage Centre, the German opposition was broken and three criteria, the geomorphological, the biological process and the biodiversity, were accepted. The fourth criterion, “beauty”, was, however lost during the process. During a SO meeting in June 2007, it was officially phrased that “[I]t was agreed to consult the national Dutch and German representatives in the World Heritage Committee respectively the World Heritage Centre with a view to explore whether the use of several criteria would constitute a risk to the nomination” and “[T]here is consensus between the delegations not to use criterion vii (“beauty”) but to use this criterion in support of other criteria”. A face-saving decision. We had already delivered full and convincing justification for three criteria.

We failed on the fourth, the “beauty” criterion. It was partly my fault that this criterion never had a serious chance of acceptance. None of the reviews made were sufficiently persuasive. Contrary to the other criteria, which could be substantiated with facts derived from natural science, this criterion was a rather subjective one. No one really supported it, many of the colleagues were not convinced about the “beauty” of the Wadden Sea, but in the first place stakeholders considered it to be a risk with regard to developments on the margin of the Wadden Sea, such as wind farms and high buildings. In the end there was no-risk petty politics at play.

It was, however, also a mistake to approach this criterion from an

exclusively aesthetic side, and I take the blame for that. The infamous criterion (vii) - “to contain superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance” - includes the aspects of “superlative natural phenomena”, which refers to the complexity of the natural environment. The Wadden Sea property includes, unlike other tidal areas, many diverse habitats, the dunes and the beaches, the intertidal area, and the salt marshes to mention the most characteristic ones. These would undoubtedly have been sufficient to meet this criterion. This error should be repaired as soon as possible to acknowledge the full scale of the significance of the Wadden Sea. It is indisputably also a very strong point to make when talking about the Wadden Sea and conveying its unique qualities to wider audiences.

In spite of illness at the secretariat (Bettina Reineking was on sick leave and I suffered from the aftermath of a cancer treatment), the finalizing of the nomination document progressed as scheduled. Gerold Lürßen and Manfred Vollmer, who had finished the LancewadPlan project during the summer of 2007, were brought in and effectively directed the project through the last couple of months. In parallel to the regional consultations in late summer and autumn 2007, the secretariat sent the draft nomination document to the World Heritage Centre for a technical check which was very helpful to eliminate the final technical inaccuracies. The Wadden Sea property, we were instructed, was technically speaking a serial property since it was divided into several elements caused, e.g. by the shipping lanes in the three major rivers. We also had to clarify the status of the Wadden Sea Plan and the overall management system. Had we not sent the draft to the Centre for a review, which we did directly and not through the German representative to avoid the endless diplomatic discussions, as we had experienced on the criteria, we would have failed. Finally, not to be forgotten, the county of North Frisia gave its consent in September 2007. Bernd Scherer had skilfully navigated the county council through this challenging water. For a long time, it seemed a majority in the county council would be against the nomination, and Bernd Scherer managed to postpone the final voting until all facts were on the table and the consequences for the county were clear. All relevant authorities in Germany and the Netherlands had now

given their approval and the cabinets were in a position to approve the submission and the ministers to sign the document.

In late autumn, however, rumours circulated that the Hamburg state government, the senate, would refrain from finally approving the nomination, despite its decision from 2001, to agree. The Minister for Economic Affairs and responsible for the hugely politically influential Hamburg Port Authority, Gunnar Uldall, implied that the nomination could eventually be used to prevent the planned deepening of the river Elbe. He demanded a postponement until the planning decision on the deepening had been taken. Unquestionably, though it was naturally never made official, the positioning was related to the general elections, which were to be held in Hamburg in February 2008. In mid-December, at a meeting organized by the German organization for National Landscapes at the Hamburg representation in Berlin, at which the Hamburg Environment Minister also participated, I had attempted enthusiastically, in spite of being unwell from cancer treatment, to make clear that the nomination was done on the basis of the existing rules and regulations and that this would also be a wonderful accolade for Hamburg. I could not argue explicitly against the Hamburg opposition because it was not formally declared, only rumoured. Of course, nobody from Hamburg listened, it was to no avail.

In late December 2007, those rumours were made publicly official as the position of the Hamburg state government in press releases. It was an unbelievable political move at such a late stage and casted doubts on the whole project. Talks at the highest level within Germany did not change the position of Hamburg and its Lord Mayor Ole von Beust. On 14 January 2008, it became official, Hamburg was out. Even the Dutch national television news channel reported that the nomination had failed. It had not, but it could have stopped the whole process had not the German Federal Environment Minister and the state environmental ministers of Lower Saxony and Schleswig-Holstein immediately announced that the process would continue, and the nomination document would be submitted on schedule. I am forever grateful to those who pulled the strings in the background, Bernd Scherer, Hubertus Hebbelmann, Christiane Paulus, and Elsa Nickel. It was not really helpful that the Dutch, on the basis of rumours

in the Dutch media, began to express doubts on the “inner lines” of whether to go ahead or not with the nomination.

The nomination document including maps, which had already been printed and cleared for signing and dispatching, was revised. Hamburg and all references to Hamburg were meticulously removed and within a couple of days a completely new print dossier was produced and signed by Gerda Verburg, the Dutch Agricultural Minister and Sigmar Gabriel, the German Environment Minister together with the prime ministers of Lower Saxony and Schleswig-Holstein, Christian Wulff and Peter Harry Carstensen. The whole package arrived on time in Paris by the end of January 2008.

As the nomination was submitted, the Hamburg Minister for Economic Affairs, Gunnar Uldall, questioned whether it could be considered valid, since Hamburg had not approved the document. It was an attempt to cover the blunt defeat. Some weeks later, in February 2008, the state government lost the general election, and a new coalition was formed with participation of the social democrats and the green party which appointed the new environment minister. In summer 2010, after the inscription of the Dutch-German Wadden Sea on the World Heritage List, a proposal for a minor modification of the Wadden Sea World Heritage property was made to enable the incorporation of the Hamburg part. This was approved by the World Heritage Committee in June 2011. A major error made by irresponsible local politicians for an apparent short-term electorate gain, which could potentially have toppled the whole project, had been repaired within two years.

