

**The Nomination of the Wadden Sea Conservation  
Area as  
a World Heritage Site**

**A Feasibility Study  
For the  
Trilateral Wadden Sea Cooperation/  
Common Wadden Sea Secretariat**

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## **Executive Summary**

### **A. Findings:**

1. The Wadden Sea Conservation Area is worthy of inscription as a World Heritage Site as it meets all of the UNESCO criteria as a “Natural Property” representing one of the World’s greatest wetland ecosystems.
2. Major progress has been achieved since the 1991 Feasibility Study in ensuring that the Integrity of a World Heritage Site could be maintained. The Wadden Sea now enjoys a level of environmental protection and wise management that is unprecedented throughout Europe and other parts of the World in terms of harmonised international and national policies, management arrangements, and integrated environmental monitoring and assessment processes.
3. A nomination of the Wadden Sea Conservation Area for inscription in the World Heritage List is feasible under the current conservation and management arrangements.
4. Efforts by the peoples of the Wadden Sea countries including those who live, work and recreate in the area to promote effective conservation of the Wadden Sea incorporating wise and sustainable use of resources would be enhanced through the award of World Heritage Site status. Designation as World Heritage Site would also give additional status to what is already acknowledged as an area of outstanding value to the world community and enhance the profile of the area. It would support the Wadden Sea states in their efforts to address issues, in particular, pollution which needs to be solved in a wider international context. The designation as a World Heritage Site may also attract more tourists and any adverse impacts on communities or on the natural environment and its resources will have to be anticipated and carefully mitigated.
5. There is active support for a nomination of the Wadden Sea Conservation Area as a natural World Heritage Site among officials and other persons consulted during the course of this Feasibility Study.
6. There is also active support for the development of additional activities to meet the requirements for active public participation in the development of a nomination of the Wadden Sea Conservation Area as a World Heritage Site.
7. Support was expressed for a two-stage approach whereby a nomination for inscription of the Wadden Sea as a World Heritage Site would proceed in the first instance as a “Natural Property”. At a later date, the World Heritage Site would be expanded to incorporate the diverse and unique cultural attributes of the wider Wadden Sea Area and the Wadden Sea Region.
8. There is a long and rich history of human development associated with the resources derived from the lands and waters of the Wadden Sea. In the eyes of many local people the Wadden Sea represents a unique cultural landscape worthy of greater recognition. However, it is recognised that existing measures designed to strengthen our understanding of the archaeological and historic features of the Wadden Sea and to protect their integrity need to be further developed. The nomination of the Wadden Conservation Area as a World Heritage Site, including recognition of the cultural facets of the natural property

associated with the traditional way of life, is anticipated to meet greater public understanding and would provide an incentive for the incorporation of further cultural features in the broader Wadden Sea Area and the Wadden Sea Region as the relevant management regimes are developed.

9. Because of resistance to the introduction of more measures to protect the Wadden ecosystem, a carefully planned and managed consultation process should improve peoples' understanding of what constitutes a World Heritage Site and provide the trilateral meetings with an accurate assessment of the level of public support that a nomination would enjoy.
10. Concerted action to raise awareness of what constitutes a World Heritage Site in all three Wadden Sea states should form an integral part of the planning and implementation of the consultation process.
11. It will also be important to develop a mutually reinforcing consultation process in the three Wadden Sea states. This should be designed to reach all major interested and affected parties within the Wadden Sea Region as well as the general public whose support for a nomination is also important. The pros and cons of a nomination need to be spelt out and the timing of the consultation process should be similar in all three countries to ensure there is common understanding of the implications of a World Heritage Site and the results can be fed into the next trilateral conference to ensure a wide body of public support.

## **B. Recommendations:**

It is recommended that:

1. A joint nomination for the inscription of the Wadden Sea Conservation Area in the World Heritage List as a natural property should be prepared to be adopted at the Ministerial Conference in Denmark in October 2001.
2. Discussions are initiated with immediate effect within each of the Wadden Sea states to identify key channels of communication and opinion making, and set out a plan of action to initiate a public awareness building and communication process. A working group be set up in each of the Wadden Sea states to develop a plan of action to promote greater public involvement in the process of developing a World Heritage Site nomination.
3. Steps should immediately be taken to raise Public Awareness and to make people more receptive to further consultations while the consultation action plans are being drawn up. A variety of means of raising public awareness of what a World Heritage Site is and what it can do to support effective conservation of both natural and cultural sites that could be implemented while the detailed plans for the consultation process are being developed include: the use of TV and special features in national and local newspapers. For instance, examples of different forms of World Heritage Sites could be shown on TV over a period of 2 weeks at prime viewing times in the evenings. At the end of the two weeks, a set of views of the Wadden Sea could be aired along with suggestions that it could be nominated as a World Heritage Site based on key natural and cultural features.

4. A trilateral working group should be established with representatives from the working groups within each of the Wadden Sea states to coordinate the public awareness and communication process in all three states. It will be very important to :
  - promote and maintain high and consistent levels of concerted effort to engage the general public in the consultation process,
  - to adopt comparable standards of information on what a World Heritage Site represents,
  - accurately define the proposed Wadden Sea site, to explain the two phased approach to a nomination to include both a Natural as well as a Cultural property,
  - accurately identify and then explain the potential benefits or burdens that may result for the sites' inscription, and to
  - establish an action plan for implementing the main steps in the planned consultation process.
5. Plans should be set out for recording the main points from discussions with the Public and then collating and analysing these points within each Wadden Sea state to provide an assessment of public support and possible concerns over a WHS nomination.
6. Approval of the action plans should be sought at the October meeting of Senior Officials and the consultation initiated as soon as possible thereafter.
7. The results of the analyses from each of the Wadden Sea states should then be collated and communicated to the Trilateral Working Groups and Ministers responsible for developing the Nomination.
8. Developing the Nomination:
  - Immediate steps should also be taken to formulate a joint Nomination of a World Heritage site with a view to having a full working draft nomination ready at least 3 months before the Inter-Ministerial Meeting in Esbjerg in October 2001 so that any points that could adversely influence the acceptance of the Nomination by UNESCO could be addressed before November 2001.
  - The results of the public consultation exercise should be used to inform the process of formulating the nomination.
  - The Wadden Sea Plan can submitted as support for the nomination. Examples of nominations and management plans can be obtained from UNESCO and from bodies such as Dorset County Council, England. A draft nomination and management plan have been prepared for the Dorset and Devon coasts based on its unique geological features. These documents are comprehensive and would form a good model to use in preparing the nomination for the Wadden Sea.
  - A dialogue with UNESCO staff be initiated to foster good communications among the different parties and to help ensure that the nomination is formulated in a manner that can be easily adopted, including an understanding of the comprehensive trilateral and national conservation and management schemes.

## 1.0 Introduction and Terms of Reference

In 1991, the Consultant undertook a study to determine the feasibility of the three Wadden Sea states developing a coordinated nomination of the Wadden Sea as a World Heritage Site. The main findings of that study were:

- The Wadden Sea represents a coastal wetland ecosystem of great international significance, and
- It fulfils at least three of the four criteria of the operational guidelines for the inclusion in the World Heritage List, as in force since 1991.

The Study concluded that it would be feasible for the Wadden Sea states to develop a joint proposal for the nomination of the major part of the Wadden Sea for inscription in the List and that conservation of the Wadden Sea would benefit from inclusion in the List.

The Study recommended that the Wadden Sea states:

- Formulate a joint nomination incorporating a clear recognition of both the natural and cultural values; this commitment should be endorsed at the 1991 Ministers Conference;
- Complete a draft nomination within 2 years entailing a comprehensive review of the existing arrangements and problems and a clear commitment to address these problems; and
- Invite a competent representative from UNESCO to enter into a dialogue with relevant representatives from the Wadden Sea states to assist in the nomination procedure, gain appreciation of the progress that has been achieved and help avoid a) the submission of a nomination which would not be acceptable to UNESCO, or b) the imposition of unrealistic conditions that could not be met.

As a result of the 1991 feasibility study the nomination of the Wadden Sea for inscription in the World Heritage List was addressed at the 1991 Wadden Sea Ministers Conference in Esbjerg, Denmark. The ministers agreed to work towards a coordinated nomination for the Wadden Sea, and major efforts have been made since 1991 to meet the preconditions for a successful nomination. At the Stade Conference in 1997, it was therefore respectively agreed and reconfirmed that the nomination of the Wadden Sea Area, or parts thereof, as a World Heritage Site would be strived for, taking into account the natural and cultural-historic values of the area .

