

**Position of the Nature NGOs
on the Declaration of the 10th Trilateral Governmental Conference
on the Protection of the Wadden Sea,
3 November 2005, on Schiermonnikoog**

General remarks

The Trilateral Cooperation has proven its value in 27 years. Much has been achieved, put simply: The Wadden Sea with all its beauty and uniqueness would look different today without this cooperation.

With each of the previous ten ministerial declarations there has been some progress. Though these steps were not always very large, seen in a long-term perspective this seems acceptable as long as the process moves in the right direction. For the protection of the Wadden Sea and the sustainable development in the entire region the continuation of this cooperation is important. There are still lots of problems to be solved and new ones are coming up.

At the present time the cooperation shows signs of an increasing involvement of a broad range of stakeholders. The Wadden Sea is being understood more and more as a common region, also

with regard to other issues than nature conservation and in a larger geographical context than the formal trilateral cooperation area. For this the term „Wadden Sea Region“ has been defined by the Wadden Sea Forum and proposals for the sustainable development of that region have been developed. This is a promising development, which needs to be continued, towards an Integrated Coastal Zone Management. The conservation goals and principles for the actual Wadden Sea Area must remain unchanged and should be strengthened by this process, as has been expressed by the Wadden Sea Forum in its vision for the region.

As far as the Schiermonnikoog Declaration is concerned, we consider the following ten issues to be of major importance, and comment the decisions:

1. Improving the safety of shipping

The Wadden Sea Forum (WSF) has discussed the improvement of maritime safety. Following a study which highlighted the deficiencies of the current situation in the Wadden Sea region in detail, intensive consultations and a specific workshop on the topic were held, in which also officials of the coast guard administrations participated. Finally, 35 recommendations were passed unanimously by the WSF. Surely, these did not fully reflect the ideals of the nature NGOs (see also be-

low). Their implementation, however, would still be significant progress and would bring more protection against the effects of maritime accidents. The strength of these recommendations lies also in the fact that all members of the WSF, from nature NGOs to the harbour industry, worked together on this important topic.

In the framework of the Trilateral Cooperation these recommendations were further discussed with governmental officials. This finally led to §§

14-17 of the Ministerial Declaration (MD) and an annex to the MD (being part of the MD). Unfortunately, this annex remained rather vague in many aspects and considerably weakened some of the more important WSF recommendations, such as the issues of mandatory routing off the Danish and North German coast, a trilateral strategic emergency towing concept, and support for European Coastguard initiatives.

On the other hand, §§ 14-17 of the MD express the right intention for the way forward. The designation of the Wadden Sea as PSSA following the last conference is described as a success, though this was politically possible at that time only by leaving out any kind of „Associated Protective Measures“ (these being suggested by the IMO – the „International Maritime Organization“ – to be associated with a PSSA). However, § 17 now shows the will of the governments to improve the PSSA by „in particular focus“ their „attention to“ six action points:

a. spatial planning in the EEZ (Remark: This is important in the light of e.g. offshore installations, as by cross-border spatial planning the risks for ships can better be kept small. We see the required mandatory routing off the Danish and North German coast as part of this action point)

b. day-to-day joint cooperation in the framework of the DenGerNeth-Plan (Remark: This is important, because there is still a lack in daily cooperation, which could be improved by a permanent working group of the relevant administrations. This cooperation should be strengthened continuously, possibly leading to a joint coast guard structure)

c. appropriate emergency towing and pollution response capacities (Remark: This is important,

because 1. there are not presently enough capacities at least at the Danish Wadden Sea, 2. existing capacities could be reduced for financial reasons, and 3. additional risks due to ship sizes or offshore developments could develop where the existing capacities would not be appropriate)

d. practical implementation of the Places of Refuge (Remark: This is important, because such places are necessary in cases of emergency to avoid disasters. However, though there is an EU requirement for places of refuge, it remains open for the public concerned how well this is implemented and if also the practical preparations for those places are really sufficient)

e. harmonization of the no-special-fee-system (Remark: This is important, because waste and oil remains are still illegally dumped in the North Sea. The way to solve this is to make the legal handling in the harbours completely cost-neutral everywhere – which is at present only partly the case –, e.g. by including it completely in the standard harbour fee)

f. aerial surveillance in the relevant coastal areas and the EEZ (Remark: This is important, because there are discussions to reduce the necessary aerial surveillance – which searches for illegal dumping by ships – for financial reasons).

