

TRILATERAL WADDEN SEA COOPERATION REVISED GOVERNANCE ARRANGEMENTS

Introduction

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

The results of the Evaluation were generally welcomed by the Cooperation, and a decision was made to develop updated governance mechanisms that would serve the Cooperation for the future. It must be emphasised at the outset that:

- (i) The Evaluation concluded that the Cooperation has functioned successfully since 1978.
- (ii) There is no proposal to fundamentally alter the spirit or legal status of the Cooperation, which remains the responsibility of the national authorities.

Reasons for reviewing the governance arrangements

The present governance mechanisms were established to address the Cooperation's needs in the 1980s. Since then, there have been many contextual changes both within and outside the Cooperation (eg. new EU legislation and networks, new global treaties, regionalisation, emphasis on the ecosystem approach and stakeholder involvement, electronic communications etc.), which made it relevant to review whether the current governance arrangements are still fit-for-purpose.

Historically, the existing governance arrangements worked well, in particular ensuring the close connection (via the CWSS) between the expert level (trilateral workshops, scientific symposia) and the decision-making structures. However, some dissatisfaction was expressed during the evaluation with the current effectiveness of the decision-making processes of the Cooperation. The main concerns were:

- overlapping decision-making layers and too many meetings
- the need for greater strategic and collective leadership of the Cooperation
- lack of clarity of roles and accountabilities
- unclear involvement of observers/stakeholders
- some confusion of decision-making and operational roles

The Evaluation therefore recommended, as part of a package of measures, to replace the existing decision-making structures with new, streamlined and fit-for-purpose arrangements.

Principles of good governance

The revised Governance arrangements have been designed to meet as far as possible the following principles of good governance:

- The body responsible for governance should be clearly identifiable and functionally efficient
- The governing body should provide strategic leadership in setting the strategy for the Wadden Sea and the objectives for the Wadden Sea Cooperation

- The governing body must take responsibility for the successes and failures of the initiative
- The governing body should establish clear mechanisms for decision-taking
- There should be a clear separation of governance and operational functions
- Clear lines of reporting are required from the operational bodies (particularly the CWSS) through to the governing body.
- The governing body should ensure effective delegation of responsibilities to its executive / operational bodies
- The governing body should be open in its way of working, and trust and integrity should be paramount

Support was received for such an approach from many representatives of the Cooperation during the evaluation process and in the consultation responses.

The revised Governance arrangements

Documentation describing the new governance arrangements was prepared on the basis of responses to a scoping paper and a series of drafts submitted to the participating Governments in late 2007 and early 2008. The proposed new governance structures replace all of the existing structures and are shown schematically in the organisational chart at Annex 1.

Decision-making is limited to two levels:

Trilateral Wadden Sea Governmental Council

- The politically responsible body (Ministers) for the Cooperation. Establishes and oversees the Cooperation; gives political leadership, assures international policy development, harmonisation and decision-making between the three governments.

Wadden Sea Board

- The governing body of the Cooperation. Prepares, adopts and implements the Strategy, oversees the operational and advisory bodies, and secures relations with key stakeholders. The Board is chaired by a senior government official appointed by the Council and rotating between the countries and operates according to agreed Rules of Procedure.

The Secretariat for the Cooperation is the:

Common Wadden Sea Secretariat (CWSS)

- CWSS is responsible for support to the Board and the Council, implementation of the CWSS Work Plan, support to scientific networks and projects, communications and financial management (within delegated limits).

The Decision-making bodies are supported and advised by three types of operational and advisory bodies:

Advisors

- The Board will receive the support of Advisors with expertise and experience relevant to the Cooperation (formerly "Observers"), appointed according to

agreed criteria. The Advisors will participate in the meetings of the Board in accordance with the Rules of Procedure of the Board.

Task Groups

- Groups appointed by, and reporting to, the Board to prepare and undertake specific tasks, plans or projects. Usually, these Task Groups will be time-limited.