Based on the progress that has been achieved in developing a coordinated nomination, the Consultant was asked by the Common Wadden Sea Secretariat to update the 1991 feasibility study. The intention is to present the up-dated Feasibility Study to a meeting of the Senior Officials associated with the trilateral Agreement for the conservation of the Wadden Sea in October 2000. The Feasibility Study would then be used to support the development of a proposal for a nomination of the Wadden Sea as a World Heritage Site to be submitted to the meeting for endorsement, with the aim of having the nomination adopted at the forthcoming Wadden Sea Conference in 2001. The Terms of Reference for updating the 1991 Feasibility Study are presented in **Annex 1**.

Field visits to the Wadden Sea region were undertaken during the first week of July, 2000 and discussions were held with key officials and other interested parties in all three of the Wadden Sea states. A list of the persons consulted is presented in **Annex 2**.

## **2.0 Main Findings**

### **2.1 Progress in managing the Wadden Sea**

There has been a long history of cooperation among the three Wadden Sea states in working towards the conservation of the Wadden Ecosystem and the sustainable use of the ecosystem's renewable natural resources. The trilateral collaboration which was initiated in 1978 has allowed the establishment of an unprecedented level of integration of policies, management strategies, environmental performance criteria, monitoring and adaptive management systems among the Wadden Sea states. Continual improvements are being made in these systems to ensure the health and productivity of the Wadden Ecosystem and its conservation.

As a result of the 1991 feasibility study the issue of the nomination of the Wadden Sea for inscription in the World Heritage List was addressed at the 1991 Wadden Sea Ministers Conference in Esbjerg, Denmark. The ministers agreed to work towards a nomination for the Wadden Sea, and since 1991 efforts have been made to create the preconditions for a successful nomination.

Since the 1991 feasibility study, substantial progress has been made both trilaterally and nationally. The state of the Wadden Sea has, in general, improved as indicated below although the state of the estuaries remain an issue of concern as well as certain activities such as the shellfish fishery in parts of the Wadden Sea.

The three countries have committed themselves to pursuing a common protection and sustainable use of the Wadden Sea. With the adoption of the joint policy and management plan, generally referred to as the Trilateral Wadden Sea Plan (WSP), in 1997, which builds upon and extends earlier conservation and management schemes and arrangements, a common protection and management scheme for the Wadden Sea exists.

In conjunction with the establishment of a common trilateral conservation and management scheme the most essential national developments have been:

- The areas of legal conservation have been extended and amended;
- The large majority of the Wadden Sea Area has been designated as Nature 2000 in the framework of the EU Habitat and Bird Directives and hence been subject to the stipulations of Art. 6 of the Habitat Directive;
- Improved common regulations have been established for several activities which were not or only limited regulated prior to 1991 e.g.;
- Further embankments will not be allowed;
- Construction, extension or modification of harbours and industrial facilities in the areas under conservation are not allowed unless for imperative reasons of overriding public interest and if no alternatives can be found;
- Hunting has been or will be phased out in almost the entire Conservation Area;

- Watersport activities have been zoned and regulated;
- A minimum flight altitude for civil air traffic has been stipulated;
- Blue mussel and cockle fisheries has been regulated including the establishment of permanently closed areas for such fisheries;
- No new exploitation installations for oil and gas will be permitted in the areas under conservation;
- The construction of wind turbines in the Conservation Area is prohibited;
- The extent of military activities has decreased including the abandonment of exercise sites.

## 2.2 Current and Planned Measures that will ensure the Integrity of the Wadden Sea as a World Heritage Site

### 2.2.1 Trilateral protection and management scheme

The WSP was approved at the trilateral ministers' conference in Stade, Germany in 1997. It establishes a comprehensive framework for the protection, sustainable use and management of the Wadden Sea that will be revised at regular intervals. It is a statement on how the three countries envisage the future coordinated and integrated management of the Wadden Sea Area and the projects and actions that must be carried out to achieve the commonly agreed Targets (WSP, Chapter I, § 4).

The Trilateral Wadden Sea Plan embodies:

- A common delimitation of the Wadden Sea Area and the Wadden Sea Conservation Area;
- A common vision for the Wadden Sea, the guiding principle and the management principles;
- Common Targets and measures and activities to reach those Targets;
- And the implementation of a joint monitoring and assessment programme.

The area for which the WSP is valid is the trilateral Wadden Sea Cooperation Area, in short, the Wadden Sea Area, from Den Helder, The Netherlands to Blåvandshuk, Denmark delimited by the 3 nautical miles offshore and the main sea walls or, where sea walls are absent, the spring-high-tide-water line, and in the rivers, the brackish-water limit including Ramsar and/or EC Bird Directive areas designated inland. The Wadden Sea Area covers an area of about 13,500 km<sup>2</sup>.

The trilateral conservation area, in short the Conservation Area, is situated within the Wadden Sea Area, and consists of the area under legal protection according to national law. It embraces primarily the Wadden Sea national parks and nature reserves. The Conservation Area covers an area of about 10,000km<sup>2</sup>. A map of the Wadden Sea Area and the Conservation Area and its habitats is presented in **Annex 3**.

The Wadden Sea Conservation Area and the major part of the Wadden Sea Area outside the Conservation Area have been designated as wetlands of international importance under the Ramsar Convention and as NATURA 2000 sites under the EU Habitat and Bird Directives. The directives are designed to protect all species of naturally occurring birds in the territory of

the member states and to conserve habitats of wild flora and fauna in the member states. NATURA 2000 sites consist of Special Areas of Conservation (SACs) designated according to the Habitat Directive, and the Special Protection Areas (SPAs) under the Birds Directive. A map of the NATURA 2000 of the Wadden Sea Area is currently being prepared.

The Habitat and Bird Directives have been implemented in national legislation in the three countries. Violations of the stipulations of the directives can be made subject to decisions by the European Court of Justice on the initiative of the European Commission and be enforced by the legal system. The decisions of the European Court with regard to the Habitat and Bird Directives have contributed to a clearer interpretation of the conditions governing SPAs and SACs, thereby reinforcing the legal protection and the wise management of NATURA 2000 areas.

The Guiding Principle of the Trilateral Wadden Sea policy is ‘to achieve, as far as possible, a natural and sustainable ecosystem in which natural processes proceed in an undisturbed way’. In addition, seven Management Principles have been adopted which are fundamental to decisions concerning the protection and management within the Wadden Sea Area for example, the Principle of Careful Decision Making, and the Precautionary Principle.

The trilateral conservation policy and management arrangements are directed towards achieving the conservation of the full range of habitat types which belong to a natural and dynamic Wadden Sea ecosystem. Each of these habitats needs a certain quality (natural dynamics, absence of disturbance, absence of pollution), which can be reached by sound conservation and management. The quality of the habitats shall be maintained and improved by working towards achieving Targets which have been agreed upon for six habitat types: Salt Marshes, Tidal Areas, Beaches and Dunes, Estuaries, Offshore Areas and Rural Areas. Targets for the Quality of Water and Sediment are valid for all habitats. In addition, supplementary Targets for Birds and Marine Mammals have been adopted, as well as Targets for Landscape and Cultural Aspects.

For each Target category, policy and management arrangements, and proposals for trilateral projects and actions necessary for the implementation of the Targets are set out in the WSP. It hence entails an agreement between the three Wadden Sea states on the regulation of all relevant impacts and human activities for the Wadden Sea Area as a whole. These decisions have been or will be implemented into national legislation, policy and management.

At the 1997 Conference, it was agreed to implement a Trilateral Monitoring and Assessment Programme (TMAP) entailing a common package of TMAP parameters and associated data handling specifications. The required financial and organisational steps have been taken to implement the TMAP guidelines into national monitoring programs and to install TMAP Data Units in each country. The parameters, as well as the sampling strategies, stem from five issues of concern and the trilateral Targets.

The TMAP will be integrated stepwise into the national monitoring schemes according to the technical and financial resources available. Initially, only selected parts of the programme will be undertaken, the so-called ‘Common Package’. Once the appropriate conditions are in place, further parameter groups could gradually be added, thus increasing the capacity of the monitoring program.