Pedro Rosabal. Famous Cuban in the Wadden Sea

Nominations under the natural criteria are evaluated by the IUCN. It is a comprehensive and detailed evaluation aiming at investigating whether the nominated property has Outstanding Universal Value (OUV) or not. It encompasses several stages, but the most visible part of the evaluation is the field mission. In this case the IUCN sent Pedro Rosabal, the second man at that point in the IUCN World Heritage team, a very experienced IUCN employee not only with regard to World Heritage but also in dealing with politically delicate issues. We had already got a taste of what would be sensitive issues during the



Pedro Rosabal (right) during the IUCN field mission in 2008, together with Burghard Flemming, director of the Senckenberg Institute, Wilhelmshaven (CWSS Archive)..

field mission at a pre-meeting with an IUCN representative at the 2008 World Heritage Committee session in Quebec two months earlier. In the discussions, the exploitation of oil and gas stood out as the most controversial issue. The director of IUCN, in her opening speech to the session, also underlined that for IUCN, exploitation of natural resources in a World Heritage property was a no-go area. To my recollection, this IUCN policy had until this date never been so explicitly expressed. I left Quebec with a few doubts in my mind over our nomination.

The World Heritage working group and the authorities in the regions had prepared an outstanding field trip which would take Pedro Rosabal, the famous Cuban as a German newspaper referred to him, through the Wadden Sea to allow him to obtain a full and unrestricted overview of its protection and management issues and the people involved. I accompanied him during the 11-day field mission in early September 2008, and overall he was received with an overwhelming hospitality. Everyone was prepared to show him the best of the Wadden Sea. Gone were the sceptical, hesitant and resentful attitudes that had often dominated the discussions during the nomination process and before. It was a promotion tour for the Wadden Sea World Heritage with high media exposure and everyone he was to meet was fully aware of the role he or she had to play.

He was, however, also a man with a mission. He had to bring across to the authorities and the oil and gas exploitation companies that the nomination would not be accepted unless gas and oil exploitation and exploration activities were banned within the nominated area. The meeting with representatives from the German oil - or as they would prefer to be called, energy - company and the visit to the exploitation site at Mittelplate were particularly memorable. Whatever was argued by their representatives in terms of the necessity of oil exploitation for the German economy in general and the local economy specifically and the high environmental standards applied, Pedro Rosabal was unshakeable. The IUCN would not allow this to go ahead within a World



IUCN Field Mission in the Schleswig-Holstein Wadden Sea. Hans-Ulrich Rösner, WWF and Jens Enemark (CWSS Archive).

Heritage property, he reiterated in carefully phrased but unmistakable statements. He demanded that the areas where exploitation took place and explorations were planned should be excluded from the nominated property and exploration and exploitation activities be forbidden in the rest. Otherwise, the Wadden Sea would not be inscribed on the List. Though this would only be a recommendation to the World Heritage Committee on behalf of the IUCN, we were certain that the Committee would follow the IUCN. The message was clear.



The final meeting of the IUCN field mission in September 2008 at the World Heritage Information Center in Wilhelmshaven (CWSS Archive).

The issue was mainly a German problem since an agreement to this effect was in place in the Netherlands with the relevant companies that gas would not be explored and exploited within the nominated area except for an existing location in the western part at Zuidwal. In Germany this was not the case. Oil exploitation at Mittelplate in the Schleswig-Holstein National Park had for many years been a contentious issue. Now with the World Heritage demand the Federal Ministry for the Environment obtained a similar agreement to the Netherlands with the companies in the German part. The planned explorations and exploitation for oil at Mittelplate and Knechtsand would be allowed to proceed provided the companies refrained from exercising their rights in the vast majority of the Wadden Sea. The mentioned areas would be excluded from the nominated World Heritage property. It was a formidable achievement which was negotiated by the Director General Nature of the Federal Ministry.

There has always been a question mark over whether the solution can really be considered a step forward or whether it is just another example of green washing. Two generations of contentious discussions, however, on the companies' right to exercise their oil exploration and extraction rights within a national park, were brought to an end within a few months. And moreover, the companies must constantly justify their ongoing presence in the Wadden Sea. The

exploration drillings announced during the nomination process have not yet been implemented. Applications for permits have not been granted by the Schleswig-Holstein state government, as they are assessed as being in conflict with the National Park Act and the same goes for the Lower Saxony part where an exploration drilling was planned near the Knechtsand. It is about time that the companies give up their exploration and exploitation rights, withdraw from the area,



Field mission in Schleswig-Holstein. Pedro Rosabal (left) and Karsten Reise (right) (CWSS Archive).

and remove this stain from the Wadden Sea.

Another sensitive point was the military activities in the Netherlands, primarily the large NATO exercise area for jet bombers on Vlieland, but also the smaller exercise area for marines on the southern tip of Texel. An attempt to downplay the activities on Vlieland, stating that the bombs thrown were mainly dummies, was abruptly derailed by one of the Dutch scientists who accompanied us during a sailing tour in the Wadden Sea. “No”, he said, “they are real 500-pound bombs, thrown as recently as last week”. There was no escape from this, especially as the representative of the Dutch Wadden Society had referred to the issue in a meeting preceding the sailing tour as well. The exercise area had to be removed from the nominated area. The test area for rockets in the Meldorfer Bucht was also inspected during the field mission but

was not considered an issue in terms of redefining the area since the testing were infrequent and did not have any significant impact on the natural environment.

During a meeting at the Westerhever light house Pedro Rosabal surprised the staff of the National Park Authority, German nature conservation NGOs and representatives of the tourism organisations, by asking if they were prepared for the challenges associated with being a World Heritage property, hosting more tourists but also marketing the area differently. They had just presented what in their view was a convincing, albeit somewhat self-complacent story about tourism management in the National Park. What they had achieved together was now seemingly being questioned by the IUCN expert. It was quite a fruitful discussion which made clear to the attendees that a World Heritage recognition poses some specific challenges in terms of tourism management but also in terms of the opportunities such a recognition offers to a region. It was out of this discussion that the IUCN recommended the development of a sustainable tourism strategy.

Following the field mission, the governments were formally asked to deliver additional information to the IUCN. This related to the redefinition of the boundaries to exclude the mentioned military exercise areas and the oil and gas exploration and exploitation sites and to provide guarantees that within the World Heritage property such activities would be prohibited. Information, however, was also requested demonstrating that the values present in the Danish part, which would be nominated at a later stage, were also to be found within the current nomination. The Dutch-German nomination should possess Outstanding Universal Value (OUV) in itself. Whilst it could be explained that a staged approach was best, it brought home the issue of why the World Heritage Committee almost 20 years earlier had rejected the application to inscribe the Lower Saxony part of the Wadden Sea on the World Heritage List, feeling even then that the whole Wadden Sea ecosystem should be inscribed. The current request was therefore not without a certain risk in this regard.

Information on the area's geomorphological values was also requested. Apparently not all members of the IUCN World Heritage panel were convinced that the Wadden Sea met the geomorphological

criterion. This point was sensitive too. The Germans had warned against nominating the Wadden Sea under too many criteria, arguing that failure to meet any particular criterion could put the whole nomination at risk. There was also a personal element in this since, as mentioned earlier, I had strongly advocated the nomination under all criteria.