Wadden Sea Conferences

- Triennial conferences, aimed to inform policy-making and the Cooperation in its work, including review of the Wadden Sea Plan. These conferences will usually be held every three years in conjunction with the meetings of the Trilateral Governmental Council. For specific items the Board can decide to organise thematic workshops.

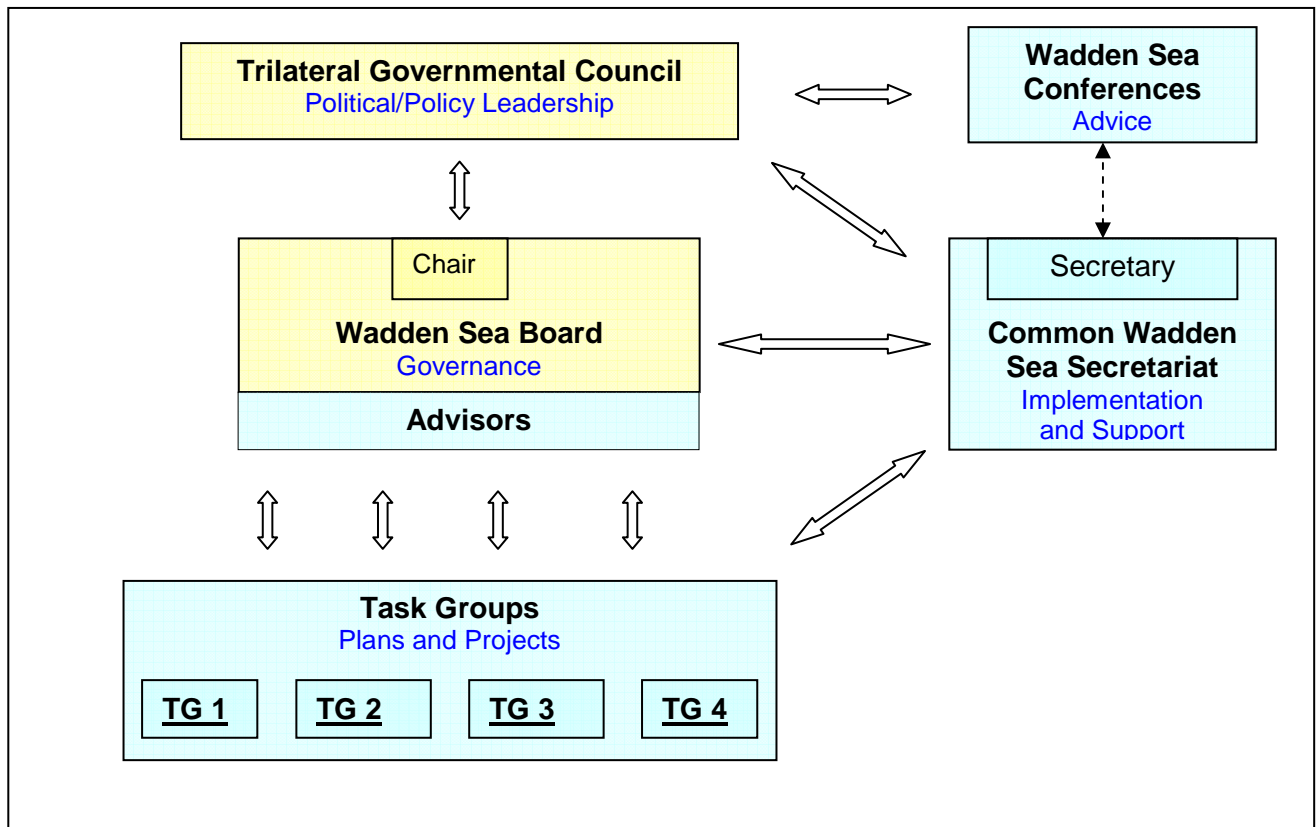
Attached are the following documents:

Annex 1	Organisational Chart
Annex 2	TOR Trilateral Wadden Sea Governmental Council
Annex 3	TOR Wadden Sea Board
Annex 4	TOR Chair of Board
Annex 5	TOR Wadden Sea Conferences

The key elements of the governance framework are summarised in the refreshed Joint Declaration, to ensure the highest governmental endorsement.

