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Summary

The Netherlands is a party to international agreements on the protection of wetlands. Wetlands include fresh water areas, such as water meadows, fens and lakes, and brackish and salt water areas, such as sea inlets and shallow coastal waters. Agreements on the protection of wetlands are laid down in the Ramsar Convention (signed by the Netherlands and 16 other countries in 1971 and ratified in 1980; at present signed by 113 countries) and in two Directives issued by the European Union, namely the Bird Directive (effective since 1979) and the Habitat Directive (effective since 1992).

The Netherlands Court of Audit has investigated how the Netherlands fulfils the obligations arising from the Convention and the two Directives. It has also examined whether the Ministry of Agriculture, Nature Management and Fisheries (LNV) adequately supervised the implementation of international agreements.

The Ramsar Convention

Wetlands are of fundamental importance to countless species of flora and fauna. The purpose of the Ramsar Convention is to protect these ecological values, the most effective way being through the 'wise use' of wetlands. This means that human activity that might damage wetlands must be regulated so as to be compatible with the conservation of the natural features of the ecosystem.

Contracting Parties to the Ramsar Convention are required to formulate a policy on wetlands in accordance with the concept of wise use and to implement it by carefully assessing the value of other uses (such as recreation, shipping, drinking water extraction, fishing) against that of

nature. In concrete terms, a Contracting Party is required to:

- list the wetlands within its territory and address the problems;
- draft management and restoration plans for wetlands and prioritise their implementation;
- establish 'wetland nature reserves';
- review and if necessary amend legislation and regulations on wetlands.

Contracting Parties are also required to designate sites that satisfy general criteria relating to flora and fauna or specific criteria relating to waterfowl and fish. Designation entails a number of specific obligations, such as the provision of information on processes that threaten designated wetlands and compensation for the loss of wetland resources.

The Court of Audit found that the Netherlands' compliance with the Ramsar obligations investigated was often moderate to poor and in a number of cases non-existent. The Netherlands has drafted many plans for the management and restoration of wetlands, the Court of Audit's opinion on this was positive, but in practice their implementation was often problematic or extremely slow.

The Bird and Habitat Directives

The Netherlands is also obliged to implement the Bird and Habitat Directives of the European Union. There is a close relationship between the two Directives: the Bird Directive provides protection specifically for migratory and other birds, the Habitat Directive for other species of flora and fauna. The purpose of the Directives is to conserve natural habitats through the development of a European network of special protection areas known as 'Natura 2000'. The sites for the network are selected by the European Member States and 'designated' by the European Commission.

The Court of Audit investigated the obligations arising from the two European Directives in so far as they related to wetlands. Some of the obligations overlap the Ramsar obligations. The legal framework of the Bird and the Habitat

Directives, however, is stricter than that for the Ramsar Convention. Furthermore, the Directives contain a number of specific European obligations relating to the realisation of Natura 2000.

The Court of Audit found that at the beginning of 1999 the Netherlands' compliance with European obligations was often moderate to poor and in a number of cases non-existent. European policy had been effectively 'translated' into national and regional policy, but its incorporation into land-use plans left a lot to be desired. Furthermore, the designation of sites was extremely slow. This was due in part to the Ministry of LNV's policy of notifying 'Europe' of sites only when a national management system had been adopted. Implementation of the management system was hampered by resistance from other authorities to the obligations relating to designated wetlands.

Supervision of national implementation

Wetlands policy in the Netherlands is part of the national nature and rural development policy. Other authorities apart from the Ministry of LNV are involved in the practical elaboration and implementation of policy; they include the Ministries of Transport, Public Works and Water Management (V&W) and Housing, Spatial Planning and the Environment (VROM), provincial authorities, municipal authorities and the water boards. The Minister of LNV (in practice the State Secretary) nevertheless bears responsibility for compliance with international agreements on wetlands. In the Court of Audit's opinion, the supervision exercised by the Minister/State Secretary should provide a complete, clear and up-to-date insight into the degree to which the provisions of the Ramsar Convention and the Bird and the Habitat Directives are implemented.

The Court of Audit found that the relationship between international and the national wetlands policy was inadequately worked out. The Minister/State Secretary of LNV had not made agreements with local authorities on the fulfilment of international obligations. As a consequence, the local authorities were badly informed of the substance of the obligations.

The Court of Audit further found that the Ministry of LNV did not have a clear understanding of the condition of existing nature sites nor of the effects of regional wetlands policy. The Ministry thus had an inadequate understanding of the degree to which these effects were compatible with the obligations of the Ramsar Convention and the Bird and Habitat Directives.

Recommendations

The Court of Audit recommends that the Minister of LNV attend to the conscientious fulfilment of international obligations on wetlands. Specifically, the Minister should:

- make further agreements with local authorities on the implementation of the Ramsar Convention and the European Directives. Such agreements should also consider the provision of information on and supervision of the local authorities' responsibilities with regard to international obligations;
- list all the wetlands in the Netherlands and prioritise solutions to the problems;
- elaborate policy for Natura 2000, particularly with regard to local implementation;
- periodically review the legislation and regulations of relevance to wetlands;
- improve enforcement of such legislation and regulations;
- improve the protection of species;
- designate the proposed wetlands soon and define other wetlands that satisfy the designation criteria;
- investigate how the compensation obligation can be satisfied (of particular importance if more sites are designated in the future because larger areas with many and diverse functions will then be involved).

With regard to the further agreements with local authorities and their enforcement, particular attention should be paid to:

- the zoning of wetlands, with sites being reserved exclusively for nature;

- formulating wise use criteria that can be applied in municipal and provincial planning procedures for wetlands;
- documenting the deliberative and decision-making procedures for wetlands (with regard to both the provincial authorities and other Ministries);
- setting dates during the implementation of wetlands management and restoration plans to evaluate their primary and secondary effects;
- co-ordinating the above agreements with the various nature management organisations.

The Ministry should also make further agreements in The Hague for the effective co-ordination of wetlands policy. In concrete terms, the Ministry should ensure that:

- stricter agreements are made between the policy directorates of the Ministry of LNV on the allocation of duties for the implementation of wetlands policy;
- make clear agreements with the other Ministries (particularly with VROM and V&W) on the duties and responsibilities with regard to wetlands policy.

In brief, the Court of Audit is of the opinion that the Netherlands should implement and document the Ramsar Convention and the Habitat and the Bird Directives on a more timely, more systematic and more conscientious basis.

Finally, the Court of Audit recommends that consideration be given to the Contracting Parties' ability to interpret the Ramsar Convention on a national basis. This is of particular relevance to the concept of wise use, whereby limits on the available space may form a serious problem. The Convention's effectiveness depends largely on the solutions that are found to this problem. The Court of Audit recommends that the situation in the Netherlands be put to the Ramsar Bureau in Geneva for comparison with that in other countries.

With regard to the Habitat Directive, strict application of the compensation obligation in the Netherlands would be problematic. The European Commission should accept the

policy formulated by the Netherlands in this area in the Green Space Structure Plan.

Ministerial response

The State Secretary of LNV has indicated that she will take the Court of Audit's recommendations to heart, although she could not subscribe in full to the report's findings. The State Secretary of V&W agreed with the Court of Audit that information on the progress made with wetlands policy should be more accessible. The Court of Audit's recommendations on the wise use concept in relation to non-nature functions also enjoyed the support of the State Secretary of V&W. The Minister for Foreign Affairs informed the Court of Audit that he had little involvement in the national implementation of the Ramsar Convention. The Minister of VROM, finally, replied that it was important to consider all aspects of the subject of wetlands, as had occurred in the Court of Audit's report. He was of the opinion that the Court of Audit's findings supported his actions in this area of policy.

Postscript by the Court of Audit

More timely, more systematic and more conscientious: the three key terms adopted by the Court of Audit to encourage the Ministries in the Netherlands to comply with international agreements on wetlands. With regard to timeliness, real progress has been made with the recent designation of wetlands, but it cannot be concluded from the ministerial response that policy will be implemented more systematically or conscientiously in the future. The Court of Audit noted that the ministerial responses were not co-ordinated. In the Court of Audit's opinion, the quality of wetlands policy in the fully-planned Netherlands stands or falls on co-ordination. Final responsibility for co-ordination lies with the Ministry of LNV, and within it the Nature Management directorate. The Court of Audit's investigation revealed that substantial improvements have to be made in this area. Unfortunately, the State Secretary of LNV did not consider precisely this point in her response.

