



Trilateral Wadden Sea World Heritage Foundation

Exploring added value, strategy and organisation

Roel During, Ingrid Coninx and Vanya Simeonova



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Once the Danish part of the Wadden Sea has been accepted for the UNESCO World Heritage List (expected in 2014), the whole of the Wadden Sea will then be enlisted and this offers new opportunities and obligations for integrative and integral management to safeguard its Outstanding Universal Value. Actually a new transnational foundation is discussed that can promote and support the conservation of the Wadden Sea World Heritage Property and promoting its brand. This research explores the potential added values of such a foundation, by referencing it against the actual institutional landscape of Wadden Sea governance. Six added value components have been designated. Using World Heritage as an asset for sustainable socio-economic development. Achieving consistency in branding and deploying the rights of the UNESCO and Wadden Sea World Heritage logo's. Involving private investors from the tourist industry, and the local and regional industry. Adequate involvement of NGO's that play an important role in the development of collaborative structures that address the needs and obligations of the management of the world heritage site. Acquiring and redistributing funds to ensure that the Wadden Sea becomes an integral entity. The foundation could use European provisions and could apply for European projects to enhance the level of trans national cooperation. These added value component have been put together in a strategic framework that focuses on financial independency, high governance performance and participative democracy regarding the world heritage site.

Keywords: Wadden Sea, World Heritage, transnational Wadden Sea governance, Wadden Sea institutional landscape, community foundation, European Foundation, EGTC.

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Summary

Once the Danish part of the Wadden Sea has been accepted for the UNESCO World Heritage List, new possibilities for promotion and management come within reach. For the first time the whole of the Wadden Sea will then be enlisted and this offers new opportunities for integrative and integral management of the site as a whole. One of the possibilities that emerge now is a transnational foundation that promotes and supports the conservation of the Wadden Sea World Heritage Property and promoting its brand. This research has been started to explore the added value of such a foundation and inform the work of the Foundation Committee that was assigned to explore the merits and feasibility of such a foundation.

A potential added value has been referenced against the actual institutional landscape and this has been done by focusing on the management structures that deal with the Wadden Sea and the wider institutional landscape. While there is no organisation that is specifically dedicated to the World Heritage site, it seems to be a wise step to set up a transnational foundation, which can take over tasks such as marketing and communication. This immediately has an added value because there are few transnational collaborative structures between NGO's and governments bodies overarching the three participating countries. The best added value could be reached if the foundation could help to orchestrate the complex governance situation in the Wadden Sea with regards to world heritage. National borders, as shown in the analysis, have a strong impact on the Wadden Sea governance, despite the fact that the Wadden Sea should be treated as one integrated ecosystem. International Orchestration is a potential vehicle to put an ecosystem approach in front of national regulative frameworks and harmonize the governance of the Outstanding Universal Value.

A further analysis has been done into inspiring examples and best practices of other World Heritage sites. Regarding other natural heritage sites that transcend national borders some lessons could be learned, e.g. how a foundation can take primacy in the development and valorisation of the World Heritage status in a consistent way, and how it can use European provisions and apply for European projects to enhance the level of trans national cooperation and contribute to maintain and protect the Outstanding Universal Value (OUV). Besides, a closer look has been taken in the canon of socioeconomic best practices that has been established in an analysis by Rebanks. This also yielded several lessons to take along when discussing the merits of a foundation. These best practices all show the great importance of inclusiveness towards the local community and private investors. The strategies of these sites cover a broad range from branding of World Heritage to buying in of strategic partners into the aims of World Heritage.

Based on these findings, the analysis focused on European provisions and how the level of transnationality of the foundation and its inclusiveness can be increased. For the first aspect the actual developments regarding the European Grouping for Territorial Cooperation have been discussed. This proves to be a powerful instrument to harmonize the Wadden Sea World Heritage governance but takes a huge effort to establish. Besides, a closer look has been taken to the trend of Community Foundations in Europe. Practices of Community Foundation governance in Canada has been discussed, focusing on decision making and financial mechanisms. With this discussion the issue of financial strategy already inherent in the socioeconomic Rebanks canon has been deepened. Thirdly, the discussion on the so called European Foundation Statute has been reviewed to find out its relevance and potentials for a Wadden Sea World Heritage foundation. This EFS is still under construction, but it provides an excellent opportunity to ground the foundation in the system of European rights in the near future.

The analysis has shown that there are several components of potential added value. They are summarized below.

Added value components

1. Using World Heritage as an asset for sustainable socio-economic development
Consistency in branding and deploying the rights of the UNESCO and Wadden Sea World Heritage logo's
2. Involving private investors from the tourist industry, and the local and regional industry
3. An adequate involvement of NGO's can play an important role in the development of collaborative structures that address the needs and obligations of the management of the world heritage site
4. Acquiring and redistributing funds to ensure that the Wadden Sea becomes an integral entity
5. The foundation could use European provisions and could apply for European projects to enhance the level of trans national cooperation

The next question would then be how to capitalize these added values. Here we provided several suggestions regarding its institutionalisation, its activities and its financial strategy on the short and the long term. The suggestions aim at providing a participative inclusive environment for inhabitants, tourists and the business sector and create the (financial) mechanisms with which they can contribute to the safeguarding of the Outstanding Universal Value.

Concluding on these added value components, three focal points (strategies) of capitalising the added value with respect to the institutional landscape have been described:

- the need for international orchestration and more transparency in balancing economic drivers and natural and cultural values: this calls for a foundation with a high governance performance,
- enhancing participative democracy in the Wadden Sea: this calls for a foundation with a broad inclusive approach of its tasks and
- financial independency that enables a great number of grass roots community projects.



Introduction

Once a heritage site becomes listed on the UNESCO World Heritage List, things change rapidly. Many actors or investors foresee a huge amount of tourists in search of authentic cultural heritage experiences. Those who already witnessed such a process express explicit warnings not to underestimate this process and take measures to avoid big investors to take over control and deprive local communities of possibilities to improve their lives (Buckholz, 2013; Gilroy, Kenny and Morris, 2013; Medda, 2013; Perrottet, 2013). The UNESCO World Heritage and Sustainable Tourism Action Plan 2013-2015 aims to integrate planning for tourism and heritage management at destination level, to protect the natural and cultural assets and develop responsible tourism based on stakeholder involvement (Borges *et al.*, 2011).

Each heritage site that has achieved the status of World Heritage from UNESCO is obliged to preserve the Outstanding Unique Value of the heritage. The Dutch and German part of the Wadden Sea is one of these many heritage sites that has recently (in 2009) been inscribed on the World Heritage List and this inscription is anticipated to be extended with the Danish part in 2014. The Wadden Sea Board recently took a wise decision to assign a Foundation Committee to explore how a new foundation could anticipate this newly acquired heritage status. The Committee was asked to explore the feasibility and merits of establishing a transnational Foundation for promoting and supporting the conservation of the Wadden Sea World Heritage Property and promoting the brand, including the long term vision, and its activities, governance and financing (Foundation Committee 2013). This is not an easy job if one takes the complex governance situation of the Wadden Sea into consideration that creates great difficulties when important decisions on the balance of ecology and economy have to be taken.

This report reflects the contents of a project that was initiated by the Dutch Ministry of Economic Affairs to support the work of the Foundation Committee. The focus of the project at first was put on providing an overview of organisational solutions that could be used for the foundation. But when the Committee started its work this project became more interactive with its working process. In four meetings there has been an intensive exchange of ideas, disputes, information and follow up questions. In between there were many mails and phone calls. This process influenced the research project in such a way that it became more browsing and scanning the possibilities and conditionality's than just focusing on one issue. We are much indebted to the Committee, because this way of working has been very inspiring.

How should one read this report then? Is it a more elaborated version of the report made by the Committee? Certainly not! This report clearly has the intention to maximize the added value of a Wadden Sea World Heritage Foundation and try to elude all sorts of governance lock-in's. The report of the Committee is much more realistic, whereas this report is a bit more idealistic, forecasting and addressing European trends and provisions that can help in the near future to overcome territorial and sectorial boundaries.

The report starts with a description of the actual management and governance situation as a necessary background for the added value discussion. Then a chapter on international and transnational best practices is given, that likewise concludes on added value criteria for the WSWH Foundation. Here we paid attention to the financial strategy of the best examples from the study of Rebanks (Rebanks, 2013). Subsequently the report discusses two specific organisational forms that are very appropriate for the Wadden Sea governance. Both of them can be grounded in the system of European rights which made them even more interesting. The report concludes on the interrelations of legal basis, financial strategy and added value.

This project is realized with the cooperation of the Dutch Ministry of Economic Affairs (E&Z), the Foundation Committee, the Common Wadden Sea Secretariat (CWSS) and the Alterra Institute of Wageningen University and Research Centre.

1 Wadden Sea World Heritage

1.1 Site description

The Wadden Sea is a large temperate, relatively flat coastal wetland environment, formed by the intricate interactions between physical and biological factors that have given rise to a multitude of transitional habitats with tidal channels, sandy shoals, sea-grass meadows, mussel beds, sandbars, mudflats, salt marshes, estuaries, beaches and dunes. This natural area is home to numerous plant and animal species, including marine mammals such as the harbour seal, grey seal and harbour porpoise. It is also a breeding and wintering area for up to 12 million birds per annum and it supports more than 10 percent of 29 species. The site is one of the last remaining natural, large-scale, intertidal ecosystems where natural processes continue to function largely undisturbed. The Wadden Sea is the largest unbroken system of intertidal sand and mud flats in the world, with natural processes undisturbed throughout most of the area. Biodiversity on a worldwide scale is reliant on the Wadden Sea (CWSS, 2008).

Besides the natural values, the Wadden Sea has unique cultural and historic values, as has been explored by the European LANCEWAD project¹. The Wadden Sea islands have a strong sense of historically rooted identity and many specific ways of life can be found here.

In June 2009 the German and Dutch part of the Wadden Sea area has been inscribed on the UNESCO World Heritage List. An extension nomination comprising the Danish part of the Wadden Sea has been submitted to UNESCO and its expected inscription is expected in 2014.

The Wadden Sea area complies with three main UNESCO criteria related to natural heritage and the Outstanding Universal Value (OUV):

- Criterion (viii): 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.
- Criterion (ix): outstanding examples representing significant on-going ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals.
- Criterion (x): to 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 extended nomination creates a unique opportunity to deal with this nominated Wadden Sea as an inseparable ecosystem that combines biological and cultural values. This opportunity has been acknowledged by the Wadden Sea Board: they took the decision to explore the possibility of a World Heritage Foundation that would entirely be dedicated to this world heritage status. An assignment was given to a Foundation Committee to develop a proposition that addresses this opportunity. This report reflects a study on various aspects of such a Foundation and its contents has been discussed with the Foundation Committee during their work.

¹ www.lancewadplan.nl.

1.2 The conservation process of the Wadden Sea area

1.2.1 History of the trilateral cooperation of the Wadden Sea

As reviewed by Smardon (2009), historically, the protection of the Wadden Sea was set according to a series of national initiatives in the late 1970s and during the 1980s, starting with the establishment of the Wildlife and Nature Reserve in the Danish part in 1979/ 1982, the Wadden Sea Memorandum and Nature Reserve in the Dutch part in 1980/1981, and the three national parks in the German part from 1985 on. As a result the Wadden Sea, from Esberg in Denmark in the north to Den Helder in the Netherlands in the west, is covered by an almost unbroken stretch of nature reserves and national parks. Parallel talks between the three governments were initiated with the aim of achieving a comprehensive protection of the Wadden Sea as a shared ecosystem, which resulted in the first Trilateral Governmental Conference for the protection of the Wadden Sea in 1978. At the Third Governmental Conference in Copenhagen in 1982, the three governments formalized the cooperation by adopting the 'Joint Declaration on the Protection of the Wadden Sea'. To extend and strengthen the cooperation, the Common Wadden Sea Secretariat was established in 1987, following a decision at the Fourth Governmental Conference in 1985 (Dettmann and Enemark, 2004). The area of this tri-national cooperation is almost 14,500 km².

With the ratification of the Ramsar Convention by the three Wadden Sea countries a coordinated implementation with respect to the Wadden Sea became obligatory. This implied legal cooperation and coordination of the Wadden Sea region as an integrated inseparable ecosystem. The international legal instruments are the Ramsar Convention on Wetlands, the Bonn Convention on the Conservation of migratory species, the Bern Convention on the conservation of European wildlife and natura habitats, and the relevant EC directives, in particular the EC-Birds and Habitats Directives. According to Smardon (2009) the Joint Declaration resolved a dilemma. It is a declaration of intent, stating the political commitment to work toward a common goal, but it includes a number of legally binding international instruments. It was the intention of the parties that counts, rather than the legal character of the instrument. The Joint Declaration served as a catalyst in the period after 1982, and in conjunction with the establishment of the common secretariat in 1987, the Trilateral Wadden Sea Cooperation was intensified and extended and the Trilateral Wadden Sea Plan was developed which was adopted at the eighth Wadden Sea Trilateral Ministers Conference in 1997 (Dettmann and Enemark 2004). The Wadden Sea Plan entails policies, measures, projects, and actions, which have been agreed upon by three countries. The plan is a framework for the overall Wadden Sea management. It is a statement on how the three countries envisage the future coordinated and integrated management of the Wadden Sea area as well as the projects and actions that must be carried out to achieve the targets. The plan is a political agreement implemented by the three countries in cooperation, and individually, by the various authorities on the basis of existing legislation and through the participation of interest groups (Smardon, 2009).

1.2.2 Recent developments

The Wadden Sea Plan (CWSS 2010b) states that the conservation of the Wadden Sea natural heritage values requires as a Guiding Principle to maintain the balance of the marine, coastal and freshwater ecosystems, including marine no-take zones with the tourism and living conditions (*sensu latu*). Furthermore it refers that the overall Wadden Sea area nature management is based on an ecosystem approach that integrates the management of the existing protected areas with other key activities occurring in the region, including fisheries, shipping, businesses and tourism. Specific expectations for the long-term conservation and management include maintaining and enhancing the level of financial and human resources required including research, monitoring and assessment of the protected areas. Maintenance of consultation and participatory approaches in nature management implemented by the regional stakeholders reinforce the support and commitment from local communities and NGOs to the conservation and management of the Wadden Sea conservation area. The governmental institutions involved in the management of the area such as the Trilateral Wadden Sea Secretariat and its parties are maintaining the commitments needed between the stakeholders for balancing between economic and conservation activities in the region such as recreation and tourism and support the control of oil and gas exploration within the area.

The trilateral cooperation is managed by the Trilateral Wadden Sea Governmental Council and the Wadden Sea Board. The Trilateral Wadden Sea Governmental Council is the politically responsible body (Ministers) for the Cooperation. It establishes and oversees the Cooperation; gives political leadership, assures international policy development, harmonization and decision-making between the three governments (CWSS, 2010a).

The Wadden Sea Board is the governing body of the Cooperation. It 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 (CWSS, 2010a).

According to the Trilateral Agreement, the Common Wadden Sea Secretariat (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 common Wadden Sea Secretariat is the supporting structure for these governing bodies.

The Trilateral cooperation developed the Wadden Sea plan (TWP) and a Trilateral Monitoring and Assessment Program (TMAP) which controls the implementation of the agreements, achieved targets and the status of the Wadden sea conservation process. This includes as well specific research of water quality, species and ecosystems conservation status (CWSS, 2010a).

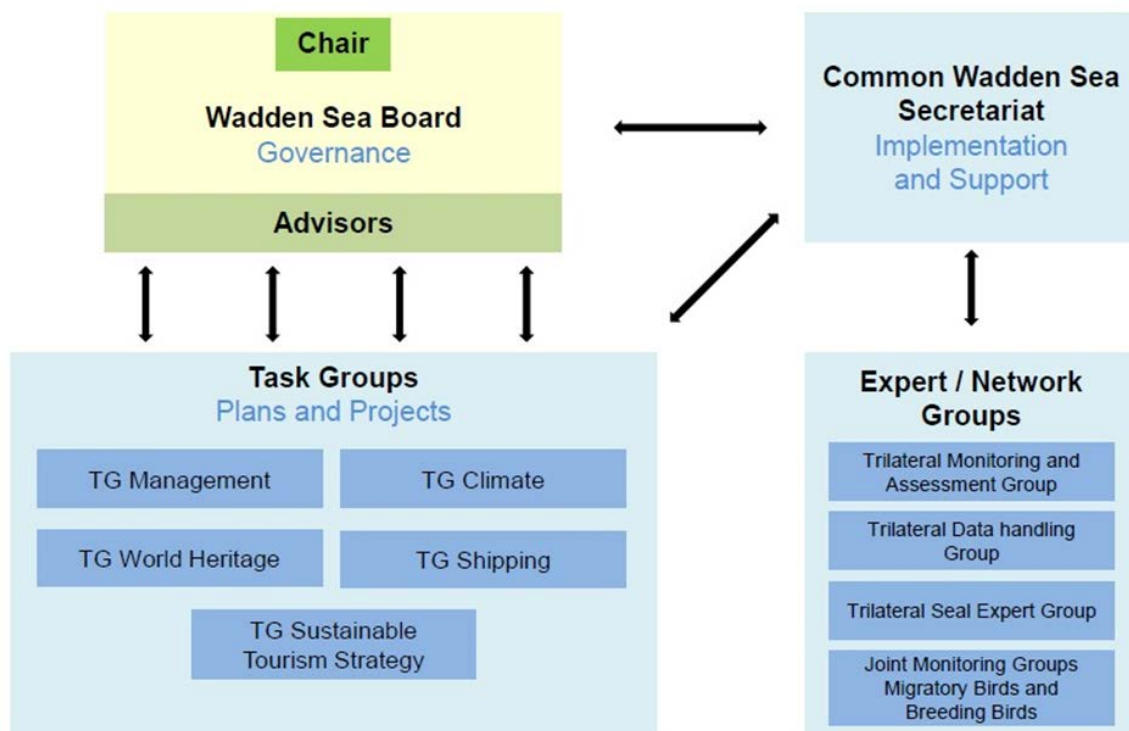


Figure 1 Trilateral Cooperation Body.

As stated in the Revised Governance Agreement and the Trilateral Cooperation Strategy (CWSS Task Group World Heritage 2013)², the trilateral conservation policy and management of the Wadden Sea is directed toward achieving the full scale of habitat types, which belong to a natural and dynamic Wadden Sea. Each of these habitats needs a certain quality (natural dynamics, absence of

² See also www.atelierpapenfuss.de.

disturbance, absence of pollution), which can be reached by proper conservation and management. The quality of habitats is based on achieving targets, which have been agreed upon for six habitat types. Targets on the quality of water and sediment are valid for all habitats. Supplementary targets on birds and marine mammals have been adopted, as well as targets on landscape and cultural aspects. Within the ecosystem management of the Wadden Sea there are still several outstanding physical-chemical problems that need attention among which:

- Water quality targets especially for total discharge, nutrients, heavy metals, and organic micro-pollutants.
- The need for fisheries management and biodiversity conservation in the sector.
- The need for an ecosystem management plan for the whole Wadden area.
- Credible agreement on oil and gas exploration and production in the area.
- Protection of special at-risk populations of seals and dolphins.

As in many of the Worlds Heritage sites the conservation and management process of the Wadden Sea Area requires sufficient institutional capacity and stakeholders involvement in effective co-governance, negotiations and collaborative processes. There are a number of practices where conservation and economic objectives clash and where such co-governance capacity is needed in safeguarding the balance between the economic and conservation objectives. Any development projects, such as planned wind farms development in the North Sea, is a subject of rigorous Environmental Impacts Assessments.

When pondering about a WSWH Foundation one should have an open eye for the negotiative processes between the Trilateral Cooperation, NGOs and private actors. In this regard, in the last trilateral agreement report from 2010 a number of priorities has been underlined with regard to the efficient management and cooperation process for the Wadden world heritage conservation site such as:

- Bundle WH activities in the regions and strengthen joint communication and marketing to use the true potential of the Wadden Sea World Heritage brand for nature conservation and sustainable development.
- Use the activities of the PROWAD project to actively communicate and promote sustainable nature experience and consider the integrity and ecological requirements.
- Extending international cooperation underlining the global dimension of the Wadden Sea.
- All stakeholders acknowledge their common responsibility for the World Heritage property and to protect it for the benefit of present and future generations.
- Feasibility study for a Wadden Sea World Heritage Foundation which promotes and contributes to the conservation and promotes the brand Wadden Sea World Heritage.

According to the CWSS the existing governance arrangements worked well until now, in particular ensuring the coordination (via the CWSS) between the expert level (trilateral workshops, scientific symposia) and the decision-making structures. Few points for improvement were expressed during the evaluation process of the decision-making processes of the trilateral Cooperation which will be taken into consideration in the new Wadden Sea World heritage strategy:

- dealing with overlapping decision-making layers
- enhance the collective leadership of the cooperation
- make clarity of the roles and accountabilities
- better involvement of observers/stakeholders

This view on the management of the Wadden Sea does not take away the concerns that exist on the complexity and the lack of transparency of its governance, widely acknowledged by politicians and scientists (Toonen and Staatsen, 2004; Waddenacademie, 2009; Bureau Berenschot ,2010a; Bureau Berenschot, 2010b; Raad voor de Wadden, 2010; Minister van Infrastructuur en Milieu, 2011; Minister van Infrastructuur en Milieu, 2012). This implies the possible added value of a WSWH Foundation to be referenced not only against the management structures, but also against the wider institutional landscape. The last thing one would want is an addition to the already existing complexity of the Wadden Sea governance.

1.2.3 Wadden Sea World Heritage programmes and strategies

The trilateral Wadden Sea Plan and the TMAP are the trilateral instruments for management, protection and monitoring of the Wadden Sea World Heritage. In addition, specific activities have been initiated as result of the inscription and to implement requests from the World Heritage Committee.