Annex 1

TRILATERAL WADDEN SEA COOPERATION ORGANISATIONAL STRUCTURE

**KEY**

- Decision-making bodies
- Operational / advisory bodies

SCHEDULE OF MEETINGS

Trilateral Governmental Council: Minimum every three years / Ad-hoc meetings

Board: Minimum two meetings per annum

Wadden Sea Conferences: Every three years (plus additional thematic workshops)

Task Groups: As defined by their TOR.

Annex 2**TRILATERAL WADDEN SEA GOVERNMENTAL COUNCIL
TERMS OF REFERENCE****Role**

The Council establishes the Cooperation and, in the absence of a legally binding Agreement, has a crucial role in providing political leadership towards achieving the objectives of the Joint Declaration and to give strategic direction to the Board. The Council facilitates the sharing and coordination of Governmental views between the participating Governments, so as to develop an international perspective.

Composition

Each of the participating Governments shall identify an appropriate Minister as its representative to serve on the Council. *In absentia*, the Minister may nominate their representative to attend. The Council shall be chaired by the Minister hosting the meeting and, following the end of the meeting the Chair will pass to the Minister hosting the next meeting.

Meetings

Council meetings or consultations shall be held at the request of the Ministers and the Board every three years and on an ad hoc basis. The Council shall be advised and supported through the Wadden Sea Board. The three year meetings shall normally be arranged in conjunction with a Wadden Sea Conference.

The Chair of the Wadden Sea Board and the Secretary of the Common Wadden Sea Secretariat would normally be in attendance.

The Council may invite other parts of Government to attend their meetings and call upon officials, members or Advisors of the Wadden Sea Board, other experts or organisational representatives to attend as necessary.

Functions

1. Establish the Cooperation and decide on common political issues regarding the implementation of the Joint Declaration.
2. Provide strategic and political leadership of the Cooperation.
3. Approve the Wadden Sea Plan on the basis of the Quality Status Report and the Policy Assessment Report.
4. Assure international policy development, coordinated and consistent decision-making between the three Governments.
5. Appoint the Chair of the Board.

The results of each Council meeting will be expressed in a Council Declaration, giving guidance to the further development of the Cooperation.

Annex 3**WADDEN SEA BOARD
TERMS OF REFERENCE****Role**

The Wadden Sea Board is established by the 2010 Joint Declaration to be responsible for the implementation of the Joint Declaration, including developing the strategy, plans and projects and supervising the CWSS (finance and personnel).

The Board, as the governing body, is accountable for the performance of the Trilateral Wadden Sea Cooperation. The primary roles of the Board are therefore to provide strategic and collective leadership to the Cooperation, to ensure internal performance and accountability through good governance, and good external relations and communications with all key stakeholders.

Composition / Membership

The Board shall comprise 13 members, including the Chair.

Each participating Government shall appoint an equal delegation of 4 named Board members (list to be maintained by the Secretariat). The composition of those delegations shall be at the discretion of the participating Government concerned, and should include a senior decision-maker from the lead Ministry for the Cooperation, but may also include representatives from decentralised government, other related Ministries or experts.

Advisors

The Board will receive the support of Advisors with expertise and experience relevant to the Cooperation appointed according to agreed criteria. The Advisors will participate in the meetings of the Board in accordance with the Rules of Procedure of the Board.

Functions

1. Propose and prepare the Council meetings/consultations and be responsible for the implementation of Council decisions.
2. Develop, adopt, implement and, as necessary, review and refresh the Strategy of the Cooperation.
3. Develop, coordinate and implement the Cooperation's policy on major issues (including responses to significant development plans and projects), for approval by the Trilateral Governmental Council.
4. Represent the Cooperation throughout the Wadden Sea and internationally, and ensure strong cooperation with key stakeholders. *