1 Introduction

1.1 The importance of wetlands

The Netherlands has more than one hundred areas of water and marshland with ecological values that are of international importance. These areas are known internationally as wetlands.¹ The wetlands in the Netherlands sometimes form a single whole with dryer areas.

The wetlands in the Netherlands are of global importance to many species of bird, fish and other fauna. They also host a great variety of flora. Birds and fish migrate long distances to breed or rear their young in Dutch wetlands. A major bird migration route extends from the far north along the Dutch coast to Africa. The coastal waters and dunes of the Netherlands are of vital importance to these birds.

Examples of wetlands in the Netherlands	Character of the area
Markermeer-IJmeer	Closed fresh-water inlet
Biesbosch	Largely closed fresh-water tidal delta
Gelderse Poort	Varied moraine and riparian area (border region with Germany)
Grevelingen	Fresh-water lake
Bargerveen	Raised bog (border region with Germany; a remnant of the Bourtanger Moor)
Dollard	Brackish tidal area in the Wadden Sea (border region with Germany)
Eastern Scheldt	Tidal area

¹ Source: The Convention on Wetlands of International Importance especially as Waterfowl Habitat (the Ramsar Convention).

Markiezaat	Transitional area between salt and fresh water
Alde Feanen	Fens created by peat digging
Voordelta-Voornes Duin	Shallow coastal waters, mudflats and sandflats
't Zwin	Area of sea inlets, coastal dunes and North Sea beach (border region with Belgium)
Dwingelderveld	Raised sandy area with heaths, fens, lakes and woodlands

Wetlands are not only of great ecological importance, they also represent a worldwide source of drinking water for man. The pre-conditions for drinking water are the availability of sufficient water of good quality. Wetlands meet these pre-conditions: they both store (by receiving large quantities of rainwater) and purify water. They also make an important contribution to the regulation of groundwater and surface water and prevent salination. Good water quality is also essential to the natural and proper functioning of the wetland itself. There are therefore mutual benefits.

Wetlands in the Netherlands also have an important recreational function owing to the high population density. The larger waters, moreover, are important for shipping, fishing and the extraction of various raw materials, such as sand and clay.

1.2 Threats to ecological values

Human activity (known as co-use) may damage the ecological values of wetlands. Many species of flora and fauna are still declining in number or are disappearing because of pollution (chiefly polluted dredging sludge), disturbance (for example by aircraft), groundwater depletion (through increased drainage and water extraction) and fragmentation of nature sites (for example through the construction of dykes, locks and roads).

In excess, these activities damage not only the ecological values of wetlands but also, for example, their puritive working and recreational value.

1.3 International agreements

The Netherlands, together with 16 other countries, signed the Convention on Wetlands of International Importance especially as Waterfowl Habitat in Ramsar (Iran) in 1971. This convention is commonly known as the Ramsar Convention or the Wetlands Convention.² The Netherlands ratified the convention on 23 May 1980.

International cooperation is required to protect the ecological values of wetlands. Conferences are held every three years, for which participants prepare national wetlands reports. The most recent conference was held in 1996; the next will take place in Costa Rica from 10 to 18 May 1999. At the beginning of 1999, 113 countries had signed the Ramsar Convention³ and more than 950 sites worldwide had been designated as 'Ramsar wetlands'.

The Netherlands is a party not only to the Ramsar Convention but also to the EU Bird Directive⁴ (1979) and the Habitat Directive⁵ (1992). Both Directives have a strong bearing on the protection of wetlands.

The Netherlands implements these international agreements principally by means of the national policy laid

² 'Wetlands' are defined in the Ramsar Convention as 'areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres'.

³ The United Nations Educational, Scientific and Cultural Organisation (Unesco) acts as the 'depository' for the convention and as such is responsible for formal ratification and accession (article 4 of the convention).

⁴ Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds.

⁵ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

down in the Nature Policy Plan.⁶ Policy in a variety of other areas, such as the environment and water, agriculture, recreation and fisheries, is also of importance. The policy implications of the lack of space in the Netherlands are explained in part in the Green Space Structure Plan.⁷

1.4 Parties responsible for implementation

The Minister of Agriculture, Nature Management and Fisheries is responsible for the Netherlands' compliance with the agreements on wetlands laid down in the Ramsar Convention and in the Bird and Habitat Directives. The Ramsar Bureau, which is situated in Geneva (Switzerland), keeps a list of all the characteristics of the designated wetlands and organises, amongst other things, the conferences of the Contracting Parties. In practice, however, many more actors than just the one Ministry are involved in wetlands policy. The most important are shown in the table below.

Ministry	Other authorities	Managers and interested parties
LNV	Provinces	Nature managers
V&W	Municipalities	Environmental movement ⁸
VROM	Water boards	Drinking water companies
Defence	European Union	Fishing industry
Finance	UNESCO and the Ramsar Bureau	Shipping industry
		Private land owners
		Farmers
		House building industry
		Recreation industry

⁶ Lower House, 1989-1990, 21 149, nos. 2-3.

⁷ Lower House, 92-92, 22880, no. 2.

⁸ The Netherlands has established a National Ramsar Committee, co-ordinated by Vogelbescherming. Its members are Stichting Natuur en Milieu, the World Wide Fund for Nature, Natuurmonumenten and Waddenvereniging.

1.5 The investigation

The Court of Audit investigated the Netherlands' implementation of the Ramsar Convention and the EU Bird Directive and the Habitat Directive between October 1997 and October 1998. The Directives were considered in so far as they were of relevance to wetlands and had a bearing on the Ramsar Convention. The investigation considered:

- the degree to which wetlands policy and its implementation in the Netherlands fulfilled international obligations arising from the Ramsar Convention (section 2);
- the degree to which wetlands policy and its implementation in the Netherlands fulfilled EU obligations arising from the Bird and Habitat Directives (section 3);
- the degree to which wetlands policy and its implementation in the Netherlands satisfied the Court of Audit's standards on supervision, allocation of duties, monitoring and evaluation (section 4).

For the purposes of its investigation, the Court of Audit assumed that the Ministry of LNV retained full responsibility for compliance with the international agreements even though a significant part of nature policy was implemented locally.

The Court of Audit selected 64 wetlands in the Netherlands for investigation (see annex 1). The areas selected are located in all provinces of the Netherlands and include wetlands that have been designated under the Ramsar Convention and wetlands that have not. The Ministries of LNV, V&W, VROM and Foreign Affairs were consulted in advance regarding the criteria to be used in the Court of Audit's investigation.

2 The Ramsar Convention

2.1 Obligations

The Ramsar Convention is an international convention that is binding and has formal status. Every Contracting Party is obliged to implement the convention.⁹

The purpose of the Ramsar Convention is to protect the ecological values of wetlands, the most effective way being through the wise use of other functions. Such use should ensure that wetlands are conserved as such for future generations. The Ramsar Convention does not define 'wise use' in specific terms (i.e. verifiably). The obligations relating to wise use are worked out in guidelines.¹⁰

Ramsar definition of wise use

'The wise use of wetlands is their sustainable utilisation for the benefit of mankind in a way compatible with the maintenance of the natural properties of the ecosystem.'

'Sustainable utilisation' of a wetland is defined as: 'Human use of a wetland so that it may yield the greatest continuous benefit to present generations while maintaining its potential to meet the needs and aspirations of future generations'.

The Court of Audit investigated the following obligations arising from the Ramsar Convention and/or related guidelines:

- *Formulation of wetlands policy*

⁹ The text of the Convention has been amended on a number of occasions, most recently in 1987. The Netherlands Court of Audit provides information on all environmental conventions via its web site (www.rekenkamer.nl/ea). This is a jump-off point for searches at CIESIN.

¹⁰ The wise use guidelines investigated by the Court of Audit are set out in 'Guidelines for the implementation of the wise use concept', 1987.

Formulating a wetlands policy according to the wise use concept. Implementation of the policy includes:

— listing the wetlands of international importance within the national boundaries and the problems affecting each wetland.