The Communication and Marketing Program

Since the pronouncement of the Wadden Sea as a World Heritage site in June 2009, the Communication and Marketing Programme 2010 –13 has been developed. The programme provides an overarching framework for the trilateral cooperation activities, including conservation and management, awareness, communication and marketing etc. The programme has been developed with input from stakeholders and was approved by the Wadden Sea Board in October 2010. The first communication and marketing initiatives undertaken by the programme aimed to promote the new status of the Wadden Sea as World Heritage at local and regional level. The Communication and Marketing Plan has the following main objectives (CWSS Task Group World Heritage, 2013):

1. To promote and safeguard the protection, management and awareness of the property in accordance with the Statement of Outstanding Universal Value.
2. To promote and advance stakeholder cooperation and networking on the Wadden Sea World Heritage in order to strengthen the common responsibility for the site and support a regional sustainable development.
3. To promote and support of national and international cooperation and awareness on World Heritage.

Four Working programmes were formulated to achieve these objectives including:

1. Information and Awareness.
2. Environmental Education and Cooperation Information Centres.
3. Tourism and Recreation.
4. Nature Conservation / International Cooperation.

The Wadden Sea World Heritage Strategy 2014-2020

The draft strategy is currently under discussion by the WSSB and is anticipated to be adopted in summer 2014 after the inscription of the Danish part. The function of the Wadden Sea World Heritage Strategy 2014-2020 (CWSS Task Group World Heritage, 2013) is to set out, based on the experiences gained with the Communication and Marketing Programme 2010-13, what the Wadden Sea Cooperation as site holders would like to achieve over the six year period until 2020 together with the (strategic) partners cooperating for and supporting the Wadden Sea World Heritage. It aims to bundle and actively communicate World Heritage activities in the regions and strengthen joint communication and consistent marketing to use the true potential of the Wadden Sea World Heritage brand for nature conservation and sustainable development. It is designed to give direction to and establish the strategic priorities which will be put into practice in three year business plans for the strategic partnership. The objectives of the strategy are embedded in six work themes:

1. Continue to work for conservation and international cooperation.
2. Establish, extend and manage the World Heritage brand.
3. Educate and inform.
4. Develop and advance sustainable tourism.
5. Contribute to regional sustainable development.
6. Promote science and monitoring.

The Wadden Sea trilateral partners are responsible for the implementation of the strategy. The Wadden Sea Board establishes a tri-annual business plan together with the partners for the implementation of the strategy to ensure the necessary implementation. The CWSS is responsible for the coordination of the implementation of the strategy and the business plan and the daily operation of the work in the context of the strategy.

1.3 Aims and methodological account

The aim of this research has been to explore the added value of a trilateral Wadden Sea World Heritage Foundation and find out which organisational solution would be adequate with respect to the international landscape of institutions functioning in the governance of the Wadden Sea.

Three approaches have been used to identify the added value of the WSWH foundation:

- Operational
- Tactical
- Strategic

The operational approach is based on the exploration of the institutional constellation in the Wadden Sea area. One might say that the potential niche for a Wadden Sea World Heritage Foundation has been explored.

The tactical approach involves the inventory of international practices that might contain lessons for the Wadden Sea.

The strategic approach is to define the main challenges of the Wadden Sea development, related to World Heritage.

These approaches have been done interactively with the Foundation Committee and through a few interviews on European issues with officers of the European Foundation Centre and of the European Commission.

Operational

The operational approach is based on the exploration of the institutional constellation in the Wadden Sea area. One might say that the potential niche for a Wadden Sea World Heritage Foundation has been explored. The inventory of the institutional landscape caused some trouble, because it appeared to be impossible to acquire a complete picture of all the organisations that are active in and on behalf of the Wadden Sea. There are institutions of the public administration, natural parks, museums, visitor centres, tourism, water management, NGO for nature management, a growing number of art and festival institutions, commercial institutions, industrial institutions etc. If, based on this information, one tries to formulate the added value of any foundation by referring to the institutional landscape, this is deemed to fail. It appears that every aspect of the Wadden Sea is covered by institutions, but the real problem is the lack of coherence. It seems like a jungle where all stakeholders blow their own whistle.

A snowball method has been used in the inventory of websites of NGOs, governmental actors and gathered information on partnerships and for links, shifting and drifting from one actor to another. This snowball method yielded a large amount of institutional actors and has revealed a lack of institutionalised relations across the borders of the three countries and across the boundaries of ecology and economy. The inventory results (not all, because it serves no purpose to list all museums, visitor centres, tourist organisations) has been listed in Annex 1³.

Having acknowledged this, the snowball method was refined by focusing on:

- An inventory of cooperative structures, such as alliances, pacts and their initiatives.
- A policy analysis of Wadden Sea Governance and what is called 'the governmental congestion'.

The exploration of a possible niche in the existing management structures yielded a still incomplete result. We searched the internet with key words like strategic partnerships, coalitions, pacts, active in the Wadden Sea area. Also we looked at the partnerships of INTERREG projects, such as PROWAD (Prowad, 2013) and 'Grenzüberschreitende Naturerlebnisse entlang der Nordseeküste'. Despite this strategy we could not avoid a bias towards the Dutch situation. This not only has to do with the short

³ The inventory has been collected in a Symbaloo webpage that was shared with the Committee.

time frame within which this part of our analysis had to be done, but even more to a lack of cross border relations in the networks of Wadden Sea organisations.

Tactical

The tactical approach involves the inventory of international practices that might contain lessons for the Wadden Sea. Initially the focus was put on trans boundary world heritage sites, but this was abandoned because the search for organisational innovations did not yield very specific lessons for the Wadden Sea. It was replaced by a discussion about the applicability of best practices that had been brought together by James Rebanks, as the result of an assignment by the UK Lake District World Heritage Project.

Strategic

The strategic approach is to define the main challenges of the Wadden Sea development, related to World Heritage. Part of this approach has been to explore European developments in transnational solutions for integrated managements and in transnational philanthropy.

1.4 Structure of the report

In Chapter 1 the state of the art in the World Heritage listing is provided that sets the context for this exploration of added values, strategies and organisation of a potential Wadden Sea World Heritage foundation. In Chapter two the focus has been put on the institutional landscape that is already present and putting the question in the middle how an extra foundation can reduce the policy congestion instead of adding up to the existing governance complexity. This Chapter concludes with some components of added value that lie within reach of this new foundation.

Chapter 3 contains a review of a few transnational world heritage sites and putting the question forward what can be learned from them. Based on the Rebanks analysis the second half of this Chapter analyses the different socio-economic models in use by the best practices designated by Rebanks (Rebanks, 2013). Again the conclusions focus on the added value lessons for the WSWH foundation. In Chapter 4 some relevant European legal and financial assets and prospects are discussed: the European Grouping for Territorial Cooperation, the Community Foundation in Europe and the European Foundation Statute. The question how to capitalize these prospects and assets, and to capitalise the components of added values of chapters 2 and 3 is put central in the conclusions of this Chapter. These conclusions on added value are taken up in chapter five and portrayed in an evolutionary perspective on the long term. Four phases of institutionalisation are described here. In the final reflection the inherent tensions between ideology, political accountability and operational strategy is discussed and did we pose some questions that need research and consideration in the near future.

2 Institutional landscape of a WSWH Foundation

The added value of a Wadden Sea World Heritage Foundation should be discussed in the perspective of the existing institutional landscape. How can the foundation that is foreseen make a difference? This question is too difficult to answer in all details. First of all because a huge number of NGOs and governmental organisations are involved in management and public policy making: an incomplete overview is given in Annex 1. Secondly, the boundaries of this institutional landscape are fuzzy, there are no clear criteria to include or exclude certain players in the Wadden Sea. The International Maritime Organisation (UN Agency) declared the Wadden Sea to be a highly vulnerable ecosystem; the fifth in row after the Great Barrier Reef and the Sea around Florida Keys in the United States. They made attempts to get the Wadden Sea listed by UNESCO. Does this make them an important actor in the actual Wadden Sea institutional Landscape? The Groningen Landscape cooperates with 50 mostly small institutions in their province. Should these be included as WS actors? Below two different points of reference will be used to sketch the institutional landscape:

- The organisation and management.
- The wider institutional landscape.

2.1 Organisation and management of the Wadden Sea

The conservation process of the Wadden Sea World heritage is a complex stakeholders' interaction process, where political, economic and conservation objectives and intersect are intertwined with each other. The currently leading role in the management of the Wadden Sea World Heritage has the Trilateral Cooperation coordinating the institutional body (Figure 1) (Dettmann and Enemark, 2004; Smardon, 2009; CWSS, 2010a). However, the formal institutional interaction takes place at three levels, including European, trilateral and national.

At European level : the cooperation is based on interaction with number of European institutions regarding the compliance and implementation actions on the provisions of the European Birds and Habitats directives and the planning of the Natura 2000 ecological network within the Wadden Sea area.

At Trilateral level: a governance arrangement has been made for a operational Trilateral Cooperation body of the Wadden sea area. The last agreement was signed in 2010 and according to the current organisational structure the decision-making process takes place at two levels i.e. the Trilateral WS Governmental Council and the Wadden Sea Board.

At National level: in each of the three collaborating countries with a territorial responsibilities within the Wadden Sea area the conservation activities are embedded in a variety of legal frameworks, national policy plans and programmes, which may differ per country.

The German Wadden Sea is protected under the status of National Parks and a legislation by the Federal States which is related to different protection measures by the national parks. In the Netherlands the conservation status of the Wadden Sea is determined by the planning procedure agreements (Planologische Kernbeslissing PKB), the third plan for the Wadden Sea (derde Nota Waddenzee) and the Main Ecological Infrastructure program (Ecologische Hoofdstructuur). These policy plans provide the measures needed for the development of the Wadden Sea area, including the developments of recreation activities and fisheries. These plans are in compliance to the Nature Flora and fauna conservation laws. Although protection of the Wadden area in Germany is mainly based on the Nature Conservation Acts, the Physical Planning Act also plays an important point. The systems,

however, are not directly linked. The purposes established through town and country planning are necessary additions.

The management of the Dutch Wadden Sea is a responsibility of the government at different levels: national, provincial and municipal and as well as of few nature organisations. The Wadden Sea policy in the Netherlands is based mostly on the Physical Planning Act and the Nature Conservation Act. These two regulations support a complicated system that allows protection to be combined with sustainable socio-economic activities. At the same time efforts have been made to solve the problem of coordinating competing powers of national, regional, and local authorities, and those of numerous other departments and institutions. The Nature Conservation Act grants the status of nature reserve by means of a designation with all concomitant legal consequences. The physical planning decision (PKB), which is based on the Physical Planning Act, regulated the various forms of exploitation and coordination of administrative aspects. The combining of the two regulations was necessary because the Nature Conservation Act cannot do justice to both the ecological and social functions of such a large area. Currently a new law proposal on Nature Protection (prepared by State Secretary Bleker in 2012) is discussed with the Parliament. Actually the government amends this proposal and incorporates numerous reactions that were given in a concerted action by NGOs, which took place at the 13th of January 2014.

In Denmark the various nature protection laws were streamlined and integrated in 1992 into the new Act on Nature Protection. The former designations under these nature protection laws were combined in 1985 to form one designation of large parts of the Wadden Sea as a nature preserve. However, the protection of the Danish Wadden Sea is not fully integrated into one regulation under the nature protection laws. In addition to the general conservation rule according to the Nature Protection Act that covers the whole region, there are special territorial laws applying to specific areas (for the reclaimed Margrethe Kog and the Tonder Marsh salt marshes). Protection under the nature protection laws is complemented by protection on the basis of town and country planning. The Danish physical planning laws have been revised in recent years, especially with respect to the Protection and Management.

2.2 Wadden Sea Board and Wadden Sea Forum

In order to identify the added values of the potential Wadden Sea World Heritage Foundation we compared and assessed the roles and provided values of the currently operating organisations in this field on the territory of the Wadden Sea region such as the Wadden Sea Forum and the Wadden Sea Board (Wolff and Bakker, 2010)⁴.

⁴ www.waddensea-forum.org.

Table 1

Comparative analysis of two organisational structures.

Criteria/values	Wadden Sea Forum	Wadden Sea Board
Mission	Sustainable development of the Trilateral Wadden Sea Region	Deploying Trilateral governmental Cooperation
Specific goals	Integrating specific cross-sector and trans-boundary strategies, actions and techniques which are environmentally sound, economically viable and socially acceptable	To prepare, adopt and implement the WS Trilateral Strategy, oversee the operational and advisory bodies, and secures relations with key stakeholders
Legal status/type of organisation	Since March 2011 non-profit society, under German tax rules and tax procedures and exclusively pursues direct, non-profit-making objectives in conformity with the Section "Tax-privileged objectives" §§ 51 ff of AO (German AbgabeOrdnung). Structure are General Assembly, the Executive Committee, the WSF plenary, working groups and the Secretariat.	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
Strategic position	The WSF consists of representatives of the sectors Agriculture, Energy, Fisheries, Industry and Harbour, Nature Protection, Tourism, as well as local and regional governments. National governments are represented as observers	Dealing with overlapping decision-making layers Enhance the collective leadership of the cooperation Make clarity of the roles and accountabilities Better involvement of observers/stakeholders
Activities/projects	Foster sustainable development in the Wadden Sea Region through exchange of information: -Bring together the sector interests of its members; -Exchange views on general themes and topical issues; -Initiate and implement projects and actions on topical issues; -Prepare advice on issues related to sustainable development and integrated coastal zone management; -Serve as a consultation body for governments.	The Wadden Sea Board establishes a tri-annual business plan together with the partners for the implementation of the trilateral cooperation strategy to ensure the necessary implementation. The CWSS is responsible for the coordination of the implementation of the strategy and the business plan and the daily operation of the work in the context of the strategy.
Financial status	Not formally clear	Governmental funding
Partnerships	Trilateral/multiple stakeholders cross sectors	Trilateral governmental

Among the number of currently operating organisations and cooperation bodies in the Wadden Sea region, including the governmental and NGOs sector, the World Heritage issues are addressed as part of their strategies and visions. However, there is not one single organisational body dedicated to the Wadden Sea World heritage issues alone. The Foundation can effect leadership in branding of the Wadden Sea world heritage values and provide independent support to the Trilateral WS cooperation on World heritage branding.

2.3 The wider institutional landscape

The Role of the Wadden Sea NGOs

In his analysis Smardon (2009) clarifies that the environmental NGOs from all the Wadden Sea states are working together since the 1980s. With financial support of the World Wildlife Fund (WWF) number of initiatives were implemented by NGOs. First of these focused on uniform, trilateral management objectives and criteria, and resulted in the managerial view contained in the report entitled 'The Common Future of the Wadden Sea' (World Wide Fund for Nature, 1991). This report played an important role in the formulation of the joint trilateral objectives and joint common principles for management of the Wadden Sea area that was laid down in the 1991 Esbjerg Ministerial Declaration (World Wide Fund for Nature, 1991). WWF also set up coordination stations in Bremen and Husum as well as coordination with up to 50 NGOs in the international Wadden Sea area. This was the first time

that such an approach had been taken and can be seen as something of a watershed in the Trilateral Wadden sea cooperation (Smardon, 2009).

Three NGOs have played major role in the area and have been the major NGO actors for preservation and ecosystem management of the Wadden Sea wetlands:

The Dutch Society for the Preservation of the Wadden Sea established in 1965. This Wadden Society goals include optimal conservation of the natural and historical-cultural values of the Wadden area (Landelijke Vereniging tot Behoud van de Waddenzee, 2010). Several working groups in the Wadden Society engage in diverse issues such as water, military use, recreation, industrialization, and management. All legal means, which might lead to a favorable policy review, are applied such as:

- consultation, objections, publicity, political pressure;
- information and advice;
- stimulating alternatives;
- mobilization of all environment-minded Dutchman.

The society has approximately 50,000 members, 300 of them active.

In Germany, the Schutzstation Wattenmeer and the World Wildlife Fund (WWF) Wattenmeerstelle are active in Schleswig-Holstein. Not only do they engage in campaigns against embankment plans and nuclear plants but they also give information. Several islands have information centres, which also publish a newsletter (Informationsbrief).

In Denmark NGOs are building partnership with economic actors using the unifying concept of Corporate Social Responsibility⁵. With this concept they establish cooperate volunteering projects, which can be seen as innovative vehicles for civil participation. Moreover they establish green partnerships.

Whereas in the Netherlands the NGOs see it as their task to protect natural values, this in Germany and Denmark is much more acknowledged as the task of the government and its natural parks.

Collaborative structures

The collaboration of the NGOs takes place at national, European and trilateral and international level:

National

For example, within the Dutch Wadden Sea area the Wadden Sea association collaborates with seven other national partners, including the Natural monuments, State forest agency, Dutch Bird Society, Landscape North Holland, It Fryske Gea, Groninger Landschap and the association Wad. The main strategic issues of the collaboration related to the sustainable fishery and nature restoration of the Wadden Sea area. Furthermore collaborations between the Dutch NGOs takes place such as between the Wadden Sea Society and the North Sea association on issues of sustainable shrimp production, with the Nature and Environmental protection on sustainability of the Eems basin and with the association Duinbehoud on the improvement of the coastal replenishment.

Trilateraal, bilateraal

Dutch Wadden Sea Society and WWF Germany collaborate on the trans-border issues such as sustainable fishery and Eems conservation.

European

Collaboration takes place between the Seas&Risk and the Dutch Wadden Society on the European maritime nature dossiers. Furthermore, IUCN and other European and international nature organisations in the Wadden Sea conservation deploy activities.

⁵ E.g. The Danish Society for Nature Conservation.

The Challenges of the Wadden Sea NGOs

As the main challenges from the perspective of the Non-governmental sector currently active in the conservation of the Wadden Sea area a number of issues have been identified which need to be further improved and taken no consideration in the current strategies and collaboration initiatives of the Wadden Sea natural Heritage institutions:

- The focus remains difficult: there are many issues that play role and the prioritising process is too complex,
- Despite the many visitors of the Wadden Sea area the personal engagement and awareness of the general public to the conservation goals of the area is not sufficient.
- The NGO sector is more exposed to critics by media and public, NGOs need to keep the trust and transparency in their mission.

The analysis of the wider institutional landscape provides a picture of the state of the art of institutional performance (capacity to organise the solutions for integrative problems) on Wadden Sea issues. This inventory shows how actors struggle with the great complexity and it also shows how new international pathways are explored in relationships addressing one issue (e.g. bird migration). Below a further account of the power structure is given in Figure 2, which gives an account for triangular trust relationships that may or may not deliver good governance results.

Wadden Sea Foundation and Wadden Sea Governance

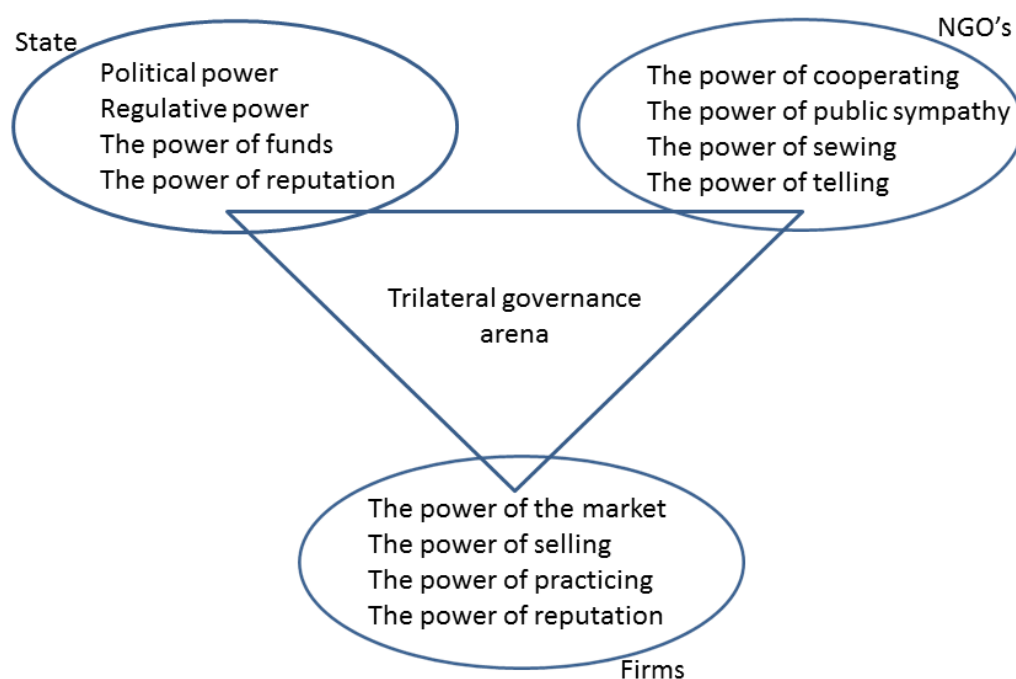


Figure 2 Power relations in Wadden Sea governance.

NGO-coalitions and collaborative structures

Most of the examples are confined to partners on one side of the border and aim to become more effective in the governance arena. E.g. the Dutch coalition Wadden Natuurlijk consists of eight partners and their primary aim is to accumulate power and gain momentum on nature management issues. A similar coalition is organised for creating natural climate buffers⁶ and this coalition focuses

⁶ www.klimaatbuffers.nl.

on the recovery of seagrass beds and on integrated coast management in South-West Ameland. The Foundation Wadden Group⁷ promotes sustainable, environmentally friendly economic development with regional brands of agrarian products and regional services in the area of the Dutch-German part of the world heritage site. This group seems to be very well rooted in the regional society and sustain a wide programme of activities. The German organisation Nordzeetourismus unites the tourism interests of the German Wadden Islands.

