

Cover Note

**A refreshed Joint Declaration for the Wadden Sea Trilateral Cooperation
between Denmark, Germany and the Netherlands**

The original *Joint Declaration on the Protection of the Wadden Sea*, which established the Trilateral Cooperation between Denmark, Germany and the Netherlands was signed in 1982. It has served the Cooperation well and, as a result, the Wadden Sea now enjoys a level of environmental protection and wise management that is unprecedented throughout Europe for a transboundary wetland of international importance.

The New Context

Since the original agreement was signed in 1982 many environmental, political, economic and social changes have taken place and the work of the Cooperation has developed. This means that the Joint Declaration has become progressively “dated” as a fundamental document to underpin the Cooperation. Indeed, today, the activities of the Cooperation have progressed well beyond the rather limited scope defined in 1982. Of particular significance are:

- The achievements as well as the need for nature protection in the Wadden Sea, particularly with regard to maintaining the vast and to a large extent undisturbed wilderness and beauty of the ecosystem and the ongoing loss of biodiversity.
- The increased number of legal obligations relating to the Wadden Sea, in particular with regard to EU legislation.
- Commitments made by the countries as parties to international conventions, in particular the Convention on Biological Diversity and the Ramsar Convention on Wetlands.
- The application of an ecosystem approach.
- The strength of scientific evidence about the scale and pace of climate change and the associated rise in sea level.
- The increased attention to the importance of landscape and cultural heritage.
- The increased efforts of public awareness and education of school children, for example the International Wadden Sea School.
- The support for wise use of natural resources and sustainable development.
- The devolution of governmental responsibilities to regional and local levels.
- The improved interest of civil society in the environment and the need to involve stakeholders in decision-making processes that affect them.
- Co-funding of projects from international sources.

The 2007 Evaluation of the Cooperation

In recognition of these and other developments, the Ministerial Declaration of the Tenth Governmental Conference on the Protection of the Wadden Sea held in Schiermonnikoog 2005 agreed that over the next period the Cooperation should be evaluated, including the organisational structure. This work was undertaken in 2007 by two external consultants, Dr Mike Moser and Dr Andy Brown, who have extensive experience of environmental governance, wetlands and protected area management. This evaluation was wide ranging and identified the need to clarify the strategic direction of the Cooperation, improve the governance and produce a refreshed Joint Declaration designed to meet the present and future needs of the Cooperation. The

results of the Evaluation were generally welcomed by the Cooperation, and a decision was made to prepare a refreshed Declaration.

Main differences between the 1982 Declaration and the 2010 Declaration

The refreshed Declaration will not alter the spirit or legal status of the Cooperation. This will remain a formal (but not legally binding) Cooperation between the governments of the three countries who have responsibilities for the internationally important marine and coastal environment of the Wadden Sea.

The 1982 Declaration:

- Recognised the biological, scenic and scientific importance of the Wadden Sea and its protection.
- Declared their intention to consult each other in order to coordinate their activities and measures, and to intensify and broaden contacts between administrations.
- Specifically emphasised resting and breeding areas for seals and migratory wildfowl.
- Identified specific international legal instruments.

The 2010 Declaration:

- Reconfirms the global biological, scenic and scientific importance of the Wadden Sea and its protection.
- Notes the achievements of the Cooperation to date.
- Recognises the comprehensive nature of the national and international legal regimes affecting the Wadden Sea.
- Highlights some of the more significant challenges ahead, including the continued and severe pressure on biological diversity, the effects of climate change, sea level rise and the preservation of landscape and cultural assets.
- Identifies the essential need for active support and involvement of public and private sectors, non-governmental organisations and civil society in the future management of the area.
- Recognises the increased attention to the importance of landscape and cultural heritage.
- Establishes the objectives of the Cooperation.
- Includes the Guiding Principle, a vision and the precautionary principle.
- Identifies the application of Integrated Coastal Zone Management.
- Defines the geographical basis of the Cooperation.
- Establishes the governance arrangements.