The supplementary information was delivered on time by the end of February 2009, and we then had to await the outcome of the evaluation which would be available at the beginning of April 2009. We used the time to explain the situation to others involved in the process leading up to the session of the World Heritage Committee in Seville at the end of June 2009. A delegation from the TWSC met with the Dutch and German UNESCO ambassadors in Paris in April with the aim to securing their support. It was not altogether a comfortable meeting. The discussions revealed an uncertainty at the embassies as to whether the Wadden Sea nomination would make it, and concerns about the implications of not being recommended for inscription. The fact that the Wadden Sea application was something of a novelty because of its trans-national nature may have added to the uncertainty. It was therefore with immense relief and great pleasure that we read the IUCN evaluation for the World Heritage Committee session a month later. The IUCN report was very complimentary, and it concluded that the nominated property met all the requirements set out in the Operational Guidelines and recommended inscription on the World Heritage List under all three criteria we had applied for.

The inscription on the List. Seville 26 June 2009

The Dutch-German Wadden Sea was inscribed on the World Heritage List by decision of the World Heritage Committee at its 33rd session in Sevilla just before noon on 26 June 2009. It was a big and emotional moment for all of us from the delegation representing the two State Parties. Most of us had worked on the dossier for many years. I was honoured to have been appointed to give the acceptance speech on behalf of the two State Parties. We all sensed that we had been promoted to a different, exclusive league of globally iconic sites. We were all proud but also felt the responsibility associated with such a recognition.



Acceptance speech at the World Heritage Committee Meeting in Sevilla on 26 June 2009.

As in all such evaluations, IUCN had also made additional recommendations and the World Heritage Committee incorporated them as conditions into the inscription of the Wadden Sea in the List. The first one was naturally to encourage Denmark to nominate its part as soon as possible. Not surprisingly given the discussions during the field mission, Germany and the Netherlands were requested to develop a sustainable tourism strategy. Furthermore, the two State Parties were asked to establish cooperation with other World Heritage sites along the migratory bird flyway that included the Wadden Sea, to strengthen work on the conservation of migratory birds. During the discussions in the World Heritage Committee this was changed to a more general instruction “to strengthen cooperation on management and research activities with States Parties on the African Eurasian Flyways, which play a significant role in conserving migratory species along these flyways”. This request resulted in the establishment of the Wadden Sea Flyway Initiative. And finally, since the issue of invasive species was topical for many natural World Heritage properties, the Committee made the rather imprecise request the Wadden Sea states to “encourage them [the State Parties] to implement a strict monitoring programme to control invasive species associated with ballast waters and aquaculture in the property”.

The Danish inscription

The Danish Wadden Sea Region was at that point still in the midst of the discussion on establishing the national park, and the Danish government was not able to provide any assurances at the 2010 Sylt Conference that it was officially committed to moving towards World Heritage status at a specific date, though during a separate meeting with the Dutch minister and the German state secretary, she had been urged to provide such guarantees.



A small celebration of the inscription of the Wadden Sea on the World Heritage List with members of the Lower Saxon Wadden Sea National Park Advisory Board at the premises of CWSS and National Park Authority in Wilhelmshaven, July 2009 Chairman of the Board, Walter Theuerkauf, with tie and left of him Peter Süßbeck, director of the Authority (CWSS Archive).

The Danish National Park was inaugurated in October 2010, and nothing should now stand in the way of nominating it for World Heritage inclusion. In the event, submission could not be achieved earlier than 2012. In Germany, the new government in Hamburg had decided before the Sylt Conference that it wished to repair the blunders of the former government and nominate the Hamburg Wadden Sea to be added to the World Heritage List at the earliest possible date, as mentioned above. The newly established Wadden Sea Board (WSB) agreed in autumn 2010 that it should not wait for the Danish part. The Hamburg Wadden Sea was added to the Wadden Sea World Heritage property through a straightforward minor boundary modification

procedure with a half-year evaluation process. The modification was duly approved at a meeting of the World Heritage Committee in Paris in June 2011. This was to the big relief of Hamburg which had acquired the status it had long deserved. It had been the first area of the Wadden Sea to consider applying for World Heritage status, in 2001. Within Germany the inscription created much media attention. The World Heritage Committee reiterated its decision from 2009 to “[E]ncourage[s] the State Parties to continue to strengthen their transboundary collaboration in managing the property, and with the State Party of Denmark, to consider the potential for nomination of an extension of the property to include the Danish Wadden Sea..”.

It would have looked better if Hamburg and Denmark had been a joint nomination, with an underlying strategy that would have given a measure of control over the Danish application and provided the CWSS with a firmer basis to act on. The Danes would have had to work within the guidelines of the Dutch-German Wadden Sea World Heritage, but the experiences since the change of government in 2001 had not been encouraging in this regard. The Dutch and German delegations were often unwilling to correct the Danes. They feared that Denmark would ultimately leave the cooperation, even though this was hardly feasible for them politically. However, the opportunity had gone. Luckily, the Lower Saxony Wadden Sea National Park had been extended offshore and into the Jade estuary to align with the Birds and Habitats Directives. Lower Saxony offered to extend its World Heritage area to include parts of the extension together with a Danish nomination, an option which we had figured out with Hubertus Hebbelmann. This would give us the desired measure of control over the nomination process.

It took time, however, to set the process in Denmark in motion. It was not until autumn 2011 that the Danish delegation in the WSB announced that discussions would start, but in spring 2012 a formal approval for a nomination was still pending. The CWSS was however authorized to start work on the nomination document with a view to submitting a full nomination by January 2013. The Lower Saxony wish to have the extension nomination submitted at the earliest possible date was used to pressure the Danes. The deadline was again chosen so that it could not be a subject at the forthcoming ministerial

conference which was at that stage planned for March 2013. It was later postponed with a year.

The Danish nomination process proved to be more complicated than expected. It should all have been clear on the basis of the existing conditions, namely that it would be the Danish part of the Wadden Sea Conservation Area. The municipalities attempted, however, to change the rulings, and also the Danish authorities were not entirely trustworthy in this. The municipality of Tønder considered changing the boundary, which was defined at the base of the seawall according to the Danish Conservation Area, to a 150-meter line in front of it, in line with the situation south of the border in Schleswig-Holstein. This would signify a change of the agreed rules, which were that the nomination should follow the Conservation Area. The municipality became a bit more hesitant on the boundary change when I told the chairman of its environment committee that they could have it the Schleswig-Holstein way if they also accepted the regulations south of the border, including a full hunting ban. The island of Fanø initially indicated that it was not interested at all. The Danish agency circulated some alternative unofficial maps, which privately came to our knowledge and which apparently were meant to soften the opposition. It took some hard, unofficial lobbying in the right places and with



IUCN field mission in Denmark, August 2013 (CWSS Archive).

the right people to align the Danes. The fact that Lower Saxony was part of the nomination was very helpful in keeping the Danes on track. At last the nomination document was finalized and sent to the World Heritage Centre. At a small ceremony at the UNESCO Paris headquarters, the Danish ambassador handed it over to the director of the World Heritage Centre.