An elementary component of the TMAP is common data management which makes monitoring data available for a unified trilateral assessment. For this purpose, TMAP Data Units have been installed in each country where the appropriate Wadden Sea data can be stored in a manner which allows for comparisons across the three Wadden Sea states. The objective is to make the monitoring data more readily accessible in a shorter span of time than in the past.

### 2.2.2 National measures

The national protection and management regimes incorporate all legal and administrative instruments that have been enacted and implemented to protect, conserve and manage the Wadden Sea corresponding with the trilateral objectives, principles and agreements. The heart of the regime is the Wadden Sea Conservation Area consisting of the Wadden Sea national parks and nature reserves. For the broader Wadden Sea Area, other instruments are also being applied.

#### **Denmark**

The Danish part of the Conservation Area is formed by the Nature and Wildlife Reserve Wadden Sea which was enacted by Statutory Orders in 1979 as a Wildlife Reserve and in 1982 as a Nature Reserve. The Orders were merged into one Order in 1992, which was amended in 1998 to incorporate the agreements resulting from the Trilateral Wadden Sea Plan.

The area covered by the Nature and Wildlife Reserve is almost 1,000 km<sup>2</sup>, and includes most of Skallingen and state owned beaches and salt marshes on the islands of Rømø, Mandø and Fanø. The Danish Ministry of the Environment and Energy has the primary responsibility for the conservation of the Wadden Sea.

Three zones can be distinguished in the Danish part of the Wadden Sea Conservation Area:

- A core zone which consists of a scientific reference area, the main resting and nursery areas for seals and the important breeding, moulting, feeding and resting areas for waterfowl; these areas are closed to public admittance the whole year round with the exception of a few areas where this only applies for part of the year. This zone covers approximately 10% of the Nature and Wildlife Reserve.
- A zone which consists of areas east of the baseline, except for the main shipping routes and the areas of the core zone, where recreational boating and other recreational activities are regulated; this zone covers approximately 60 % of the Nature and Wildlife Reserve.
- A zone which consists of the areas west of the baseline and the main shipping routes, where generally no restrictions apply other than the general ones mentioned below; this zone covers the remaining 30 % of the Nature and Wildlife Reserve.

Resource use of the Wadden Sea strictly regulated and some activities have been banned. For example, the mussel fishery using wild natural mussel beds is prohibited in about 50% of the tidal basins east of the islands. The number of licenses have been confined to 5 with a yearly quota for each of the licensed vessels. The cockle fishery is only allowed in a small area near the entrance to the Esbjerg harbour and is limited to one licensed vessel. Fishing for shrimp is

not allowed in the tidal area of the Wadden Sea east of the islands. The extraction of sand and gravel for commercial purposes and the exploration and exploitation gas and oil is prohibited.

The Wadden Sea Area outside the Conservation Area consists of the islands, except for most of the beaches and some state owned areas, salt marshes in, e.g., the Varde estuary, and the fresh water marshes behind the seawalls. The Danish Wadden Sea Area is designated as a Ramsar Site and as a Special Protection Area under the Bird Directive with the exception of the inhabited parts of the islands and the shipping lane to Esbjerg, and Esbjerg harbour. The area designated under the Habitat Directive is identical with the Bird Directive area with the exception of the adjacent mainland area. In addition, large parts of the islands have also been designated as nature conservation areas according to the Nature Conservation Act. Sand dunes and salt marshes as well as other relevant habitats, such as freshwater meadows, are subject to a general biotope protection regime according to Section 3 of the Nature Conservation Act.

Currently the two county councils with responsibilities for the Wadden Sea are preparing a spatial planning document to guide the implementation of the Wadden Sea Plan. The planning document lays down regulations for the county council's own administrations and binding guidelines for the municipalities. According to schedule, the planning document will be adopted by the two county councils by the end of 2001, following a public hearing on the draft document.

## **Germany**

In Germany, the states ("Länder") are responsible for nature conservation within the framework of the Federal Nature Conservation Act. The vast majority of the German Wadden Sea Conservation Area is constituted by the national parks designated by the responsible federal states of Schleswig-Holstein, Lower Saxony and Hamburg. Additional areas included in the Wadden Sea Conservation Area include the nature reserves in the Ems-Dollard and the Elbe estuary.

### Schleswig-Holstein

The Schleswig-Holstein Wadden Sea National Park was established by state law in 1985, which was amended in October 1999. In comparison with the 1985 law, the amended law entails, in particular, a seaward extension of the National Park, a new definition of the protection objective, and the introduction of a new zoning system.

The National Park covers approximately 4,410 km<sup>2</sup>. The borders of the National Park are defined by a line which runs at a distance of 150 m seaward of the dikes, geest and dunes on the mainland and along the coasts of the main islands and a series of small unprotected islands- the Hallig islands. The seaward boundary of the National Park is formed by the 3-sea-mile limit. The whale protection area off the islands of Sylt and Amrum bordered by the 12-sea-mile line is part of the Park.

The National Park is now divided into two zones, in which different activities are allowed. The core zone, zone 1, comprises tidal basins and covers about 36% of the national park. Public access is prohibited under section 6 (2) of the law with the exception of adjacent tidal areas, tidal flat walking routes, and for the commercial shrimp fishery. Within the core zone, an area of 12,500 ha south of the Hindenburg causeway has been designated as a zone in which all resource use has been fully prohibited. Navigation in the zero use zone is only permitted in the marked shipping lanes.

Any activity which could cause destruction, damage or change to the protected area or any part thereof, or that could lead to lasting disturbance, is prohibited. Permitted activities are explicitly stated in section 6 of the National Park Law. The type and location of permitted activities is primarily determined by the zoning concept.

Most resource uses have been prohibited or strictly regulated within the Park. The mussel fishery is basically prohibited in zone 1 and confined to the sub-tidal area in other parts of the Park. Furthermore, the area under mussel culture will be reduced in the future from about 2,800 ha to about 2,000 ha. The cockle, spisula and ensis fishery is banned throughout the Conservation Area.

Prior to the establishment of the national park in 1985, concessions had been granted for the exploration and exploitation of oil at one site in the southern part of the national park. The current license is valid until 2011. The state government has declared that no further permits will be granted and exploitation will be phased out in the long term. The construction of wind turbines is prohibited in the Conservation Area.

Hunting is prohibited in the national park and any existing permits will be phased out on the expiration of the lease contracts over the next couple of years. Of the two military sites existing on the establishment of the national park and located adjacent to it, the exercise area at the island of Sylt has been abandoned and the activities at the testing site at the Meldorfer Bay have been significantly reduced.

In 1995, a coastal protection and nature management scheme for salt marshes was adopted by the relevant authorities. The aim of the management scheme is to maintain the existing foreland and to develop, as far as possible in an environmental friendly way, new forelands in front of the seawalls.

### Hamburg

The Hamburg Wadden Sea National Park was established by state law in 1990. The National Park covers the Hamburg part of the Wadden Sea including the islands Neuwerk, Scharhörn and Nigehörn and is approximately 120 km<sup>2</sup>. The National Park is divided into two zones in which different activities are allowed:

- The core zone, zone 1, covers 90% of the area; admittance is prohibited and a number of activities, including commercial activities such as fisheries, are prohibited.
- Zone 2 covers the remaining 10% and includes the island Neuwerk, a smaller area around this island and the area situated directly on the mainland side. Small scale activities are generally allowed.

The state government submitted an amended draft national park law to the state parliament in April 2000. The law entails a seaward extension of the national park up to the 3 nautical mile limit which is equivalent to the boundary of the Wadden Sea Area. The extension will increase the area of the national park to approximately 140 km<sup>2</sup>. The amendment will also entail stricter regulations of certain recreational activities such as, e.g. kite flying. It is anticipated that the amended law will be considered and passed by the state parliament in autumn 2000 and will come into force in 2001.

### Lower Saxony

The Lower Saxony Wadden Sea National Park was designated by state statutory order in 1986, and was given the status of state law in 1999. The Lower Saxony National Park is delimited on the mainland by the dikes, dunes, geest or estuaries and on the seaward side by the islands and includes the uninhabited parts of these islands. The disputed area in the Ems-Dollard, including the German part of the Dollard, the Jade, Weser and Elbe shipping lanes, are not included in the national park.