The list is to be based on the general bird or fish criteria¹¹ as laid down in the annex to the convention;

— establishing priority actions with regard to the management of wetlands and the restoration of ecological values.¹²

- *Increased knowledge*
Increasing the knowledge on the functioning and values of wetlands. Important factors include listing the wetlands, investigating possible sustainable uses and monitoring.
- *Conservation and restoration plans for wetlands*
Preparing conservation and restoration plans for wetlands.
- *Nature reserves*
Establishing nature reserves. This obligation relates to both designated and non-designated wetlands.
- *Reviewing legislation and regulations*
Periodically reviewing and if necessary amending legislation and regulations on wetlands. Legislation and regulations can be applied to promote the wise use of wetlands.¹³

¹¹ The general criteria relate to the representativeness or rarity of the wetland type. In addition, the values of the wetland's various functions are taken into account. Other general criteria relate to the vulnerability (threat to) or scarcity of the flora and fauna present. A number of specific criteria are additionally imposed with regard to waterfowl and fish.

¹² The text of the convention states, 'The Contracting Parties shall formulate and implement their planning so as to promote the conservation of the wetlands included in the List, and as far as possible the wise use of wetlands in their territory' (article 3 of the Convention). This obligation is laid down in greater detail in the 1987 guidelines and in the Ramsar Convention Manual.

¹³ The Ramsar Convention Manual names, amongst others, the conservation of wetlands by means of zoning or land-use plans, environmental impact assessments, financial instruments such as subsidies and taxes, and the right of appeal against government decisions as 'wise-use legislation and regulations'. Regulations intended specifically for

- *Wise use in practice*
Assessing the traditional use of wetlands on the one hand against the principles of wise use on the other.
- *Notification of threats*
Identifying processes or activities that threaten wetlands and any changes in the character of wetlands and informing the Ramsar Bureau of such developments.¹⁴ This obligation is applicable in respect of designated wetlands only (see also Designation below).
- *Compensation*
Finding compensation for damage to the ecological values of wetlands.¹⁵ This obligation is applicable in respect of designated wetlands only.
- *Designation*
Officially designating as wetlands areas that satisfy the general bird or fish criteria and notifying the Ramsar Bureau of such designations as wetlands of international importance. Upon designation of a Ramsar wetland, it must be stated *which values* have to be protected. These comprise the geographical, physical and ecological characteristics, the utilisation of the functions and possible threats. Economic and cultural values also have to be described. The Ramsar Bureau maintains a list of the characteristics of the designated wetlands. Ramsar designations are not compulsory. A country need designate only one wetland for it to become a Contracting Party to the

wetlands are those concerned with Ramsar areas, ecologically-sensitive areas, areas with a high degree of bio-diversity and nature reserves.

¹⁴ Article 3 states, 'Each Contracting Party shall arrange to be informed at the earliest possible time if the ecological character of any wetland in its territory and included in the List has changed, is changing or is likely to change as the result of technological developments, pollution or other human interference. Information on such changes shall be passed without delay to the organisation or government responsible for the continuing bureau duties specified in Article 8 (i.e. the Ramsar Bureau)'.

¹⁵ Article 4 states, 'Where a Contracting Party in its urgent national interests deletes or restricts the boundaries of a wetland included in the List, it should as far as possible compensate for any loss of wetland resources, and in particular it should create additional nature reserves for waterfowl and for the protection, either in the same area or elsewhere, of an adequate portion of the original habitat'.

convention. Designation is of particular importance because several obligations apply to designated wetlands only.

The Court of Audit investigated the degree to which the Netherlands fulfilled these obligations.

2.2 Formulation of wetlands policy

In 1985, the Minister of LNV set out policy for the implementation of the Ramsar Convention in a memorandum to the Lower House of Parliament. He enclosed a list of 103 sites of international importance. The Minister was of the opinion that wetlands in the Netherlands could not have the status of Ramsar sites unless it was first known how the ecological values would be protected. Before designating a site, therefore, the Minister would ensure that there was adequate protection. This meant that conditions and frameworks had to be in place to prevent spatial interventions that might lead to the 'encroachment or loss of the site' unless there were 'reasons of overriding national importance'. The Minister did not systematically develop this wetlands policy after 1985.

The Court of Audit started its investigation of wetlands policy in the Netherlands in 1997. The Ministry of LNV informed the Court of Audit at the time that wetlands were not a matter of national policy in their own right but formed part of the national nature policy. Wetlands rank amongst the most important nature sites in the Netherlands.

The Court of Audit considered how national and regional policy documents issued after 1985 promoted the implementation of the international agreements. In the Court of Audit's opinion, a national and regional wetlands policy should have been formulated or a *clearly discernible* policy on wetlands should be contained in other policy.

Opinion

The Court of Audit found that the Netherlands had not fully complied with the letter of its obligations because wise use policy and nature policy were not applied specifically to wetlands, as required under the Ramsar Convention. The Court of Audit established that a wetlands policy could be reconstructed from national and regional policy documents but this was so problematic that it was not *clearly discernible*.

The Netherlands had complied with the spirit of the obligation to formulate a wetlands policy. The international obligations were incorporated into national and provincial policy (see annex 2). Many policy intentions that promoted the wise use of wetlands were included in national and regional policy.

Many authorities are involved in the implementation of this 'wetlands policy'. This has the significant disadvantage, in the Court of Audit's opinion, that there is no clear contact point for implementation and co-ordination.

2.3 Increased knowledge

The Ramsar Convention requires all Contracting Parties to collect information on wetlands. Items that require special attention are: identification and quantification of the functions of wetlands, the sustainable use of wetlands, the landscape function of wetlands and changes therein. The priorities used in the investigation reflect the needs of wetlands management.¹⁶

Studies by V&W

The Ministry of V&W carries out many studies of dykes, water management and the hydraulic infrastructure. It has investigated, for example, solutions to ecological problems in the Zeeland and South Holland Delta and Biesbosch and how the water level of IJsselmeer could be improved for

¹⁶ Items named in the Guidelines relate mainly to the various functions of wetlands. It is also noted that more issues will be investigated as progress is made with the development of wise use (p. 65).

ecological purposes. The Court of Audit found that not enough was known about the ecological value of the water itself, for example to fish.¹⁷ The Ministry, however, was investigating this issue, for example by studying changes in fish stocks in national waters and the migration routes of salmonoids.

Studies by VROM

The Ministry of VROM has investigated the use of fertilisers, the spread and removal of environmentally-harmful substances, disturbance and groundwater depletion. This study, however, was not directly concerned with wetlands. In practice, wetlands are affected by many environmental issues. The extent differs from one wetland to another, as do the solutions. This spectrum had not yet been systematically documented.

Studies by the IKC

The Information and Knowledge Centre (IKC) of the Ministry of LNV is investigating the solution of fertiliser and pesticide problems. This study, too, is not specifically concerned with wetlands but is of relevance to them.

The Nature Management IKC was also involved in drafting 'Nature Survey 1997'. Nature Surveys are co-ordinated by the National Institute for Public Health and Environmental Protection (RIVM).¹⁸ The information obtained could not be related to wetlands nor could the IKC provide the Court of Audit with information on the selected wetlands. This was because the various provinces could not furnish usable information. Nature Surveys were based mainly on academic studies.

The Agricultural Research Agency of the Ministry of LNV also carries out investigations in cooperation with the Ministry of V&W.

Third-party studies

¹⁷ It was decided in 1996 to formulate separate criteria for fish for the purposes of the Ramsar Convention.

¹⁸ Ministry of Health, Welfare and Sport.

The Ministry of LNV had not made agreements with the provinces or private or public managers regarding the policy directorates' receipt of study or research reports on wetlands. Environmental organisations, however, actively forwarded information. Information provided by Vogelbescherming (the Netherlands Society for the Protection of Birds) were 'decisive for [government] policy'. Environmental organisations were also active lobbyists for the wetlands and provided a significant volume of information in this capacity.

Opinion

The Court of Audit found that the Ministries did not directly increase knowledge on wetlands within the meaning of the Ramsar Convention. Many investigations had been carried out that were of relevance to wetlands but they had not been analysed systematically and specifically for wetlands. As a consequence, no analysis had been made of where the knowledge on wetlands was inadequate.