5. Provide advice to Ministers, *inter alia* through annual and triennial reports, the production of Quality Status Reports at regular intervals, and the organisation of International Scientific Wadden Sea Symposia.
6. Oversee the implementation and further development of the Wadden Sea Plan, for approval by the Trilateral Governmental Council.
7. Approve terms of reference for the task groups and monitor their performance.
8. Adopt the triennial Business Plans of the Cooperation and annual Work Plans of the CWSS, and implement mechanisms for monitoring performance including annual reports.
9. Approve the three year budget plans, the annual budget and accounts following external audit.
10. Provide input to, approve and monitor the Cooperation's risk management.
11. Appoint the Secretary and review his/her performance annually in accordance with the Administrative Agreement.
12. Determine the Terms of Reference for the CWSS and Terms and Conditions of employment for CWSS staff in accordance with the Administrative Agreement.

* This function may also be partially delegated to the CWSS Secretary.

The Chair of the Board

Terms of Reference for the Chair are provided separately.

Board meetings

The Board will meet a minimum of twice per year.

Rules of Procedure for the conduct of Board meetings will be finalised and adopted by the Board, and may be modified by further decision of the Board.

Annex 4**WADDEN SEA BOARD
TERMS OF REFERENCE FOR THE CHAIR****Appointment**

The Chair of the Wadden Sea Board shall be nominated by the participating Government hosting the next Trilateral Governmental Council. The Term of appointment shall be from the end of the previous Trilateral Governmental Council until the next meeting of the Council (usually 3 years). The Chair shall be a senior civil servant, exceptions may be possible if the parties agree on it, selected for his/her skills and experience according to this TOR. The appointment shall be confirmed by the Trilateral Governmental Council.

The primary responsibility of the Chair is to lead and represent the Board, and not his/her government's position. The Chair shall therefore not be a member of his/her national Board delegation.

Functions of the Chair

The Chair's role is crucially one of relationship-building – within the Board, between the Board and the CWSS, and with partners. The aim is to foster an environment of cooperative working, based on transparency and trust where dissenting voices can be heard without damaging collective responsibility.

Within this broad role, the Chair shall have the following functions:

1. Provide an interface with the Trilateral Governmental Council.
2. Reviewing and improving Board performance.
3. Providing strategic and visionary leadership for the Cooperation – internally and externally.
4. Maintaining a focus of the Cooperation on outcomes and delivery.
5. Acting as the lead international interface between the Board and international partner organisations.
6. Promotion of synergies with relevant bodies and stakeholders.
7. Acting as the primary spokesperson for the Board.
8. Ensuring strong mutual support and engagement between the Board and the CWSS, particularly via regular engagement with the Secretary.

Experience and skills required

In order to meet these functions, the Chair must have considerable professional standing, demonstrated experience of strategic leadership, excellent communication and negotiation skills and a strong commitment to the strategy of the Cooperation.

Annex 5**TRILATERAL WADDEN SEA CONFERENCES
TERMS OF REFERENCE****Role**

Wadden Sea Conferences will be organised as part of the business of the Cooperation to ensure that the Strategy and programme of the Cooperation remains relevant, forward looking, and informed and supported by the views of key stakeholders.

Frequency and location

Wadden Sea Conferences will be organised once every three years in conjunction with the meetings of the Trilateral Governmental Council. The location of the conferences will rotate between the three countries, and the host country will nominate the Chair of the conference.

Participation

Participation will be open to all key stakeholders of the Cooperation, so that scientists, policy makers, resource-users and conservationists can contribute collectively to the strategy and programme of the Cooperation.

Functions

1. To provide a regular opportunity for the Cooperation to engage with key stakeholders.
2. To review the status of the Wadden Sea ecosystem and its management, discuss current and emerging issues, and to provide advice to the Cooperation including the further development of the Wadden Sea Plan.
3. To contribute to the work of the Trilateral Governmental Council.
4. To raise public awareness of the Wadden Sea and the work of the Trilateral Cooperation.

Other scientific workshops and symposia

The Wadden Sea Conferences will complement the International Scientific Wadden Sea Symposia, and ensure that these symposia link and formally contribute to the work of the Cooperation. For specific purposes the Board can decide to organise thematic workshops.