The national park covers an area of approximately 2,400 km<sup>2</sup>, which is divided into three zones:

- Zone 1 - the core zone - covers 54% of the total area and includes the ecologically most valuable areas. All activities which destroy, damage or change the national park or its component parts are prohibited. Public admittance is prohibited with the exception of admittance on assigned paths and routes. Exceptions have been made in section 6-9 of the Order for certain activities regarding farming, hunting, fishing and access. In addition, a list of accepted forms of resource utilisation in various parts of the core zone beyond the ones mentioned in section 6-9 has been annexed to the Order.
- Zone 2 - the intermediate zone - covers 45% of the total area. All activities which change the character of the Wadden Sea including the islands, in particular the scenic value or natural qualities, are prohibited. A list of specifically prohibited activities is annexed to the Order. Admittance to this zone is allowed with the exception of the salt marshes during the breeding season for birds from 1 April until 31 July.
- Zone 3 - the recreational zone - covers about 1% of the total area. Only recreational activities and health resort activities are allowed.

Resources use in the Lower Saxony National Park has been strictly regulated as is the case in the Schleswig-Holstein and Hamburg national parks. In evaluating the national park law the state government has indicated that an extension of the boundaries of the national park to include the areas of the German part of the Dollard could be considered in conjunction with a revision of the zoning scheme. Also, the adjustment of the boundaries on most of the islands could be considered to take account of current developments. It is anticipated that an amendment of the National park law will be considered by the state parliament in autumn 2000.

### Bremen

The Wadden Sea Area of Bremen at Bremerhaven is about 110 ha. In connection with the extension of the container terminal in the mid 1990s, nature restoration measures have been implemented to maintain and improve the ecological state of the area. Currently, the area is not subject to conservation measures.

The remaining part of the German Wadden Sea Conservation Area comprises the nature reserve in the German part of the Dollard as designated in 1980, and the nature reserves on the southern river banks of the Elbe. There are several nature reserves outside the Conservation Area on the Schleswig-Holstein islands and the mainland within the Wadden Sea Area with a status comparable to the Conservation Area. The Wadden Sea Area outside the Conservation Area consists of offshore areas, the major shipping lanes, the estuaries and

the islands, Halligen and adjacent Ramsar sites and Special Protections Areas under the Bird Directive in the Schleswig-Holstein section. The tidal areas, dunes and salt and brackish marshes, irrespective of whether they are within or outside the Conservation Area, are protected in the framework of the general biotope protection regime according to the Federal Nature Conservation Act respectively the State Nature Conservation Acts.

The regulation of navigation in the German Wadden Sea Conservation Area is covered by an order issued by the Federal Ministry of Traffic in 1992. This was amended and was continued in 1997. According to the Order, the majority of seal nursing places and bird moulting and staging areas in the German part of the Wadden Sea Area are protected as seal and bird reserves, where shipping is prohibited part of the year or the whole year.

The minimum flight altitude for civil air traffic has been regulated by federal order to a minimum altitude of 2,000 feet for overland flights.

### **The Netherlands**

The Dutch Wadden Sea Conservation Area is the area subject to the Wadden Sea Key Physical Planning Decision (PKB). The PKB is a national physical planning document which is the basis for all planning, conservation and management for the Wadden Sea under the jurisdiction of state, regional and local authorities. The planning document is subject to parliamentary endorsement and has, in substance, the status of law. The first PKB was issued in 1980 and amended in 1993.

The area covered by the PKB is delimited by the dikes and dunes on the mainland and main islands, including those areas of the islands which are regularly flooded. It covers about 2,400 km<sup>2</sup>.

In 1980/82 a major part of the Dutch Wadden Sea was designated as nature reserve (State Nature Monument and Protected Natural Monuments) by Executive Order covering an area of about 60% of the area covered by the PKB. The nature reserve designation was extended by a supplementary Executive Order to cover about 95% of the PKB area in 1993. The shipping lanes, areas adjacent to the inhabited parts of the islands and the disputed area in the Ems-Dollard are not part of the nature reserve.

The PKB lays down policy guidelines for the different activities in the Wadden Sea. The Executive Order for the nature reserve determines that, without permission, it is prohibited to undertake activities which disturb, damage or destroy the protected area including its flora and fauna or its scientific importance. The PKB, in combination with the nature reserve stipulations, enables the discrimination between three zones of protection and management. Specific protection zones are closed for public admittance for the whole or part of the year. This area includes areas important for seals and breeding areas for birds and constitutes about 7% of the Conservation Area. The zones can be designated in different places each year. The remaining part of the nature reserve in which the provisions of the Nature Conservation Act apply constitutes a second zone. The area covers some 88% of the Conservation Area.

The area outside the nature reserve, but within the Conservation Area as indicated above, forms the third zone where regulations other than the Nature Conservation Act apply. The area constitutes the remaining 5% of the Dutch part of the Wadden Sea Conservation Area. The three-zone system is, however, more an expression of the legal status of the areas than a

set of specific regulations governing activities. The policies entailed in the PKB, the legal stipulations of the Nature Conservation Act, the management plan for the Conservation Area and other government plans establish a complex activity-zoning system which addresses each activity individually.

The Wadden Sea Area outside the Conservation Area embodies major parts of the islands and the offshore zone. Major parts of the off-shore islands constitute core areas within the national ecological network. Core areas are areas with (inter)nationally important ecosystems, and the national policy is directed towards sustainable protection of their natural values. There are several nature reserves on the islands already providing protection of such values.

The Dutch Government plans to amend the PKB in 2000-01. In anticipation of the initiation of the discussion of proposed amendments to the PKB, the Dutch government decided to refrain from issuing permits for the exploration of gas in the Wadden Sea and in sites on the fringe of the Wadden Sea because of the uncertainties with regard to potential environmental impacts. Further gas exploration and exploitation is currently not allowed with the exception of the existing 3 sites in the Wadden Sea Area.

The shellfish fishery has been the subject of extended discussions. 82 firms are involved in mussel farming on culture lots of which currently 3,560 ha are in use. There are 89 licenses to fish for mussel seed in those parts of the inshore and coastal waters, which are not closed areas. According to the Dutch policy of balancing fishing activities and nature values, which is valid until 2003, 26% of the eulittoral area in the Dutch part of the Wadden Sea Conservation Area is permanently closed to the mussel seed and cockle fisheries. In addition, the mussel and cockle fishery sectors have voluntarily closed additional areas under their new management plan, which covers the period 1999-2003.

Outside the closed areas, fishing is carried out according to the management plan, which stipulates that the seed mussel fishery will not, in principle, be carried out in the eulittoral. The seed mussel fishery will only be allowed in the eulittoral, with the exception of areas which have a good potential for the development of stable beds (10% of the eulittoral, in addition to the already closed areas), when sublittoral stocks are low (less than 40,000 t). *Zostera* beds are also protected by these regulations. The management plan also covers mechanical and non-mechanical cockle fishery. A maximum quota of 10,000 tons of cockle meat has been set.

The extent of military activities in the area has decreased significantly in recent years. Moreover, two exercise areas have recently been abandoned.

### **2.3 The State of the Wadden Sea**

Based on previous data and the TMAP a comprehensive, integrated assessment of the Wadden Sea was presented in the 1999 Trilateral Quality Status Report (QSR).

Important findings of the QSR include:

Phosphate levels in water have decreased significantly in most parts of the Wadden Sea whereas this is not the case for nitrate. Chlorophyll levels showed no decrease. The N to P ratio has increased in some areas, most notably in the western Wadden Sea.

A long-term evaluation of macrozoobenthos data from five locations in the Wadden Sea made clear that macrozoobenthos is, to a certain extent, regulated by the severity of winters and that, with the exception of Balgzand, no clear cause-effect relationship exists with primary productivity or eutrophic state.

Concentrations of most heavy metals in sediment are approaching background levels. An exception is mercury, which is still three to ten times higher than the background level. All sediment metal concentrations are below ecotoxicological assessment criteria (EAC) ranges, as developed by OSPAR. Metal concentrations in blue mussels have decreased but are still, with the exception of zinc, above background levels. Polycyclic Aromatic Hydrocarbons (PAHs) concentrations in sediment are within the range of background levels and below EAC.

Concentrations of PCBs in sediment and HCB and HCH in bird eggs show a steady decrease. TBT levels, however, are a cause for concern. Levels in sediment of up to 1000 times EAC have been recorded.

As a result of human interference, most notably fixed coastal structures, but also from fisheries, dredging, sand extraction and gas extraction, the ability of the system to compensate for sea level rise may have decreased. Also, the settling conditions for fine-grained sediment may have become worse.