 **The Netherlands** **Germany** **Denmark**

2010 Joint Declaration on the Protection of the Wadden Sea

Working together to meet present and future challenges

THE GOVERNMENTS of the Kingdom of Denmark, the Federal Republic of Germany and the Kingdom of the Netherlands:

REALISE that the Wadden Sea, encompassing the coastal zone from Den Helder in the Netherlands to Blåvands Huk in Denmark, is an exceptional ecosystem of world importance, and also together with its cultural landscapes, is a shared responsibility of the three countries;

RECALL their Joint Declaration in 1982 to cooperate on the Protection of the Wadden Sea, and the many achievements of their cooperation and in particular the high level of nature protection and wise management unprecedented throughout Europe for a transboundary wetland especially with regard to legal protection, harmonised targets, common policy and management, integrated monitoring and assessment procedures and involvement of civil society;

CONSCIOUS that the precious ecosystem of the Wadden Sea and its remarkable biodiversity deserves world class conservation measures;

CONSCIOUS ALSO of the unique landscape and cultural heritage of the Wadden Sea, which complements the natural heritage, and on which an extensive cooperation has developed;

REALISE that the Wadden Sea is an area where people live, work and recreate and whose interests and benefits are an integrated part of our common policy;

RECOGNISE that the safety of inhabitants from flooding must be secured through appropriate coastal defences;

NOTE that since their 1982 Joint Declaration the Wadden Sea has benefited from a comprehensive national and international nature conservation regime, including protection under European legislation, in particular the Birds and Habitats Directives and the Water Framework Directive and that there is a need to further coordinate and harmonise their efforts to ensure effective and consistent implementation of these obligations;

ACKNOWLEDGE the progress which has been made on other issues related to the protection of the Wadden Sea including the designation of a number of National Parks and Biosphere Reserves, education and the sustainable development of the Wadden Sea Region, and the designation by the International Maritime Organization (IMO) as a Particularly Sensitive Sea Area (PSSA) because of its vulnerability to damage by international maritime activities;

AWARE of the many present and future challenges to the protection, restoration and sustainable use of the Wadden Sea, in particular the long term impacts of pollution, climate change and sea level rise and the loss of biodiversity and of the necessity of raising awareness for these challenges on the basis of this declaration;

CONCERNED to ensure that further progress is made in restoring the natural ecosystem functions, improving water quality, integrating cultural and landscape heritage, and reducing the negative environmental impacts of developments;

RECOGNISE the need to continue to enhance their efforts to protect and conserve the Wadden Sea as an ecological entity and its landscapes and cultural heritage and to promote Integrated Coastal Zone Management;

RECOGNISE ALSO the essential need for active support and involvement of all relevant stakeholders in the future protection and management of the area;

REAFFIRM their intention to consolidate the existing cooperation between the States in consultation with the other governmental bodies involved, and to continue to manage the Wadden Sea as a single ecological entity for its natural, landscape and cultural heritage values, for the benefit of present and future generations.

THE PARTICIPATING GOVERNMENTS SHARE THE VIEW ON THE FOLLOWING

1. Geographical Area of Cooperation

1.1 The participating Governments have previously identified a Wadden Sea Cooperation Area and within this a Nature Conservation Area as the geographical basis of their Cooperation:

The Wadden Sea Cooperation Area in short 'Wadden Sea Area':

- the area seaward of the main dike, or where the main dike is absent, the spring-high-tide waterline, and in the rivers, the brackish water limit;
- an offshore zone 3 nautical miles from the baseline as fixed nationally or where the Nature Conservation Area exceeds the 3 nautical mile, the offshore boundaries of the Nature Conservation Area;
- corresponding inland areas to the designated Ramsar and/or EC Bird Directive areas being the adjacent inland marsh areas of the Danish Wadden Sea Region designated as international nature protection areas and the Bird Directive Areas of Schleswig-Holstein adjacent to the Nature Conservation Area;
- the islands.

The 'Nature Conservation Area':

- In the Netherlands, the areas under the Key Planning Decision Wadden Sea;
- In Germany, the Wadden Sea national parks and the protected areas under the Nature Conservation Acts seaward of the main dike and the brackish water limit;
- In Denmark, the Wildlife and Nature Reserve Wadden Sea.

1.2 The current extent of the Wadden Sea Area and the Nature Conservation Area are shown in Annex 1 to this Declaration and this may be amended from time to time by the responsible authorities.

1.3 The protection and management of the Wadden Sea Area and the Nature Conservation Area require consideration of impacts which may arise outside these areas and these should be addressed as necessary.