Our Position: We welcome the action points listed in the MD in the sense mentioned above (see „remarks“). They are indeed those where it is necessary for the governments of the Wadden Sea Region to particular focus their attention to (beside many other important actions to be undertaken in international frameworks such as the EU and the IMO). However, beside that also a trilateral strategic emergency towing concept should be added as equally important.

2. Completing the trilateral work with environmental education

In a pilot project (International Wadden Sea School, IWSS) it has been examined during the last 2 years how an exchange programme of school classes between the Wadden Sea countries can be established to support a trilateral region building and to raise the general awareness of nature conservation in the Wadden Sea Area.

Though the IWSS is a project of the Trilateral Cooperation (launched at its 25th anniversary in 2003), it has been strongly supported by nature NGOs, which also raised half of the money nee-

ded for the pilot phase from the German „Umweltlotterie Bingo“.

The experiences gained so far show that the goal can be achieved and the work of the IWSS pilot phase was highly appreciated by the governments. To further develop the project into a fully operational programme, a consolidation phase from 2006 to 2009 is necessary.

There is support for the IWSS on all levels of the Trilateral Cooperation, hereby expressing the wish that environmental education must be estab-

lished as a permanent part of the Trilateral Cooperation.

Also the Wadden Sea Forum supports trilateral education and included the general issue in its final report and the IWSS in particular in its action plan.

Our Position: We support the IWSS and appreciate the positive decision in the MD. The next phase is now under way and will hopefully be funded to the necessary extent.

3. Making the Wadden Sea Plan a management plan

According to the MD the Wadden Sea Plan (WSP), which has been decided upon at the State Conference in 1997, will be further developed (§ 6). This should be done within the *Shared Vision, Principles and Targets*, and it should become 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*. Also much other information including the Wadden Sea Forum report is planned to be used for this.

Our Position: Transforming the Wadden Sea Plan into a real management plan is an essential step. As the Wadden Sea is a transboundary nature area, it makes little sense to implement the various EU directives concerning the environment in different ways in the different countries, possibly even ending up with dozens of management

plans for small parts of the area or even completely different management plans according to different directives, each setting its own goals. In this respect also the Strategic Environmental Assessment (SEA) has to be used for all plans and programmes for the coastal zone and the EEZ to get an efficient integration of the environmental aspects for example in transboundary spatial or traffic planning.

However, funding proves to be very difficult and a high proportion of the required resources again will have to be raised as project money during the following 4 years. Therefore, it has to be pointed out that from 2010 it will be necessary to understand the IWSS as a permanent programme which needs a stable governmental core funding. We urge the ministers to consider the establishment of a fund for financing trilateral education.

Also, the issue can be seen as a big chance to reduce bureaucracy to the necessary level. It is certainly also in the interest of nature conservation that the necessary rules are understood and accepted by everybody with a stake in the area and not hidden in mountains of paper.

We acknowledge that already now the WSP may be considered as the most developed cross border-piece of work in the sense of the EU-recommendation in Integrated Coastal Zone Management.

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4. A step towards sustainability in the entire region

The nature NGOs always suggested not to see the Wadden Sea Area just on its own, but to consider also the influences which impact the area from land and from sea. In this respect the work of the Wadden Sea Forum (WSF) deserves special attention as a major step forward towards sustainable development of a region which is much larger than the Wadden Sea Area as defined by the Trilateral Cooperation.