Compelling national borders

Below some examples are given to shed a light on the importance of national borders, which may jeopardize any attempt to treat the Wadden Sea World Heritage as integral inseparable ecosystem.

The Dutch Natural climate buffers approach of the NGOs

The concept of the Natural climate buffers is promoted by the Dutch Wadden Society. It is an integrated approach to ecology, morphology, landscape, spatial planning and agricultural sector. The concept is as well now of interest to the national policy but regionally is still insufficiently yet addressed. The Dutch NGOs are lobbying for inclusion of this concept in the national nature conservation programme and the conservation of the Wadden Sea area with respect to three main priorities:

- To reduce the pressure from ports and industry in the interests of nature and landscape. This applies to Den Helder and Harlingen but much more for Eemshaven and Delfzijl. The economic stakes are huge for these locations and get support from the national politics. It involves, however, risks for the ecological quality. The current contradictions towards sustainable economy, is yet far from certain.
- The issue of water quality in the Ems. In this fragile estuary there are very common problems and their complexity is further increased by the cross- borders issues.
- The open landscape of the Wadden Sea region is recognized as an important value, but it is still insufficiently protected. And good legal framework is lacking currently. National ambitions remain high in the field of wind energy but the threats not yet well studied, especially in the Eemsdelta.

As shown above, increasingly industry and environmental actors start to cooperate, but not yet very transnationally. The Nature and Environment Organisation (NMF-Groningen) cooperated with Essent and RWE in the E-Pact (Energy Production), and with Groningen Seaports in the EemsDeltaGreen project and the project Economy Ecology Balance. The enterprises of the Eems Delta established a cooperative structure, the SBE, connecting more than hundred enterprises. Their activities are primarily confined to Dutch governance on balancing economy and ecology (a project initiated by the Province Groningen), connecting primarily to Dutch NGOs and governmental bodies. Apparently, these partners are in search of good stewardship, providing the conditions for further economic growth of the chemical industry in the Eems Delta⁸. The discussion focuses on the environmental footprint and the CO2 limitations of the industrial activities, and by this they are taking a rather technocratic view on the harmonisation of ecology and economy. It is not clear in what way this emerging stewardship is embedded in democratic decisions and structures.

A further significant initiative is the programme *To A Rich Wadden Sea*, that is endowed by the Regie Chamber, comprising the involvements of the central government, the region, the nature management organisations and the economic actors. This programme retrieves funding from the Wadden Fund and from the government. It focuses primarily on the Dutch part of the Wadden Sea with projects such as coastal management or ecology inclusive harbour development in the city of Den Helder.

In Germany a business development organisation North Frisia is anticipating the new opportunities that will arise when the number of tourists will increase. The main focus of their work is in settling new businesses, supporting local businesses, developing infrastructure and offering technical support for the local community. They foster grassroots business initiatives and in doing this set a good example for the wider region of the world heritage site. It would be very advanced if this organisation builds on

⁷ www.waddengroep.info.

⁸ <http://www.nmfgroningen.nl/default.aspx?page=6220>.

collaborative structures with similar organisations in Denmark and the Netherlands and with nature protection NGOs to clarify that it acknowledges the OUV's. No initiatives came to the surface that addressed the integration of ecology and cultural heritage or on agriculture and nature, few on art (such as the interesting Wadden Art Foundation) and nature and some on conservation and industry. This can be seen as an omission in respect of integrative stewardship of the Wadden Sea. If there are transnational initiatives they are hosted almost exclusively by international NGOs such as WWF, KIMO and the Coastal & Marine Union (EUCC).

2.4 Institutional added value

This Wadden Sea policy analyses shows ideas and policies to reduce the complexity that has been shown above and it reveals a democratic deficit in the Wadden Sea management (Toonen and Staatsen, 2004; Bureau Berenschot, 2010a; Bureau Berenschot, 2010b; Minister van Infrastructuur en Milieu, 2011; Regie College Waddenzee, 2011; Minister van Infrastructuur en Milieu, 2012). It appears that procedures concerning energy plants and harbour management are exposed to the full complexity of the institutional landscape. Sometimes actors manifest with stakes in the Wadden Sea that no lay person would recognize as participants in the governance arena. Examples are Typhoon Offshore from Amsterdam or TENNET in Arnhem.

One can observe a multitude of institutions reacting to legal procedures summing up to what is called governance congestion. The issue of governmental congestion played an important role in the political debate on the Wadden Sea in the Dutch Parliament. It was addressed in an essay on good governance by two important policy advisors Toonen and Staatsen (2004) and afterwards by Consultancy Bureau Berenschot (Bureau Berenschot, 2010a; Bureau Berenschot, 2010b). The Dutch government reduced the complexity of the institutional landscape by installing the Regiecollege Waddengebied, i.c. a reform of the Regionaal College Waddengebied and simultaneous execution of the coordinatiecollege Waddengebied, the Interdepartemental Wadden Sea Committee, The Wadden Council, the advisory committee Waddenfund and the Regie-Committee Waddenfund. The Regie College pleaded for more governmental leadership in their compass document (Regie College Waddenzee, 2011). In international perspective the lack of harmonisation of legal systems play a role and moreover the political cultures of cooperation between governmental actors and NGOs differ. The international cooperation between regions in the IRWC (Inter Regional Wadden Sea Cooperation) was taken up in the Wadden Sea Forum. This also fits in the picture of complexity reduction. This discussion on governance complexity clearly illustrates that the foundation should not increase the fuzziness and complexity of the Wadden Sea Governance: the best way to counter this is to focus on international orchestration and on enhancing Wadden Sea democracy with community based governance (Figure 3) (Abbott and Snidal, 2010).

International Orchestration (Abbott and Snidal, 2010) could play a role in decreasing the significance of national borders with respect to environmental regulations. National borders play a significant role in the Wadden Sea governance, e.g. in a conflict on the RWE Coal Energy Plant in the Harbouw Eems-Dollard. German Wadden Sea Island Governing Boards stood at the highest Dutch Court, the Raad van State, to object the building proposal for a coal energy plant in the harbour of the Eems, only fifteen kilometres from Borkum. Here a German economic actor influences the nature and tourist development in the area in his own country, but doing this from the Dutch territory. Other examples of differences in legal regulations can be found in the Environmental Impact Assessment procedures concerning the widening of the Eems-Dollard estuary. Both enterprises and governmental actors act strategically upon the national borders (Commissie voor de Milieueffectrapportage, 2008; Commissie voor de Milieueffectrapportage, 2009). This raises the question if a Wadden Sea Foundation could play a role in creating a negotiative environment that would help to overcome bilateral or maybe trilateral juridical complications⁹.

⁹ This point will be elaborated in Chapter 4, where the EGTC is discussed.

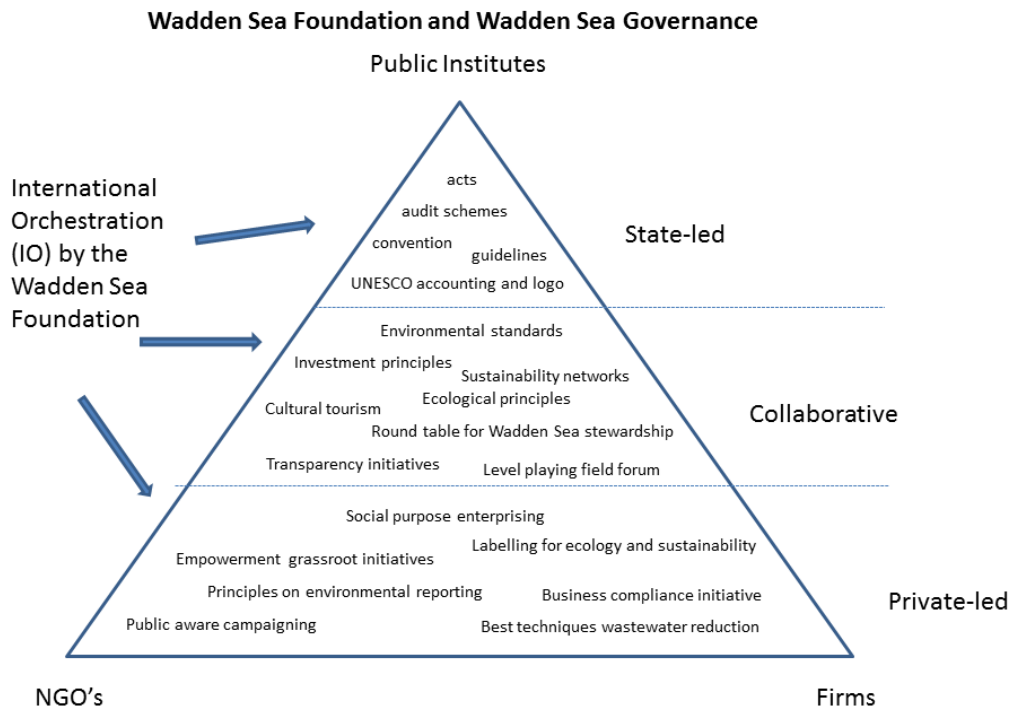


Figure 3 *International Orchestration of the institutional landscape.*

The discussion on complexity in the Dutch parliament reconfirmed and reiterated the national stakes in the Wadden Sea management. The international aspects of the management are exclusively claimed by the national government, because this provides the most transparent basis of political accountability. This solution has a counter effect which is the translation of every trans boundary issue such as climate change, safety regulation, calamity management and water quality into national policies and programmes. Given the ecological and socio-economical integrity of the Wadden Sea, this should be seen as an offer or even as a drawback. Theoretically and for example one of the existing nature management organisations could extend its services into three countries or different organisations from the three countries could be merged, but this would raise so many legal and political issues that cooperation between national institutes probably will prevail if this would be the subject of debate. This drawback of reiteration of national issues and institutes can be overcome by positioning the potential foundation next to the Wadden Sea Secretariat and ground it in the system of European Rights (this idea will be elaborated in Chapter 4). An anchorage in European Rights provides the basis for a potential shared ownership of nature reserves in the future that could function as one legal entity and could become just as embedded and powerful as for example the institute of English Heritage¹⁰.

¹⁰ English Heritage is a membership organisation with more than 400 sites that are open to the public receiving more than 11 million visitors annually, which provides half a million free educational visits per year, is supported by 750.000 members and grants 24 million pounds per year. It is the Government's statutory adviser on the historic environment. Their principal powers and responsibilities are set out in the National Heritage Act (1983). It is run by a commission and an executive board. Besides there are three advisory committees, five business committees, six advisory panels ensuring the involvement of many experts from outside the organisation. To improve the inclusiveness of their heritage approach, six teams function on Social inclusion and diversity, Bicentenary of the Abolition of the Transatlantic Slave Trade, Witley Court Natural Heritage Project, Equalities Impact Assessment, Access audits for all EH sites, Religion and Place: multifaith projects in Leeds, Liverpool and Hackney. On a regional level the organisation has the instrument of the Historic Landscape Characterisation, which helps the local authorities to acknowledge and safeguard their historic values. Their funding comes from three branches: Grant in Aid, self-generated income and income from the English Heritage Foundation (trust fund). In 2010/11 English Heritage received around three-quarters of its income, £129.9 million, from the Department for Culture, Media and Sport in the form of Grant in Aid. EH currently generates just over a quarter of its income through commercial activities and fundraising. The majority of this comes from admissions to English Heritage properties, from retail and catering and from membership. In 2010/11 total self-generated income was £54.8 million. The English Heritage Foundation (Trust Fund) raises funds for English Heritage. All donations and bequests made to the Foundation go directly to support and enhance the national collection of historic sites in English Heritage's care.

If the foundation aims at enhancing democracy with community based governance, international orchestration of the numerous institutions to ensure responsible stewardship, working on the integrity of the area with branding and inclusive integrative projects that address ecology, economy, industry, cultural heritage, agriculture and tourism, its position should be free from national stakes. This would provide the best conditions for capitalizing its added value.

Having reviewed the state of the art and taking up the lessons from other site management experiences, we can now point out the shortcomings and challenges within reach of the current situation in the Wadden Sea.

We learned that:

- The Wadden Sea is subject to an ongoing sequence of issues that are brought to court are debated in the media: this affects its reputation negatively.
- There is no substantial involvement of private actors that really contributes to the branding of the region.
- There is no management structure that ensures local populations to benefit from the UNESCO status and its subsequent economic/ecologic developments.
- There is no conceptual and political framework that overcomes the drawbacks of a constant binary opposition between ecology and economy.
- There is no negotiative framework that transcends both the borders between countries and between public and private at the same time.

The lessons above indicate that there are different challenges that might be taken up. Below we defined different strategies and modalities for a potential Foundation.

Different strategies:

- Make the public involvement really strong and combine this with a very strong social media DNA (high online reputation, a good working social media platform and a huge amount of the Wadden Sea lovers that are connected to the platform). In this strategy public debate, reputation management (also for the private investors) are the key factors for sustainable development.
- Make the trilateral aspects prominent and install a negotiative platform that ensures consent (agreements to disagree whereas every actor gets something out of a management dilemma).
- A combination of both strategies in which a subpolitical level of negotiations is established in which public debate is part of decision making.

The strategies are taken up in Figure 4 in which gives an account for different strategies that address the issue of International Orchestration (Abbott and Snidal, 2010), and that discriminates between a strong or a receded position of governmental actors.

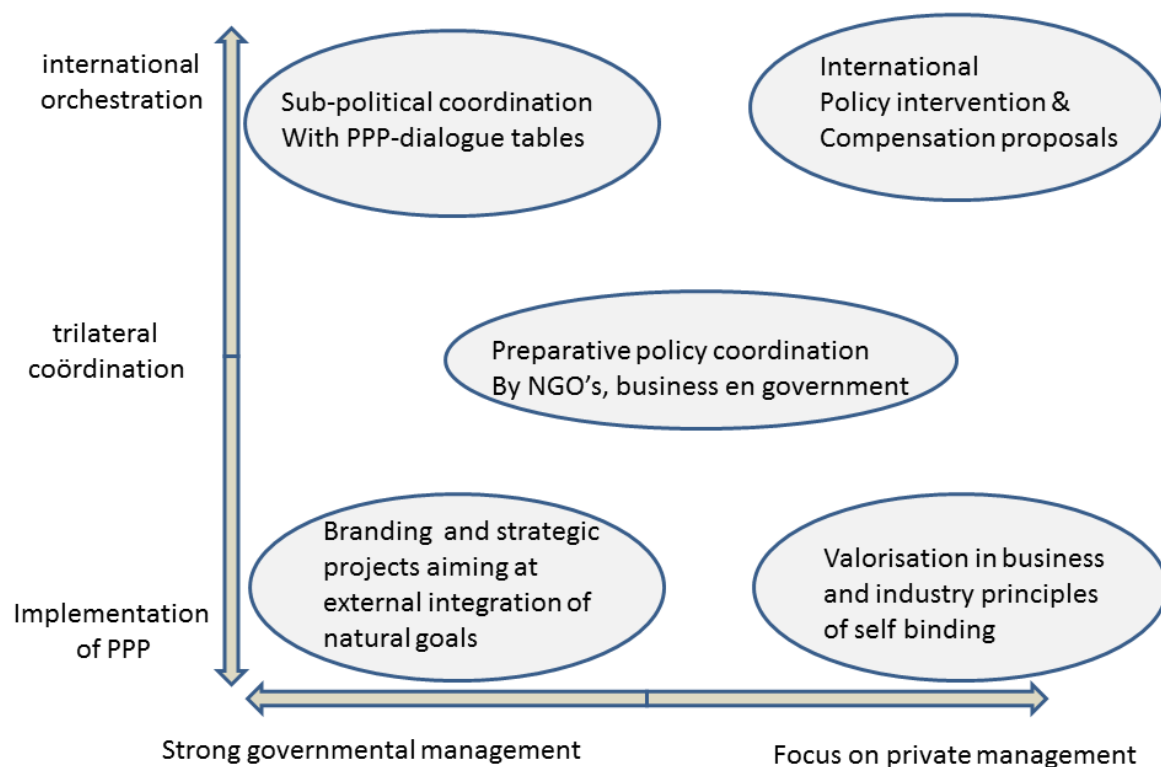


Figure 4 Different strategies for a WSWH Foundation.

The position in the middle reflects the current practice with the Trilateral Wadden Sea Secretariat. Enhancing trilateral coordination can be achieved by intensifying the cooperation structures in the actual institutional setting. The most added value can be found in the top right position, but there are less opportunities for political c.q. policy control.

2.5 Conclusions

Based on the overview of the management structures one may clearly see an added value of a WSWH Foundation next to the WSB and the WSF, because there is no institution that is fully dedicated to the WH site. The Foundation model: A WSWH Foundation (as a type of an NGO) can have a highly visible role and include both international and local stakeholders. It may effectively combine public private partnerships with a community involvement approach.

The following lessons on potential added value components can be drawn on the basis of the analysis of the institutional landscape.

Enhancing integrated and integrative transnational governance

1. Dedicated to combining OUV's with sustainable development.
2. Coverage inclusive towards cultural, cultural heritage and (socio-)economic development.
3. Stewardship and conflict reduction.
4. Dispersing benefits of the WH status widely.
5. High governance performance in decision making.

Enhancing participative democracy

1. Stimulation of trilateral cooperation amongst NGOs and Enterprises.
2. Enhancing the level of public participation in WSWH management.
3. Combination of public private partnerships with a community involvement approach.
4. Project organisation: open to bottom up integrative initiatives.

These added value components are widespread and sometimes difficult to combine. It may be very difficult or even overambitious to merge them in one foundation.



3 Best World Heritage practices

3.1 Best transboundary management solutions

In search of innovative institutional solutions for transboundary site management a review has been done on UNESCO sites with characteristics like the Wadden Sea. Out of the 981 sites that are nowadays on the World Heritage List, it appears that thirteen sites are both transboundary and involve natural heritage (see Figure 5).



Figure 5 An overview of transboundary Natural World Heritage Sites. Source: <http://whc.unesco.org/>

Two of these thirteen sites are marine and coastal sites: the High Coast/Kvarken Archipelago which is located in between Sweden and Finland and Kluane (Wrangell-St. Elias, Glacier Bay, Tatshenshini-Alsek) in Canada and USA. Given the comparability to the institutional and social context of the Wadden Sea area, the Kwarken Archipelago was expected to yield more lessons. Two Eastern European sites were chosen, because one is trilateral and the other transcends the border of Poland and Russia, lodging great difficulties and opportunities with regards to institutional innovation.

This comparative approach did not lead to solutions or institutional innovations that could be transposed more or less directly to the Wadden Sea. After scanning all thirteen sites, this observation stood for all of them so this part of the analysis was given less weight. The cases mentioned above are discussed below.

3.1.1 High Coast/Kvarken Archipelago

Description of the World Heritage

The High Coast/Kvarken Archipelago is a transboundary natural world heritage located in the western Gulf of Bothnia In Sweden and Finland. This area is known for the 5,600 islands (low coast) and the idyllic landscape that has been rising from the sea in a process of rapid glacio-isostatic uplift, whereby the land, previously weighed down under the weight of a glacier, lifts at rates that are among the highest in the world (high coast) (UNESCO 2006) (Figure 6). The archipelago's islands are forested and rocky. The site has become a natural World Heritage site because of these processes of glaciation, glaciation retreat and the emergency of new land and is therefore acknowledged as an outstanding examples representing major stages of earth's history (criterion viii). Vegetation is diverse, a mix of Eurasia taiga, alpine, boreal, forest and wetland. The area is the habitat of large mammal species and coastal as well as terrestrial birdlife. It is the continuing land elevation that creates estuaries and lakes. These ongoing land changing processes challenges the species to adapt. While the High Coast has gained the World Heritage status in 2000, the nomination of the Kvarken Archipelago has been accepted in 2006, and therefore becoming Finland's first World Heritage site. In the High Coast area, the Skuleskogen National Park is located and main economic activities are agriculture, fishing and tourism (UNESCO 2006). About 4,500 people are living in the area. This can increase up to three million people during summer (OURCOAST). The Kvarken Archipelago, where about 2500 people are living, is designated as being a nature reserve. The area is not yet that touristic, compared to the High Coast area. Issues that the area is confronted with are:

- Large parts of both the Kvarken Archipelago and High Coast are privately owned.
- Eutrophication.
- Cargo ship traffic in the Bothnian Bay involves risks of oil and chemical discharge accidents.
- Air pollution and the levels of ozone harm the vegetation, exceed critical limits every year.
- The continual dredging of boat channels creates some disturbance.
- Expected influx of tourists because of World Heritage status.



Source: <http://www.korsholm.fi/de/document.aspx?docID=5869>

Figure 6 A bird's eye view of the area.

Regional development

The World Heritage status of the High Coast/Kvarken Archipelago is significantly contributing to the regional economic development of the region, in particular due to increased attractiveness for tourists. While the High Coast already attracts many tourists, the Kvarken Archipelago is boosting tourists' visits with a common strategy on sustainable tourism. Investments in enterprise, infrastructure and service are made in order to regionally benefit from the attractiveness of the World Heritage status. In addition, it is expected that new jobs will be introduced into the region, as the World Heritage Site should be managed and looked after as well as that the area is obliged to be accessible to people. Beside, both Finland and Sweden acknowledge that human activities like farming, forestry and small-scale business should continue in the World Heritage site to be able to promote sustainable development of the region (NORDREGIO Nordic Region for Spatial Development, 2011).