The field mission in August 2013 was unspectacular. The IUCN had sent Wendy Strahm and Oliver Avramoski as field experts. Not approving of the nomination by the IUCN was actually inconceivable. In the customary demand for additional information by the IUCN, the state parties were requested to come up with information on the impacts of windfarms on bird populations and the grazing regime in Denmark. Interestingly, the letter also requested information on the use of beaches on the Danish Wadden Sea islands and the division of roles and responsibilities between the Danish Nature Agency and National Park. The response resulted in a redefinition of the Danish part of the nominated area by removing large parts of beaches on Rømø.



Concluding meeting of the IUCN field mission in Wilhelmshaven, August 2013 (CWSS Archive).

The nomination was passed by the World Heritage Committee at its 38th session in Qatar in June 2014, at which I again had the privilege to make the acceptance speech. Finally, within a relatively short period of five years, the whole of the Wadden Sea had now been inscribed in the List, thus constituting one indivisible Wadden Sea World Heritage

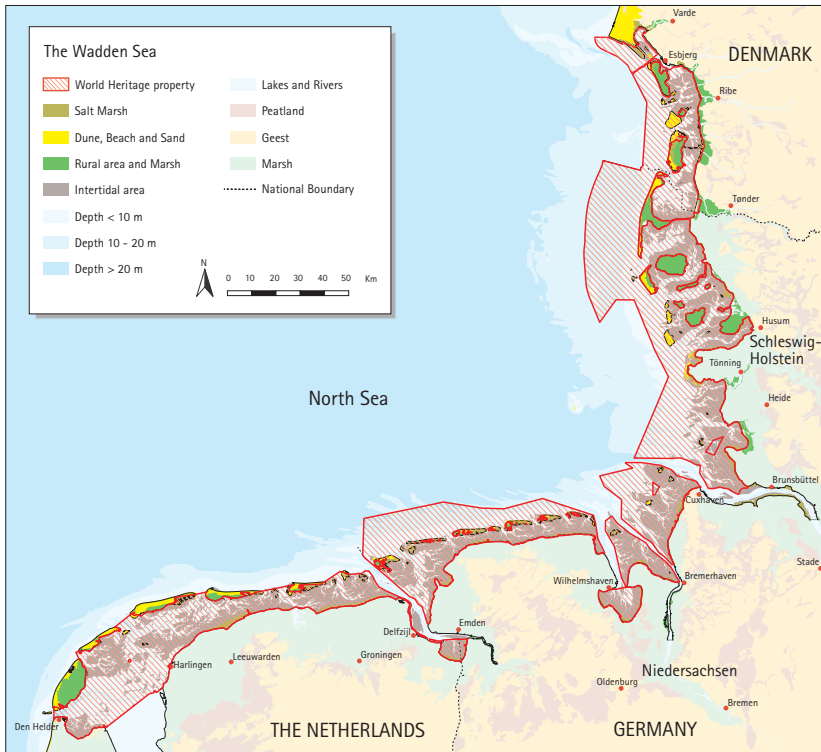
property, one of the few transboundary World Heritage properties on the List, and one of a very few transboundary ones nominated by three countries. Finally, after 25 years, the objective of having the Wadden Sea on the World Heritage List had been achieved. It had first been mooted in 1989.



Acceptance speech at the World Heritage Committee Meeting in Doha in 2014. Jens Enemark, Bolette Lehn Petersen and Anne Husum Marboe (CWSS Archive).

The Committee in its approval of the nomination and the adoption of the Statement of Outstanding Universal Value also made some very interesting requests to the State Parties. The first one related to the status of the Danish National Park. Its status is a novelty, at least in a Wadden Sea context. The park is governed by an independent Board created by statutory order of the responsible environmental minister and funded by the government. Yet it has no statutory obligations in terms of environmental and nature protection legislation; this rests with the responsible nature agency. Its primary objective is to further sustainable development in the Danish Wadden Sea region including development of tourism. As a semi-authoritative institution, the National Park could be expected to be keen to use the World Heritage brand. That being the case, it should also be committed to applying the brand values and the protection of the natural area, and not just be responsible for the much broader approach of sustainable

development. There were concerns that the Danish authorities were not strong enough or willing to impose such conditions on the National Park Board and its secretariat.



Wadden Sea World Heritage (CWSS Archive).

A further request was the most interesting and decisive one and apparently resulted from signals the IUCN had received from the Wadden Sea. The Committee requested the “State Parties of Denmark, Germany and the Netherlands to develop a single integrated management plan for the entire transboundary property in conformity with the requirements of Paragraph 111 of the Operational Guidelines, and to consider the options to strengthen the effectiveness of implementation of coordinated management within the property”. This was actually saying to the three State Parties that the Wadden Sea Plan is not a management plan but a management system, something which Karel van der Zwiep as NGO observer to the trilateral negotiations

had already indicated back in 2000. A single integrated management plan should manage the Wadden Sea as one undivided property, the Committee requested. In essence this was also saying that in spite of what the State Parties had claimed from the beginning, that no further rules would follow from a World Heritage recognition, this was a truth with modifications. The Wadden Sea World Heritage inscription had provided an extra layer of protection and management obligations on the Wadden Sea, and this needed to be made clear and spelled out in the single integrated management plan.

There was much opposition amongst colleagues to this request for a Single Integrated Management Plan (SIMP). It was considered redundant by some and unnecessarily complicated to others. It would only resurrect many of the controversial discussions with stakeholders stemming from the Wadden Sea Plan without adding any further value, it was claimed. The whole purpose of the operation was to safeguard the OUV of the Wadden Sea together with the stakeholders, to underpin the efforts of the TWSC, to include stakeholders as partners and to provide the CWSS with a prominent management position. Finally, after years of doubts and postponement, it is understood that the TWSC had started working on getting the SIMP as it was labelled off the ground.