2.4 Wetlands management and restoration plans

2.4.1 Planning

The Court of Audit found that plans had been prepared in one form or another for all wetlands considered in the investigation. The plans were usually not concerned solely with protection of ecological values but also with other issues, such as the development or improvement of the various functions of the water, the countryside and protection, improvement, restoration or expansion of nature sites.

Naardermeer restoration plan

The restoration plan for Naardermeer will not be completed until well into the next century. The extraction of drinking water and industrial water in the Gooi region will be halved. New housing developments will feature separate sewage systems. Buffer zones will also be created. The water level in a number of polders will be raised.

Some plans were intended primarily to improve non-ecology functions, although they did include nature development. The primary aim of the plans for the river area of the Netherlands, for example, was to reduce the risk of flooding but they also considered the ecological value of the area, although the 'required ecological types'¹⁹ was subject to safety requirements.

The Ministry of V&W informed the Court of Audit that a deliberate choice had been made for the combination of safety and the strengthening of ecological values in the flood plains of the large rivers. Lowering the flood plains and creating secondary channels were good examples of this combination.

Financing

The Netherlands does not have a separate budget for the implementation of these plans. The Ministry of LNV financed activities for nature reserves from policy field 13 of the 'Nature, Green Space and Recreation' budget (see annex 3). The financial importance of the wetland projects it financed was at least NLG 400 million.²⁰ Examples of large-scale plans are those for Biesbosch (NLG 83 million) and Groote Peel (NLG 13 million). The Ministry of V&W and the Ministry of VROM also financed wetland activities. V&W, for example, financed a project on Markermeer (estimated cost NLG 10 - 15 million) and one on Ketelmeer (NLG 20 - 50 million).

Insight

The Court of Audit found that the Ministry of LNV had little information on the plans. The Court of Audit obtained information mainly from Rijkswaterstaat (the Directorate General for Public Works and Water Management), the provinces and the managers. It therefore cost the Court of

¹⁹ A required ecological type is a desired combination of abiotic and biotic characteristics at a defined spatial scale, for example in the mud flats and sandflats exposed at low tide and humid dune slacks.

²⁰ Source: Countryside Agency. The figure relates to projects being carried out in 1997/1998.

Audit a great deal of time to collect information on the plans.

The Ministry of V&W is directly involved in the implementation of water policy in specific areas through Rijkswaterstaat, which the Court of Audit found had a good insight into the regional plans and their implementation.

2.4.2 Implementation of plans

The management and restoration plans cannot be effective unless they are implemented.

Managers

The investigation revealed that the most important management organisation for wetlands was Staatsbosbeheer (the Netherlands State Forest Service). In addition, some wetlands were managed by Natuurmonumenten (the Netherlands Society for Nature and the Environment), Provinciale Landschappen and the Grevelingen Nature and Recreation Board. Farmers were also involved in the practical aspects of nature management.

The Domains Department of the Ministry of Finance also plays a role in ownership and nature management. Under the 'green agreements' made at the end of 1986 and still in force today, management of the Domains Department's nature sites had to be transferred to Staatsbosbeheer. The Court of Audit found that management of a number of sites had not been transferred owing to problems with soil pollution. The Ministry of LNV's main reason for not accepting the Domains Department's wetlands was the high clean-up cost. It wanted the Ministry of Finance to pay for remedial action so that the waters would be unpolluted when transferred.

Wetlands managed by the Domains Department include parts of the dunes on Texel, IJmeer, the Randmeren, Punt van Reide (Dollard) and the river area in the province of Gelderland. Information provided by the provinces and nature management organisations showed that the

Domains Department's management differed, sometimes markedly so, from that required under national policy plans.

National waters are managed by Rijkswaterstaat; the water boards play an important role in managing regional waters. Both Rijkswaterstaat and the water boards enjoy a constructive working relationship with other managers involved in policy implementation.

Management method

The investigation revealed that in practice management was tailored to the required ecological or landscape type. Accordingly, more than one management style was sometimes conducted at a site. Staatsbosbeheer submitted a proposal to the Ministry setting out the required ecological type, expressed in hectares. The proposal was based on the management plans for the various sites. Agreements with the other managers were also laid down in management agreements based on the management plans.

It is not always clear what the results of the management will be. When the management method is deliberately non-interventionist, it is uncertain how and when the desired flora and fauna will return. External influences, too, such as environmental conditions are significant. There are indications, however, that the management conducted creates the right circumstances and conditions. Experiments are sometimes held to determine the most appropriate management method.

The Wieden (Manager: Natuurmonumenten)

The Wieden area hosts rare plants that are typical of mires and fens. It is well known for its 'quaking bogs'. Apart from the quaking bogs, the bluegrass lands and heaths are of importance. The manager can conserve these values by mowing the area every year. All the plants that occur in the various stages in the transition from bog to solid land can be found at the site. In recent years, the manager has dredged a number of holes so that the process could recommence. The Wieden will thus retain the various

stages with their specific plants and related animals.
(Source: Natuurmonumenten)

The nature management organisations rarely managed an entire site. Municipalities and private parties were also involved, although their primary concern was generally not nature management.

Disturbances

The Court of Audit found that the nature management organisations paid attention to disturbances by third parties that might have an impact on 'their' area.

Delays

The Court of Audit found that implementation of the plans was often delayed by financial problems or by budget cuts during implementation. Other causes for delay were that municipalities did not give nature highest priority or that owners did not wish to cooperate. It was also found that leases held by farmers on land owned by the state or transferred to nature management organisations could hinder the implementation of nature development plans.

Opinion

The Court of Audit found that the Netherlands complied at least in spirit with the obligation of the Ramsar Convention to formulate management and restoration plans. It was difficult to obtain an insight, however, into those plans. The Court of Audit also found that implementation was problematic.

2.5 Nature reserves

The establishment of nature reserves is systematically worked out in national policy. In so far as wetlands are managed by a nature management organisation, they have the status of 'nature reserve' and are protected under the management plan.

Opinion

The Court of Audit found that the Netherlands complied with the obligation of the Ramsar Convention to establish nature reserves. This does not mean, however, that all wetlands that meet the Ramsar criteria are also classified as nature reserves.

2.6 Legislation and regulations

2.6.1 Review and amendment

Many laws and regulations relating to wetlands in one way or another are in force in the Netherlands. The Ministry of LNV has not periodically reviewed them as required in the Wise Use Guidelines of the Ramsar Convention and they have accordingly not been amended. The Court of Audit found that there were at least 30 national laws or regulations of potential or actual relevance to wetlands.

National legislation

The main acts on wetlands are:

- The *Nature Conservation Act*. Under this act, ecological values are protected by the conclusion of management agreements and/or the prohibition of deleterious action and the granting of licences. Of the 64 wetlands selected by the Court of Audit, 26 had been designated in full or in part as protected sites or national nature sites in accordance with the Nature Conservation Act. At 18 of these wetlands, the designation related to less than half the area. In these cases, conservation was restricted to the designated areas. The Nature Conservation Act applied, for example to 12% of the wetlands in the Zaanstreek/Waterland region, 4% of IJsselmeer and 43% of Gooi en Eemmeer.
- The new *Flora and Fauna Act* (not yet in operation). The purpose of this act is to protect species and their habitats and to offer complementary protection in addition to that of the Nature Conservation Act.
- The *Noise Abatement Act*. The Ramsar wetlands and the national and other sites are 'silence zones'. This act is important for the prevention of disturbance.

The Regional Directorate of LNV and the provinces informed the Court of Audit that they considered the legislation and regulations adequate for the protection of wetlands.

International agreements

Apart from the Ramsar Convention and the Bird and Habitat Directives, other international agreements are or may be of relevance to wetlands. The Court of Audit made a list of these agreements. Agreements had been concluded on water quality (10 agreements), industry and water quality (11), agriculture and the environment/water quality (3), site protection and bio-diversity (20), the provision of information on the environment and water and the enforcement of Community environmental laws (9). The Ministry of Foreign Affairs did not have a summary of international agreements. Most of the international agreements still had to be incorporated into national legislation and regulations.