The WSF was born at the last Wadden Sea Conference in Esbjerg in October 2001. The ministers declared to convene "...a Trilateral Wadden Sea Forum, as a consultation project, with the participation of the governmental and non-governmental

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

The WSF as it was founded then consisted of about 40 stakeholders representing almost all sectors for each of the four Wadden Sea sub-regions

(Denmark, Schleswig-Holstein, Niedersachsen, Netherlands). After three years of work, with a number of thematic working groups discussing specific issues, the final report of the WSF has been published in 2005. It was supplemented by an action plan with selected priorities. With this document, for the first time representatives of practically all interest groups also declared their support for a protected Wadden Sea Area, as it is expressed in the WSF's vision statement. At the same time, the report tries to outline a scheme for an economic development that is appropriate for the region.

Has the WSF's aim been achieved? Reading only its vision, one would certainly have to answer YES. The Forum there clearly supports the conservation goals defined in the Wadden Sea plan. At the same time, it points out the wish for an economic development that goes along with the specific strengths of the region and that remains sustainable.

In the lower depths of the occasionally heavily discussed details, however, this impression becomes less clear. While the economic interest groups tried to bring to the fore their individual sectors and to call all imaginable activities "sustainable", it was not an easy task for the nature NGOs represented in the WSF to deal with this.

For example, there were disputes over the question if exploitation of oil and gas in a protected area like the Wadden Sea can as such be sustainable, if additional motorways along the coast are really

necessary, and if agriculture has really been hindered by nature conservation or just the other way round. Concerning harbour planning the question was raised how the natural limits of the environment should be respected and the tasks better shared out between the existing harbours. And with regard to the introduction of a label for Wadden Sea products it was controversially discussed if the products have to be produced environmentally friendly or if the label is only wanted for marketing purposes.

In any case the WSF was an unusual experiment that brought together almost all interest groups of the entire region to co-operate for a sustainable development of a transboundary and rather unique region. That there actually was a common result in the end is certainly a success. However, the future will show, whether really more common ground was found or not just conflicting interests covered by compromising words.

Our Position: The MD found an appropriate way to handle the issue by expressing a general positive opinion to the WSF results, by seriously trying to link the different MD paragraphs to the WSF report and by suggesting a continuation of the WSF. Even if the WSF report does not really fully reflect what would by definition be „sustainability“, it is an important step forward. It was an important platform to talk to each other and to negotiate - and hopefully it will in the future function even better in this respect.

5. The Wadden Sea could become a World Heritage Site

The possible nomination of the entire Wadden Sea as a World Natural Heritage Site (WHS) has been under consideration for many years, the discussion having started with the MD in 1991. It would be the first transboundary WHS and a designation would be an important acknowledgement for what the three countries have jointly achieved for the Wadden Sea during the last 27 years. However, it is also clear, that the prime interest in a WHS-nomination may be rather with the tourism sector than with the nature NGOs. At the moment there is still no official opinion on the issue in Nordfriesland (Schleswig-Holstein) and there has even been a „No“ since 2001 for the

Danish part of the Wadden Sea. However, all the other regions from the river Eider up to Den Helder now have a generally positive attitude towards a WHS-nomination.

Our Position: We certainly would prefer a WHS-nomination for the entire Wadden Sea. However, given the length of the discussion up to now we support the decision as it is expressed in the MD, i.e. to start a nomination process for a WHS Wadden Sea in Germany and the Netherlands. This process should be carried out in such a way, that the door for others (Nordfriesland and/or Denmark) to follow suit remains open.

6. Many words but no news on Wind Farms

Already now „the construction of wind turbines in the Conservation Area is prohibited“ and in the Wadden Sea Area outside the Conservation Area they are „only allowed if important ecological and landscape values are not negatively affected“ (Wadden Sea Plan, 1997).

In the following years many offshore wind farms were planned in North Sea waters outside the Wadden Sea Area. In Esbjerg 2001, the Wadden Sea ministers then declared „to acknowledge the potential impacts of wind turbine parks in the North Sea on the Wadden Sea environment and therefore to support a coordinated approach in a North Sea wide framework to the development of guidelines and principles for the installation of offshore wind energy parks, taking account of, amongst others, the protection of species and habitats and the high density of ships in the area.“ However, although a lot of research has meanwhile been done, the effects that thousands of wind energy installations in the North Sea might have on nature, e.g. the annual migration of tens of millions of birds over the area (including the Wadden Sea birds), are still largely unknown. Nevertheless, a wave of wind farm permissions has already been issued for the German North Sea (outside the 12 seamile zone). For all of these the planners intend to put high voltage cable connections right through the Wadden Sea conservation area. Also plans exist for two windfarms within the 12 seamile zone in Niedersachsen. In Denmark a windfarm has been erected just outside the Wadden Sea at Horns Rev.