1.4 For 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 is shown in Annex 2 to this Declaration. Activities 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.

2. Guiding Principle and Vision

2.1 The participating Governments reconfirm the guiding principle for the Nature Conservation Area:

To achieve, as far as possible, a natural and sustainable ecosystem in which natural processes proceed in an undisturbed way.

The principle aims at:

- i. maintaining the water movements and the attendant geomorphological and pedological processes;
- ii. improving the quality of water, sediment and air;
- iii. safeguarding and optimizing the conditions for flora and fauna including:
 - a. preservation of the Wadden Sea as a nursery area for North Sea fish;
 - b. conservation of the feeding, breeding and roosting areas of birds, and the birth and resting areas of seals as well as the prevention of disturbances in those areas;
 - c. conservation of salt marshes and dunes;
- iv. maintaining the scenic qualities of the landscape, in particular the variety of landscape types and the specific features of the wide, open scenery including the perception of nature and landscape.

2.2 Recognising the fundamental nature of the guiding principle the participating Governments have developed a vision for the Wadden Sea

The Wadden Sea is a unique, natural and dynamic ecosystem

with characteristic biodiversity, vast open landscapes and rich cultural heritage, enjoyed by all, and delivering benefits in a sustainable way to present and future generations.

2.3 In the measures they take the participating Governments will allow themselves to be guided by the Precautionary Principle and Article 6 of the Habitats Directive.

3. Objectives for the Cooperation

3.1 The participating Governments aim to achieve:

- a. A natural ecosystem, its functions and characteristic biodiversity.
- b. Resilience to climate change and other impacts.
- c. Maintenance of the landscape and cultural heritage.
- d. Sustainable use as defined by the Convention on Biological Diversity and as referred to in the Habitats Directive.
- e. Public support for the protection of the Wadden Sea.

3.2 The participating Governments share the view that unreasonable impairment of the interests of the local population and its traditional uses in the Wadden Sea Area have to be avoided and that any user interests have to be weighed on a fair and equitable basis in the light of the purpose of protection in general, and the particular case concerned.

4. Areas of Cooperation

The participating Governments will pursue these objectives through:

- a. The development and implementation of plans, policies and projects to maintain and enhance the natural values, landscape and cultural heritage of the Wadden Sea.
- b. Coordinated and consistent management, including the production and implementation of a periodically updated Wadden Sea Plan as a joint management plan to address the requirements of EC Directives and other future needs.
- c. Applying the concept of Integrated Coastal Zone Management.
- d. Contributing to secure sustainable development possibilities for the Wadden Sea taking account of the natural and cultural values.
- e. Coordinating and commissioning research and monitoring to improve understanding of the Wadden Sea ecosystem and changes to it.
- f. Providing further opportunities for the public, with a specific focus on young people, to learn about, enjoy and experience the Wadden Sea, including the cross border context.
- g. Involving all relevant stakeholders and considering their concerns in an adequate manner.
- h. Intensifying international cooperation in relevant fields.
- i. Raising the international profile of the Wadden Sea.

5. Institutional and Financial Arrangements

- 5.1 The participating Governments will, in order to modernize the organisational structure of the Cooperation, establish a Trilateral Wadden Sea Governmental Council, composed of the responsible ministers of the participating Governments to oversee the Cooperation, provide political leadership and strategic guidance.
- 5.2 They will also establish a Wadden Sea Board as the governing body of the Trilateral Wadden Sea Cooperation to be responsible for the implementation of the Joint Declaration and other Council decisions, preparation, adoption and implementation of the Strategy of the Cooperation, trilateral measures and activities, monitoring performance and accountability, and for ensuring strong relations with key stakeholders.
- 5.3 The Board will adopt rules of procedure and financial regulations for the organisation and management of its activities, and in particular:
- a. Each of the participating national Governments will continue to fund one third of the costs of the Secretariat.
 - b. Projects may be funded on a unilateral, bilateral or trilateral basis.
 - c. Other sources of funding will be pursued as necessary and the appropriate arrangements established to manage such funds.
- 5.4 The Common Wadden Sea Secretariat (CWSS) will be supervised by the Board, and will support the Council and the Board and the implementation of the policies and projects agreed by them in accordance with the Administrative Agreement on a Common Secretariat for the Cooperation on the Protection of the Wadden Sea.