The Target of an increased area and a more natural development of natural mussel beds, eelgrass meadows and Sabellaria reefs has not been reached. The decline in the number and size of mature beds of the blue mussel and seagrass meadows has continued in this decade. The decrease of these structure-building communities may also influence hydrology and sedimentology in the tidal area.

Much has been achieved in the past ten years with regard to improving the natural situation in salt marshes by the reduction, or phasing out, of grazing and artificial drainage.

The status of the dunes in the Wadden Sea Area has been, and still is, determined by conservative measures of coastal protection which preserve existing zonation patterns either directly (planting of marram grass) or indirectly (building of sand dikes, groynes etc.). There are considerable differences in the percentage of primary dune area between the different barrier islands but, generally, it may be concluded that there is a good potential for the implementation of the Targets.

Only five estuaries remain in the Wadden Sea Area (Ems, Weser, Elbe, Godel, Varde Å). As a consequence, natural transitions of fresh and salt water are limited in the Wadden Sea Area. The Varde Å and Godel are estuaries which have retained their natural character. The Ems, Weser and Elbe, and their tributaries, have been modified considerably by diking and deepening. The anthropogenic impact on these estuaries is still increasing as a result of the current deepening of the Elbe and Weser and the construction of a barrage in the Ems. It is concluded that these estuaries are moving farther away from the Targets.

The populations of many bird species in the Wadden Sea increased in the last decades and only a few declined. The main factors for the increase of breeding birds are improved protection during the breeding season, a substantial reduction in egg collection and reduced levels of pollutants. Kentish plover and little tern populations decreased which is due to a lack of sufficient undisturbed breeding habitats along beaches and in primary dune areas.

The population size of the common seal is much higher than before the epidemic of canine distemper in 1988 and the population may be regarded as viable. The grey seal population in the Wadden Sea is relatively small. Immigration of grey seals from outside the area is considered to be a major factor that has contributed to the observed growth in local populations. It is also considered that too little is known about the harbour porpoise and their population dynamics to be able to evaluate the Target that has been set.

These findings indicate that major progress has been achieved in meeting environmental performance targets established to ensure the integrity of the Wadden Ecosystem.

### **3.0 Assessment Based on the Revised Operational Guidelines for Nominations for World Heritage Site Status**

#### **3.1 Potential Benefits and Burdens of the World Heritage Site**

The inscription of a property in the World Heritage List is a mark of international recognition of its unique and outstanding universal value. Its authenticity or integrity must be demonstrated and accepted prior to an inscription in the List. The inclusion of the Wadden Sea Conservation Area in the World Heritage List will enhance international recognition of the efforts at all levels to conserve the area and manage it wisely, including traditional ways of using its resources.

Inscription as a World Heritage Site would also help to support the efforts to conserve and achieve wise management of the site. It would support the Wadden Sea states in their efforts to overcome problems, in particular those such as land based sources of pollution and impacts from shipping, which need to be addressed and solved in a wider international context in collaboration with other nations and international organisations. Likewise, the international community will expect the Wadden Sea states to maintain the high standards of conservation and sustainable management of the Wadden Sea Conservation Area, and to devote the necessary human and financial resources for its long-term management and to meet the conditions for integrity as required by UNESCO and addressed in chapter 3.2.

It can be expected that the designation of the Wadden Sea Conservation Area and future expansion to incorporate the cultural values of the Wadden Sea Area and adjacent areas in the region will attract greater public attention and hence more tourists. This can constitute a positive economic incentive to the Wadden Sea Region, but any adverse impacts on communities or on the natural environment and its resources will have to be anticipated and carefully mitigated. Particular attention will have to be devoted to those who live in the area to avoid a reduction of the quality of living in and adjacent to the area.

The inscription in the World Heritage List could also lead to the impression that new economic activities in the area will be discouraged because it is expected that the designation will prevent such activities or hinder their viability. This is a highly unlikely scenario because the nomination has been undertaken on the understanding that current regulations will suffice and that no further regulations will be introduced as a result of the inscription in the List. It can be assumed that inscription will make the area more attractive also for existing activities and will constitute an opportunity for further development.

It is vital for the success of the nomination and potential inscription of the Wadden Sea Conservation Area in the World Heritage List that the nomination enjoys a wide body of public support. It is, therefore, very important to raise public awareness of what a World Heritage Site constitute, including the associated benefits and potential burdens, during the public consultation process.

### **3.2 The Revised Criteria**

Since the 1991 feasibility study, the "Operational Guidelines for the Implementation of the World Heritage Convention" have been further developed. One important development has been the extension and further refinement of the criteria for the inclusion of a property. A test of authenticity for cultural properties and conditions for integrity for natural properties have explicitly been added (Operational Guidelines §§24, 44).

In cases where the justification for inclusion of site is based on both Natural and Cultural features, their outstanding universal significance must be justified under both sets of criteria (Operational Guidelines §42). Furthermore, the issue of "outstanding universal value" has been specified (Operational Guidelines §§9-12).

In March 2000, a delegation from the Wadden Sea states held discussions with staff from the World Heritage Centre in Paris to discuss the World Heritage Site Nomination for the Wadden Sea. A number of issues were discussed concerning criteria that should be applied to sites contained with a nomination and maintenance of the integrity of sites.

The 1991 Feasibility Study indicated that a nomination as a World Heritage Site should incorporate a clear recognition of both the natural and the cultural values. During these discussions it was noted that the majority of the cultural heritage of outstanding universal value is outside the Wadden Sea Area. This raised a series of questions, namely:

- Whether the current heritage within the Wadden Sea Conservation Area would suffice a mixed category nomination;
- To what extent areas outside the Wadden Sea Area could be selected to be included in the nomination; and
- Whether an extension of the nomination would be possible at a later stage.

Based on these discussions, the UNESCO staff recommended that a phased approach be adopted where emphasis was placed on the Natural Heritage embodied in the Wadden Sea Conservation Area as the basis for a nomination. In a second phase, the area incorporated in the World Heritage Site could be enlarged to incorporate archaeological and other cultural features unique to the Wadden Sea heritage. Reference was made to the LANCEWAD-project which is preparing an inventory of the landscape and cultural heritage of the Wadden Sea Region. It is recognised that existing measures designed to strengthen our understanding of the archaeological and historic features of the Wadden Sea and to protect their authenticity need to be further developed and strengthened as appropriate, and that the Wadden Sea area and adjacent areas must hence be assumed not yet able to meet the criteria for a cultural property and a cultural landscape to the extent required.

The Wadden Sea is one of, if not the, largest and most valuable of the Earth's coastal wetland ecosystems. The Wadden Sea and its associated islands and mainland coasts also forms one of the most scenically and culturally diverse and valuable areas in Europe. These and other unique features make it possible to meet more than one of the criteria for inscription set out in the revised UNESCO Operational Guidelines, March 1999, Sections 44a-b as follows:

„A natural heritage property..... submitted for inclusion in the World Heritage List will be considered to be of outstanding universal value for the purposes of the Convention when.... it meets one or more of the following criteria and fulfils the conditions of integrity set out below. Sites nominated should therefore:

- (a) (i) be outstanding examples representing major stages of earth's history, including the record of life, significant on-going geological processes in the development of landforms, or significant geomorphic or physiographic features; or
- (ii) be outstanding examples representing significant ongoing ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals; or
- (iii) contain superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance; or
- (iv) contain the most important and significant natural habitats for in-situ conservation of biological diversity, including those containing threatened species of outstanding universal value from the point of view of science or conservation.

and

(b) also fulfil the following conditions of integrity:

- (i) The sites described in 44(a)(i) should contain all or most of the key interrelated and interdependent elements in their natural relationships;
- (ii) The sites described in 44(a)(ii) should have sufficient size and contain the necessary elements to demonstrate the key aspects of processes that are essential for the long-term conservation of the ecosystems and the biological diversity they contain;
- (iii) The sites described in 44(a)(iii) should be of outstanding aesthetic value and include areas that are essential for maintaining the beauty of the site;
- (iv) The sites described in paragraph 44(a)(iv) should contain habitats for maintaining the most diverse fauna and flora characteristic of the biographic province and ecosystems under consideration.
- (v) The sites described in paragraph 44(a) should have a management plan.
- (vi) A site described in paragraph 44(a) should have adequate long-term legislative, regulatory, institutional or traditional protection.