When World Heritage status was celebrated in Denmark at the beginning of August 2014, it was done by the National Park, against the initial advice of the CWSS and regrettably with the reluctant consent of Dutch and German colleagues. The key event of the ceremony was a presentation of tiles, which had been produced in the Netherlands and sailed to Esbjerg in the Tall Ships event, based on the connection between the Dutch and the Danish Wadden Sea Regions centuries ago when ships sailed with tiles on return in stead of empty ballast to the Danish region. It was a cultural event rather than one that celebrated any natural values. It was meant to be a memorable event, but it did not live up to the Committee's request and revealed that unfortunately the Danes at that stage had yet to become an integrated part of the overall Wadden Sea World Heritage family. There was no place for a CWSS presentation at the inauguration ceremony as there had been at the Dutch and the German inauguration ceremonies. The Dutch chairman of the Board did not wish to exert his influence.

Aftermath

Undeniably the World Heritage inscription in 2009 boosted the TWSC. It unleashed an incredible number of activities. The requests by the World Heritage Committee were promptly followed up and resulted in the signing of the Sustainable Tourism Strategy (STS) at the Tønder Conference 2014, by all relevant stakeholders both national and regional governments, tourist organisations and environmental NGOs. The STS outlines the approach to delivering sustainable tourism in the Wadden Sea World Heritage destination, in particular the vision and the objectives which the partners pursue. It has enhanced the collaboration between the various stakeholders and stands as a model for sustainable tourism associated with World Heritage. At the Tønder Conference, the Flyway Initiative was also signed by all major national and international organisations such as the governments and the international conservations organisations. Within the initiative, capacity projects have been initiated in West Africa and in a census in 2014, some 1,500 birders in 30 countries counted almost 15 million individual birds. This unique census was the first simultaneous count of birds at such a huge scale. As with the Tourism Strategy, the Flyway Initiative has caught the attention of the international conservation community.



Signing of the Sustainable Tourism Strategy at the Tønder Conference 2014 (CWSS Archive).

In engaging the wider Wadden Sea community in World Heritage matters, the TWSC was less successful. On 26 June 2009, the day of the inscription of the Wadden Sea in the List, a new website was launched, and new brochures were published in four languages. At a later stage common road signs were developed, and 65 common



Signing of the Flyway Vision, Tønder Conference 2014 (CWSS Archive).

information modules placed in the region at strategic locations such as information centres and beach resorts. In that sense we were well prepared but when it came to further steps, we had spent too little thought on what to do next. It is clear that the brand World Heritage represents something extraordinary and exclusive and that it should be used to spread a message. However, there was uncertainty of which message and who should be made responsible. This manifested itself during the discussion on a new logo for the Wadden Sea World Heritage. The German Wadden Sea national parks were opposed to a new logo competing with their own newly developed park logos. They feared that the World Heritage logo would outweigh their own and that a new trilateral regime would be introduced. It took a long time for their resentments to decrease. Now it seems everybody, irrespective of the national protection regime, is aware of the power of the World Heritage brand and the need to engage on multiple levels. At the CWSS, we were unaware and insensitive to the problems that the new

“label” would create for existing ones, in particular the national parks. It became too much of an issue about who would dictate the public image of the Wadden Sea.

This found expression in the campaign that we initiated. In order to build the Wadden Sea World Heritage brand, a major public campaign started in 2012; it was a story-telling campaign and subject to pitches from various agencies. The international marketing agency, Publicis from Hamburg, won and over the summer the campaign was launched with interviews of local inhabitants, tourists, and decision makers. The main aim was to get inhabitants and visitors to identify and bond with the Wadden Sea World Heritage area as a single entity. The campaign, however, never enjoyed broad support. It was too far ahead of its time, and never really understood within the conservation society, its governmental and non-governmental representatives. It basically failed to be supported. Such a campaign should have been a five-year project, but we at the secretariat did not have the resources to carry it to a successful end. It demonstrates that authorities are not capable of managing such a sophisticated campaign and other associated marketing initiatives. The potential of the World Heritage brand was therefore never fully exploited.

At the outset, the CWSS was reluctantly given the coordination function for World Heritage, but since it had no statutory position it had only limited power to determine how the Wadden Sea World Heritage brand and associated activities could be used. The CWSS was given money for ad hoc activities and was allowed to employ a communication officer on a temporary three-year basis, which was far too short in an international context to really build up an authoritative position. In spite of having fought to get the Wadden Sea included in the World Heritage List, and in spite of handling a significant amount of new tasks and activities that followed this listing, the CWSS was never awarded a substantial extension of its budget and staff. That was partly a result of a lack of understanding of the potential of the brand for conservation and sustainable development activities, partly also because each of the regions wished to do it their way, without the CWSS. So the real potential of brand Wadden Sea World Heritage was never used to the full.

During the last years of my time in office, we attempted to advance

the concept of a competence centre. It was based on the idea that the inscription of the Dutch-German Wadden Sea on the UNESCO World Heritage List in June 2009 had strengthened, reinforced and enhanced our generation-long efforts to protect, conserve and manage the Wadden Sea as the World's largest tidal barrier island system, a unique natural intertidal ecosystem, and a property shared between three nations for the benefit of present and future generations. The TWSC has for more than 35 years demonstrated that it is possible to establish a globally unique harmonized protection and management scheme. It is the framework for the integrated protection and management of the entire World Heritage property. There is no other region in the world with comparable density and quality of expertise with regard to conservation, management and research, in particular when it concerns tidal coastal areas. The inscription of the Wadden Sea on the World Heritage List is a unique opportunity to unite and strengthen these existing skills and experience under one roof, to ensure protection and preservation of the Wadden Sea, while ensuring sustainable regional development with common standards for the entire Wadden Sea. Only if these skills and experiences are mutually developed and reinforced and brought together on a high quality level throughout the Wadden Sea World Heritage region, can the true potential of the World Heritage designation be unleashed for the benefit of all partners. By engaging new partners from science, economy, associations, media and civil society with the Wadden Sea World Heritage, the high potential of the strong brand will be unleashed: as a catalyst for strengthening the protection and management of the area, fostering the social and economic sustainable developments, profiling the Wadden Sea on a global level, and promoting highest standards and credibility.

The centre should be linked to a foundation to manage and advance the use of the brand. As was indicated in the report from the commission, which was installed in 2013, to study the necessity and benefits of a Wadden Sea World Heritage, a foundation is necessary to achieve the full potential of the brand. It will ensure quality, credibility and consistency across the entire Wadden Sea, enabling and obliging stakeholders to pay into the brand and commit themselves to its protection. A foundation offers and is a prerequisite for private sponsors and donors from various sectors and businesses to engage

in the protection of the Wadden Sea World Heritage in various ways. It strengthens the feeling of ownership of the Wadden Sea World Heritage and its activities, promotes the pride and identity with the property, raises its profile nationally and internationally and provides an opportunity to use its Outstanding Universal Value to promote sustainable regional development and act as a catalyst to establish the identity of the property as one place.