In so far as is known, none of these agreements has been systematically compared with each other or the Ramsar Convention. The Ministry for Foreign Affairs informed the Court of Audit, though, that a memorandum had been drafted on the Bio-diversity Convention and other nature conventions, including the Ramsar Convention.

The Court of Audit learned from some Regional Directorates and provinces that the accumulation of international legislation and regulations was seen to be a problem on the 'work floor'. The accumulation of 'designations', for example, was a source of irritation and support was therefore problematic.

Opinion

The Court of Audit found that the Netherlands did not review legislation and regulations as required of the parties contracting to the Ramsar Convention.

2.6.2 Enforcement

The 'green' legislation and regulations are effective only if they are or can be enforced. The provincial and municipal authorities are responsible for enforcement on land and provincial waters. In practice, however, enforcement was problematic.

The 'Stricter enforcement of green legislation' project

To increase the effectiveness of green legislation and regulations, the Ministry of LNV launched the 'Stricter enforcement of green legislation' project at the end of 1994. The project had three goals:

- to focus the attention of the relevant bodies on the enforcement of green laws;
- to optimise the use of the enforcement capacity;
- to detect factors that may increase the enforcement of green laws.

Three pilot schemes were targeted at the capacity of the police force and special investigators. The Ministry wanted to have the scheme fully documented by the end of 1997 but had failed to do so when the investigation was completed in 1998.

Regional initiatives

The Court of Audit also learned that the police, municipalities, Staatsbosbeheer and volunteers had joined forces in the Linge area of the province of Gelderland and were making good progress.

In the province of North Brabant, lack of resources meant enforcement was performed on a passive basis. The province was studying the feasibility of preventive enforcement and the police were identifying vulnerable areas for increased attention.

Enforcement of the Nature Conservation Act

The enforcement policy of the Ministry and the managers was designed to create support for ecologically-friendly recreation through the provision of information. The approach adopted by the skipper of the LNV patrol boat in the Wadden Sea, for example, was directed principally at providing information and contacting users, not on imposing fines. The skipper also tried to maintain contacts with watersport clubs and the like.

The annual report for 1996 of the skipper of the boat in the western part of the Wadden Sea contained 31 comments on disturbances, offences and checks; 21 of them were

during the summer season. The comments related to the unacceptable behaviour of fishermen and lugworm collectors and disturbances by holidaymakers (including pilots of light aircraft).

The Court of Audit could not determine what the responsible Regional Directorate's response was to the comments in the annual report; files were not kept. The Northwest Regional Directorate reported that offenders were contacted if there was cause to do so. The skipper informed the Court of Audit that he had 'little to do with the Regional Directorate'.

From the logbook of the patrol boat (Nature Conservation Act)

3 April 1996: Ministry of Defence shooting on the Noorderhaaks. Security guards asked for an explanation. Agreements made to prevent future misunderstandings.

5 September 1996: Navy helicopter flying at 50 metres over Noorderhaaks. Birds and seals disturbed.

11 September 1996: Ministry of Defence helicopter flying at low tide over Kerken and the Eilandse strait. Cannot contact 'De Kooi' air base on Vlieland.

The skipper's report for 1996 showed that the Ministry of Defence regularly caused disturbances, particularly in the Balgzand area. Owing to the location of the military air base this was often unavoidable. The skipper thought, however, that that it was 'difficult to break certain habits and customs at the Ministry of Defence'. The disturbance in some parts of the Wadden Sea did decline after the patrol boat had made contact.

The Ministry of Defence did not have enough exercise space and was not particularly receptive to the patrol boat's comments. The situation had not improved by 1998. The recent Court of Audit report on noise caused by the Ministry of Defence also stated that low altitude flights by military aircraft and helicopters generally caused a great deal of disturbance (Lower House, 1998-1999, 26 230, nos. 1-2).

The Dollard (National nature site since 1978)

The Dollard is managed by 'Het Groninger Landschap' and Natuurmonumenten. One particular day, Het Groninger Landschap was telephoned and told that soldiers and police officers were walking through the salt marshes. The manager arrived just in time to see a detonator fuse being rolled towards the dyke. The police officers explained that they were about to explode a bomb. The manager objected because he knew nothing about it. The police replied that 'he shouldn't be difficult; the bomb couldn't be transported and this looked like a suitable place'. The police thought the land belonged to Rijkswaterstaat and had not bothered to find out who the owner was.

The bomb was detonated in the middle of the breeding season. The police said the municipality would provide compensation for any damage. The municipality, however, passed on the manager's letter to the police. LNV's North Directorate was later asked in writing and by word of mouth whether this was normal procedure. The General Inspectorate (AID) was asked in writing to draw up an official report since the salt marshes were covered by the Nature Conservation Act. In mid-1998 compensation still had not been received for the damage and LNV and AID had not replied to the letters. In mid-1998, therefore, no body had accepted responsibility. (Source: Het Groninger Landschap)

Setting the 'zero status' for enforcement

A site's status was often unclear when it was designated under the Nature Conservation Act (the 'zero status'). Existing agreements on deleterious or other activities were not clearly documented. This led to enforcement problems. Agreements made before the designation were continued 'as normal'. This approach was also adopted for designations made in accordance with international agreements. The descriptions of the Ramsar sites increased the ability to protect ecological values. Since non-designated wetlands were not delineated, it is not clear where they ended and 'other land' began. It was important to define boundaries in order to protect ecological values.

Resources

The provinces claimed that the budget of NLG 1.9 million for their enforcement of the Nature Conservation Act was too small. The Ministry has agreed with the provinces that it will review the budget.

Opinion

The Court of Audit found that there was an urgent need to implement the 'Stricter enforcement of green legislation' project launched in 1994, with particular attention being paid to wetlands.

2.7 Wise use

2.7.1 Zoning

Many plans in the Netherlands that relate to wetlands take account of the various functions of the areas, such as water storage, water supply, fishing, recreation or transport. Zones have sometimes been agreed for the various functions. In general, policy is based on the 'harmonious co-existence' of the various functions without the functions being zoned.

Example of zoning: recreation on Grevelingen

Use of the Grevelingen nature site is divided into precise zones. Recreation is permitted near the two dams, where recreational facilities have been provided. There are also 'recreation islands'. The centre of Grevelingen has an ecological function. Only limited access is permitted to the 'nature islands'. The success of this zoning is due in part to the physical features. The very shallow water around the nature islands and the nature banks denies access to motorboats and sailing boats.

The Ramsar Convention requires strict protection in key zones and wise use in other zones. Experience has shown that in most large wetlands in the Netherlands, zoning by function (nature, recreation, etc.) was based chiefly on prior use. In 'busy waters' it was very difficult to find room for nature.

2.7.2 Assessment

Parties

The interests of the various wetland functions in the highly populated Netherlands were in practice defended and fought over by the Ministries, the regional authorities and interest groups.

Where wetlands extended beyond the national boundary, foreign parties were consulted. This was the case in the Wadden Sea, 't Zwin, Gelderse Poort, Bargerveen and Dollard. Talks were often held at a management level, as was the case at Gelderse Poort and Dollard.

A cross-border wetland: 't Zwin

't Zwin is one of the few remaining sea inlets located partly in the Netherlands and partly in Belgium. On the Belgian side, it owes its existence to King Leopold III's love of hunting. On the Dutch side, the smaller part, the area exists probably because it is owned by Zeeuwsch Landschap and for a small part by Staatsbosbeheer. The area is wedged between the towns of Cadzand and Knokke and a series of camp sites. Nonetheless, it is a paradise on earth. It is a popular area for breeding and migrating birds and hosts rare salt-water vegetation. The area has more than one management method, the styles differing on each side of the border. The Dutch inlet is largely closed to the public, whereas there is free access to the Belgian part, where a bird park has been opened. This access naturally has consequences for the ecological quality of the entire area. In view of the limited area of the Dutch part (less than 250 ha.), the Information and Knowledge Centre (IKC) thought 't Zwin could be designated under the Habitat Directive only if Belgium agreed. The total bi-national area did satisfy the criteria of the Habitat Directive.

Contribution to plan development

Plans that affect wetlands are worked out during a lengthy process of consultation between all parties involved, including the Ministries of V&W, LNV and VROM. Other Ministries also had a say, as did the municipalities, water

boards and nature management organisations and interest groups.