- (vii) Sites described in paragraph 44(a) should be the most important sites for the conservation of biological diversity. ,,

This feasibility study addresses progress that has been made since 1991 in strengthening conservation of the Wadden Sea and how this progress helps to meet the criteria as set out in the 1999 Operational Guidelines.

### **3.3 Major Bio-Physical and Natural Features Appropriate to the Criteria for Nomination of the Wadden Conservation Area as a Natural Heritage Site**

The Wadden Sea fulfils the following criteria:

- (i) **be outstanding examples representing major stages of earth's history, including the record of life, significant on-going geological processes in the development of landforms, or significant geomorphic or physiographic features**

The Wadden Sea contains very fine examples of post-glacial coastal geomorphology and the dynamic interaction of physical and biological processes on a scale found in few other areas of the world. There is also a wide range of historical and modern examples of man's interaction with his natural environment. It will form an important bio-physical reference for the study of the effect of sea level rise and it will be important to consider this function as a legitimate part of the World Heritage concept.

- (ii) **be outstanding examples representing significant ongoing ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals**

The Wadden Sea contains a complex mosaic of tidal channels, seagrass meadows, mussel banks, sandbars, mudflats, salt marshes and barrier islands extending over an area of some 10,000 km<sup>2</sup> and constitutes one of the largest tidal wetlands in the world and one of the few where natural processes proceed in a relatively undisturbed manner. It contains very fine examples of the dynamic interactions of physical and biological processes on a scale found in few other areas of the world.

The Wadden Sea is internationally recognised as a very biologically productive ecosystem of great natural, scientific, economic and social importance in terms of its functions as:

- a principal feeding ,spawning and nursery ground for fish, crustacean and mollusc species many of which form commercially exploited fish stocks in the North Sea ;
- an area with a rich bottom living fauna ;
- an area with a highly varied and very specific flora and vegetation;
- one of the worlds most important wetlands for migratory waterbirds and an important reproduction area for breeding birds;
- a resting and breeding area for seals and an important rearing area for harbour porpoises .

- (iii) **contain superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance;**

The mosaic of geomorphological features and biologically rich and diverse ecosystems associated with the Wadden Sea forms one of the most dramatic and beautiful seascapes in all of Europe. It is difficult to identify other regions where there are similar coastal wetlands of equal beauty and visual diversity. The aesthetic importance is enhanced by the rich history of human use of the Wadden Sea and the resulting rich and diverse cultural features of the landscape.

- (iv) **contain the most important and significant natural habitats for in-situ conservation of biological diversity, including those containing threatened species of outstanding universal value from the point of view of science or conservation**

The Wadden ecosystem represents one of the most important international wetland habitats in the entire world. It is of outstanding international importance as a staging, moulting and wintering area for at least 52 populations of 41 species of migratory waterbirds using the East Atlantic Flyway between South Africa, Northeast Canada, and northern Siberia. Some 10-12 million waterbirds are estimated to utilise the area during their annual life cycle. In about 18 populations, more than half of the individuals utilise the Wadden Sea at some stage of their annual life cycle. In about 8 cases, almost the entire population occurs here. The Wadden Sea is also an important reproduction area for more than 30 species of breeding birds. For 5 species, at least 25% of northwestern European populations breed in the Wadden Sea. The Wadden Sea may be considered of lesser importance as a permanent home for rare or endangered species. However, when the large population and variety of different mammals, birds, fish, crustaceans, molluscs and other animals as well as plants that are sustained by the Wadden Sea's ecosystems are considered, the Wadden Sea plays a very important role as a habitat of great international significance.

### **3.4 Protection of the Integrity of the Proposed World Heritage Site**

The Wadden Sea Conservation Area fulfils the following specific criteria for protecting the integrity of the site:

- (i) **The sites described in 44(a)(i) should contain all or most of the key interrelated and interdependent elements in their natural relationships.....**

The Wadden Sea Conservation Area and measures for its management in the three Wadden Sea states compasses all of the major components of the coastal wetland ecosystem. – the Wadden Ecosystem. The potential nomination of the Wadden Conservation Area as a World Heritage Site meets this criterion as it represents one of the world's most important wetland ecosystems which contains most of the key interrelated and interdependent elements that function in a generally natural manner. The long history of human use of the ecosystem has introduced changes in some of the conditions that would be expected of a purely natural wetland ecosystem. However, it remains one of the finest examples of a fully functional, large-scale coastal wetland. The integrity of the wetland ecosystem is assured by the major

conservation efforts of the three Wadden Sea states which utilise all available international as well as national instruments relating to legislation, regulations, institutional coordination and integrated planning and natural resource management.

- (ii) The sites described in 44(a)(ii) should have sufficient size and contain the necessary elements to demonstrate the key aspects of processes that are essential for the long-term conservation of the ecosystems and the biological diversity they contain.....**

The scale of the Conservation Area, encompassing some 10,000 km<sup>2</sup>, allows for the incorporation of all the major ecosystem components and the natural processes essential to the long-term health and productivity of the wetland ecosystem. The remaining lands and waters of the Wadden Sea Area encompassing about 3,500 km<sup>2</sup> will act as an effective „buffer zone“ in which strict regulation of human activities will be ensured through current and planned conservation measures. The „buffer zone“ will help to maintain the integrity of the Conservation Area.

The measures planned by the relevant authorities will strengthen existing legislative, regulatory, institutional and day to day management arrangements designed to protect the Wadden Ecosystem. The parties are aware of the need to strengthen the harmonisation of these measures so that they are applied in a uniform manner and at the best possible level of competence in all three Wadden Sea states. The steps that have been taken to achieve the common vision and to fully implement the guiding principle and other related instruments have established a foundation for sustainable management of the Wadden Sea that are second to none in respect to the conservation of other international wetlands. The adoption and implementation of the WSP will further enhance the integration and effective implementation of international arrangements to protect the Wadden Ecosystem and to help ensure its long-term future as a World Heritage Site.

- (iii) The sites described in 44(a)(iii) should be of outstanding aesthetic value and include areas that are essential for maintaining the beauty of the site.....**

The Wadden Sea Conservation Sea Area is highly valued as both a natural and cultural landscape in all three Wadden Sea states, throughout much of Europe as well as at a more international scale.

The amendments of the National Parks and other conservation measures to bring further areas under strict regulation to avoid and mitigate the adverse impact of human activities will enhance the protection of the visual amenity of the natural and man-influenced landscapes.

- (iv) The sites described in paragraph 44(a)(iv) should contain habitats for maintaining the most diverse fauna and flora characteristic of the biographic province and ecosystems under consideration .....**

The Wadden Sea forms an ecosystem of great biological richness and diversity and provides major ecological support functions for adjacent and more distant marine and terrestrial ecosystems, and their associated migratory species.

The Wadden Sea Conservation Area and associated buffer zone contain all the main habitats in a fully functioning state required to maintain the species diversity and abundance associated with a unique and internationally important coastal wetland. The support provided to the myriad of migratory wildfowl using the East Atlantic Flyway by the wetland is of undoubted international significance.

**(v) The sites described in paragraph 44(a) should have a management plan.**

The WSP has been adopted by the three Wadden Sea states and forms a very comprehensive set of principles, performance standards and detailed protection and management arrangements and procedures that will protect the integrity of a World Heritage Site covering the Conservation Area. The political commitment to the Plan and to the formulation of a joint nomination will help to ensure that the necessary human and financial resources will be available to implement the Plan and fulfil any requirements associated with the inscription of the Wadden Sea as a World Heritage Site. The WSP is valid for the wider Wadden Sea Area and the wider area will act as a “buffer zone” which will support the integrity of the potential World Heritage Site. Furthermore, each of the Wadden Sea states has put in place comprehensive management plans and implementation arrangements to protect their parts of the Conservation Area.

**(vi) A site described in paragraph 44(a) should have adequate long-term legislative, regulatory, institutional or traditional protection.**

The Wadden Sea Conservation Area which encompasses the Wadden Sea national parks in Germany and additional nature reserves within the Wadden Sea Area, the Wadden Sea nature reserve in Denmark and the PKB-Area in The Netherlands is subject to the highest legal conservation regime in the three countries including institutional and administrative arrangements that will ensure the long-term protection of a World Heritage Site. The Wadden Sea Area outside the Conservation Area is subject to a variety of arrangements that will support the integrity of the World Heritage Site.

The Trilateral Agreement, national conservation legislation, EU Directives and other legal and regulatory measure adopted by the three Wadden Sea states form a very comprehensive package of measures that will further guarantee the integrity of the Wadden Sea Conservation Area.