Transboundary governance of the natural World Heritage

The governance structure to jointly manage the World Heritage Site consists of multiple organisations (Figure 7 and 8). The management and conservation of the site is developed by each of the countries themselves. In Sweden, it was originally argued that it should be sufficient to apply Swedish legislation to maintain the world heritage. However, the UNESCO requests a management plan and therefore, a special management for the World Heritage site has been developed. Given that the High Coast area includes two municipalities, a management committee has been formed with the County Administrative Board, the two municipalities and the County Forestry Board. The management plan does prescribe policies for long-term development that focuses on the management of the natural heritage, according to the special assets that are part of the World Heritage List. The management committee has recommended to increase the area and to include a greater portion of the marine environment based on biological changes (High Coast Net; OURCOAST).

In Finland, the Ministry of Environment is in charge of the overall governing of environmental protection, but has decentralized the work to the regional level, in particular the Ostrobothnia Natural Heritage Services which is coordinating the strategic management plan and which is in charge to control national environmental law in practice. To streamline land use and management planning, the Finnish and Swedish environmental authorities have carried out a study that has resulted in the identification of some common objectives and guidelines for nature conservation (OURCOAST). Up till now, most of the management objectives are related to retaining the natural values, since large part of the World Heritage Site is Natura 2000 and therefore subjected to national laws and international agreements to safeguard the biodiversity in the area. These policy instruments are rather protective. However it is acknowledged by Sweden and Finland that the sustainable development of economic activities (fishing, agriculture, tourism, forestry...) should be promoted as well in order to contribute to the economic vitality of the region. Policy instruments to organize these economic activities are for instance Everyman's right, fishing management fees, permits, restricted areas during nesting seasons, environmental impact assessments and cooperation agreements (UNEP, UNESCO and IUCN, 2008).

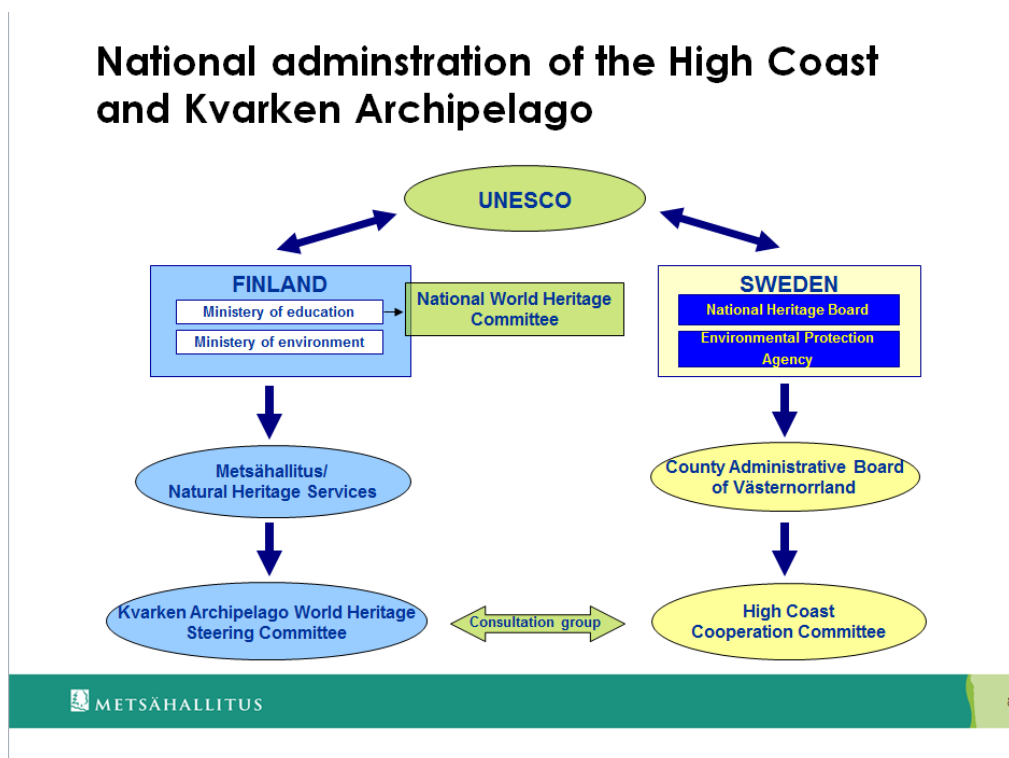


Figure 7 The organisational structure of the Kvarken Archipelago management.

The development of strategic plans and jointly managed projects occurs in the Kvarken Archipelago World Heritage Steering Committee. This Committee is in Finland the regional body and the center of

the collaborative planning process. This Committee has three working groups related to marketing, land use and information where public and private actors join to discuss and elaborate projects. Also the Vaasa Region Development Company VASEK is involved, who aims to strengthen region's competitiveness in support development of tourism enterprise activities in the region. In other words, the Steering Committee involves both public and private stakes (Meriruoho, 2011). The main objectives of this Steering Committee is to approve and monitor the management plan, to maintain communication with the Swedish institutions in charge of the High coast, to promote the World Heritage Site at all levels, to decide the division of labor between the involved parties and to monitor the development of the area.

This Steering Committee is an example of joint management. So far, the main achievements are a common vision for the area that is in force until 2020. This vision states that 'The Kvarken Archipelago, due to its geology and landscape values, is a unique and widely known World Heritage Site which offers its residents a pleasant and attractive living environment as well as genuine experiences for visitors' (Ollqvist, 2011). The Sustainable Tourism Development Strategy 2011, drawn together with interest groups and partners, is putting this vision in practice by means of an action plan (Meriruoho, 2011). This strategy also includes a monitoring system to evaluate the effects of tourism.

Regional management and co-operation

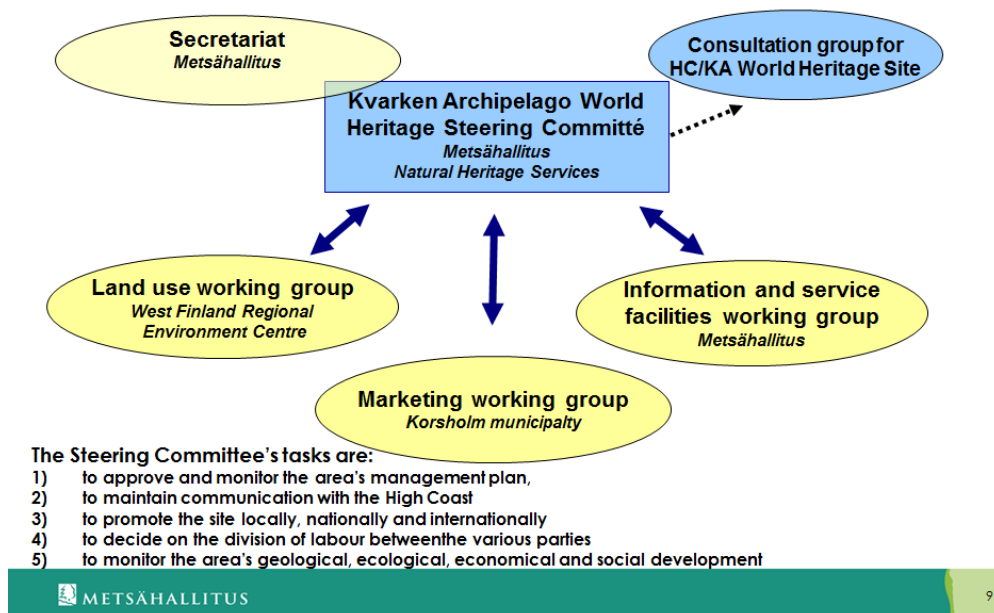


Figure 8 The cooperation structure on regional level.

A second achievement of this steering committee is the logo and graphical profile for commercial uses. This has been created to improve the visibility and marketing of the World Heritage area. Many entrepreneurs are using the logo to promote their products and the Steering Committee approves logo-type agreements with entrepreneurs based on fixed criteria. All tourism entrepreneurs who are providing services in the Kvarken Archipelago do have cooperation agreements with the managing authorities. The entrepreneurs in the High Coast can make use of eco-label which aims to strengthen tourism in the area and is used by companies that participate in environmental training, that produces an environmental strategy and that satisfy with the demanding environmental requirements.

A third example of outcome from the Steering Committee is the Certified World Heritage Guides, where the environmental and tourism authorities are working together to educate and certify about 12 World Heritage Guides.

A last governance structure to mention is the Kvarken Council, which is the Nordic cross border cooperation association that is in force since 1979. The Kvarken Council is one of eleven Nordic cross border bodies, which are funded by the Nordic Council of Ministers. The Kvarken Council is registered in Finland, which means that Finnish law is applied. The Council has staff in both Finland and Sweden. The board consists of six board members from Finland and six board members from Sweden. The board members are higher civil servants and politicians appointed by the member regions. The Chairmanship is circulating between the cities of Vaasa and Umeå, two years each ¹¹. This cooperation is not related to the World Heritage site as such, but contributes to the bilateral agreements on this World Heritage Site ¹². Many joint projects have been developed related to infrastructure, communications, tourism, university cooperation, food, business, education, culture, ... For these projects, the Kvarken Council make use of national but also European budgets and governmental instrument. The Kvarken Council is currently exploring European provisions such as the European Grouping for Territorial Cooperation (EGTC, see Chapter 4 in this report) to increase collaboration.

The lessons of Kvarken Archipelago are:

- management of the logo is important and must be consistent,
- an embedding in European projects and programmes helps to establish transnational cooperative structures (this has already been acknowledged for the Wadden Sea, but could possibly be improved and intensified).

3.1.2 The UNESCO reserve Belovezhskaya Pushcha / Białowieża Forest and West Polesie Transboundary Biosphere Reserve

The UNESCO reserve Belovezhskaya Pushcha / Białowieża Forest was established in 2004. It is a transboundary reserve, lying both in Belarus and Poland. The World Heritage property area is a portion of a larger transboundary forest complex, of about 150,000 ha. The entire forest complex has the largest and best-preserved unit of mixed lowland forest in Europe divided into a Belorussian (90,000 ha) and a Polish (60,000 ha) part. In Belarus nearly all forests of the complex have become part of the transboundary World Heritage property (92,923 ha), less than 10% of the forests in Poland have been included into the World Heritage property. This discrepancy illustrates big political differences on both sides of the border to be overcome by and setting a big challenge for an adequate conservation. The outer borders of the EU are renowned for their rigidity as a consequence of Schengen. Traditionally cooperation on both sides of the border is done by NGOs, setting the agenda and preparing the conditions for official steps. This primacy of NGOs is confirmed by the State of Conservation and is still there.

The following threats have been acknowledged. Air pollution, wood production, impacts of tourism, lack of an integrated management plan, temperature change, and water management. So here we find the need for balancing exploitation, opening the site for a wider public and nature conservation concerns.

The site was visited in 2004 by a joint IUCN/UNESCO mission. The mission noted that the cooperation between the States Parties in the field of conservation and management of the World Heritage property was not adequate. Responding to this mission the State parties organised a meeting to set the agenda for intensifying their cooperation. Here we see how the UNESCO regime enforces governmental actors to engage in mutual cooperation.

Regarding this problem the Dutch nature conservation organisation Natuurmonumenten started a project within the framework of MATRA, a programme aiming to enhance democracy in the eastern parts of Europe and in Russia. The MATRA report summarizes the findings of the Belarus and Polish expert working groups, established in the framework of the pilot project Białowieża Cross-border Ecological Network 'Forest of Hope'. The concluding findings of the experts were presented during the European 'Forest of Hope' seminar (Białowieża, April 2006), and the consensus was reflected in the

¹¹ <http://www.nostraproject.eu/Partnership/The-Kvarken-Strait>.

¹² <http://www.kvarken.org/>.

so-called 'Bialowieza - Forest of Hope Appeal 2006'. Again this is a good example of NGOs preparing the steps to formalisation of a joint management structure. The project provided the arguments for an integrated approach, deduced from their threat analyses. Besides several Dutch nature conservation concepts were introduced in the discussion. It can be seen as a further incremental step towards a more unified management approach of the site.

In the subsequent report on the Belarus MAB National Committee activity for 2012 (UNESCO) one can see that progress is being made, although not directly for this UNESCO site. The main focus has been put on another site, the trilateral West Polesie Transboundary Biosphere Reserve (Figure 9). This reserves extends the borders with Poland and Ukraine. Within the Man and Biosphere programme this site is seen and handled as an experimental zone for new organisational solutions. They expect to apply the lessons learned to their other sites. It is obvious to see how they took advantage of several CBC neighbourhood programmes of the Commission to make the necessary trilateral steps towards an integrated conservation strategy. The first preliminary steps concerned a joint data base, providing the condition for joint scientific, social and educational research in three Biosphere reserves. Also the site managed to involve a Japanese trust fund to provide resources for what is called 'a process of self-understanding for the team designed to systematically implement activities on sustainable development'.

Until now no organisational transboundary models did emerge. It is interesting however that the UNESCO chair at the Belarusian State University has been involved. The Belarusian sites of the Biosphere Reserves are used as experimental and educative laboratories for research and management. This is done in a training process such as masterclasses for the professionals of the three sites involved.

We consider to address the UNESCO chair to share their knowledge on the evolution of a joint management structure.

The lessons for the Wadden Sea discussions are:

- Involvement of NGOs is vital here (although this site is contraire to the Wadden Sea, where governmental actors have established good collaborative structures whereas NGOs seem to be less orchestrated).
- The support of European projects and programmes is important for progress.
- Involvement of the UNESCO chair seems a logical thing to do and sums up to the professionalism that is needed to attract external funds and submit European projects.
- Obviously it is acceptable for UNESCO to select one site as an experimenting zone for integrated management: the WaddenSea site could function as such.

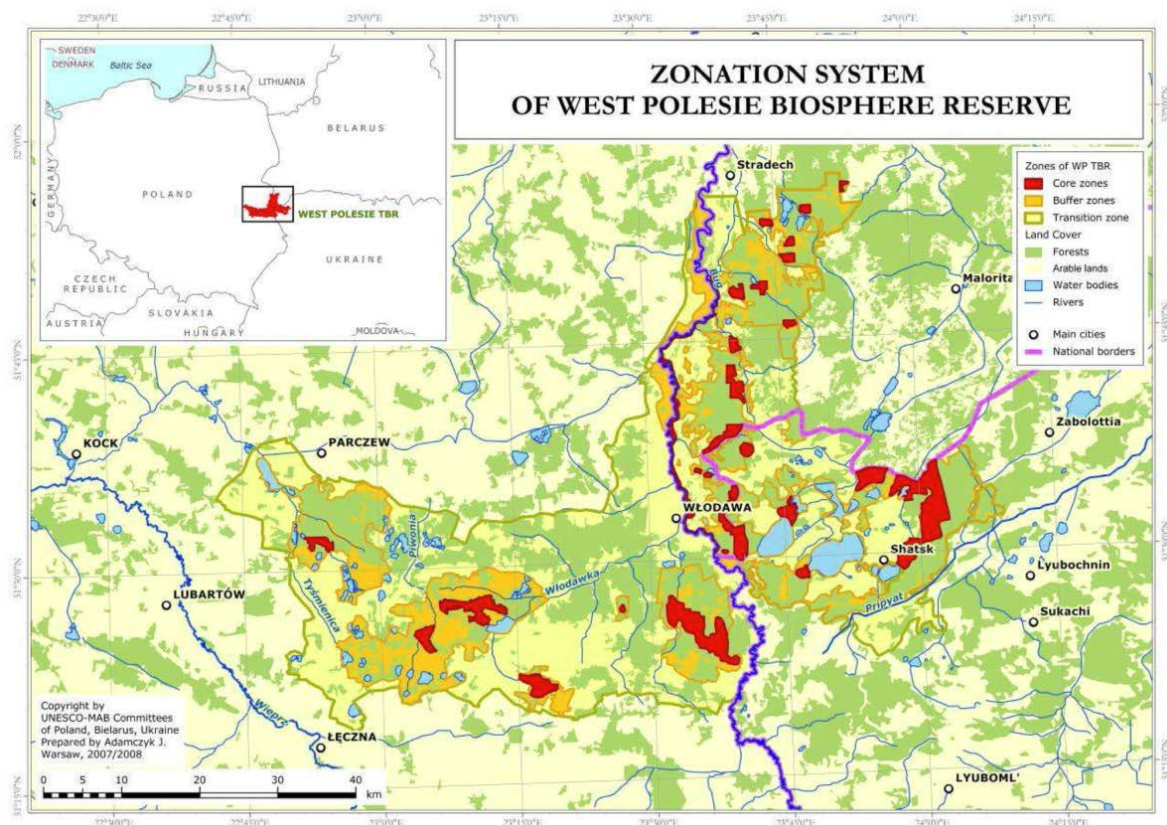


Figure 9 The trilateral area of the West Polesie Biosphere reserve.

Summarizing the lessons from these practices the following components of added value can be mentioned.

- An adequate involvement of NGOs can play an important role in the development of collaborative structures that address the needs and obligations of the management of the world heritage site.
- The foundation could take primacy in the development and valorisation of the logo in a consistent way.
- The foundation could use European provisions and could apply for European projects to enhance the level of trans national cooperation.

3.2 Best socio-economic practices on world heritage sites

James Rebanks (2013) has studied how World Heritage is used as an opportunity of economic gain. The main finding is that only a limited amount of World Heritage sites have succeeded in developing the WH in a significant way for regional economic development (ca. 20, see figure 10). The main explanatory factor that clarifies the difference between these sites is motivation, more specific how the management organisation and stakeholders perceive the WHS status. Four types of motivation are distinguished:

- WHS as a 'Celebration' Designation – Many places with a WHS treat it as a celebration or reward designation for heritage already preserved – this kind of motivation does not result in using WH to achieve economic gains.
- WHS as a Heritage 'SOS' Designation – Many sites with a WHS treat it as an emergency attention designation for unique heritage at risk – this kind of motivation results mainly in preservation activities and not more than that.
- WHS as a Marketing/Quality Logo/Brand – A growing minority of sites have come to the realisation that the WHS designation has value as a marketing or quality brand for historic places – this kind of motivation results in activities in the field of economic development by tourism.
- WHS as a 'Place Making' Catalyst – This view treats WHS status as a powerful catalyst for economic development using heritage as a tool to develop powerful new identities for places, and powerful

programmes of actions to change places fundamentally. This is the only motivation that generates wide socio-economic gains based on the WH status.

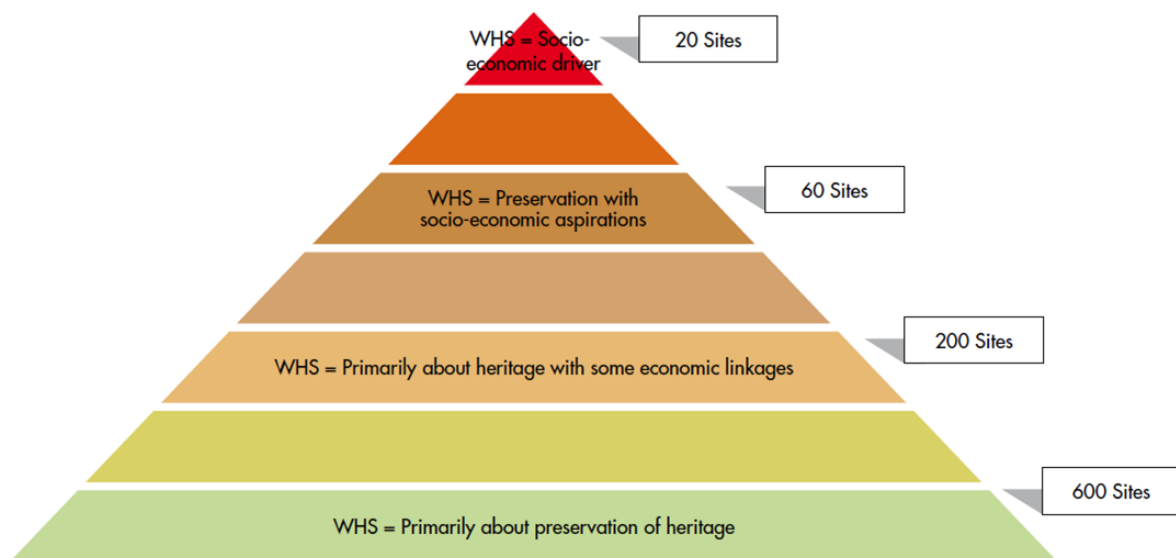


Figure 10 The socio-economic pyramid made by Rebanks.

Reflecting on the Wadden Sea, the motivation to nominate the site to the World Heritage List is related to WHS as heritage SOS designation. The focus on preservation and preventing ecosystem damage e.g. because of climate change or economic activities can be interpreted from the structure of the Nomination Document (CWSS, 2008). The submission process has been a topic of discussion for many years since some actors hesitated because they perceived WHS as a barrier that would hamper any future economic development. This situation indicates that there is a diversity in motivations to be or not to be a WHS among institutional and societal actors in the Wadden Sea area. Motivation affects the added value of the WHS foundation as well as its strategy. It is not fully clear which motivations prevail at this moment.

The socio-economic impacts of the WHS status are rarely accidental or unintended, as is indicated by Rebanks. He argues that these economic benefits are the result of coordinated efforts to achieve change. Based on the analysis of 14 out of these Top 20 WH sites, Rebanks have identified a typology of 6 organisational models that are the fundamentals of economic benefits, see Table 2.

Table 2

A typology of six organisational models for World Heritage as economic benefit.