The Court of Audit found that the Ministry of V&W's input to plan development was very constructive, particularly through its contribution of knowledge. Nature, however, took second place to V&W's other policy goals. The investigation revealed that the Ministry of V&W sometimes favoured the environment and sometimes the construction of new housing estates. The Ministry for Economic Affairs emerged chiefly as the guardian of space for economic activities. In the cases studied, the Ministry of Defence was concerned chiefly with the loss of land for military exercises.

The Court of Audit found that the importance of nature in the Netherlands was promoted most actively by private nature management and environmental organisations. The Ministries 'wore more than one hat' when participating in the consultation. Since all parties were involved to the greatest possible degree, in a number of cases the results of the consultation were satisfactory to most parties.

The Ministry of LNV informed the Court of Audit that it promoted ecological values but also had to consider recreation, agriculture and fishing. The Court of Audit could not establish whether it took enough account of nature. There was no clear definition of the 'wise use' of wetlands that could serve as a benchmark for decision-making on the various functions. There were also too few explicit test criteria for the protection of ecological values. Insight into the decision-making process was also hampered by the absence of files.

Opinion

The Court of Audit could not establish whether there was adequate consideration of the wise use concept as required by the parties contracting to the Ramsar Convention.

2.8 Notification of threats

Contracting Parties to the Ramsar Convention are obliged to inform the Ramsar Bureau of threats to designated wetlands and of possible changes in the character of designated wetlands. Threatened wetlands are listed in the so-called Montreux Record.²¹ Groote Peel was included in this record at the beginning of the 1990s when it suffered groundwater depletion due to water extraction and drainage. A buffer zone was formed around the area, after which it was removed from the record.

Existing threats

The Court of Audit's investigation revealed that there were many threats to wetlands in the Netherlands. They often originated in the surrounding areas, for example as a result of *building activities* and the construction of *infrastructure*. Major threats included the Betuwe freight-only railway line, the second Maasvlakte container terminal, the deepening of the Western Scheldt and the construction of the bridge over the river IJ. On a smaller scale, *recreation* frequently encroached upon nature sites. Recreation was an important source of support for conservation and nature development. At the same time, it was a source of substantial damage to wetlands owing to the disturbance and pollution caused by watersport or the loss of natural space due to larger car parks and marinas. The investigation revealed that the recreation industry thought most of the damage to wetlands could be prevented by means of good agreements and that the ministries should consult the industry more frequently.

Pollution of the water bed was a problem in many wetlands. The clean-up of polluted beds was difficult and very expensive. Furthermore, there were not enough storage depots for dredging sludge. The Ministry of V&W also noted that the clean-up involved a great deal of dredging work, which might also have an impact on the site. V&W

²¹ The relevant resolution was passed at the Montreux conference in 1990. Resolution 5.4 of the Kushiro (Japan) conference in 1993 stipulated that the Montreux Record should be used to identify areas that require additional national and international protection.

had to determine what was in a site's best interest. Along the new Merwede in Biesbosch, pilot schemes were carried out several years ago to determine how the area could best be decontaminated and how nature would recover after such an intervention.

The Association of Water Boards was of the opinion that the target for the prevention of *groundwater depletion* (a 25% reduction by 2000) would not be achieved. The cost to the water boards would be high. The national funds available for the area-oriented prevention of groundwater depletion, however, were not being taken up owing to a lack of support for the activities.

The Ministry of V&W informed the Court of Audit in March 1999 that the most recent information presented a more positive picture. In view of the number of projects being carried out and planned, the interim target of 25% was gradually being realised. The use of national funds to prevent groundwater depletion was also more positive. The lack of take-up in the initial years had been due chiefly to start-up problems rather than lack of support.

The Court of Audit found that *drinking water companies* carried out various activities in or close to wetlands. Some projects were designed to protect the functions of both water extraction and nature development.

Cross-border problem of Dollard

The largest environmental threat to the Dollard site is the Eems barrage. The German government wishes to construct a large retractable barrier with a lock that would close the River Eems several times a year (and so store an enormous volume of water) so that ships with a deep draught could pass through to the sea. Since the Eems is a fresh-water river and, moreover, frequently has a low oxygen content and is polluted, negative ecological effects are expected in the Dollard ecosystem at the mouth of the Eems when the dam is opened and releases a large volume of fresh-water. (Source: Ministry of V&W)

Reporting

Further to the obligation to provide information on threats, it was agreed that reports would be issued in advance of the Ramsar conferences. The reports should provide an insight into the progress made with the implementation of agreements. The Ramsar Bureau established an 'outline' for this purpose.²²

The Ramsar Bureau was notified of the following sites between 1980 and 1995 (see also section 2.10).

Listed wetlands of international importance ²³	Year listed
Boschplaat	1980
Biesbosch *	1980
Griend	1980
Groote Peel	1980
Naardermeer	1980
Weerribben	1980
Wadden Sea **	1984
Eastern Scheldt & Markiezaatmeer	1987
Zwanenwater	1988
Engbertsdijkvenen	1989
Alde Feanen	1993
Bargerveen	1993
De Deelen	1993
Deurnse Peelgebieden	1993
Krammer-Volkerak	1995
Verdronken Land van Saeftinge	1995
Zwarte Meer	1995

* According to the Ramsar Bureau only the southern part of Biesbosch has been designated (1,700 ha. or 20% of the total area).

** The list of 103 wetlands presented to the Lower House in 1985 included 15 sites that counted as part of the Wadden Sea. Fourteen of these sites are covered in whole or in part

²² One item to be considered is information regarding changes in the ecological character of listed wetlands.

²³ The Ramsar list of wetlands of international importance contains 18 sites. This is because internationally several sites are merged into a single site, for example the Eastern Scheldt and the Markiezaat.

by the designation of the Wadden Sea, which covers nearly 250,000 ha.: Texel-de Schorren and Zeeburg., Texel-dunes Texel (together 23%), Griend (100%), Terschelling-Boschplaat, Terschelling-Dunes and Noordsvaarder (together 50%), Schiermonnikoog (31%), Rottum-Rottummerplaat, Rottum-Rottummeroog (together 100%), Balgzand (100%), Frisian Wadden coast/salt marshes (90%), Groningen Wadden coast/salt marshes (100%), Dollard (99%), Vlieland (22%) and Ameland (30%). Lauwersmeer is not covered by the designation.

The most recent report to be issued by the Netherlands was the 'National Wetlands Report 1993-1995', which considered the environmental problems of wetlands in general. Of the designated wetlands, it related chiefly to the Wadden Sea (cockle and mussel fishing) and Biesbosch (minimal tidal action and polluted bed). The clean-up of Naardermeer was also reported. The report also considered co-use on, for example, IJsselmeer.

The Court of Audit found that the ecological values to be protected at the 18 designated sites were not systematically monitored.²⁴

The ecological values are documented by the Ministry of LNV when the wetland is designated. Monitoring is important because the descriptions refer to ongoing actions, problems and threats. These aspects should be included in the periodical reports prepared for the Ramsar Bureau.

Opinion

The Court of Audit found that the Ministry of LNV did not systematically record the threats and changes at each wetland in the Netherlands. It also found that no measures had been taken for the systematic compliance with the obligation to inform the Ramsar Bureau of any threats and possible changes in the character of wetlands.

²⁴ Compensation is provided for ecological, geographical, physical, economic and social values.

2.9 Compensation

The Netherlands has elaborated upon the Ramsar obligation to compensate for the loss of ecological values in the Green Space Structure Plan.²⁵ This plan stipulates that any encroachment on a nature site may not lead to a 'net loss'.

The Court of Audit found that the Netherlands had difficulty fulfilling this obligation. Compensation for a number of ecosystems (flora and fauna habitats) is not readily available. This problem will intensify when larger wetlands, such as IJsselmeer and the Randmeren, are designated under the Ramsar Convention. Several examples of successful compensation were found, such as Biesbosch and Groote Peel. Compensation is also sought for the loss of non-designated wetlands.