This Declaration supersedes the original 'Joint Declaration on the Protection of the Wadden Sea' signed in 1982.

Signed in English this [add date] in three original copies each being authentic.

For the Government of the Kingdom of Denmark

[insert name and signature]

For the Government of the Federal Republic of Germany

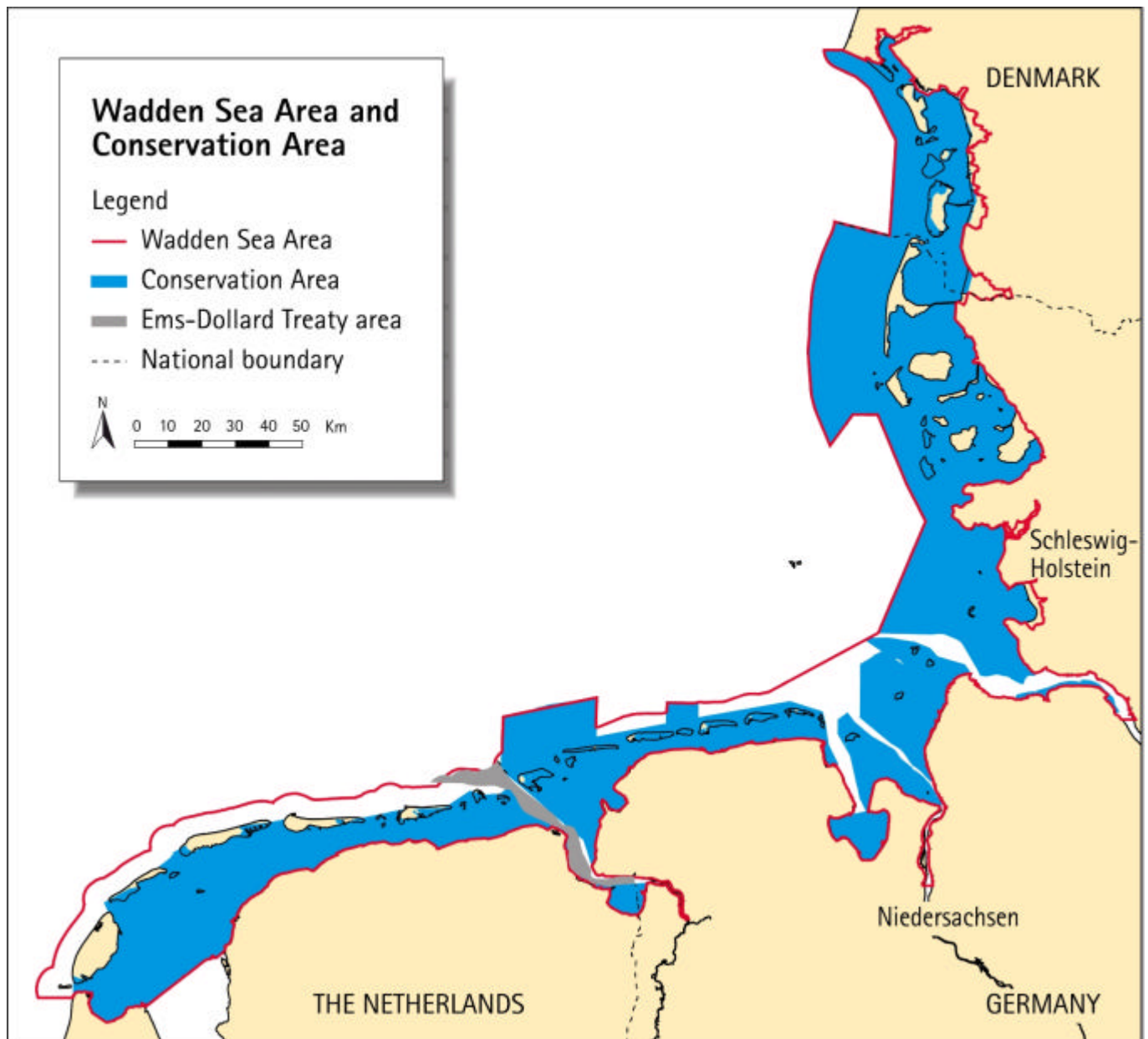
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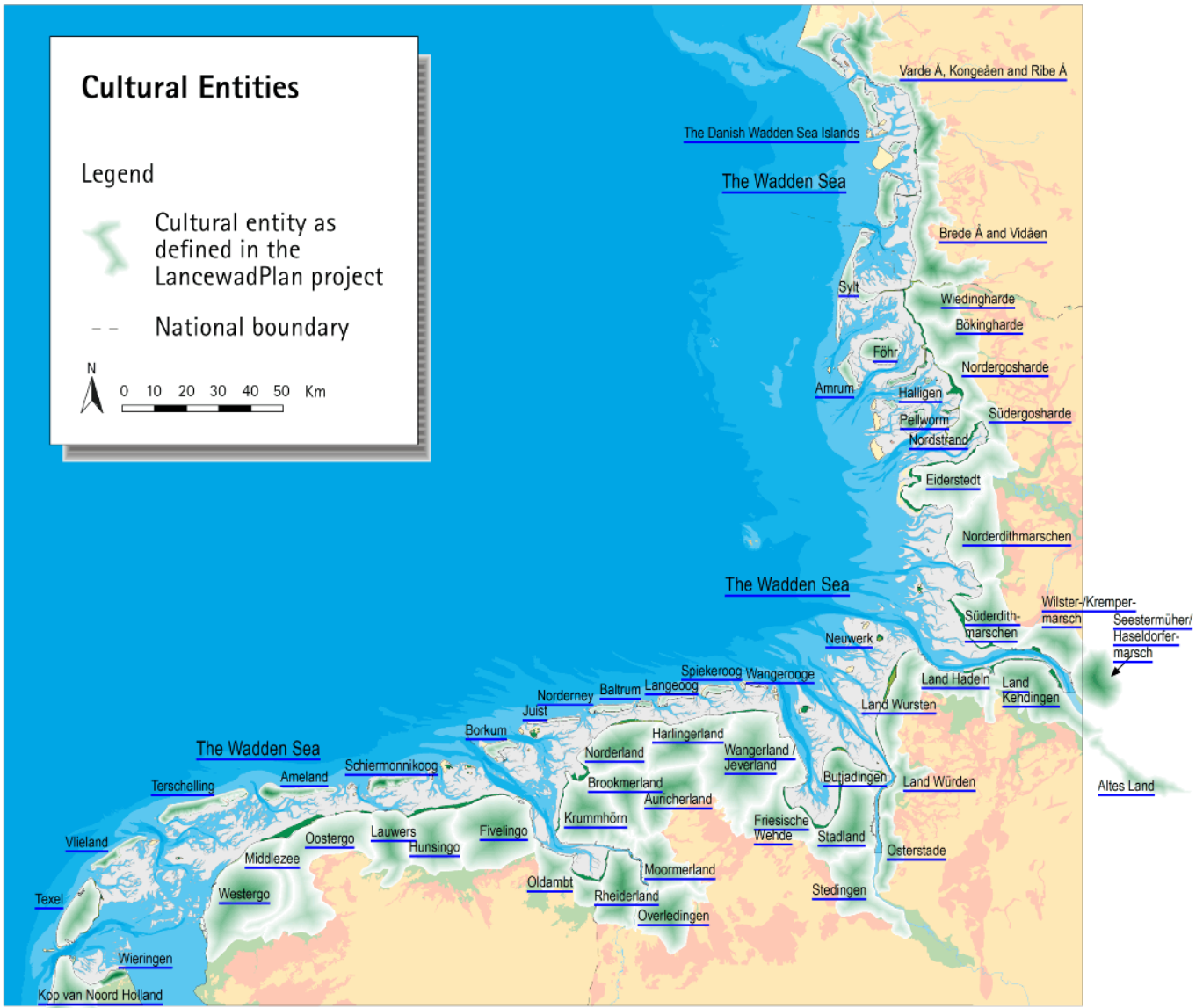
For the Government of the Kingdom of the Netherlands

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Annex 1 Wadden Sea Area and Nature Conservation Area

Annex 2 Cultural Entities





Note: Parts of the identified cultural entities are located outside of the Wadden Sea Cooperation Area as defined in 1.1. Activities 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.