1 Blaenavon-model	2 Cinque Terre-model	3 Edinburgh-model
<p>Strategy: WHS focusses on economic development based on the cultural glue of the heritage, f.e. step by step holistic regeneration program to restore confidence in local economy (benefits for both visitors and residents).</p> <p>Organisation: action-oriented and strategic local authorities (limited amount), working strongly together with private sector, and involving an active local community; (charitable bodies to complement local authorities). One coordination team with exceptional coordinator who understands the community. Networking widely and buy-in of strategic partners (f.e. national parks authority, economic development authorities, waterways authorities, European heritage organisations, ...)</p> <p>Finance: mixture of new investment and repurposing of existing investment to deliver significant change – public and private funding, but no long term core funding – investment program is project-based type of funding. (f.e. by heritage lottery fund grant). Success depends on management team and strong strategy for development.</p>	<p>Strategy: preservation of socio-economic way of live through investments in structures, facilities, products and branding. Private sector as guard of the landscape. Communication focus on visitors and residents (quality of life). Strong quality branding of products.</p> <p>Organisation: fusion of WHS with National Park (highly beneficial management team being able to do things a WHS only cannot do) in strong collaboration with private land owners, organised in cooperatives that aim to provide/develop scale advantages like product development, higher market prices, marketing infrastructure that is support products to enter the world market.</p> <p>Finance: no vast overall public sector investment. National Park, WS and cooperative supportive structure has resulted in greater ability to access EU, national, regional funding.</p>	<p>Strategy: enhance the lives of city inhabitants by promoting the harmonious adaptation of WHS to the needs of contemporary live. Focus on residents. Tensions between on-going development and WHS are experienced. Strategy is to affect perceptions of quality of life that a place offers since this increases investment and relocation decisions of individuals, families, SME's and multi-national businesses.</p> <p>Organisation: core stakeholders have created an organisation to lead WHS issues. Eight staff members. One aspect is to engage with residents and deliver charitable projects. Board of Trustees responsible for the strategic direction of the organisation, stewardships and charitably given funds. Appointed based on specialist skills and provide support + added value. Directors and representatives of residents can join to become member of the company. Focus on raising awareness on the values of WHS. Modest organisation and program (compared to model 1 and 2).</p> <p>Finance: mainly public funding (city council and historic Scotland) and charitable donations.</p>
4 Völklingen-model	5 Bamberg-model	6 Rocky Mountains-model
<p>Strategy: fusion of contemporary creativity with heritage to develop a radically new offer to visitors (and residents). Aims to change place and perceptions of WHS. Key are marketing and branding in terms of place-making.</p> <p>Organisation: a company (non-profit making organisation) is developed to organise the Völklingen Ironworks. It is a bureau that has staff working on management, communication, project management and technicians. The company is supervised by a board of ministers (economy, culture, transport, energy). Central in the projects is creativity. Inspired leadership is crucial. The company strategically cooperation with other organisations in the field of policy, tourism, museums,</p> <p>Finance: The projects and development of WH is funded by European Union (Interreg), national public funding, Saarland's government, the lottery, and one private partner Kohlpharma (pharmaceutical company)</p>	<p>Strategy: rebranding the site with focus on WHS to attract higher value cultural visitors. Destination marketing.</p> <p>Organisation: organisation is mainly focussed on marketing – simple structure. Overall branding of city on WHS, individual campaigns focussed on activities. Partners of organisation: mainly tourist and recreational organisations as well as public authorities.</p> <p>Finance: public funding.</p>	<p>Strategy: changing visitors experience – emphasis on the distinctiveness and authenticity of destination. Strong tourism strategy. Community plan (bottom-up-process) focus on intrinsic value and authenticity, which is integrated in policy and law.</p> <p>Organisation: national park and provincial parks in collaboration with local communities and non-profit organisations.</p> <p>Finance: public funding – confronted with decline over the past few years – this is a barrier/ tourist revenues.</p>

3.3 Added Value lessons for the WSWH Foundation

In this Section, we elaborate on the financial mechanisms of the six Rebanks models that are expected to generate socio-economic benefits by means of the Wadden Sea World Heritage. The overall aim is to preserve the Outstanding Unique Values of the Wadden Sea World Heritage and using the WH as a socio-economic driver for regional development. The foundation is expected to have central role in attracting funding and facilitating activities to preserve and promote the world heritage, resulting in regional development.

The transboundary practices showed us that institutional innovations occur in the public private partnerships and that experimenting can be integrated in the management without principal discussions with UNESCO.

First of all, it is necessary to mention that none of the models are located in transboundary world heritage. The tri-national situation remains aspects that requests for innovative and tailor-made organisational approach. Real life context requests a mixture of aspects from each of these six models. The analysis reveals some interesting topics.

The models differ in terms of how World Heritage Site is connected with the socio-economic system in the area. In some models (1 + 2), the WHS is used as a catalyst of socio-economic change, while in others the WHS only supports socio-economic change (e.g. model 3). It depends on the perception and concept of Wadden Sea stakeholders on the WHS which determine how the WHS will relate to the socio-economic system in the area.

The Cinque-Terre model in combination with the Völklingen-model attract attention. The Cinque-Terre model because there is a close collaboration between WHS/national park and private sector in terms of cooperatives. The Völklingen-model because it makes use of the creativity of residents to develop a completely new offer to the visitors. As far as concerns the Netherlands, it is clear that the local community includes a significant amount of artists, so the conditions are already there.

Furthermore, we would like to mention some interesting and inspiring practices from these models, that could play a role in the newly developed WH foundation. In the Blaenavon-model, the concept of we fund the valleys is interesting¹³. This concept is developed by means of EU-interreg funding and aims to gather private money to invest in environment, tourism and heritage. Some of the Blaenavon projects are funded by 'We fund the Valleys'. All investors are mentioned on the website and business opportunities are demonstrated on the website.

The Cinque Terre model illustrates examples to be smart with law and policy. The WHS is equal to the National park. This fusion is valuable and often a solution to certain problems. For instance, because the Unesco WHS brand cannot be used on commercial products, the CT National Park has invested in quality branding that uses the National Park logo as part of commercial products. In the Cinque Terre model, cooperatives strongly collaborate, because the farmers jointly succeed in realizing things (selling on the world market) that alone would not be an option.

In the Edinburgh model, the focus is on changing the perception of residents and visitors about the WH and increasing their awareness on the value. Interesting here is that the organisation does provide grant schemes and conservation advice to residential property owners in the site. It is a way to connect private land owners to the site and organise regeneration and conservation with private actors.

In the Rocky Mountains model, it was the aim to develop new experiential tourism products that reveal the authenticity, distinctiveness and high quality of the area. Given that local communities and private sector are crucial to maintain these three characteristics, the tourist revenues are coupled to these characteristics. In case activities of private actors hamper these characteristics, tourist revenues

¹³ www.wefundthevalleys.com/.

will no longer be returned to the community. In the Dutch island communities, there are already some examples of services for visitors that directly generate income to the local community, as for instance the ferryboat between Den Helder and Texel.

Table 3
Motivations and orchestration in the different models.

	Setting up new structures	Low profile organisation	Buying in strategic partners
Celebrating Living Heritage and Quality of Life		Rocky Mountains	Cinque Terre Blaenavon
Awareness and concerns of Monumental Heritage	Völklingen	Bamberg Edinburgh	

Given the contextual aspects that determine the impact and success of the model, it is not preferred to choose just one model, but rather a mixture of model-elements. The organisation construction of model 2 and 4 is most interesting, combined with the financial structure of model 1 and model 6.

To secure continuation, the foundation’s funding strategy will be multi-sourced, coming from citizens, business sector, governmental actors and tourists, both from in the Wadden Sea area as outside the area. Below we highlight the various lessons that seem applicable to the Wadden Sea World Heritage Foundation.

Lessons from the Völklingenmodel:

‘Place-making activities’ aiming to re-connect citizens and business with the regional environment. Art and the cultural sector play an important role in place-making, as in the Völklingenmodel. It is by means of art, theatre and creative design that people can tell their story about the meaning the place has, according to them. Place-making by art and culture increases local pride, contributes to sense of place and the identity within the region and in that way, place-making is expected to develop a (the) community. The closer people are connected to a region and a community, the larger their willingness to invest in it, in terms of time or money.

Thus: place-making by art and cultural sector is a way to trigger and increase the amount of funding (in kind and in cash) coming from the local community, including citizens and private partners. This is expected to be a vast and steady financial source, since locality affects charitable donations (Breeze B., 2010).

Lessons from the Bambergmodel:

The Bamberg model is inspiring because the organisation has succeeded in branding the area in order to attract tourists to the area. Branding can be considered as a double strategy to attract funding. On the one hand, by attracting tourists, the spending of tourists in the area will increase since the amount of tourists is expected to grow. On the other hand, by increasing the outreach of the World Heritage, the area will get attention from potential donors outside the area as well.

Inspiration from the Rocky Mountains model

Inspiring in the Rocky Mountains model is the collaboration of the tourism industry in re-inventing the tourists’ experience. It is in particular the quality of the environment that plays a key role in the differing experiences tourists can get in the area. By connecting the quality of the environment with regional income, the motivation to conserve the area and to shift towards sustainable business, is large. Key to the collaboration is a strong and shared tourism vision that is implemented and updated every few years. Socio-economic benefits coming from the World Heritage are from tourists spending (park fees, parking fees, product sale, rental equipment, activities, income taxes and accommodation taxes) and are (partly) returned to the community as a reward for their contribution and conservation to the environments’ quality.

Inspiration from the Blaenavon model.

Stewardship from community members in Blaenavon is one of the important successful mechanisms to generate socio-economic benefits by means of the world heritage. The community has developed a holistic regeneration program which is operationalized in a project-based way. Citizens and private business contribute in kind by volunteering to activities, and strategic partners are brought-in in order to realise the projects of the program.

Lottery is also used in Blaenavon to gain funding from the local community.

Inspiring is also the way private funding is raised. The 'wefundthevalleys'- website shows (business) opportunities in the area about how natural environment can generate socio-economic benefits.

Private partners can invest in the opportunities, but can also donate into the fund. This example demonstrate that the identification of green business opportunities can attract private funding.

Lessons from the Cinque Terre model

Private business interests in Cinque Terra are connected to World Heritage Conservation because the quality of the area and the products is the traditional way of agricultural production, which is one of the OUV's of the World Heritage. Sustainability is central to the practice of the farmers. Cooperatives between the National Park/World Heritage organisation and the local farmers have been a very successful way to organise scale advantages, to have a marketing strategy for the region, opening markets which the farmers individually could not manage on their own and to bring the local products to the global market. It is this strong collaboration which has resulted in the traditional development of products that are able to reach the world market. The World Heritage Status has been a very useful marketing instrument to get to the global market.

In addition, the local farmers have developed an additional business with focus on tourists. Tourists, coming to the area, can visit the farms and experience the traditional production process. These tourists experiences contribute to expanding the reputation outside the region.

Inspiration from the Edinburgh model

The ability of the Edinburgh model to attract charitable donations is remarkable. By raising awareness of the values and meaning of the World Heritage and engaging the residents, Edinburgh has succeeded in attracting charity funding, and stewardship of citizens to preserve the World Heritage.

3.4 Conclusions: additional added value components

At the end of Chapter 3 we indicated a number of added value possibilities for the WSWH Foundation. Based on this best practice analysis we add some more. Some may overlap with others, but this will be solved in the conclusions of this report when we take them together in one picture.

Added value components

1. Using World Heritage as an asset for sustainable socio-economic development.
2. Consistency in branding and deploying the rights of the UNESCO and Wadden Sea World Heritage logo's.
3. Involving private investors from the tourist industry, and the local and regional industry.
4. An adequate involvement of NGOs can play an important role in the development of collaborative structures that address the needs and obligations of the management of the world heritage site.
5. Acquiring and redistributing funds to ensure that the Wadden Sea becomes an integral entity.
6. The foundation could use European provisions and could apply for European projects to enhance the level of trans national cooperation.

4 Legal and financial assets and prospects to capitalise added value

4.1 Introduction

Hereafter we elaborate on two organisation forms that can address the full complexity of the Wadden Sea World Heritage institutional landscape: the European Grouping for Territorial Cooperation and the Community Foundation. First we will introduce their characteristics, give some examples and then we will analyse them in the light of the governance situation of the Wadden Sea. Before concluding, we will provide some practical arguments that should be taken into consideration. This part of the project is grounded in a broader analysis of organisational forms that was made to support the work of the Feasibility Committee in their start-up phase. This analysis is given in Annex 2.

4.2 Analysis of European Groupings for Territorial Cooperation (EGTC)

4.2.1 Rationale on EGTC's

The EGTC (European Commission, 2006) is the first European cooperation structure with a legal personality defined by European Law, designed to facilitate and promote territorial cooperation (cross-border, transnational and interregional cooperation), in view of strengthening the economic and social cohesion of the European territory (Pucher and Radzyner, 2012). The EGTC's members should conclude unanimously on a convention and adopt statutes on the basis of it.

The convention specifies:

- The name of the EGTC and its registered office (located in a Member State).
- The territory of the EGTC.
- The objective and tasks of the EGTC.

According to Article 3 of the EGTC Regulation, members of an EGTC can be:

- Member States.
- Regional or local authorities.
- Any other bodies governed by public Law.

The advantage of the EGTC is that it offers 'the possibility of involving different institutional levels in a single cooperative structure', and thus 'opens up' the prospect of new forms of multilevel governance, enabling European regional and local authorities to become driving forces in drawing up and implementing EU policy, helping to make European governance more open, participatory, democratic, accountable and transparent. A number of European Groupings already emerged in the past few years (27 in December 2011): some on culture, heritage and tourism such as Pyrenees Mediterranean or The Portuguese Xacobeo (the Portuguese route to Santiago de Compostella)(Figure 11).



Obviously the arguments to establish a EGTC lie in a) the acquisition of European funding for projects, b) improving the cooperation structures that transcend national boundaries providing an uniform institutional framework for projects and projects of common interest and c) to provide a structure for decision making in which many different public and semi-public entities can participate. Most of the EGTC's comprise the local and regional level and these actors can then act as being on the same level, if it is desired related to the topics of the EGTC.

INTERACT has issued a handbook for the establishment of a EGTC. In the monitoring reports, five stadia of development are acknowledged: 1) idea 2) preparation 3) waiting for approval 4) established/registered and 5) becoming operational¹⁵.

4.2.2 Three examples of EGTC

Linieland van Waas en Hulst

The EGTC Linieland van Waas en Hulst results from a partnership between Belgium and the Netherlands; involving around 110.000 inhabitants in a 500 km² area. This EGCT was established to reduce administrative, political and economic barriers between Flanders and the neighbouring Dutch regions. In 2012, the EGTC implemented several projects, such as the project 'R7 Network of tourism and education information spots' that wants to create a cross-border recreational network, but no

¹⁴ <https://portal.cor.europa.eu/egtc/en-US/discovertheegtc/Pages/Publications.aspx>.

15 see annex 3 of this report for more information on the practical steps.

budget is allocated yet. In 2012, the EGTC Linieland van Waas en Hulst had one director and a staff member employed on a part time contract in charge of administrative tasks

West-Vlaanderen / Flandre – Dunkerque – Côte d'Opale

This European Grouping has its seat at Dunkerque and it has eight members in France and five in Belgium. It originates from a partnership between France and Belgium, involving around 2.000.000 inhabitants in a 7000 km²'s area. This EGTC has been created to define strategies, actions and programs in the cross-border region, in order to meet the needs of its inhabitants. In 2012, the budget of the EGTC West-Vlaanderen / Flandre – Dunkerque – Côte d'Opale was 280.000 381.000 Euro. It is made up of financial contributions from the members (50% FR; 50% BE). In 2012, the EGTC implemented several projects. The EGTC was project leader of the Interreg IV A project 'Cross-border cooperation West Flanders/Flandre-Dunkerque-Côte d'Opale'. This project aimed at developing thematic to stimulate cross-border cooperation in the region. The total budget of the project was 360 000 EUR, including 215.000 Euro of European contribution. Besides de EGTC is partner in two INTERREG IVA projects. This EGTC does not have any specific staff.

UNESCO Novohrad-Nógrád Geopark

The UNESCO Novohrad-Nógrád Geopark that lies on both sides of the Hungarian Slovakian border has chosen to become a EGTC and registered in 2011¹⁶. It is based on membership of the underlying municipalities (70): they pay 1 HUF per inhabitant (Anonymous). Decision making is based on consensus. The director is newly elected every fourth year. This example shows the combination of UNESCO site and EGTC to be compatible.

4.3 Analysis of Community Foundations

4.3.1 Rationale of Community Foundations

Community Foundations (CF) are often considered as a form of NGO and fall under the variations of the Civil Laws in different countries. The common definition of a CF is:

- 'Community foundations are independent registered philanthropic institutions serving geographically defined territory, typically a city or administrative area (county, region and the like)' (Malombe, 2010; Hodgson, 2013).

The community foundation concept is new at both the community and donor levels; it is also a departure from traditional support channels to civil society organisations, and to community development practices in particular. CF have had a very short history in most countries, with the exception of the United States and Canada, where they have been in operation for many years. In the United Kingdom, 27 community foundations have been formed within the last twelve years. In Canada, more than 500 CF's can be found¹⁷.

The six main tasks of the CFs are:

1. Act as grant-making foundations – e.g. give grants to support development projects.
2. Define a broad mission (e.g. to improve quality of life in a community).
3. Serve geographically defined communities – a city, state, region, district or province.
4. Provide a framework for donors and grant seekers primarily from inside the community.
5. Reflect the will of the community in multi-sectoral local boards.
6. Build capital endowment, which is an important element of sustainability.

¹⁶ See www.nnegtic.eu.

¹⁷ Specific networks of Community Foundations can be found in the following countries:
Bulgaria: <http://www.acfb-bg.org/>.
Czech Republic: <http://akncr.cz/>.
Slovakia: <http://www.asociaciakns.sk/>.
UK: <http://ukcommunityfoundations.org/>.

CFs with large coverage include mechanisms to accommodate local concerns and to make sure that unique problems are addressed. The four common geographic categories are city, state, nation, and region.

The last evaluation report of the Global Community Foundation Fund on CFs' state of the art defines three main aspects of the CFs' mission: assets, capacity and trust (Hodgson, 2013)¹⁸.

Assets

Community philanthropy builds and deploys local assets—financially and otherwise. This is why individual and institutional donors consider it as an effective path to sustainability, growing a resource base for work on community issues. Use of local assets, engagement of local donors, and frequent use of perpetual endowments all allow community philanthropy to strengthen civil society over the long run.

Capacity

Community philanthropy organisations develop long-term capacity in the form of the relationships, knowledge, infrastructure, and leaders essential to civil society - capacity that shorter-term approaches can't duplicate. In particular, community philanthropy is an effective way to strengthen citizen voices and participation. And it is well-positioned to help organisations adapt to changing conditions, new local priorities, shifting donor interests, and leadership opportunities.

Trust

Through home grown governance and transparent funding decisions, community philanthropy builds residents' trust in their local institutions and each other. This social capital strengthens civil society. It sparks engagement. It creates a sense of local ownership of the development process. And it enables community philanthropy organisations to effectively convene, inform, and mobilize residents in ways other organisations often cannot.

Most countries lack a specific regulatory framework for CFs. Emerging CFs are grappling with environments that lack supportive tax laws; in particular, the incentives to motivate the private sector and wealthy individuals to contribute. Furthermore, the formal philanthropic infrastructure existing in the United States and Canada does not exist in most of the other countries. Pursuing financial donations from wealthy individuals, practiced by CFs in the United States, does not apply in most European countries. Although indigenous forms of giving exist in many countries, it is unclear as to whether emerging CFs will benefit from this source.

Community Foundation Governance

The structure and composition of the Board of Trustees and Directors is central to CFs because the board plays a pivotal role in shaping community development, raising funds, and making grants. The board is the voice of the CF and gives it credibility, which is critical for fund-raising and for building the legitimacy of the foundation. The board composition of CF can be diverse, representing social, private, and public sectors. This diversity broadens the base of participation in community development and facilitates comprehensive community development strategies. Board structures range from simple groups to more complex bodies, including a variety of specialized committees: executive, operational, advisory, regional, and professional.

The main funding sources of CF include foreign funds, funds from the private sector (mainly businesses), funds from the public sector (local government), and funds from individuals (table xy). The ability of CFs to access funding from all these sources is innovative and has brought new funding not previously available to the civil society sector. Sources of funds have been greatly influenced by the historical development of the various CFs, their size, and the nature of the civil society sector in specific countries. The most common types of funding mechanisms for CFs in Africa, Eastern Europe,

¹⁸ <http://www.globalfundcommunityfoundations.org/information/>.

and Mexico are funds from international philanthropic foundations. The second most common type of funding is donations from the business community or private sector.

CFs in Europe are eligible for grants (not all general funding such as contracts) of few specific European Union Programmes including: Europe Aid grants of the European Development Fund, European Social Fund and from the Educational Audio-visual and Cultural Executive Agency. There is more research needed in scanning the EU specific grant programmes in the fields of the specific CFs goals and missions¹⁹.

Community Foundations in Canada act upon a perpetual fund that is put in a National Community Fund for receiving an annual interest. This interest is used to apply its staff and the staff is dedicated to grant making and project adoption. Besides national ones also there exists a Global Fund for Community Foundations²⁰.

4.3.2 Examples of CF's

Two cases of Community Foundations are given below to give a more detailed idea about their rationale (Malombe, 2010; Workshop for Civic Initiatives Foundations, 2012).

Casus 1. Community Foundation Clayoquot Trustfund for the Clayoquot Sound UNESCO Biosphere Reserve Region, in Canada

The trust fund works for eight communities (districts). Every district is represented in the board. Many volunteers are involved and they can become non-voting board advisors in advisory committees. Every two year a new business plan is made. They have a good working website that primarily serves the purposes of funders and grant seekers. The focus is on sustainability in combining economy and ecology. Grant categories: research, education and training. They facilitate the sharing of local and global knowledge and experience. As a community foundation, they are obliged to become a member of a Canadian federation and this gives the opportunity to pool the fund and receive a higher interest.