Problems with compensation

— For the construction of the IJburg housing development at IJmeer, the Ministries, the municipality of Amsterdam and the province sought compensation for ecological values. Quantitative compensation proved impossible owing to the lack of space. Qualitative compensation, such as the development of fens, was difficult. The compensation would comprise ecologically-friendly banks along the Waterlands coast. In 1998 Rijkswaterstaat noted that nature was developing spontaneously through the formation of sandbanks and the growth of plants along the banks. Owing to the lack of space there is no alternative use at present. NLG 30 million will be set aside for nature development in the IJsselmeer area. Rijkswaterstaat thought it was possible to 'do something about nature development as part of the construction of IJburg'.

²⁵ The Structure Plan states, '...if after consideration of areas with a nature/woodland and/or recreation function, it is decided that one of the named functions has to yield to or is otherwise evidently damaged by another interest of demonstrable overriding social importance, in respect of which spatial intervention is permitted, mitigating measures will in any event be taken and if they prove inadequate compensatory measures will also be taken.'

— The tunnel for the Betuwe freight-only railway line will come to the surface in an area that is important to the natterjack toad and the crested newt. These animals migrate during the spring to pools and ox-bow lakes in the flood plain, where the main breeding areas are located. In the winter and autumn, they move back to their winter habitats immediately behind the dyke. The tunnel mouth will be constructed in the winter habitat. Acceptable compensation had not been found at the time of the Court of Audit's investigation.

Opinion

It could not be determined from the information available in files and elsewhere whether compensation was found in all cases. The Netherlands, however, will have difficulty fulfilling the Ramsar obligation to find compensation for the loss of wetlands since the additional space required to compensate for the ecosystems in many Dutch wetlands is not available.

2.10 Designations

In 1985, the National Institute for Nature Management drew up a list of 103 wetlands in the Netherlands that were of international importance in accordance with the Ramsar criteria (the RIN List). Vogelbescherming classified a number of these wetlands as one site and in 1994 produced a selection of 67 sites that satisfied the Ramsar criteria. Subsequently, in 1997, the Ministry of LNV laid down in a memorandum that 67 nature sites in the Netherlands satisfied the Ramsar criteria.²⁶ When the memorandum was issued, 18 of the wetlands had been designated and included in the official list of the Ramsar Bureau. More recently, three wetlands were designated in 1995 (see table in section 2.8).

In the period 1989-1991, during which the Nature Policy Plan was drafted, the Lower House insisted on three occasions that wetlands should be designated in

²⁶ Bird Directive and Wetlands Designation Memorandum.

accordance with the Ramsar Convention. The Multi-Year Nature and Landscape Programme for 1992-1996 states that the Ministry intends to designate five areas each year.²⁷

Information from the National Planning Committee and from file studies revealed that the Ministry had not proposed any Ramsar designations between 1992 and 1994. Since then, designations had been completed but by July 1998 no new wetlands had been designated. The Ministry informed the Court of Audit that it intended to designate 40 areas in 1999.

The designation of wetlands for the Ramsar Bureau was generally rated as being of little importance. A Ramsar designation provided less protection than a European designation (see section 3) because the agreements in the Ramsar Convention were inadequately elaborated upon and therefore difficult to enforce at law. Furthermore, both the conservationists and the 'policy-makers' were largely ignorant of the substance of the Ramsar agreements.

Opinion

The Court of Audit found that the Netherlands considered the designation obligation to varying degrees throughout the term of the convention. Relatively few Ramsar sites had been designated and the designations there were had been made very slowly.

2.11 Conclusions and recommendations

The Court of Audit concluded that the Netherlands had complied with only one of the Ramsar obligations: the preparation of management and restoration plans.

²⁷ In essence, the procedure for international designation requires the Regional Directorates of the Ministry, at the request of The Hague, to consult the provinces and representatives of other Ministers. When agreement is reached, the regional policy directorate prepares a description of the area and indicates the proposed boundaries. The Ministry sends the draft designation with notes to the National Planning Committee. The National Planning Agency (VROM) advises on the designation.

Compliance with the other obligations was moderate to poor. One obligation had not been complied with at all. Many management and restoration plans had been prepared for wetlands; the Court of Audit's opinion on this was positive. Practical implementation of the plans, however, was problematic or extremely slow.

Obligation	Full compliance	Moderate compliance	Poor compliance	Non-compliance
Formulation of wetlands policy		x		
Increased knowledge		x		
Management and restoration plans:				
- Planning	x			
- Implementation		x		
- Nature reserves		x		
Legislation and Regulations:				
- review and amendment				x
- enforcement			x	
Wise use			x	
Notification of threats			x	
Zoing agreements			x	
Compensation		x		
Designations			x	

The Court of Audit recommends that the Minister of LNV attend to the strict compliance with the Ramsar obligations, paying particular attention to:

Formulation of wetlands policy

- streamlining wetlands policy in accordance with the wise use concept of the Ramsar Convention.;
- further analysing wetlands and the problems affecting nature sites;
- prioritising the solutions to these problems;
- clearly allocating the responsibilities for the implementation of policy;

Increased knowledge

- targeting research at the carrying capacity of wetlands and their environmental problems;

Management and restoration plans

— making agreements on the exchange of information on and the refinement of management and restoration plans (documented agreements on testing dates with other Ministries and the provinces may be of use here);

Legislation and regulations

— periodically reviewing and amending legislation and regulations on wetlands in accordance with the guidelines of the Ramsar Convention;

— improving the enforcement of legislation and regulations;

Wise use

— making zoning agreements, with exclusive zones for nature;

— formulating test criteria for nature and wise use for application in planning procedures for wetlands;

— making agreements on the documentation of the assessment and decision-making process for wetlands (both with the provinces and with the other Ministries);

Compensation

— studying ways to comply with the compensation obligation (of particular importance if more sites are designated under the Ramsar Convention because larger wetlands with many differing functions will be involved);

Designations

— actively — and urgently — implementing the designations proposed at the end of 1998 and determining which other wetlands satisfy the designation criteria.

Finally, the Court of Audit recommends that attention be paid to the Contracting Parties' ability to interpret the Ramsar Convention on a national basis. This is particularly applicable to the wise use concept since spatial limits may form a serious problem. The effectiveness of the Convention hinges largely on the solutions found to this problem. The Court of Audit recommends that the situation in the Netherlands be put to the Ramsar Bureau so that it can be compared with that in other countries.

3 The Bird and Habitat Directives

3.1 Obligations

In addition to the Ramsar Convention, the Netherlands must comply with the EU Bird Directive and Habitat Directive. Both these Directives are of great relevance to wetlands and should be considered in conjunction. The purpose of the Habitat Directive (effective since 1992) is to protect natural flora and fauna habitats. Birds are explicitly excluded from the list of species covered by the Directive because they have been covered by the Bird Directive since 1979. This highlights the close relationship between the two Directives. A second purpose of the Bird Directive, like the Ramsar Convention, is to protect migratory birds and their habitats.

There is a significant difference in the protection afforded to sites designated under the Ramsar Convention and those designated under the European Directives.²⁸ Although the Ramsar Convention is binding and the public can seek legal redress to enforce compliance, legal practice has shown that the European Directives offer the courts a far stricter framework. The formulation of the Ramsar Convention provides few verifiable criteria.

The Court of Audit investigated the following obligations:

Protection of sites and designations

- The purpose of the European Directives is to conserve natural flora and fauna habitats by establishing a European network of special areas of conservation. This network is known as Natura 2000. The Directives require the EU Member States to take measures to conserve designated sites, if necessary by means of

²⁸ All wetlands in the Netherlands designated under the Ramsar Convention are also designated under the European Directives (as at 1998).

management plans or by incorporating the sites into land-use plans.

- The Member States are required to designate sites on the basis of ecological criteria and named species. The Habitat Directive makes a distinction between 'priority' and 'non-priority' habitats and species. Designation of priority groups is obligatory. The Bird Directive (effective since 1979) stipulates 'Member States classify in particular the most suitable territories in number and size as special protection areas for the conservation of these [bird] species'. It also states that particular attention should be paid to 'wetlands and particularly to wetlands of international importance', which is a reference to the Ramsar Convention. It is the intention that the Bird and Habitat sites form part of Natura 2000 after approval by the European Commission.
- Both the Habitat and the Bird Directive include provisions on the protection of flora and fauna at designated sites. Pollution and deterioration of the habitats of named species, for example, may not occur. Both Directives include provisions on a licensing and quota system, for example with regard to hunting. They further prohibit the ownership and sale of species. The Bird Directive distinguishes two groups of bird: the first must be very strictly protected.