In this light, and having also in mind the additional risk for shipping safety by wind farms, the Wadden Sea Forum suggested not to set up wind farms within the 12 sm zone. Also nature conservation organizations, though being very supportive towards renewable energies, are reluctant towards this large scale development with unknown effects and suggest more research at pilot wind farms before too many permissions are being is-

sued. They also suggest to bundle as many cables as possible and to find ways for them preferably in the already disturbed areas outside the Wadden Sea conservation area.

Our Position: Though the MD finds many words about wind farms, these say almost nothing which is new. In particular the MD does not exclude windmills from the 12 sm zone: Though there is an avoidance statement, all sites where plans exist (Niedersachsen and Denmark) are explicitly excluded from this statement.

As a collision between a ship and a windturbine could cause a disaster for the Wadden Sea it must also be safeguarded that the risk for this is at least not increasing. Though the MD says nothing about that in its windfarm paragraphs, we appreciate it as a real progress that it states clearly in the shipping safety-annex that „*The safety of shipping in the North Sea Area should be kept at least at the present level, irrespective of which kind of offshore development might occur, and where feasible be enhanced.*“ We expect that this statement must be put into practise by keeping the necessary safety distance between e.g. shipping routes and windfarms and by putting more equipment into place such as more or improved emergency towing vessels.

Concerning the cable constructions the MD describes roughly the status quo but does not – as it would be necessary – make clear, that 1. the conservation area should be avoided to the largest possible extent, 2. cables should preferably be laid in already disturbed areas such as waterways and sea channels, and 3. high standards are required in terms of cable bundling.

Also we suggest a closer cooperation between the countries in spatial planning issues such as where to place the windfarms and the cables with the view to cause the least possible damage in the end. The MD is not requiring such cooperation strongly enough. An exception is research cooperation which is at least one positive step.

7. Monitoring the Wadden Sea proved successful and will be continued

The Trilateral Monitoring and Assessment Programme (TMAP) is a worldwide unique environmental monitoring system, which has been agreed upon by three nations in order to ensure the pro-

tection of a common area. However, from the very start, this programme suffered to some extent from the respective national peculiarities, lacking interest of institutions for some of the parameters

(they would rather go on with their own national projects) and the financing difficulties in the individual countries. Despite all these problems, the idea is right and important, and many of the problems have been solved. TMAP now functions for most of the parameters measured (e.g. the new „Quality Status Report“ for the Wadden Sea is based on TMAP-results). An independent evaluation in 2004 produced very positive results concerning the function of TMAP data handling.

Our Position: We support the continuation and further development of TMAP and its data handling and appreciate, that the governments do as well in the MD (§§ 22-24). However, we underline that the programme is still underfunded and

needs a more stable basis. Also we underline that TMAP should not be a programme only with the purpose to fulfil EU requirements, though it has a very important function for this purpose. It must remain a programme specifically set up for the special needs of the Wadden Sea as a unique nature area in the sense the Trilateral Cooperation expresses it since 1978, in particular fulfilling the monitoring requirements derived from the Wadden Sea Plan. It is also important that no additional system for monitoring specifically for the requirements of the Water Framework Directive (WFD) in the Wadden Sea is being developed. It is our opinion that WFD monitoring in the Wadden Sea should fully be integrated with TMAP.

8. Coastal defence with Best Environmental Practise only

Coastal defence is one of the major impacts on nature in the Wadden Sea. However, it has been given priority to the extent that it is necessary to protect the people, though in a manner in which the natural values of the Wadden Sea are impacted as little as possible.