A starting grant of twelve million dollar was supplied by the Canadian Fund. This is a perpetual fund. The foundation should take care that its value remains unchanged. The revenues of it (4 à 4,5%) are used for the staff of the community foundation. This staff collects 60.000 dollar annually from fundraisers, civilians and enterprises. With this money various bottom up projects are funded: decisions are taken by the board. The total budget is around 550.000 dollar. Although one could say that this CF is too small and insignificant to serve as an inspirational practice for the Wadden Sea, their financial model is interesting enough to deserve further consideration.

Casus 2. Workshop for Civic Initiative Foundation

WCIF is an organisation registered as non-profit a legal entity in the City Court of Sofia and has a registration as an organisation in public benefit in the Register of the Ministry of Justice²¹. The Foundation was established in 2001. Its inception was inspired after four years of work on the Charity Know How Programme 'Knowledge, success, change'. The team implementing the program in Bulgaria decided to create a Bulgarian organisation that would continue developing new opportunities for work with civic groups and organisations in the country.

Mission and goals are a) developing the NGO sector in Bulgaria by developing the capacity of the organisations and the skills of the people working for them and b) promote development of philanthropy in Bulgaria and to assist uniting the efforts of people with philanthropic notions that would lead to solving specific problems. The foundation is governed by the Board of Trustees and the Executive Director. WCIF is supported by its donors and partners, who provide both financial and non-financial support.

¹⁹ http://ec.europa.eu/europeaid/work/funding/beneficiaries_en.htm.

²⁰ <http://www.globalfundcommunityfoundations.org/>.

²¹ <http://www.wcif-bg.org/index.php?lang=en>.

Below some more examples of Community Foundations are given and their activities.

Examples of CF activities	
<i>Foundation</i>	<i>Example of activities</i>
CFBB	Women's groups, rural and environmental, youth, disability, neighbourhoods, culture, social areas, schools
Carpathian Foundation	Capacity building, cross-border cooperation, inter-ethnic program, rural development
Usti nad Labem	Environment, culture, education, social services, youth
KCDF	Capacity building
FDC	Children and youth, capacity building of NGOs and CBOs, HIV/AIDs
WARF	Capacity building, research
Oaxaca	Disaster management, education, youth, micro-regions, women
GBF	Youth, disability, security, homelessness, isolation
OCF	Education, disability, health promotion (particularly mental health), poverty
MCF	Arts, culture, economic vitality, education, natural resources and conservation, basic human needs
NHCF	Education, human services, arts and humanities, health, student aid

In Table4 an overview is provided of different endowment sources that are used by Community Foundations.

Table 4

Examples of CF funding sources.

Community foundation	Donor partners	Source of endowment
CFBB (1994)	Local authority, C.S. Mott Foundation, Rockefeller Brothers Fund, Open Society, EU, Charities Aid Foundation, private sector, individuals	Local authority, international foundations, individuals
Carpathian (1995)	C.S. Mott Foundation	None
Usti nad Labem (1998)	C.S. Mott Foundation, private sector, National Foundation	Businessperson
KCDF (1997)	Ford and Aga Khan Foundations, Management Board	Started by management board and now has Ford Foundation Challenge Grant
FDC-Mozambique	MacArthur Foundation, private sector companies	
Uthungulu	Ford Foundation, Billiton Development Trust	
WARF (1993)	Ford Foundation, IDRC, contracts	Ford Foundation Challenge Grant
OCF (1995)	Private sector, IYF, Ford, McArthur, and Kellogg Foundations, CEMEFI	Private sector, international foundations
Oxfordshire (1995)	Private sector, individuals	Private sector
Great Bristol (1987)	Private sector, individuals, C.S. Mott Foundation (one-time endowment challenge grant)	Private sector, individuals, C.S. Mott Foundation (one-time endowment challenge grant)
Montana	Individuals, Northwest Area, Macnight, Ford, C.S. Mott, and Turner Foundations, Steele Reese, private sector	Individuals, private sector
New Hampshire (1962)	Individuals (most of the funding), private sector (minimal)	Individuals

4.4 Applicability CF and EGTC

4.4.1 Pro's and con's of the CF

Opportunities

The CF may be advantageous to involve, target and broaden the participation by civil society and attracting donors for the Wadden Sea World Heritage site. It can mobilise resources in several ways and is seen as a good organisation form for philanthropy (European Foundation Centre, 2012). Firstly it can provide seed resources for the growth of civil society organisations (particularly small organisations). Moreover it can leverage diverse sources of financing for the projects and programs of civil society organisations and thus generate opportunities for resource growth through mobilizing new, innovative, or alternative resources for community development. And finally it can channel foreign aid to civil society and monitor the development process for long periods of time, which could lead to sustainability. In doing this it can create opportunities for donors to become locally involved. This again depends on the vigour of the brand: the stronger the brand the easier it will be to involve private investors seeking ways to boost their social performance and online reputation.

Challenges

In Europe this CF is a new concept that advocates mechanisms that may be unfamiliar to their constituents. Creation of a CF is a process that needs time, just because of this unfamiliarity. It can generate multiple-purpose funds, but it requires good fund-raising and grant-making experience.

Legal issues

Denmark	Germany	The Netherlands
Non-profit activities in general may be carried out by any type of entity, the most important legal vehicle for non-profit activities in Denmark is the foundation. This is not due to restrictions in civil law, but rather because of the various tax privileges available to them. -Foundations are registered in Danish acts on Foundations (LFF, or LEF) and managed by a board, composed of at least one member, which is independent of the founders.	Aktive Bürgerschaft (Aktive Bürgerschaft e.V. 2009) -Independent private institutions in the form of a foundation under German civil law that are usually established by several founders. Establishment, fixed in the statute, of at least two foundation bodies, an executive and supervisory board (that is a decision-making and a controlling body) ²² .	Wet voor stichtingen and in te Chamber of Commerce registration (KvK registratie) In the Netherlands there is a lack of experience to work with Community Foundations. Much more experience has been established with the Cooperation as a legal entity.

4.4.2 Pro's and con's of the EGTC

Opportunities

The EGTC is a strong vehicle to unite the trilateral partners from the public sector (national, regional, and local authorities) in provision of cross-border territorial cooperation in the Wadden Sea region. If a choice for a EGTC would be made, this would imply an impetus for the acquisition of EU community funding from the Structural funds in implementing specific joint projects for regional development in the Wadden Sea area. Moreover it can strengthen the regional community by taking pro-active initiatives for promoting World Heritage values and benefits for the trilateral community. The EGTC can be used for further harmonisation of Wadden Sea governance, and this could be a trigger for economic actors to strive for deeper involvements. If the WSWH Foundation would be the initiator, this would be the best possible example of International Orchestration.

²² Information about the work of the Association of German Foundations (Bundesverband der Deutscher Stiftungen)'s work in the field of Community Foundations (Bürgerstiftungen) can be found at <http://www.stiftungen.org/de/projekte/initiative-buergerstiftungen.html>.

Challenges

Opting for an EGTC would also involve some challenges or drawbacks. It has to be acknowledged that it would involve a huge amount of juridical work in advance. Although this would be the basis of easy going future cooperation the idea of one or two years of tedious work does not seem so attractive. One has to follow the specific EU regulation. Synchronizing legal dissimilarities in advance concerning sustainability issues could also bring principles issues to the front that would pop up later in the process if the EGTC would be left aside.

Legal Issues

The EGTC has been registered in three of the partner countries following the European and National legal provisions, see Table xy.

Denmark	Germany	The Netherlands
Lov om administration af forordning om oprettelse af en europæisk (01-Jun-2008).	Depending on the region specific provisions ²³ . EGTC not yet incorporated in German Law.	Wet van 26 november 2009, houdende uitvoering van verordening (EG) nr.1082/2006 van het Europees Parlement en de Raad van de Europese Unie van 5 juli 2006 betreffende een Europese groepering voor territoriale samenwerking (EGTS) (PbEUL210) (Uitvoeringswet EGTS-verordening).
Danish Commerce and Company Agency and approval of the request for participation from the Danish Enterprise and Construction authority (http://www.eogs.dk ; www.ebst.dk).		

4.4.3 Wadden Sea World Heritage Foundation under European right

When establishing a WSWH Foundation it will be necessary to choose one system of rights under which the organisation will execute its tasks. Preferably this can be organised under the system of European Rights. (An alternative may be the system of rights of the UN, but we did not take this into consideration).

To our knowledge there are two institutional paths to take:

- A European Grouping for Territorial Cooperation (discussed above).
- A European Foundation (which can be combined with the Community Foundation to a European Community Foundation).

Regarding the European Foundation Statute a fact sheet was issued by the European Foundation Centre, it is on the edge of being accepted and this is very important for transnational foundations (European Foundation Centre, 2013). The EF Statute has been proposed in 2012 by the Commission. It is an important instrument of the Social Business Initiative by Barnier (philanthropic actors need a level playing field) (Bernholz, 2012). It will be decided on by anonymous voting and should be accepted unanimously. This makes it very tricky, because one veto can block the acceptance. The most difficult problem is the tax exemption paragraph. Countries are now working on a reversed compromise proposal and it is to be expected that the tax paragraph will be taken out. This implies that tax exemption status has to be acquired in each country that is involved in a European Foundation. For instance, we may consider the fact that cross border giving in future might also come by actors in other than our three countries (e.g. by enterprises or a bank): specific tax arrangements have to be made then with the government of such a country. The EP has said to be positive towards the initiative, the Council has not yet been discussing it.

Actual European Foundations are issued under national law so far, and they are united in the Network of European Foundations. In this network it can be observed that Community Foundations can function as a European Foundation or vice versa (European Foundation Centre 2011; European Foundation Centre 2012). Some examples: Cluj Community Foundation, The Community Foundation for Northern Ireland (www.communityfoundationni.org), Community Foundation of Pomurje, Community Foundation West-Flanders. Several European Foundations (under national right) have a regional focus (some of them are cross border foundations) and within the partnership of the European Foundation

²³ www.bmwi.de/English/Navigation/root.html.

Centre a focus group is being established. It might be interesting for a WSWH Foundation to follow what happens there and join this group to be informed about upcoming opportunities regarding European programmes and provisions.

For the Wadden Sea this means that a potential European Community Foundation (ECF) can in due time be grounded in the system of European Rights, just as a EGTC.

4.5 Conclusions on added value in a governance perspective

Below we conclude this chapter by picking up the added value components defined in previous chapters and confronting them with the two institutional forms discussed above, the EGTC and the Community Foundation.

Until now we interpreted the following components of added value:

Enhancing integrated and integrative transnational governance

1. Dedicated to combining OUV's with sustainable development.
1. Coverage inclusive towards cultural, cultural heritage and (socio-)economic development.
2. Stewardship and conflict reduction.
3. Dispersing benefits of the WH status widely.
4. High governance performance in decision making.

Enhancing participative democracy

5. Stimulation of trilateral cooperation amongst NGOs and Enterprises.
6. Enhancing the level of public participation in WSWH management.
7. Combination of public private partnerships with a community involvement approach.
8. Project organisation: open to bottom up integrative initiatives.

Asset for socio-economic development

9. Using World Heritage as an asset for sustainable socio-economic development.
10. Consistency in branding and deploying the rights of the UNESCO and Wadden Sea World Heritage logo's.
11. Involving private investors from the tourist industry, and the local and regional industry.
12. An adequate involvement of NGOs can play an important role in the development of collaborative structures that address the needs and obligations of the management of the world heritage site.
13. Acquiring and redistributing funds to ensure that the Wadden Sea becomes an integral entity.
14. The foundation could use European provisions and could apply for European projects to enhance the level of trans national cooperation (overlaps with 17).

From the analysis above we add the following components of added value.

Legal and financial assets

15. 1Uniform juridical basis, preferably European.
16. Access to European funds; attachments to European networks.
17. Financial sustainability resulting from backflow funds from tourism and/or from a perpetual fund.
18. Non profit (in Dutch: ANBI) status.
19. No taxation of cross border giving; cross border tax deductibility privilege (which is present in Germany).

If we apply the added value components to the two organisational forms, we come to the following comparison, see Table 5 below.

Table 5

Added value comparison of CF and EGTC.

Added Value	CF	EGTC
Dedication to OUV's	Good	Very good
Socio-economic coverage	Very good	Very good
Stewardship and conflict reduction	Good	Very good
Dispersal of benefits	Very good	Moderate
High governance performance	Very good	Very good
Trans national and cross sectoral cooperation	Moderate	Good
Enhancing public participation	Very good	Moderate
Combining PPP with community approach	Good	Moderate
Open to bottom up initiatives	Very good	Low
World heritage as asset	Good	Good
Consistency in branding	Very good	Very good
Attracting private investors	Very good	Moderate
NGO involvement	Good	Good
Fund acquisition	Very good	Very good
Uniform juridical basis	Good	Very good
Access to European funds	Good	Very good
Financial sustainability	Good	moderate
Non profit status	Very good	Very good
Taxation	Moderate, depends on the outcome of implementation of the EFS	Good

Both Community Foundation and EGTC have advantages and drawbacks, coming from both the principles and practicalities. Both organisational forms can be developed subsequently, in due time. The question how this will work out depends on the way it will be operationalized. If it manages to embrace and incorporate the community structures of society in the three countries at the level of municipalities, albeit with an far outreach, then it could play a strong role in the governance arena. The idea of a perpetual fund is very appealing, because this would ensure a long lasting performance of the Foundation. But this would require a huge endowment capital that should once be returned when the Foundation ends. Better than a EGTC this organisational form can acquire funds from the private sector to initiate sustainability projects, preferably at grassroots level. So it seems better equipped to grasp the chances of the new status of UNESCO heritage.

Prevalence for a community foundation or an EGTC illustrates a focus on the added value in terms of funding activities that deal with an inseparable and integral Wadden Sea. It seems that such a view on added value is not politically top down view, but rather horizontal and related to the whole complex of existing NGOs. Both a CF and a EGTC could fill up a certain niche in the NGO landscape.

The EGTC provides a stronger position for governing the issues sprouting from economic activities and how these should fit in the overall idea of world heritage. The most appealing advantage would be its levelling capacity for the economic players in the area and how they should account for incorporating the ecologic values of the Wadden Sea in a sustainable approach of their business. So it seems better equipped to anticipate and solve all sorts of potential problems of the Wadden Sea. It would however require a huge investment in legal work and political synchronizing (taken into account the role the central governments want to play in the management of the UNESCO site).

A far reaching model of the European Community Foundation to appropriate for the Wadden Sea Foundation could be advantageous, and one may consider the possibility to back it up with a EGTC on the long term to make life easier for the politicians involved.

5 Conclusions and recommendations on added value: institutional prospects and strategy

5.1 Institutional prospects

Considering the management structures and the institutional landscape of the Wadden Sea World Heritage Site (Chapter 2), we can conclude that it makes sense to establish a foundation that would be dedicated to the promotion, branding and all sorts of managerial and educational aspects (suggestions are given in 5.2). Our analysis has shown the added value to increase in case the foundation could reduce the institutional complexity in the Wadden Sea, e.g. by means of International Orchestration. The added value of such a foundation could be further increased by anchoring it in the system of European rights and by creating participative structures in which private investors and citizens benefit from the world heritage status.

When discussing the results of the analysis of the Chapters 2, 3 and 4 with the Feasibility Committee, the question was posed how the Wadden Sea World Heritage Site could acquire a position in the Rebanks top 20 sites. We have focused on this question whether, and if so, which of the organisational solutions and lessons drawn from our analysis provide the best conditions to enable the Wadden Sea World Heritage to join the group of 20 best practices in which preservation is combined with socio-economic development, that meet the criteria mentioned in Paragraph 4.5.

We see three focal points (strategies) of capitalising the added value with respect to the institutional landscape:

- the need for international orchestration and more transparency in balancing economic drivers and natural and cultural values: this could imply a foundation with a high governance performance (independent, decisive, inclusive, open, transparent and orchestrating).
- enhancing participative democracy in the Wadden Sea: this would imply a foundation with a broad inclusive approach of its tasks.
- financial independency that enables a great number of grass roots community projects.

These strategies may be difficult to combine in one foundation in a short time span. If the emphasis is put on complexity reduction by international orchestration and balancing socio-economic developments with natural and cultural values, the EGTC may provide the best conditions for progress.

The strategy of enhancing participative democracy may provide a more holistic approach of the site, which would provide more socio-economic added value. A possibility may be to establish a EGTC, that may serve as a basis for a European Community Foundation. This combination of EGTC and ECF seems to be very well equipped to position the Wadden Sea as a world heritage site in the top 20 of the Rebanks Analysis. More participation requires new collaborative structures that enable inhabitants of the Wadden Sea area, tourists, small enterprises and big industrial partners to get involved in the management of the site by offering opportunities to donate to a charity fund (to be used for environmental protection and improving the conditions of the ecosystem) in return for a better reputation, to develop responsible tourism offers, to join crowdfunding initiatives for nature protection and ecosystem restoration, to participate in small scale landscape maintenance projects and in the protection of very vulnerable areas and habitats. We would recommend to organise these participative structures alike the Community Foundations, e.g. in Canada. There are lots of possibilities but right now there is no institution to turn to if one wants to collaborate and take part in the protection of the OUV's. The strategy towards financial independency requires a strong brand that should be combined with a high profiled (social) media performance. The Rebanks examples (see Paragraph 4.4) show different effective strategies to become financially independent.

Following these ambitions the rationale of a foundation could evolve from the branding idea of 'One Wadden Sea, One Nature and One People' to 'One Wadden Sea Governance', that would depart from the idea of a level playing field concerning the environmental constraints and conditions for socio-economic developments. A further evolution could set out from the rationale of 'a coherent structure for democratic participation' that may in the end lead to the situation that ownership of the cultural heritage is passed to the Wadden Sea community.

If an EGTC or ECF foundation is to be established in 2014, it will not be sure that it can be anchored in the system of European Rights. Both the implementation of the European Foundation Institute and the EGTC infringe on national rights, and these implications have not yet been fully solved in the participating countries. It is expected that these legal issues will be solved in the coming years. This implies a choice for a foundation to be based on national legal system in advance. We consider for purely practical reasons (intermediate position and decentralised political culture) Germany to provide the preliminary legal conditions for the foundation in its status nascendi. To summarize our advice on legal and financial assets and prospects, the following table 6 gives an overview.

Based on the analysis, the following steps could be taken into consideration:

- Establishment of a transnational Foundation under German Law that starts with funding and branding activities, that works under the auspices of the trilateral Wadden Sea Secretariat
- Establish a EGTC (see the Annex below for an indication of the steps to be taken), and position it next to the trilateral Wadden Sea Secretariat (we suppose that by then the German Government has accepted the EGTC and finalized its implications for the national law system): the shared system of legal conditions for the Wadden Sea management should ensure the continuity of the outstanding natural values and the sustainability of economic activities in such a way that national governments can recede and private partners can take more responsibility (in case of this being too ambitious for a foundation, it can be accomplished by a second foundation).
- Reform the Community Foundation to a European Community Foundation as soon as the European Foundation Statute has been implemented.

Table 6

Legal and financial assets and prospects.

	Phase 1	Phase 2	Phase 3	Phase 4
Organisational evolution				
Focus	Branding and place-making	Levelling, developing one coherent policy vacuum, label development, cooperatives establishment	Civic participation and fostering stewardship	Civic ownership
rationale	One Wadden Sea, one nature, one people	One Wadden Sea governance	One coherent structure for democratic participation: one Wadden Sea community	Ownership passed on to the Wadden Sea community
Time schedule	2014-2018	2016-20120	2018-2022	2020-2024
Legal structure	Transnational Wadden Sea Foundation under national right (Germany)	Wadden Sea foundation within an European Grouping for Territorial Cooperation under European right	Transformation of the transnational Wadden Sea foundation into a European Community Foundation under European right, bound by its EGTC agreements	European Community Foundation under European right
Financial structure	Project based (70% public funding, 30% private funding)	Public private funding (50% public funding 50% private funding)	Trust fund, perpetual fund (30% public funding, 70% private funding)	Trust fund, perpetual fund, revolving fund and contributions (100% private funding)
Funding strategy	Starting capital provided by national governments. Revenues of the WS logo, donations	European funding, compensation funds, public private funding, funding by social purpose enterprises	Lotteries, Local Exchange Trading Systems (LETS), social purpose enterprise funding, crowd funding	Lotteries, Local Exchange Trading Systems (LETS), social purpose enterprise funding, crowd funding, mobile giving, Wadden Sea Currency
Granting strategy	Transnational and integrated granting, PPP	PPP, Advocacy granting, good governance and stewardship, legal equity projects	Community projects	Grass roots projects
Activities	Activities related to place-making (incl. education), branding (incl. tourist promotion), tourist vision, incl. entrepreneurship and regional income strategy from tourism and social media, connecting to European network of heritage and tourism	Increasing involvement of private sector to deploy the potentials of world heritage for them (green growth) Designing a legal equal playing field for socio-economic enterprising that affects or utilises the World Heritage, incl. label development Business development and cooperatives establishment	Designing civic participation structures and a broad and inclusive foundation governance Buying in strategic partners in projects Charity campaigns for larger public	Providing the legal conditions to pass over the world heritage to the Community Foundation (English Heritage Model)

5.2 Recommendations for funding strategy and activities

We recommend the foundation to use all of these ideas to attract sufficient public and private funding to preserve the World Heritage and to enable regional development by means of the World Heritage Status. We have designated four subsequent phases that allow the funding strategy provided in table xy, to come initially from governmental parties transitioning to a state of primarily private funding.

Phase 1: Creating the strongest possible brand

The strategy to attract funding starts in phase 1 by place-making activities, since place-making increases the connectivity of people with the region. Given that locality is one of the determining factors of donating to charity and plays a role in stewardship, place-making investments are highly relevant to build up/strengthen a long term community and a steady basis of funding to the foundation. Place-making by creativity works well, and therefore, we recommend to involve the art and cultural sector in these place-making activities and build on the structures and events that are already there. The place-making activities should initially be funded by the public authorities of the three countries.