I am excited to see that a Partnership Centre is finally being built in Wilhelmshaven and a foundation is to be established after many years of discussion. It is basically the materialization of the idea we fostered, and though it is late and regional centrifugal forces have won the upper hand during recent years, it is not too late to realize the idea and contribute to a united liveable and vibrant Wadden Sea World Heritage region.

The End or the Beginning?

Many things have been left out of the preceding story. I have not been able to expand on our international cooperations, the Memoranda of Understanding (MOU) which we concluded with The Wash, Guinea-Bissau, South Korea and the Banc d'Arguin, and which brought us much inspiration in our work. I am particularly proud of the MOU with Guinea Bissau to which we sent ornithological teams in the mid-1990s - my colleague, John Frikke even flew a Cessna the whole way down from Esbjerg to Guinea Bissau to count birds the Danish way.



Signing of the Memorandum of Intent "Guinea-Bissau - Wadden Sea" at the Stade Conferene. G. da Costa and Angela Merkel (Photo: Ursula Euler, BfN).

Under difficult circumstances, it was established that Guinea Bissau and especially the Bijagos archipelago, was the second most important wintering staging area for migratory water birds on this flyway. Too little credit has been given to the team for finding this out. Now the Bijagos are nominated for the World Heritage List.

I did not mention the annual Wadden Sea Day, which is an initiative of Peter Südbeck, director of the Lower Saxony Wadden Sea National

Park Authority and is organized by his Authority and the CWSS alternately. The Wadden Sea Day is always held on the last Thursday of August and in a wonderful way inaugurates next year's work with themes that has the interest of the Wadden Sea community. It is a good occasion to network.



Visit atf the World Heritage property Banc d'Arguin National Park in Mauretania, 2013 together with Fanny Douvere from the UNESCO World Heritage Marine Programme (left) (CWSS Archive).

Even those who have participated in the TWSC for a long time do not sufficiently appreciate how well known the Wadden Sea initiative is around the world. Many, if not everyone, I have met at international conservation and environmental meetings around the globe know the Wadden Sea and are full of admiration for what has been attained, not just out of politeness but because they have been here, they have read about it or they heard about it from others.

Historically, it is also quite amazing what has been achieved. I believe that the success of the Wadden Sea conservation movement is that we have accomplished linking and knitting together the different levels of conservation and management from the local through the regional state, and from the national level to the level of the TWSC and vice versa, between scientists, policy makers, politicians, managers and NGOs, crisscrossing through the Wadden Sea landscape. A “building” has been constructed which is difficult to tear apart, stable in the face

of political changes, and the TWSC is part of that building. In that sense, the inscription on the World Heritage List crowns our efforts.

There is not one end and not one beginning, but there are many ends and beginnings. Any cooperation needs to constantly renew and reinvent itself. It is never done and it is never over. The expansion that took place over the last generation demonstrates that the TWSC was capable of taking up new issues and further developing those in a trilateral context. There were also evident failures. The historic cultural aspects of the region were never really integrated into the TWSC and the attempt to make a real difference with regard to shipping safety failed. But no initiative is without failures.

The aim of this story has never been to provide an overview of the how the quality of the Wadden Sea has improved over the years and where we are now. You can find the information in the five QSRs, which were published during my time at the Cooperation. The QSR Synthesis Report 2010, written by our most outstanding scientists, provides an excellent overview of the state of the Wadden Sea around 2010, the challenges ahead and where we must direct our efforts in the future to improve its quality and maintain its Outstanding Universal Value.

Where do we stand now? A quite complex story could be told of where we stand but it is also quite simple. Some 50 years ago, the Wadden Sea was in peril, as I outlined in the introductory chapter, from land reclamation projects on a huge scale, harbour and industrial developments, pollution, overuse of resources and disturbance from the increasing human presence. These were still issues at play when I started in the Wadden Sea some 35 years ago and as was emphatically depicted in a poster published by the WWF Germany around that time. Wim Wolff in 1985, on behalf of the Wadden Sea scientists' working group in "Het beheer van de Wadden", presented a state of the art analysis of threats to the system and how it should be managed at that time. Overall, we have managed to control these more local and regional impacts and developments on the Wadden Sea through installing an almost complete conservation regime of nature reserves and national parks and establishing a comprehensive trilateral cooperation.

The scale and dimension of the current threats are of an entirely different order compared to the initial impacts. Today's challenges include: climate change with increased water temperatures and

associated changes in biodiversity and accelerated sea level rise; the economic and social developments of being part of a global economy; accompanying impacts resulting from increasing shipping intensity off the Wadden Sea; import of alien species; and dredging operations. Are we able to manage such impacts and ensure the effective protection of the property for present and future generations to sustain and enhance the Outstanding Universal Value of the Wadden Sea World Heritage as the World Heritage Convention requires? As I have indicated above, I believe that the management system that we have in place centring around the Guiding Principle and the Targets is adequate protection and management to see us into the very distant future. But is there the political will to meet the challenges and utilise the available management tools?

It is inappropriate for me, having now been retired for more than 6 years, to come up with suggestions and recommendations in this regard, but allow me to say this:

We must continue to expand the evidence base of the Wadden Sea. It is absolutely indispensable to maintain and extend the TMAP to monitor the rapid changes in the system and continue to develop regular QSRs. The Wadden Sea is among the best researched regions, and with the best knowledge base worldwide. This must be sustained and the relationship between knowledge and policy development be improved in an interdisciplinary way.

We need to enhance the resilience of the Wadden Sea in the face of climate change and other global challenges which are most clearly demonstrated by the downward trends of many of the migratory bird species. First of all, the exploitation of natural resources needs to be further limited or terminated. The oil and gas exploitation of the Wadden Sea, even if carried out from beyond its boundaries, should stop. Though a smart solution was found on the occasion of the inscription of the Wadden Sea on the World Heritage List by making those sites and planned exploration sites exclaves within the designation or being excluded from the site, they continue to be locations of disgrace. Furthermore, as long as we allow such activities, which are moreover insignificant in terms of energy production, how can we ever make a point towards other resource users?

Our experiences with shellfish fishing over the last generation

has shown that it is an illusion that it can be made sustainable. It has been damaging to the Wadden Sea, it will continue to be damaging and there is no other option to stop such fishery if carried out on an industrial scale. It is hard to see the innovative aspects of the seed mussel reception facilities from the point of view of the Wadden Sea. It is appalling that an industry with such a limited economic significance even on a regional scale can continue to have such a disproportionate political influence. All resource uses and activities that have an impact on the sea bed must be phased out.