Our Position: Often different ways are possible to achieve a certain goal, which is also true with coastal defence. Given the natural values of the Wadden Sea, but also the trilateral goals and principles and the European nature legislation, clearly the most environmentally friendly way must always be chosen. Therefore, we see the study by the CPSL („Coastal Protection and Sea Level Rise Working Group“), which describes „Best Environmental Practices“ in coastal defence in the

Wadden Sea, in most of its parts as a support for our position.

We also see it in general positive that the recommendations of CPSL are accepted in the MD, in particular that coastal spatial planning should take climate change into consideration and that sand nourishment is considered an important technique. We also support that the work of CPSL is planned to be continued. However, in addition possibilities to combine coastal defence with nature conservation should be taken into consideration more.

Also, it is necessary that on all levels the coastal defence sector goes for more discussion with nature NGOs to increase the chance of finding common views.

9. Support for West-African wetlands

West Africa is housing a large proportion of our Wadden Sea birds during winter. Its large wetlands, among them the famous National Park Banc d'Arguin at the Mauritanian coast are extremely important for these birds. As with the protection of arctic habitats it can be said that protection of West African wetland is also Wadden Sea protection.

In the past there have been previous cooperation agreements between the Trilateral Cooperation and individual countries to put such considerations into live. However, like in the Wadden Sea it is also the case in West Africa that it makes sense

to look into the issue with a wider than just a national view. It is fortunate that now a network for protected areas and sustainable development in the West Africa countries, covering Mauritania, Senegal, The Gambia, Guinea-Bissau, Guinea, and Cape Verde („Western Africa Marine Ecoregion“), became active.

Our Position: We support very much the decision of the Wadden Sea countries, to support a political process and prepare the necessary steps towards a joint political framework with the West African countries and to start concrete activities of mutual conservation interest. This might hope-

fully lead to an efficient and robust partnership between the two ecoregions, linked by the East

Atlantic flyway, to conserve key habitats and species.

10. No real protection for Harbour Porpoise even in parts of the Wadden Sea Area

Several thousand harbour porpoises are dying every year as incidental bycatch in anchored gill-nets in the North Sea. However, no consensus has been reached up to now with Denmark that the protection of this species needs beside technical measures also the designation of sanctuaries (with more measures than the common ones in the entire North Sea). This hinders the European legal acceptance of fishing regulations in the German whale sanctuary, which is part of the Wadden Sea Area and which has also been announced to Brussels to be an area under the EU Habitat Directive with the goal to protect harbour porpoises. The measures to be adopted by the EU fishery regulations should be mainly those specified in the fishery regulation of Schleswig-Holstein as updated in the beginning of 2005, i.e. anchored gill-nets are only allowed with a maximum height of 130 cm and a mesh size of maximum 150 mm.

However, at present these rules are valid only for German fishermen.

Our Position: The Wadden Sea conference missed a chance. It should have agreed about protection of Harbour Porpoise against incidental bycatch at least in the Wadden Sea. It did not. After not having found a joint opinion, the MD does not even mention this fascinating species, although all three countries are members of ASCOBANS (an international agreement with an overall objective to coordinate and implement conservation measures for dolphins, porpoises and other toothed whales in the Baltic and North Seas) and although the protection of Harbour Porpoises has been listed during the preparation of the conference as one out of seven „political important issues“ just one year ago, with the view to analyze status and deficits and to develop a common position on the issue.

The following organizations support this statement:

The Netherlands:

Waddenvereniging

Germany:

Aktionskonferenz Nordsee e.V. (Seas at Risk member in Germany)

BUND Niedersachsen e.V.

Landesnaturausschuss Schleswig-Holstein e.V.

Mellumrat e.V.

NABU Niedersachsen

NABU Schleswig-Holstein

Naturschutzgemeinschaft Sylt e.V.

Naturschutzgesellschaft Schutzstation Wattenmeer e.V.

Umweltstiftung WWF Deutschland

Denmark:

Vadehavsgruppe

WWF Verdensnaturfonden

Schiermonnikoog, 3 November 2005