Besides place-making, which is mostly directed to people in the Wadden Sea area, branding and storytelling activities should be developed, aiming to build a regional reputation that will be known nationally and internationally. Tourists from all over the world will get to know the Wadden Sea and are expected willing to visit it. To increase the value of the brand a wide spread social media DNA will be required. This can be achieved by appealing branding activities that invite large populations of residents, tourists and entrepreneurs to follow the online activities of the Foundation, combined with a platform function. This should be complemented by relating to a large group of institutions that is using social media for its communications and activities concerning the Wadden Sea. This combination of place making and branding requires an investment fund that should be provided by the governmental actors.

Once the brand that will be attached to the Wadden Sea Logo is strong and well established, it can be used to generate funds from the tourist economy. A small portion of the tourists revenues (park fees, parking fees, income taxes, accommodation taxes) can be a source of funds for the Wadden Sea foundation if the use of the logo is convened. In the beginning, branding will mostly be funded with governmental money, but it is expected that private partners will be eager to invest in branding as well, as soon as it appears that branding campaigns are successful.

To welcome the new tourists in the area, a strong trilateral tourism vision should be developed and operationalized. A vision in which the quality of the environment is the connecting and central aspect. Each tourist should be given an opportunity to contribute with a small amount of money or personal commitment (crowd funding or crowd sourcing) to the quality of the site. Visioning and program-building is key to this activity. This can be funded by partly governmental funding, partly private funding from the tourism sector. The quality of the environment will be the unique selling point of the tourist sector, encouraging them to maintain/improve sustainable practices that does not harm this USP (= the OUV's of the World Heritage). The tourism vision will 'streamline' activities in the tourist sector with each other and align activities along the World Heritage. In terms of the funding strategy, tourism will enable a long-term continuation of tourists revenues in the area as well as towards the foundation. This can be achieved by a series of appealing projects that safeguard the OUV's and are suitable for crowdfunding (can be done by means of a Wadden Sea App), which are appealing for a new generation of volunteers (Bernholz, 2012).

Given that sustainability is an important aspect in the funding strategy, that succeed in connection business activities with the Wadden Sea environment, it is recommended to submit a research proposal at the Horizon 2020 calls (European funding) to enable intense science-practice collaboration aiming at sustainable tourism and creating backflows from the tourism industry. A research project will guarantee a four year collaboration and input of innovated knowledge into the area. The knowledge will be valorised in practice and generate additional funding by business cases. This Horizon 2020-project is expected to be the first step in developing and streamlining a regional knowledge infrastructure in the area.

Phase 2: Public private funding strategies

Key activity that will start in phase 2 is the development of a EGTC. The EGTC is one of the policy instruments useful to develop a coherent policy vacuum in the Wadden Sea area, related to these domains and themes that matter in terms of World Heritage preservation and regional development. Although the investment in EGTC could be perceived as high, the benefits will be experienced by the ease of which activities and projects can be organised in each of the three countries. One can apply for European INTERREG funding to partly fund the development of the EGTC.

Based on the EGTC process further involvement of the private sector and business in World Heritage becomes feasible. The report of the Dutch Waddenvereniging has revealed most of the expectations of the private sector on the World Heritage (Waddenvereniging, 2013). As for instance, a label that could be used to promote the regional products. A label can be a useful tool in the preservation of the OUV's of the World Heritage as well as an instrument to generate socio-economic benefits. One of the activities of the foundation is to develop a label that is issued to these business practices that meet the label criteria. Products with the WH label are known to be from high quality and sustainable production. The label development can be (partly) funded by citizens as well, by 'shares'. Once products from WH label are sold, citizens will receive the return of investment.

Beside building a modus operandi of the label, the foundation should deploy activities that encourage and support the transition towards green growth (in fishery, tourism, chemical industry and other sectors). One activity is to identify opportunities for green business and raising awareness on these opportunities by networking, design session, public private partnerships. Nowadays, many funds are available to financially support this transition. The foundation could play a role in connections national and international funds (Horizon, 2020, SME-calls on eco-innovation, Future Earth, Green Deals, Topsector calls,...) with local and regional needs. Funding will be raised by selling products and activities with a WH label on, since part of the revenue will be returned to the foundation, who will reinvest the money in future green opportunities.

The labelled companies are requested to deploy hosting activities as well for visitors (tourists, international companies, research institutes) to the area, in order to experience these innovative ways of living way the World Heritage.

Additionally, cooperatives between the World Heritage Foundation and the private sector can be established, focussing on scale advantages, marketing, and opening markets to sell the WH produced products. These activities will be mostly funded by membership contribution of cooperatives partners as well as from the sale of WH products.

The potential green business opportunities in the area that requires investments are posted on the website (as has been done in [wefundthevalleys](#)) in order to attract investors. This website can be the online portal for entrepreneurial donations as well and should provide a sequence of appealing projects that enhance the adequate management of the OUV's (e.g. a technical provision to lift the biggest ships to decrease the draft and take away the need to increase the groove in the tidal flats). National and international campaigns should be organized to raise attention to these donations and investment possibilities. Here the quality of the brand and the social media DNA is crucial to share the information about the donations, the sustainability projects etcetera contributing to the online reputation of the industrial partners in the area of the EGTC.

Phase 3: Private funding platforms

In the third phase, activities of the funding agency are focussed on fostering stewardship of the community, which means that the community contributes to socio-economic development and world heritage in kind. The activities address the local needs, the buying in of strategy partners to fulfil the local needs. Activities in this phase will experiment with social innovation and social entrepreneurship in a wide variety of domains (food, agriculture, tourism, service sector, ...). In addition, charity campaigns to the larger general public are established inside and outside the area. These campaigns can be online (crowdfunding) and off line (e.g. ambassadors). Lottery is also a popular instrument the attract funding from the public. The Foundation mediates a number of grass roots projects that provide good opportunities for entrepreneurs and industrial partners to engage with the Wadden Sea

Community without borders. Here the financial model of a Community Foundation sets the standard. If successful the previous phases can provide the perpetual fund that ascertains a constant flow of acquisition of community projects. In this phase, many of the activities are funded by private money and the share of governmental funding is expected to decrease.

Phase 4: Private ownership, taxable private income

Once the ownership of the tourist destination areas and natural areas has become privatised, the community can generate substantial income from the tourist industry. In this phase this income will be fully taxable and lead to a return on the initial investments of the governments.

5.3 Strategic agenda

This project has been done in a non-linear approach: organisation form, financial strategy and governance influence each other intensively. We tried to combine strategy on the long term with the actual situation of governmental budget cuts. This can only be done if the conservation policy of the Outstanding Universal Values is combined with an inclusive broader socioeconomic approach of the Wadden Sea society. Here we find tensions between ideology, political accountancy and operational strategy. The more independent the Foundation will be, the less need for large sums of governmental budgets, but this requires an external integration of the obligations to safeguard the OUV's.

It will be important for the work of the Foundation to create a strategic agenda of projects that:

- Co-create the brand.
- Contribute to the idea of 'one Wadden Sea'.
- Contribute to the idea of 'one Wadden Sea governance'.
- Create community involvement.
- Provide opportunities for economic and industrial actors to show their commitment with the OUV's of the World Heritage site.

These projects are expected to provide the necessary structures for financial support for the Wadden Sea World Heritage Site.

5.4 Future research topics

Some questions deserve much more research, such as the use of Community Foundations for World Heritage sites. We recommend further research that focus on concrete experiences. Also the issue of environmental policy levelling deserves more attention: how do environmental rules differ per country and what opportunities can be created to harmonize them in order to make the Wadden Sea a fair playing field in which environmental discussions can be broadened with a transnational dimension. Many questions on the financing issue remain unanswered, such as the question what motivations private investors can have to donate money to a Wadden Sea World Heritage foundation. Companies that want to subsidize a government are hard to find, so what's in for them?

This research project has had a broad scope and has used a great variety of information sources. We would have preferred to do much more interviews, to collect the insights and inspiring ideas of people actually living in the area or having dealt with similar challenges. We regret that the time to do this could not be arranged within the framework of this project. This in fact is also a good topic for future research, to collect ideas in the field.

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Annex 1 Some Wadden Sea World Heritage Stakeholders

Agriculture

De Danske Landboforeninger Holmgaard
Landwirtschaftlicher Hauptverein für Ostfriesland e.V.
LTO Noord
Bauernverband Schleswig-Holstein e.V.
Dansk Familielandbrug

Tourism and Recreation

Tourismus- und Stadtmarketing (Husum)
Watersportverbond
Royal Dutch Touringclub ANWB
Friluftsrådet
Tourism Fanoe

Nature and Environment Protection (NGOs)

Seas at Risk
WWF-Projektbüro Wattenmeer (WWF-Deutschland)
Waddenvereniging
The Danish Society for Nature Conservation
EUROPARC Deutschland e.V.
Bund für Umwelt und Naturschutz (BUND)

Fisheries

Niedersächsische Muschelfischer GbR
Esbjerg Fiskeriforening
Erzeugergemeinschaft Schleswig-Holsteinischer Muschelzüchter e.V.
Danmarks Fiskeriforening
Landwirtschaftskammer Niedersachsen
Dutch Fish Product Board

Industry and Harbour

IHK für Ostfriesland und Papenburg
Groningen Seaports
Rømø Harbour
Zentralverband der Deutschen Seehafenbetriebe e.V.
Wilhelmshavener Hafenwirtschaftsvereinigung
Brunsbüttel Ports GmbH und Glückstadt Port GmbH & Co. KG
IHK Flensburg

Energy

NAM B.V.
Wirtschaftsförderungsgesellschaft Nordfriesland
RWE Dea AG
Statkraft

Research

Leibnitz-Institut für Ostseeforschung Warnemünde (IOW)
Senckenberg, Wilhelmshaven

Local Government Authorities

Nationalpark Waddensea DK

Insel- und Halligkonferenz
Vereniging van Waddenzeegemeenten
Wadden Sea Islands
Tønder Kommune / The Danish Wadden Sea Municipalities
Municipality Council Fanø
Fanø Kommune
The Danish Wadden Sea Secretariat

Regional Government Authorities
Landkreis Leer
Region Syddanmark
Landkreis Nordfriesland
Landkreis Dithmarschen
Region Syddanmark
Dutch Wadden Sea Provinces,
Weber, Landkreis Aurich
Landkreis Dithmarschen

State Government Authorities
Ministry of Economic Affairs (EZ), the Netherlands
Ministry of Infrastructure and Environment, the Netherlands
Miljøministeriet, Naturstyrelsen, Gram, DK
Niedersächsisches Umweltministerium
Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit
Ministerium für Landwirtschaft, Umwelt und ländliche Räume des Landes Schleswig- Holstein
Landesbetrieb für Küstenschutz, Nationalpark und Meeresschutz Schleswig-Holstein,
Nationalparkverwaltung Tönning
Ministerium für Landwirtschaft, Umwelt und ländliche Räume des Landes Schleswig-Holstein Theodor
Schröder, Nationalparkverwaltung Nds. Wattenmeer

Annex 2 Organisational models analysis

The relevance of the Non-profit organisational model

As reported by many world development organisations, the role of civil society representatives such as NGOs is increasingly important in every sector of daily life, and partnership with civil society organisations is indispensable for governmental organisations in pursuing their strategic objectives²⁴. UNESCO has given great importance to partnership with civil society organisations, in particular NGOs in the area of world heritage and environmental conservation. The new Directives concerning UNESCO's partnership with non-governmental organisations, adopted by the General Conference in November 2011, offer a simplified framework of partnerships allowing a greater involvement of NGOs in the development and implementation of UNESCO's programmes, and thus represent a new step towards the reinforcement of the links with the civil society. Currently, UNESCO is maintaining official relations with 20 foundations and similar institutions, which are financially self-reliant. These NGOs, foundations and similar organisations as non-profit international organisations are pursuing objectives in conformity with the ideals of UNESCO, they should have the means to contribute to the implementation of its programme. According the UNESCO information, foundations and similar non-governmental institutions have usually independent financial means that enable them to conduct activities in the fields of competence, and meeting the following criteria :

- They pursue goals that are in conformity with certain ideals such as UNESCO's program and with the ethical principles recognized by the international community,
- They are entirely non-profit-making;
- They possess suitable information facilities to make their work known;
- They are endowed with legal status under national/international law.

NGOs' mission and functions

• Common characteristics of NGOs

The general definitions of NGOs refer to a variety of Civil Society initiatives. Nongovernmental organisations emerge from communities, civil society organisations, collective activities, religious organisations, universities and individual initiatives. Often started as small volunteer projects, NGOs are sometimes referred to as grassroots organisations, voluntary organisations, charities or non-profits, all names that denote the voluntary, public service, and community orientation that NGOs have (Willetts 2002). In legal and organisational terms, there is little difference between an NGO and a non-profit or not-for-profit organisation. Non-profits and NGOs are the same thing, and only when non-profits extend their activities overseas are they popularly called NGOs or private voluntary organisations (PVOs) (Yaziji and Doh 2009).

The term NGO denotes an organisation that is based nationally or locally but that raises money and organisational capacity to participate in international relief and development activities. This, of course, is only sensitive to organisations based in western or donor countries that extend services through NGOs in developing countries. Non-profit organisations in developing countries are also often called NGOs but are defined as local NGOs when deciphering differences between international and indigenous organisations that work locally. Based on literature NGO can be understood by their orientation or level of orientation as shown on table 1 (Vakil 1997; Willetts 2002; Willetts 2011).

²⁴ <http://en.unesco.org/partnerships/non-governmental-organizations>.

Table 1
NGOs by type of orientation

Charitable orientation	often refers to a top-down effort with little participation by the beneficiaries. It includes NGOs with activities directed toward meeting the needs of the poor— distributing food, clothing, or medicine and providing housing, transport, schools, and the like. Such NGOs may also undertake relief activities during either a natural or man-made disaster.
Service orientation	includes activities such as providing health, family planning, or education services in which the program is designed by the NGO and beneficiaries are expected to participate in implementing the program and in receiving the service.
Participatory orientation	is characterized by self-help projects where beneficiaries are involved particularly in implementing a project by contributing cash, tools, land, materials, labor, and so on.
Empowering orientation	incorporates the aim to help people develop a clearer understanding of the social, political, and economic factors affecting their lives, and to strengthen their awareness of their own potential power to control their lives. Sometimes these groups develop spontaneously around a problem or an issue; other times outside workers from NGOs play a facilitating role in their development. Although this manual focuses on international NGOs, it may be helpful to understand there are many types of NGOs, from community to internationally focused groups.
Community-based organisations (CBOs)	spring from personal initiatives. These can include sports clubs, women's organisations, neighbourhood organisations, and religious or educational organisations. There are a large variety of these, some supported by NGOs, national or international NGOs, or bilateral or international agencies, and others independent of outside help. Some are devoted to raising the consciousness of the urban poor or helping them understand their rights in gaining access to needed services and others are involved in providing such services.
Citywide organisations	include organisations such as the Rotary or Lion's Club, chambers of commerce and industry, coalitions of business, ethnic or educational groups and associations of community organisations. Some exist for other purposes, and become involved in helping the poor as one of many activities. Others are created specifically to help the poor.
National NGOs	include organisations such as the Red Cross, YMCAs and YWCAs, professional organisations, and the like. Some have state branches and assist local NGOs.
International NGOs	range from secular agencies to religiously motivated groups. Their activities vary from mainly funding local NGOs, institutions, and projects, to implementing the projects.

NGOs have constituencies and develop specialties or areas of interest in which its programming, solicitations, fundraising and growth is oriented. When NGOs are met in the field, there are wide variances in size, appearance, activity, and expertise. It is crucial to understand that when various NGOs operate in the same emergency, there are large but often subtle differences between them. The NGOs need to have at list the following four categories of activities to be functional and successful : public relations, project management, staffing and funding

Public relations

Non-governmental organisations need healthy relationships with the public to meet their goals. Foundations and charities use sophisticated public relations campaigns to raise funds and employ standard lobbying techniques with governments. Interest groups may be of political importance because of their ability to influence social and political outcomes. A code of ethics was established in 2002 by The World Association of Non-Governmental NGOs.

Project management

There is an increasing awareness that management techniques are crucial to project success in non-governmental organisations. Generally, non-governmental organisations that are private have either a community or environmental focus. They address varieties of issues such as religion, emergency aid, or humanitarian affairs. They mobilize public support and voluntary contributions for aid; they often have strong links with community groups in developing countries, and they often work in areas where government-to-government aid is not possible. NGOs are accepted as a part of the international relations landscape, and while they influence national and multilateral policy-making, increasingly they are more directly involved in local action.

Staffing

Some NGOs are highly professionalized and rely mainly on paid staff. Others are based around voluntary labor and are less formalized. Not all people working for non-governmental organisations are volunteers. Many NGOs are associated with the use of international staff working in 'developing'

countries, but there are many NGOs in both North and South who rely on local employees or volunteers. There is some dispute as to whether expatriates should be sent to developing countries. Frequently this type of personnel is employed to satisfy a donor who wants to see the supported project managed by someone from an industrialized country. However, the expertise these employees or volunteers may be counterbalanced by a number of factors: the cost of foreigners is typically higher, they have no grassroots connections in the country they are sent to, and local expertise is often undervalued. The NGO sector is an important employer in terms of numbers. For example, by the end of 1995, CONCERN worldwide, an international Northern NGO working against poverty, employed 174 expatriates and just over 5,000 national staff working in ten developing countries in Africa and Asia, and in Haiti.

Funding

Whether the NGOs are small or large, various NGOs need budgets to operate. The amount of budget that they need would differ from NGOs to NGOs. Unlike small NGOs, large NGOs may have annual budgets in the hundreds of millions or billions of dollars. For instance, the budget of the American Association of Retired Persons (AARP) was over US\$540 million in 1999. Funding such large budgets demands significant fundraising efforts on the part of most NGOs. Major sources of NGO funding are membership dues, the sale of goods and services, grants from international institutions or national governments, and private donations. Several EU-grants provide funds accessible to NGOs. Even though the term "non-governmental organisation" implies independence from governments, many NGOs depend heavily on governments for their funding. Government funding of NGOs is controversial, since, according to David Rieff, writing in *The New Republic*, "the whole point of humanitarian intervention was precisely that NGOs and civil society had both a right and an obligation to respond with acts of aid and solidarity to people in need or being subjected to repression or want by the forces that controlled them, whatever the governments concerned might think about the matter." Some NGOs, such as Greenpeace do not accept funding from governments or intergovernmental organisations.

• Categories of NGOs

NGOs can be distinguished into two groups: Operational and advocacy NGOs. This may be interpreted as the choice between small-scale change achieved directly through projects and large-scale change promoted indirectly through influence on the political system (Vakil 1997; Willetts 2002).

Operational NGOs have to mobilize resources, in the form of financial donations, materials or volunteer labor, in order to sustain their projects and programs. This process may require quite complex organisation. Finance obtained from grants or contracts, from governments, foundations or companies, require time and expertise spent on planning, preparing applications, budgeting, accounting and reporting. Major fund-raising events require skills in advertising, media relations and motivating supporters. Thus, operational NGOs need to possess an efficient headquarters bureaucracy, in addition to the operational staff in the field.

Advocacy NGOs will carry out much the same functions, but with a different balance between them. Fund-raising is still necessary, but on a smaller scale and it can serve the symbolic function of strengthening the donors' identification with the cause. Persuading people to donate their time is necessary, but, in addition to a small number of people giving a great deal of time, it is also necessary to be able to mobilize large numbers for brief periods. External donors may not impose onerous administrative burdens, but supporters still have to be supplied with information on an efficient regular basis. Major events will aim to attract favorable publicity rather than raise funds.

Despite their differences, both operational and advocacy NGOs need to engage in fund-raising, mobilization of work by supporters, organizing special events, cultivating the media and administering a headquarters. Only the defining activities – implementing projects or holding demonstrations – serve to differentiate them. In reality, the distinctions are not as sharp as the labels suggest. Operational NGOs often move into advocacy when projects regularly face similar problems and the impact of the projects seems to be insufficient. All the large development and environment operational NGOs now run some regular campaigns, at least by supporting campaigning networks. Similarly, advocacy NGOs often feel they cannot ignore the immediate practical problems of people in their policy domain. As a

research on NGOs sector indicated the success of both the operational and advocacy NGOs depends on the sufficient provision within the NGOs activities and projects of community participation, technology innovation, education, public awareness and partnerships.

• **Legal categorization of NGOs**

As we observed in our analysis the legal status of NGOs may differ per country, depending on its interpretation in national legislation. Commonly the legal and financial characteristics relates to the fact that a nonprofit organisation often called a Non Profit Organisation (NPO), is an organisation that uses surplus revenues to achieve its goals rather than distributing them as profit or dividends. While not-for-profit organisations are permitted to generate surplus revenues, they must be retained by the organisation for its self-preservation, expansion, or plans. NPOs have controlling members or boards. Many have paid staff including management, while others employ unpaid volunteers and even executives who work with or without compensation (occasionally nominal). Where there is a token fee, in general, it is used to meet legal requirements for establishing a contract between the executive and the organisation. Some NPOs may also be a charity or service organisation; they may be organized as a not-for-profit corporation or as a trust, a cooperative, or they exist informally. A very similar type of organisation termed a supporting organisation operates like a foundation, but they are more complicated to administer, hold more favorable tax status and are restricted in the public charities they support.

The legal form of NPOs can be categorised in four main family groups of NGOs that can be found worldwide (Vakil 1997; Willetts 2002).