Furthermore, we must find solutions to the dredging and continuous deepening of some of the shipping channels in the Wadden Sea. The continuous relocation of dredged material impacts the central nerve of the Wadden Sea, which is ultimately a sedimentation system. We must change to a coast growing with the sea by looking across the whole landscape.

We must create large zones free of any recreational use and human disturbance and this must be done in a coordinated, harmonized way across the Wadden Sea. It will make the Wadden Sea more resilient to



CWSS staff in 2014 (CWSS Archive).

impacts and above all more enjoyable. The magic of the Wadden Sea has been lost during my generation because of the omni-presence of humans. We must bring back the magic by conserving this region's natural assets and so expanding the opportunities for people from near

and far to enjoy this spectacular nature area.

The potentials of the Wadden Sea World Heritage for conservation and regional development have still not been fully utilised. They have been too heavily regarded as regional and local issues. The Wadden Sea World Heritage brand is used in different ways and that variety undermines the uniformity of the message that should be conveyed. The brand is strong and private partners should be allowed to use it, provided that they contribute to the protection of the overall Wadden Sea World Heritage region. The formation of a single integrated management plan for the Wadden Sea World Heritage region, as requested by the World Heritage already in 2014, is now under way, as I understand, but it has taken too long to be realized. Valuable time has been lost. The benefits of the World Heritage designation have clearly been enjoyed by regional stakeholders, be it governmental or non-governmental ones, at the expense of the joint benefits. A more top-down approach, with a uniform use and application of the brand is vital to establish the region as a single entity.

But there is more to it. I asked before if there the political will to sustain and enhance the Outstanding Universal Value of the Wadden Sea World Heritage? I have my doubts when I observe how the Wadden Sea World Heritage property is broken down into separate regional stories. The inscription on the World Heritage List is the pledge of the countries to maintain and enhance its OUV. Certainly, things have been done. The Flyway cooperation is an excellent example, the climate change adaptation strategy is another one, but more needs to be done and more needs to be done jointly. The Wadden Sea World Heritage is a joint mission and the competencies and political will need to be brought together to fulfil this mission.

Let me end on a positive tone. The 2014 Tønder Conference was my 8th and last Ministerial Conference. In political terms it was not the most Earth-shaking of all the conferences. It was, however, vastly encouraging to see how many stakeholders - local governments, conservation organizations, user groups, and scientific institutions - were represented and constructively engaged to make it a success. During a ceremony at the conference, for the first time, stakeholders signed up to strategies which they had helped to develop, namely the Sustainable Tourism Strategy and the Flyway Vision. It was quite

moving to observe how broad the engagement was with the Wadden Sea and a comforting thought for the future relevance of the TWSC. Political will can be mobilized.



Farewell, September 2014

We have indeed come a long way since my first Ministerial Conference in Bonn in 1988. That includes me, too. The CWSS was my “love baby”. The closing of the circle with the Wadden Sea being declared a complete World Heritage property made it easy for me to leave; the “baby” had grown to an “adult”. I was tired after so many years in the same business, and so were others of me. After 27 years it was the right moment to leave.

Abbreviations

AA	Administrative Agreement for the Common Wadden Sea Secretariat
CWSS	Common Wadden Sea Secretariat
EIA	Environmental Impact Assessment
ICT	International Coordination Team of the WWF and the Wadden Society
IRWC	Inter-regional Wadden Sea Cooperation
ISWSS	International Scientific Wadden Sea Symposium
IUCN	International Union for the Conservation of Nature
IWSS	International Wadden Sea School
MOU	Memorandum of Understanding
OUV	Outstanding Universal Value
PSSA	Particularly Sensitive Sea Area
QSR	Quality Status Report
SO	Senior Officials of the Trilateral Wadden Sea Cooperation
TMAG	Trilateral Monitoring and Assessment Group
TMAP	Trilateral Monitoring and Assessment Programme
TWG	Trilateral Working Group
TWSC	Trilateral Wadden Sea Cooperation/Trilateral Cooperation on the Protection of the Wadden Sea
WSB	Wadden Sea Board
WSF	Wadden Sea Forum
WSP	Wadden Sea Plan
WST	Wadden Sea Team

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Annex

Timetable/milestones Trilateral Wadden Sea Cooperation - 2014 (adapted after a leaflet published by the CWSS 2018)

Year	Event
1965	Establishment of the Dutch scientific Wadden Sea Working Group.
1975	First International Scientific Wadden Sea Symposium (ISWSS), Schiermonnikoog.
1978	First Trilateral Governmental Conference on the Protection of the Wadden Sea, The Hague.
1982	Joint Declaration adopted at the 3 rd Trilateral Governmental Conference on the Protection of the Wadden Sea, Copenhagen.
1983	Publication of the Ecology of the Wadden Sea.
1984	First Trilateral Working Conference on Nature Management in the Wadden Sea, Neuwerk.
1985	Agreement to establish a joint secretariat and SO meetings at the 4 th Trilateral Governmental Conference on the Protection of the Wadden Sea, The Hague.
1987	<p>Signing of the “Administrative Agreement on a Common Secretariat for the Cooperation on the Protection of the Wadden Sea” (CWSS).</p> <p>CWSS office opening on 1 November at Virchowstraße 1, Wilhelmshaven.</p> <p>2nd Trilateral Working Conference on Nature Management in the Wadden Sea, Schiermonnikoog.</p> <p>2nd North Sea Conference, London; joint statement of the Wadden Sea states.</p>
1988	<p>Seals epidemic in North European waters, CWSS monitors the development of the disease and acts as the central information hub.</p> <p>Adoption of the Agreement of the Conservation of Seals in the Wadden Sea at 5th Trilateral Governmental Conference on the Protection of the Wadden Sea, Bonn.</p>
1989	<p>Start of the Joint Seal Project and the joint monitoring of breeding birds in the Wadden Sea.</p> <p>3rd Trilateral Working Conference on Nature Management in the Wadden Sea, Rømø.</p>