**(vii) Sites described in paragraph 44(a) should be the most important sites for the conservation of biological diversity.**

The undoubted value of the Wadden Sea as a staging area for migratory wildfowl using the East Atlantic Flyway combined with the large populations and diverse array of different mammals, birds, fish, crustaceans, molluscs and other animals as well as plants that are sustained by the Wadden Sea's ecosystems make it a habitat of great international significance.

## **4.0 Findings from Discussions with Agencies and Individuals associated with the Conservation of the Wadden Sea**

Overall, there is an extremely high level of protection given to the Wadden Sea Conservation Area which meets all the main criteria set out under the UNESCO World Heritage Guidelines. Concerns expressed in the 1991 Feasibility study relating to the need for a unified and coordinated nomination from the three Wadden Sea states and the need to harmonise policies, management arrangements and standards among the three Wadden Sea states to ensure that their respective conservation efforts complement one another were interpreted by IUCN and UNESCO as factors that could weaken the longer-term protection of the integrity of the Wadden Sea. These concerns have been addressed adequately by the Wadden Sea states.

There is one potential weakness in existing management arrangements that needs concerted action on the part of the three Wadden Sea states to ensure that a nomination for inscription as a World heritage Site will be accepted under existing criteria. This concerns the effectiveness of public consultations concerning a nomination as a World heritage Site to improve peoples' understanding of what constitutes a World Heritage Site and provide the trilateral meetings with an accurate assessment of the level of public support of the nomination.

### **4.1 Public Consultations**

Concerns were expressed by people consulted in Denmark, Germany and the Netherlands about the extensive consultation process required by UNESCO as part of the nomination process as in particular entailed in §14 and 41 of the Operational Guidelines and in general required for the decision on the nomination. Although there was very active support for a well designed consultation process, concerns were expressed dealing with:

- The limited time available to plan for and implement a consultation process before the trilateral ministerial meeting in Esbjerg,
- Potential resistance to the consultation process and the subject of World Heritage Site nomination; and
- The need for presentation of the positive and possible negative implications of a World Heritage Site nomination.

During the discussions with the key officials it was also indicated that greater consideration needs to be given the cultural landscape and the man-made features within the Conservation Area associated with the long tradition of human use of the Wadden Sea and associated coastal lands.

#### **4.1.1 The limited time available to plan for and implement a consultation process**

In addition to consultations being undertaken in all three Wadden Sea states dealing with the forthcoming trilateral conference, a number of consultations dealing with changes in conservation measures which affect people living in or using the resources of the Wadden Sea have been undertaken within the last year, are currently underway or are planned for the next 18 months. Examples of measures that have a potential effect on human activities in the Wadden

Sea include the amendments of the national park law in Lower Saxony and the revision of the PKB in the Netherlands.

At the same time, government officials and representatives from NGOs and other interested and affected parties feel that more effort is required to fulfil the UNESCO requirements for a comprehensive public consultation process to ensure that people will support the nomination of a World Heritage Site and will actively help to maintain its integrity. Given the number of consultations and the potential mounting resistance on the part of local people to new initiatives, there are concerns that any new consultations will have to be very well planned and implemented with great skill.

Discussion in the Netherlands identified the isolation of different interested and affected parties as a weak point in the current consultation process before major trilateral meetings on the management of the Wadden Sea in the Netherlands. It was also stressed that the consultation process has to date focussed more on ecological issues than social and economic issues. It was suggested that the revision of the PKB may help to achieve a better balance among social, economic and environmental factors in promoting conservation of the Wadden Sea. This may help to reduce public concerns over possible burdens imposed by the nomination of a World Heritage Site; however, it is too early to assess this.

In Denmark the nomination of the Wadden Sea as a World Heritage Site has been discussed briefly during current consultations associated with the forthcoming Inter-ministerial Wadden Sea Conference in Esbjerg. However, it was pointed out that public consultation efforts have been focussed on a diverse range of issues in preparation for the forthcoming inter-ministerial conference in Esbjerg, and special efforts will have to be made to address the presentation of the World Heritage concept and what areas will be covered and what burdens and benefits might be involved.

#### 4.1.2 Resistance to new conservation measures, including the proposed nomination of a World Heritage Site

As a result of the continuing development of measures designed to enhance protection of the integrity of the Wadden Ecosystem there are concerns on the part of local people that their livelihoods, and perhaps even their freedom, are being compromised. This is leading to resistance to further measures, such as the nomination of part of the Wadden Sea as a World Heritage Site, which local people may interpret as yet another constraint on their freedom or burden on their welfare. There may also be an element of ‘consultation fatigue’ where people resist taking an active part in new consultations because they feel the time and effort involved on their part does not benefit them or address their concerns adequately.

It is therefore important to discriminate in the public consultation between the nomination and ongoing discussions on the introduction of new and additional measures to improve the management of the Wadden Sea.

#### 4.1.3 The need for more public information on the potential benefits and possible burdens associated with a World Heritage Site

Discussions in all three Wadden Sea states indicated that it will be important to raise peoples’ awareness of what a World Heritage Site is and what benefits it may bring. It will be important to present the World Heritage Site as a reward for the efforts of local people in

maintaining the quality of the area and their heritage. This could be interpreted as a measure of the success of the trilateral cooperation arrangements that form a sound framework within which more local initiatives can thrive.

A key point the general public in Denmark wants to have explained is whether the inscription of a World Heritage Site will mean greater restraints on their lives and livelihoods. The point was made most strongly that people in Denmark, and therefore more information is required concerning the potential benefits to local people associated with a World Heritage Site. Cultural heritage is of great interest in Denmark, especially in the islands, and may be a better focus for gaining support for a World Heritage Site rather than focussing primarily upon a “natural” property. It was also pointed out that a more carefully prepared and coordinated programme of consultation was required to actively engage people across Denmark and not to limit consultations to key government agencies.

## **4.2 Cultural Values**

There is no doubt that the long tradition of human use of the Wadden Sea has resulted in major transformations of the natural landscape into unique features representing the evolution of agrarian systems and other cultural features in the development of the European economy and society. In this respect, the Dutch would like to include the western Wadden Sea as a cultural site, for the shipwrecks associated with the development of trade with the East Indies. This area has been included in the Dutch tentative list for inscription in the List. In Schleswig-Holstein the Halligen and the land reclamation works are considered of great cultural significance. Similarly, the Danes place great value on the cultural heritage associated with the long history of human interactions with the Wadden Sea and associated islands and coastal mainland areas.

Discussions with representatives for the three Wadden Sea states indicated a general recognition that more work may be required to establish a full inventory of the cultural features of universal value for the broader Wadden Sea Region. It is also recognised that measures necessary for protection of the cultural heritage may need to be further developed and strengthened as appropriate to meet the World Heritage criteria. It is therefore anticipated that the Wadden Sea Conservation Area will be nominated as one comprehensive “natural” World Heritage Site in the first instance. Due to the international importance of the archaeological features, natural coastal landscapes, and unique agricultural landscapes, it is proposed that the initial designated World heritage Site will be expanded at a later date to incorporate major areas of the mainland and further areas of the islands.

Though it is beyond the terms of this report, it is however recommendable to consider the inclusion of eminent cultural elements located within the Conservation Area in the potential nomination, as indicated above. It is believed that the requirements in terms of uniqueness can already be demonstrated at this stage. It is also assumed that the requirements in terms of authenticity can be met since these facets are subject to the existing nature conservation regime. They are also likely to be subject to other legal, management and planning schemes protecting the cultural heritage. It is therefore presumed that it can be demonstrated that an adequate legal and/or contractual and/or traditional protection and management regime is in place.

The nomination of the Wadden Conservation Area as a World Heritage Site, which would include a recognition of important cultural facets of the natural property associated with a traditional way of life, would apparently meet a greater public understanding and support for the nomination and provide an incentive for the incorporation of further cultural features in the broader Wadden Sea Region as the relevant management regimes are developed and strengthened as appropriate.