- Unincorporated and voluntary association
- Trusts, charities and foundations
- Companies not just for profit
- Entities formed or registered under special NGO or nonprofit laws

The Council of Europe in Strasbourg drafted the European Convention on the Recognition of the Legal Personality of International Non-Governmental Organisations in 1986, which sets a common legal basis for the existence and work of NGOs in Europe. Article 11 of the European Convention on Human Rights protects the right to freedom of association, which is also a fundamental norm for NGOs (European Commission 2002).

Nonprofits can have members but many do not. The nonprofit may also be a trust or association of members. The organisation may be controlled by its members who elect the Board of Directors, Board of Governors or Board of Trustees. A nonprofit may have a delegate structure to allow for the representation of groups or corporations as members. Alternatively, it may be a non-membership organisation and the board of directors may elect its own successors.

The two major types of nonprofit organisation are membership and board-only. A membership organisation elects the board and has regular meetings and power to amend the bylaws. A board-only organisation typically has a self-selected board, and a membership whose powers are limited to those delegated to it by the board. A board-only organisation's bylaws may even state that the organisation does not have any membership, although the organisation's literature may refer to its donors as "members"; examples of such organisations are Fairvote and the National Organisation for the Reform of Marijuana Laws.

The Model Nonprofit Corporation Act imposes many complexities and requirements on membership decision. Accordingly, many organisations have formed board-only structures. The National Association of Parliamentarians has generated concerns about the implications of this trend for the future of openness, accountability, and understanding of public concerns in nonprofit organisations. Specifically, they note that nonprofit organisations, unlike business corporations, are not subject to market discipline for products and shareholder discipline of their capital; therefore, without membership control of major decisions such as election of the board, there are few inherent safeguards against abuse. A rebuttal to this might be that as nonprofit organisations grow and seek larger donations, the degree of scrutiny increases, including expectations of audited financial statements.

Several kinds of nonprofit organisations in Europe can include:

- -Vereniging zonder winstoogmerk (Dutch, abbreviatie vzw), Vereinigung ohne Gewinnerzielungsabsicht (German)
- -Internationale vereniging zonder winstoogmerk (Dutch, often abbreviated ivzw) or of international nonprofit organisations.
- -Stichting van openbaar nut (Dutch, abbreviated son)

NGOs are organisations that work in many different fields, but the term is generally associated with those seeking social transformation and improvements in quality of life. Development NGOs are the most highly visible sector, and includes both international and local organisations, as well as those working in humanitarian emergency sector. Many are associated with international aid and voluntary donation, but there are also NGOs that choose not to take funds from donors and try to generate funding in other ways, such as selling handicrafts or charging for services.

Environmental NGOs are another sub-sector, and sometimes overlap with development NGOs (McCormick). An example is [Greenpeace](#). Just like other NGOs networks, transnational environmental networks might acquire a variety of benefits in sharing information with other organisations, campaigning towards an issue, and exchanging contact information. Since transnational environmental NGOs advocate for different issues like public goods, such as pollution in the air, deforestation of areas and water issues, it is more difficult for them to give their campaigns a human face than NGOs campaigning directly for human rights issues. Some of the earliest forms of transnational environmental NGOs started to appear after the Second World War with the creation of the International Union for the Conservation of Nature and Natural Resources ([IUCN](#)). After the UN was formed in 1945, more environmental NGO started to emerge in order to address more specific environmental issues. In 1946, the UN Educational, Scientific, and Cultural Organisation ([UNESCO](#)) were created with the purpose of advocating and representing scientific issues and collaboration among environmental NGOs. In 1969, the Scientific Committee on Problems of the Environment (SCOPE) was funded to increase and improve collaboration among environmentalists. This collaboration was later reinforced and stimulated with the creation of UNESCO's Man and the Biosphere Program in 1971. In 1972, the UN Conference on the Human Environment in Stockholm, tried to address the issues on Sweden's plead for international intervention on trans-boundary pollution from other European industrialized nations (McCormick).

Transnational environmental NGOs have taken on diverse issues around the globe, but one of the best-known cases involving the work of environmental NGOs can be traced back to Brazil during the 1980s. The United States got involved with deforestation concerns due to the allegations of environmentalists dictating deforestation to be a global concern, and after 1977 the U.S. Foreign Assistance Act added an Environmental and Natural Resources section.

Practically speaking, NGOs are not governed by any specific international law. They are free to participate in international operations as a unique and independent actor, and although neutrality or other specific guidelines protect their activities, they are largely unaccountable to any entity that the NGO is not under contract with (a specific donor, government, or company). Instead, the collective NGO community is governed by a series of self-initiated or externally imposed legal and ethical guidelines (box 1) . The trend is for NGOs to join or propose coordination mechanisms and as donor pressure continues to mount on NGOs to maintain credible, accountable, and transparent programming while providing effective services, NGOs have created a series of standards and best practices that help to improve the overall quality, consistency, and fluidity of NGO programming worldwide. This is helpful for outside agencies that have to deal with NGOs, for NGOs themselves, and ultimately for the recipients of NGO programming.

Box 1 NGOs common legal restrictions

- Restrictions within the legal structure of the NGOs country of origin. This might be tax laws, donor restrictions, accountability and transparency standards, political or geographical limitations, and the like.
- Guidelines, rules, or stipulations of the donor agency or source. In receiving funding from a donor, NGOs will often be subject to the special requirements the donor agency sets out. Large government donors, such as USAID or the United Kingdom's DFID (Department for International Development), are often bound by restrictions as to hiring, religious activity, associations while implementing programs, geographical flexibility, safety measures, reporting procedures, accounting methods, antiterrorism compliance (since 2001), and even technical specifications. An NGO will have an interest in operating within the guidelines of any donor requirements when it has an overarching interest to maintain positive relations with the donor.
- Restrictions within the legal structure of the country in which the NGO operates. When an NGO operates in any country, it must register with the central or provincial-state government authorities, and continue throughout the emergency, to report to that entity, its activities, whereabouts, materials it uses, funds it receives and the types of materials imported (assuming that there is still some form of central government authority). NGOs must abide by local, state, national and international laws generally, and during emergencies must remain accountable to the donor community, to its constituencies, and to the national government or lead governing authority in the region.

In common law legal systems, a **trust** is a relationship whereby property (real or personal, tangible or intangible) is held by one party for the benefit of another²⁵. A trust conventionally arises when property (tangible or or tangible) is transferred by one party to be held by another party for the benefit of a third party, although it is also possible for a legal owner to create a trust of property without transferring it to anyone else, simply by declaring that the property will henceforth be held for the benefit of the beneficiary. The common types of trusts (Starnes, Truhon and McCarthy 2013) include:

- Trust law: an arrangement in which property is managed by one person or entity for the benefit of another
- Trust (monopoly): a business entity formed to create a monopoly or fix prices
- Investment trust: a collective investment fund
- Land trust: an agreement whereby a trustee agrees to hold ownership of a piece of real property for the benefit of a beneficiary.
- Trust company: a financial institution offering certain services
- Charitable trusts

An example of a trust activity is when Investors' money is pooled together from the sale of a fixed number of shares which a trust issues when it launches. The trust board will typically delegate responsibility to a professional fund manager to invest in the stocks and shares of a wide range of companies (more than most people could practically invest in themselves). The investment trust often has no employees, only a board of directors comprising only non-executive directors. However in recent years this has started to change, especially with the emergence of both private equity groups and commercial property trusts both of which sometimes use investment trusts as a holding vehicle. Investment trust shares are traded on stock exchanges, like those of other public companies.

Another trust can be created by a settlor (archaically known, in the context of trusts of land) who transfers some or all of his property to a trustee (archaically known, in the context of land), who holds that trust property for the benefit of the beneficiaries. In the case of the self-declared trust, the settlor and trustee is the same person. The trustee has legal title to the trust property, but the beneficiaries have equitable title to the trust property (separation of control and ownership). The trustee owes a

²⁵ www.wikipedia.org/wiki/Trusts.

fiduciary duty to the beneficiaries, who are the "beneficial" owners of the trust property. A trustee may be either a natural person, or an artificial person (such as a company or a public body), and there may be a single trustee or multiple co-trustees. There may be a single beneficiary or multiple beneficiaries. The settlor may himself be a beneficiary.

Property of any sort may be held on trust, but growth assets are more commonly placed into trust (for tax and estate planning benefits). In a relevant sense, a trust can be viewed as a generic form of a corporation where the settlors (investors) are also the beneficiaries. This is particularly evident in the Delaware business trust, which could theoretically, with the language in the "governing instrument", be organized as a cooperative corporation, limited liability Corporation, or perhaps even a nonprofit corporation. One of the most significant aspects of trusts is the ability to partition and shield assets from the trustee, multiple beneficiaries, and their respective creditors (particularly the trustee's creditors), making it "bankruptcy remote", and leading to its use in pensions, mutual funds, and asset securitization.

The uses of trusts are many and varied. Trusts may be created during a person's life (usually by a trust instrument) or after death in a will. For example charitable trusts are a form of express trust dedicated to charitable goals. To be a valid charitable trust, the organisation must demonstrate both a charitable purpose and a public benefit. Applicable charitable purposes are normally relief of poverty, promotion of education, for promotion of religion etc. There is also a requirement that the trust's purposes benefit the public (or some section of the public), and not simply a group of private individuals (Starnes, *et al.* 2013).

• Foundations

A foundation (also a charitable foundation) is a legal categorization of nonprofit organisations that will typically either donate funds and support to other organisations, or provide the source of funding for its own charitable purposes. In a European context foundations are defined as autonomous, non-profit organisations with their own resources that work locally, regionally and internationally to improve the lives of citizens, by running and funding activities in a myriad of areas²⁶. Foundations as legal structures (legal entities) and/or legal persons (legal personality), may have a diversity of forms and may follow diverse regulations depending on the jurisdiction where they are created. In some jurisdictions, a foundation may acquire its legal personality when it is entered in a public registry, while in other countries a foundation may acquire legal personality by the mere action of creation through a required document. Unlike a company, foundations have no shareholders, though they may have a board, an assembly and voting members. A foundation may hold assets in its own name for the purposes set out in its constitutive documents, and its administration and operation are carried out in accordance with its statutes or articles of association rather than fiduciary principles. The foundation has a distinct patrimony independent of its founder. Foundations are often set up for charitable purposes, family patrimony and collective purposes.

One of the characteristics of the legal entities existing under the status of "Foundations" is a wide diversity of structures and purposes. Nevertheless, there are some common structural elements that are the first observed under legal scrutiny or classification:

- Legal requirements followed for establishment
- Purpose of the foundation
- Economic activity
- Supervision and management provisions
- Accountability and Auditing provisions
- Provisions for the amendment of the statutes or articles of incorporation
- Provisions for the dissolution of the entity
- Tax status of corporate and private donors
- Tax status of the foundation

²⁶ See www.efc.be.

Some of the above must be, in most jurisdictions, expressed in the document of establishment. Others may be provided by the supervising authority at each particular jurisdiction.

- **Foundations in a national and European context**

According to the legal and fiscal country profiles provided by the European Foundation Center the legal environment of foundations differs in each country. The main criteria include purposes foundations are allowed to pursue, the requirements for establishing a foundation in each country, governance and transparency regulation, tax treatment, tax incentives for individual and corporate donors, recent legal trends and developments affecting foundations and the impact of the anti-terrorist debate, among other information.

Netherlands

A foundation in the Netherlands (Stichting) is a legal person created through a legal act. This act is usually either a notarised deed (or a will) that contains the articles of the foundation which must include the first appointed board²⁷. No government authority is involved in the creation or authorization of a foundation, it acquires full legal capacity through its sole creation. A foundation has no members and its purpose must be stated in its articles, using capital dedicated to such goal. The foundations are defined in the Dutch Civil Code (Burgerlijk Wetboek), Boek 2 Art 285-304. It is not necessary in the Netherlands that a foundation serves a purpose of general interest, but its official goal cannot include making payments to anybody, except for charitable causes. The foundations are governed and represented by a board that is responsible for its administration, this board has not a requirement for specific number of members. Art. 2:289 of the Civil Code establishes that all foundations must be registered in the Register of Commerce or "Handelsregister". Commercial activities are allowed if they are within the purpose of the foundation and are taxed. Board members can be held liable for the foundation, civilly as well as criminally. The Dutch Tax Service can declare an institution to be an "institution for general benefit" (*algemeen nut beogende instelling*, ANBI), with tax benefits. Often, but not necessarily, this is a foundation. Conversely, not every foundation qualifies.

Germany

German regulations allow the creation of any foundation for public or private purposes in keeping with the concept of a *gemeinwohlkonforme Allzweckstiftung* ("general-purpose foundation compatible with the common good") (Aktive Bürgerschaft e.V. 2009). A foundation should not have commercial activities as its main purpose, but they are permitted if they serve the main purpose of the foundation. There is no minimum starting capital, although in practice at least €50,000 is considered necessary. A German foundation can either be charitable or serve a private interest. Charitable foundations enjoy tax exemptions. If they engage in commercial activities, only the commercially active part of the entity is taxed. A family foundation serving private interests is taxed like any other legal entity. There is no central register for German foundations. Only charitable foundations are subject to supervision by state authorities. Family foundations are not supervised after establishment. All forms of foundations can be dissolved, however, if they pursue anti-constitutional aims. Foundations are supervised by local authorities within each state (Bundesland) because each state has exclusive legislative power over the laws governing foundations. In contrast to many other countries, German law allows a tax sheltered charitable foundation to distribute up to one third of its profit to the founder and his next of kin, if they are needy, or to maintain the founder's grave. These benefits are subject to taxation.

- **European Foundation Statute**

The European Foundation Statute is an optional and simple tool that will help foundations to better channel their resources into improving the lives of European citizens in a wide range of areas (European Commission 2012). It aims to establish the legal form of a European Foundation which would be additional - but also complementary - to existing national forms. It would be legally recognised in all Member States and would operate under the same set of conditions across the EU. Foundations and their funders are increasingly working across borders. However, a number of legal and administrative barriers are hampering foundations' current work. The lack of appropriate legal

²⁷ See <http://www.kvk.nl/advies-en-informatie/bedrijf-starten-of-overnemen/rechtsvormen/overzicht-van-alle-rechtsvormen/>.

tools means that new European initiatives by foundations are delayed or abandoned. A European Foundation Statute would offer them an appropriate legal tool to perform and increase their work and operations across Europe, while reducing costly administrative burden.

On 8 February 2012, the European Commission presented a proposal on a European Foundation Statute. This proposal has now be shared with the Council of Ministers representing the governments of the 27 Member States for review and approval and to the European Parliament for its consent. The European Parliament pledged support to European Statutes for foundations, associations and mutual societies with the signatures by a majority of its Members of a Written Declaration in February 2011.

• **Common Organisational Models for NGOs**

In the matrix table below we summarize the main organisational models of the NGOs and their characteristics. We distinguish the organizational models by their functions & jurisdictions, activities legal status and members. From our analysis on the organizational models we can conclude that these are the key characteristics essential in choosing for one or another organizational form of a NGO which needs to be established.



Organizational model (NGOs)	Function & jurisdictions	Main activities	Legal status	Members	Remarks
Non-profit organizations	-Non-profit with ideal goal: public goods (social transformation and improvements in quality of life) -Surplus must be retained by the organization for its self-preservation, expansion, or plans.	-Public relations -campaigning, -project management, -funding	Registered in compliance to national or international law	-Staff, -members, -boards	- may be controlled by its members who elect the Board of Directors, Board of Governors ; -may have a delegate structure to allow for the representation of groups or corporations as members; -may be a non-membership organization and the board of directors may elect its own successors.
	-Legal categorization of non profit organizations that either donates funds and support to other organizations, or provide the source of funding for its own charitable purposes. -Differs from a private foundation which is typically endowed by an individual or family -its official goal cannot include making payments to anybody, except for charitable causes -commercial activities are allowed if they are within the purpose of the foundation and are taxed	- charitable purposes - general-purposes compatible with the common good -commercial activities for charitable purposes	-legal person created through a notarized deed (or a will) that contains the articles of the foundation which must include the first appointed board.	-no members -board responsible for administration with no requirement for specific number of members	-Starting capital is needed (There is no minimum starting capital, although in German practice at least €50,000 is considered necessary) - Dutch Civil Code (Burgerlijk Wetboek), Boek 2 Art 285-304. In the Netherlands foundations must be registered in Chamber of Commerce
Trusts	-relationship whereby property (real or personal, tangible or intangible) is held by one party for the benefit of another.	Generating and operating mutual funds, and asset securitization for commercial or public benefit goals	-separated control and ownership - trustee owes a fiduciary duty to the beneficiaries, who are the "beneficial" owners of the trust property -trustee may be either a natural person, or a company, public body	Single or multiple Trustees and beneficiaries, boards	-Trust law: an arrangement in which property is managed by one person or entity for the benefit of another -Trust (monopoly): a business entity formed to create a monopoly or fix prices -Investment trust: a collective investment fund -Land trust: an agreement whereby a trustee agrees to hold ownership of a piece of real property for the benefit of a beneficiary. -Trust company: a financial institution offering certain services -Charitable trusts

Annex 3 Establishment of a European Grouping for Territorial Cooperation

1. Formal steps in setting up an EGTC²⁸

Phase 1 – Preparation

Convention and statutes

The prospective members (e.g. regional or local authorities of the Wadden Sea trilateral cooperation) determine together the objective and the scope of the EGTC, and establish a proposal of convention and statutes.

The convention specifies:

- - The name of the EGTC and its registered office (located in a Member State)
- - The territory of the EGTC
- - The objective and tasks of the EGTC

The statute specifies:

- - The operating provision of the EGTC's organs and their competencies
- - The decision-making procedure of the EGTC
- - The working language(s)
- - The arrangements for its functioning (personnel management, recruitment procedures)
- - The members' financial contributions

Notification: request for authorization to participate (Art.4)

Each prospective member must notify its Member State (e.g. Germany, Denmark, the Netherlands) of its intention to participate in an EGTC and send a copy of the proposed convention and statutes.

After 3 months: The Member State shall approve the member's participation in the EGTC. The assessment procedure is based on national rules.

Phase 2 Decision and registration

Setting-up of the EGTC

- Once the notification process has been finalized for each prospective member, the future members conclude the convention unanimously (Art.8);
- The statutes are adopted on the basis of the convention by the members, acting unanimously. The statutes must be registered and/or published in the Member State where the EGTC has its registered office (Art.9). Once published/registered, the EGTC acquires legal personality and can start its activities;
- Within 10 days of the registration, the EGTC shall send a request for announcement in the *Official Journal of the European Union* (Art.5) and to the Member States concerned and the Committee of the Regions.

Setting-up of the organs (Art.10)

The EGTC is composed of at least an Assembly and a Director. The assembly is composed of representatives of the EGTC members, it approves the annual budget. Additional organs may be provided by the statutes. The EGTC is liable for the acts of its organs, regarding third parties.

²⁸ Taken from the INTERACT website <http://www.interact-eu.net/>.

Phase 3 Implementation: Managing an EGTC/Regulation (EC) No 1082/2006

Budget: the annual budget, composed of running costs (+ operational costs if applicable), is to be adopted by the assembly (Art.11).

Management of public funds (including EU funds): the Member State where the EGTC has its registered office must organise control of the EGTC's public funds management, using internationally accepted audit standards. Other Member States may also be involved in certain cases (Art.6).

Preparation of accounts: this procedure is governed by the law of the Member State where the EGTC has its registered office (Art.11).

Liquidation, insolvency, cessation of payments: these procedures are, in principle, governed by the laws of the Member State where the EGTC has its registered office.

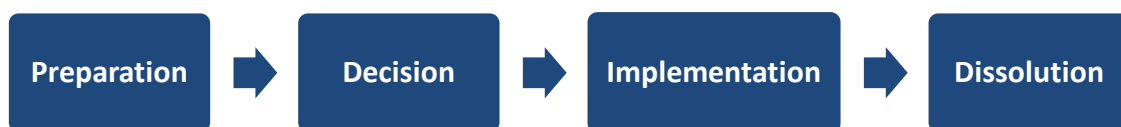
Liability: the EGTC is liable for its debts. If the EGTC is not able to reimburse said debts itself, the members of the EGTC are then held liable (unless such members are subject to limited liability under their national law) (Art.12.2). Member States, when not members of an EGTC, cannot be held financially liable for the EGTC (Art.12.3).

Protection of public interests of the Member States: if an EGTC acts in contravention to the public interest(s) of Member States, this activity may be prohibited on the Member State's territory or the member of the EGTC concerned may be withdrawn from the EGTC, unless the activity is stopped. There is still a possibility for the EGTC to request a judicial review of this decision (Art.13).

Dissolution by the competent authority of the Member State where EGTC is registered: if an EGTC acts outside of its tasks, unless the EGTC has proceeded to a rectification of the situation, the EGTC structure may be dissolved by this authority, after informing the Member State (Art.14).

More information about the EU regulations and activities for EGTCs:

1. <http://www.interact-eu.net/egtc/egtc/30/16>
2. <http://cor.europa.eu/en/activities/networks/Pages/egtc.aspx>3. See as well Alterra document "Comparative analysis of EGTC and CF" from 29 August, 2013



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Alterra Wageningen UR is the research institute for our green living environment. We offer a combination of practical and scientific research in a multitude of disciplines related to the green world around us and the sustainable use of our living environment, such as flora and fauna, soil, water, the environment, geo-information and remote sensing, landscape and spatial planning, man and society.

The mission of Wageningen UR (University & Research centre) is 'To explore the potential of nature to improve the quality of life'. Within Wageningen UR, nine specialised research institutes of the DLO Foundation have joined forces with Wageningen University to help answer the most important questions in the domain of healthy food and living environment. With approximately 30 locations, 6,000 members of staff and 9,000 students, Wageningen UR is one of the leading organisations in its domain worldwide. The integral approach to problems and the cooperation between the various disciplines are at the heart of the unique Wageningen Approach.

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