1990	7 th International Scientific Wadden Sea Symposium, Ameland. 3 rd North Sea Conference, The Hague; joint statement of the Wadden Sea states.
1991	5 th Trilateral Governmental Conference on the Protection of the Wadden Sea, Esbjerg <ul style="list-style-type: none"> • Adoption of the Guiding Principle and the Common Management Principle • Publication of the Development Report, the first Quality Status Report • Signing of a Memorandum of Intent between the Wash and the Wadden Sea Feasibility study on nominating the Wadden Sea for inscription on the World Heritage List (first Burbridge report). 4 th Trilateral Working Conference on Nature Management in the Wadden Sea, Norderney.
1992	Presentation of the Wadden Sea at the World Park Congress, Caracas, Venezuela.
1993	Concept of an integrated Wadden Sea Monitoring and Assessment Programme by the Trilateral Monitoring Expert Group. 8 th International Scientific Wadden Sea Symposium, Esbjerg.
1994	6 th Trilateral Governmental Conference on the Protection of the Wadden Sea, Leeuwarden <ul style="list-style-type: none"> • Adoption of the common delimitation - Wadden Sea Area and Conservation Area • Adoption of Wadden Sea Targets • Signing of Memorandum of Intent between Guinea-Bissau and the Wadden Sea First issue of the Wadden Sea Ecosystems series published by the CWSS.
1995	4 th North Sea Conference, Esbjerg; welcoming the Statement of the 7 th Wadden Sea Conference to the 4NSC.
1996	9 th International Scientific Wadden Sea Symposium, Norderney.
1997	7 th Trilateral Governmental Conference on the Protection of the Wadden Sea, Stade <ul style="list-style-type: none"> • Adoption of the Wadden Sea Plan • Adoption of the TMAP Common Package of parameters
1999	3 rd Quality Status Report publish – first one based on TMAP.
2000	Feasibility study on nominating the Wadden Sea for inscription on the World Heritage List (second Burbridge report). 10 th International Scientific Wadden Sea Symposium, Groningen.

2001	<p>8th Trilateral Governmental Conference on the Protection of the Wadden Sea, Esbjerg</p> <ul style="list-style-type: none"> • Agreement to establish a Wadden Sea Forum (WSF) • Agreement to apply for the designation of the Wadden Sea as a Particularly Sensitive Sea Area (PSSA) at the International Maritime Organization (IMO) • Formal consultations on nominating the Dutch-German Wadden Sea for the World Heritage List
2002	<p>Second Seals epidemic in North European waters, CWSS monitors the development of the disease and acts as the central information hub as in 1988.</p> <p>The WSF commences its work at the first meeting in Leeuwarden chaired by Ed Nijpels.</p> <p>Designation of the Wadden Sea as a PSSA by the Marine Environmental Protection Committee of the IMO.</p>
2003	<p>The TWSC celebrates its 25th anniversary at the Schloß Gödens.</p> <p>The International Wadden Sea School (IWSS) is established and commences its work.</p> <p>Presentation Wadden Sea at the World Park Congress, Durban, South Africa.</p>
2004	<p>4th Quality Status Report published</p>
2005	<p>11th International Scientific Wadden Sea Symposium, Esbjerg.</p> <p>9th Trilateral Governmental Conference on the Protection of the Wadden Sea, Schiermonnikoog</p> <ul style="list-style-type: none"> • Agreement to nominate the Dutch-German part of the Wadden Sea for inscription on the World Heritage List • Wadden Sea Forum approved as a non-statutory consultation body
2006	<p>First Wadden Sea Day held in Wilhelmshaven, cooperation between the Lower Saxony Wadden Sea National Park and the CWSS, theme “Serious Declining Trends in Migratory Waterbirds”.</p>
2008	<p>Submission of the nomination of the Dutch-German Wadden Sea for inscription on the World Heritage List.</p> <p>IUCN evaluation of the nomination, field mission by Pedro Rosabal.</p> <p>TMAP revised in the framework of the HARBASINS project.</p>

2009	<p>12th International Scientific Wadden Sea Symposium, Wilhelmshaven, signing of the Memorandum of Understanding between South Korea and the Wadden Sea on the occasion of the ISWSS.</p> <p>Inscription of the Dutch-German Wadden Sea on the World Heritage List at the 33rd Session of the World Heritage Committee, Seville, 26 June 2009.</p> <p>5th Quality Status Report published.</p>
2010	<p>10th Trilateral Governmental Conference on the Protection of the Wadden Sea, Sylt</p> <ul style="list-style-type: none"> • Adoption of the revised Joint Declaration and new governance arrangements • Adoption of the revised Wadden Sea Plan <p>First QSR Synthesis Report publishes with a summary of the main results for science, policy and management.</p>
2011	<p>“PROWAD - Protect & Prosper” project to develop a sustainable tourism strategy for the Wadden Sea World Heritage approved by the Interreg NSR Programme.</p> <p>Inscription of the Hamburg part of the Wadden Sea on the World Heritage List through a minor boundary modification application at the 35th Session of the World Heritage Committee, Paris.</p>
2012	<p>13th International Scientific Wadden Sea Symposium, Leeuwarden.</p> <p>Wadden Sea Flyway Initiative commences.</p>
2013	<p>Submission of the nomination of the Danish Wadden Sea and an extension of the Lower Saxony property for inscription on the World Heritage List.</p>
2014	<p>11th Trilateral Governmental Conference on the Protection of the Wadden Sea, Tønder</p> <ul style="list-style-type: none"> • Adoption of the Sustainable Tourism Strategy • Adoption of the vision for the Wadden Sea Flyway Initiative (WSFI) <p>Signing of a Memorandum of Understanding between the Banc d’Arguin National Park and the CWSS on the occasion of the Tønder Conference.</p> <p>Inscription of the Danish Wadden Sea on the World Heritage List at the 38th Session of the World Heritage Committee, Doha, Qatar. The Wadden Sea as one and indivisible World Heritage property.</p>

The Wadden Sea is the largest unbroken system of intertidal sand and mud flats in the world. Since 1978, Denmark, Germany and the Netherlands have cooperated to protect it as one coherent nature area. As a result, the Wadden Sea has been inscribed on the World Heritage List and is now listed among the iconic natural wonders of the world such as the Grand Canyon and the Great Barrier Reef.

On the completion of the inscription of the Wadden Sea on the World Heritage List in 2014, Tim Badman, the then-director of the IUCN World Heritage declared that "the cooperation of the Netherlands, Germany and Denmark presides a model system of transboundary management" and "[W]e think this is a model of effective transboundary cooperation and a particularly commendable use of the World Heritage Convention to underpin that cooperation within the framework provided by this cooperation".

Jens Enemark, Dane by birth, living in the Netherlands, historian and political scientist, was secretary of the Trilateral Wadden Sea Cooperation and head of the Common Wadden Sea Secretariat in Wilhelmshaven, Germany 1987-2014 and is as no one else placed to tell the story of this successful trans-boundary cooperation in nature conservation. This is his unique personal account of how the Cooperation developed during his 27-year tenure, how its distinctive common policies and management were created and the discussions and struggles that accompanied the developments.



Jens Enemark