## **5.0 Main Conclusions from the Discussions**

- There is active support for a nomination of the Wadden Sea Conservation Area as a natural World Heritage Site among officials and other persons consulted during the course of this Feasibility Study.
- There is also active support for the development of additional activities to meet the requirements for active public participation in the development of a nomination of the Wadden Sea Conservation Area as a World Heritage Site.
- Support was expressed for a two-stage approach whereby a nomination for inscription of the Wadden Sea as a World Heritage Site would proceed in the first instance as a “Natural Property”. At a later date, the World Heritage Site would be expanded to incorporate the diverse and unique cultural attributes of the wider Wadden Sea Area and the Wadden Sea Region.
- The nomination of the Wadden Conservation Area as a World Heritage Site, including recognition of important cultural facets of the natural property associated with the traditional way of life, would apparently meet a greater public understanding and support for the nomination and provide an incentive for the incorporation of further cultural features in the broader Wadden Sea Area and the Wadden Sea Region as the relevant management regimes are developed.
- Current measures are sufficient to meet the criteria for nomination as a World Heritage Site and further measures will not be introduced as a result of the nomination.
- Resistance to further consultations associated with the introduction of new measures to protect the integrity of the Wadden Ecosystem has been indicated and the design and timing of additional consultations on a World Heritage Site will need to be very carefully planned.
- Because of growing resistance to the introduction of more measures to protect the Wadden Ecosystem, a carefully planned and managed consultation process should improve peoples’ understanding of what constitutes a World Heritage Site and provide the trilateral meetings with an accurate assessment of the level of public support that a nomination would enjoy.
- There is a need for concerted action to raise awareness of what constitutes a World Heritage Site in all three Wadden Sea states. It will also be important to develop a mutually reinforcing consultation process in the three Wadden Sea states. This should be designed to reach all major interested and affected parties within the

Wadden Sea Conservation Area as well as the general public whose support for a nomination is also important. The pros and cons of a nomination need to be spelt out and the timing of the consultation process should be similar in all three countries to ensure there is common understanding of the implications of a World Heritage Site and the results can be fed into the next trilateral Conference to ensure a wide body of public support.

## 6.0 Recommendations

It is recommended that:

1. A nomination of the Wadden Sea Conservation Area for inscription in the World Heritage List as a natural property should be prepared to be adopted at the Ministerial Conference in October 2001 in Denmark.
2. Discussions are initiated with immediate effect within each of the Wadden Sea states to identify key channels of communication and opinion making, and set out plan of action to initiate a public awareness building and communication process. A working group be set up in each of the Wadden Sea states to develop a plan of action to promote greater public involvement in the process of developing a World Heritage Site nomination.
3. Steps be taken immediately to raise Public Awareness and to make people more receptive to further consultations while the consultation action plans are being drawn up. A variety of means of raising public awareness of what a World Heritage Site is and what it can do to support effective conservation of both natural and cultural sites that could be implemented while the detailed plans for the consultation process are being developed include: the use of TV and special features in national and local newspapers to raise awareness. For instance, examples of different forms of World Heritage Site could be shown on TV over a period of 2 weeks at prime viewing times in the evenings. At the end of the two weeks a set of views of the Wadden Sea could be aired along with suggestions that it could be nominated as a World heritage Site based on key natural and cultural features. The Internet could also be utilised with a special web page developed for disseminating the meaning of a World Heritage Site and the reasons for the Wadden Sea being nominated.
4. A trilateral working group be established with representatives from the working groups within each of the Wadden Sea states to coordinate the public awareness and communication process in all three states. It will be very important to :
  - promote and maintain high and consistent levels of concerted effort to engage the general public in the consultation process,
  - to adopt comparable standards of information on what a World Heritage Site represents,
  - accurately define the proposed Wadden Sea site, to explain the two phased approach to a nomination to include both a Natural as well as a Cultural property,
  - accurately identify and then explain the potential benefits or burdens that may result for the sites' inscription, and to
  - establish an action plan for implementing the main steps in the planned consultation process.

5. Plans should be set out for recording the main points from discussions with the Public and then collating and analysing these points within each Wadden Sea state to provide an assessment of public support and possible concerns over a WHS nomination.
6. Approval of the action plans should be sought at the October meeting of Senior Officials and the consultation initiated as soon as possible thereafter.
7. The results of the analyses from each of the Wadden Sea states should then be collated and communicated to the trilateral working groups and ministers responsible for developing the Nomination.
8. Developing the Nomination:
  - Immediate steps should also be taken to formulate a joint Nomination of a World Heritage site with a view to having a full working draft nomination ready at least 3 months before the Inter-Ministerial Meeting in Esbjerg in October 2001 so that any points that could adversely influence the acceptance of the Nomination by UNESCO could be addressed before November 2001.
  - The results of the public consultation exercise should be used to inform the process of formulating the nomination.
  - The Wadden Sea Plan can submitted as support for the nomination. Examples of nominations and management plans can be obtained from UNESCO and from bodies such as Dorset County Council, England. A draft nomination and management plan have been prepared for the Dorset and Devon coasts based on its unique geological features. These documents are comprehensive and would form a good model to use in preparing the nomination for the Wadden Sea.
  - A dialogue with UNESCO staff be initiated to foster good communications among the different parties and to help ensure that the nomination is formulated in a manner that can be easily adopted, including an understanding of the comprehensive trilateral and national conservation and management schemes.

**Terms of Reference**

The contractor shall undertake an update of the 1991 report on "The Potential Designation of the Wadden Sea as a World Heritage Site" with a view to the nomination of the Wadden Sea Conservation Area as a natural property to the World Heritage List. The report shall include:

- an inventory of the current protection and management of the Wadden Sea trilaterally and nationally in conjunction with site visits and consultations with the responsible authorities,
- an assessment of the Wadden Sea in relation to the criteria for the inclusion of natural properties in the World Heritage List.

The report shall be delivered by August 1, 2000

## **Names and Positions of the Persons Consulted**

### **Meeting at the Policy Department North of the Ministry of Agriculture, Nature and Management, Groningen on July 3, 2000:**

- Mr Rudolf Wiersinga, Coordinator preparation of the Esbjerg Conference 2001, Ministry of Agriculture, Nature and Management, Policy Department North
- Mr Arjen Bosch, Head of Nature Division, Ministry of Agriculture, Nature and Management, Policy Department North
- Mr At de Groot, Coordinator Wadden policies, Ministry of Agriculture, Nature and Management, Policy Department North
- Mr Albert Ettema, Landscape Policy, Ministry of Agriculture, Nature and Management, Policy Department North
- Mr Ewan Boonstra, Secretary of the Coordination Board Wadden Sea Region
- Ms Anita Andriessen, Secretary of the Wadden Advisory Council

### **Meeting at the WWF-Germany, Coastal and Marine Division, Bremen on July 3, 2000:**

- Mr Holger Wesemüller, Director, Coastal and Marine Division, WWF-Germany
- Ms Anja K. Posselke, WWF-International, NE Atlantic Program – ERBC Wadden Sea
- Ms Beate MW. Ratter, WWF-International, NE Atlantic Program – ERBC Wadden Sea

### **Meeting at Ribe on July 4, 2000:**

- Mr Erik B. Aksig, Head of Section, Marine and Raw Material Division, National Forest and Nature Agency, Ministry of the Environment and Energy
- Ms Elin Gjødsbøl, Wildlife Reserve Section, National Forest and Nature Agency, Ministry of the Environment and Energy
- Mr Svend Tougaard, Coordinator, Danish Wadden Sea Group

### **Meeting at the National Park Agency of the Schleswig-Holstein Wadden Sea National Park, Tönning on July 5, 2000:**

- Mr Bernd Scherer, Director of the National Park Agency of the Schleswig-Holstein Wadden Sea National Park
- Mr Lars Müller, Head of Division, State Ministry of Nature, Environment and Forest, Kiel
- Mr Klaus Koßmagk-Stephan, Head of Division, National Park Agency of the Schleswig-Holstein Wadden Sea National Park
- Mr Adolf Kellermann, Head of Section, National Park Agency of the Schleswig-Holstein Wadden Sea National Park
- Mr Peter Körber, National Park Office of the Hamburg Wadden Sea National Park
- Mr Jürgen Eilers, Head of Environmental Department, County Council of Dithmarschen
- Mr Rudolf-Eugen Kelch, Head of Environmental Department, County Council of North Frisia
- Mr Hans-H. von Wecheln, Member of the International Coordination Team of the Interregional Wadden Sea Cooperation, representing the Counties of Dithmarschen and North Frisia, Member of the North Frisian Board of Trustees
- Mr Fransiscus Colijn, Director of the Research and Technology Center of the University of Kiel, Büsum
- Mr Wilfred Janßen, Professor at the College of Flensburg