Co-use and compensation

- The Habitat Directive provides for protection against the deterioration of designated sites: 'If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public importance, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted'.
- If the site hosts a priority habitat type or priority species, the only considerations that may be raised are those relating to human health or public safety, to beneficial

consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.

- The Bird Directive does not contain an obligation on compensation. Since the areas designated under the Habitat Directive form part of Natura 2000, however, the compensatory provisions are applicable to sites designated under the Bird Directive.

Reports

- Under the Habitat Directive, Member States are obliged to report every two years on derogations from the protection of species. Every six years, they are obliged to report on the measures implemented and their effects. Under the Bird Directive, Member States must report every three years on the measures implemented.

The Court of Audit investigated the extent to which the Netherlands complied with each of these obligations.

3.2 Protection and designation

3.2.1 Realisation of Natura 2000

The most important policy objective of the European Directives is to realise a network of European nature sites, known as Natura 2000. This network also offers a protective framework for the wetlands designated under the Ramsar Convention because the sites will be subject to the stricter protection of the European Directives. All sites designated by the Netherlands under the Ramsar Convention up to 1998 had also been designated under the Bird Directive.

In 1992, the Netherlands, as president of the European Union, helped formulate the agreements on the European Ecological Network. This represented a partial introduction of Dutch policy into European policy. It had already been laid down in the Nature Policy Plan before 1990 that the Netherlands Ecological Network would be realised in the

period 1990-2018 through the purchase of nature reserves and land for nature development and through the conclusion of management agreements with nature management organisations and private parties.

In some respects, nature policy in the Netherlands goes further than the international agreements. The European Directives (like the Ramsar Convention) are directed at the conservation and restoration of ecological values. The Netherlands also wishes to increase the sites of ecological importance.

Nature development, Rijswaard (River area in Gelderland)
Rijswaard is one of the few flood plains to host a rich assortment of species. Thanks to the summer bank and active nature management, countless species of flora and fauna from the original river area have found a refuge here from the unnatural spring floods and the polluted river. The Rijswaard site was to be expanded by means of nature development. The relevant plans date from 1989. The land has already been purchased. According to Geldersche Landschap, the previous owner included a clause in the sales contract preventing the extraction of clay in the area (which is necessary for nature development). The plans therefore cannot be carried out.

To realise the Ecological Network, national policy has to feed through into provincial policy. The Court of Audit found that the Ecological Network had been incorporated into provincial policy documents. It also found that most of the wetlands selected were considered in these documents. In some cases they are mentioned by name; in others it can be inferred that they are covered by the documents.

It is of particular importance for the realisation of the Ecological Network, however, that national and provincial plans are adopted in municipal *land-use plans*. The province cannot force the municipalities in this matter but the provinces and/or the Ministry of VROM can reject land-use plans if they are contrary to provincial or national policy.

The Court of Audit found that there were problems with the incorporation of national policy into municipal land-use plans, mainly because the provinces had not defined the exact boundaries of the Ecological Network. The municipalities were concerned that economic functions would be lost, particularly with regard to agriculture and recreation. Furthermore, many management and restoration plans are important for the implementation of European Directives since they relate to sites that satisfy the European designation criteria. Implementation of these plans, however, was seriously delayed by lack of local cooperation.

Gelderse Poort plans

The plans for this river area are designed to increase safety and to restore the ecological function in part of the area and thus increase the 'area for water'. The 'Living Rivers' plan of the World Wide Fund for Nature, for example, is in favour of restoring ecological values to flood plains by extracting clay, breaching the summer banks and promoting the development of secondary channels. A successful example of this can be found at Gelderse Poort.

For all provinces, the conclusion of management agreements with farmers is an important means to realise the Ecological Network. In the provinces of North Holland, Utrecht, Gelderland and Friesland, it has increased in importance owing to the high cost of purchasing land for nature development. Division of the area managed between nature management organisations and farmers who also want to 'manage' was a sensitive issue in these provinces. If private parties are over-represented in nature management, there is a risk of bias endangering ecological objectives, for example because too many bogs are replaced with meadows. The Court of Audit found that the limited nature of the management agreements could impair the long-term results.

Opinion

The Court of Audit found that the substance of the Habitat Directive and the Bird Directive was incorporated into the policy for the Netherlands Ecological Network.

Implementation of this policy, however, was problematic; incorporation into land-use plans was still a problem. Implementation of a large number of management and restoration plans (necessary for the implementation of the European Directives) was making very slow progress.

3.2.2 Protection of species

The Bird Directive divides bird into two groups. Stricter protective measures must be introduced for the first group. According to international organisations for the protection of birds, there is no scientific reason for this division. Vogelbescherming has drawn up a scientifically-founded list of species in all Member States, which it is trying to have accepted by the European Commission. Certain interest groups sometimes object to the protection of certain species. Fishermen complain about cormorants 'eating too many fish' on IJsselmeer. Farmers complain about grazing geese 'trampling over the winter wheat'.

Nature Conservation Act

The designation of sites under the Nature Conservation Act is an important means to protect areas and species that satisfy the European criteria. Designation under this act is not identical to designation under the European Directives. At several sites, the area designated under the Nature Conservation Act is significantly smaller than that designated under the Bird Directive. An example of this is the Eastern Scheldt, 100% of which is designated under the Bird Directive but only 65% under the Nature Conservation Act. Parts of other sites are designated under the Nature Conservation Act, but not under the European Directives. An example of this is Haringvliet.

Until mid-1997, the Ministry of LNV's strategy had been to designate sites under the Nature Conservation Act first and under international agreements only when their legal protection had been arranged. Owing to local opposition, however, the sites designated under national law often proved too small for designation under the European Directives.

Flora and Fauna Act

The new Flora and Fauna Act (not yet in operation) consolidates a series of laws on the protection of animal and plant species, including the Bird Act. The purpose of the Flora and Fauna Act is to protect species and their habitats.

A woodpecker in Flevoland

A woodpecker in the province of Flevoland lost its habitat when woods were felled under nature management plans. It found a new home at a nearby camp site. The owner complained that the bird drilled holes in holiday homes. Since alternative measures did not help, the province granted permission for the woodpecker to be 'executed', which duly occurred. (Source: Province of Flevoland)

Nature Survey 1997 and Nature Balance 1998 show that the number of species in the Netherlands is continuing to decline. This is also the case in the wetlands. The information collected for the Nature Surveys cannot be related to the wetlands or to the effect of policy on the protection of species; the provinces were unable to provide usable information.

Conclusions from Nature Survey 1997

Large fresh water	The area covered by water plants in fresh-water lakes has fallen drastically.
Large rivers	The bio-diversity of the rivers has fallen sharply. The limited diversity of habitat types under water is preventing restoration of the Rhine and Maas.
Regional waters	Many habitat types and species typical of the regional waters have been replaced by ecosystems with fewer, more general species.
Wadden area	Restoration of a number of bird species and the seal. Restoration was held back by the fishing of seed mussels.
Delta area	Nature restoration was delayed by lack of exchanges between water systems, the decline of inter-tidal areas and a lack of natural brackish waters.

Opinion

The Court of Audit concluded that the Netherlands' compliance with European Directives on the protection of flora and fauna in wetlands was inadequate. In particular, far fewer areas had been designated under the Nature Conservation Act than originally intended.

3.2.3 Designations

IKC investigation

The Information and Knowledge Centre (IKC) carried out a study for the selection of the Habitat sites. Designation of sites that host priority ecosystems and species is obligatory. Other sites must be of 'sufficient size' to be designated. This definition could not be scientifically justified and required further research. The IKC decided that the sites that did not host priority ecosystems and species would be limited to the 'best five in the Netherlands or the 100 best in Europe'. The surface area had to be at least 250 ha. since small sites were not important enough to be designated.

The root vole

The root vole is listed in the Habitat Directive as a priority species. It lives in many parts of the Netherlands and designation of these sites is consequently *obligatory*. The IKC initially did not designate a number of these sites in order to avoid administrative problems. Other sites were removed from the list at the request of regional authorities. These sites will eventually be threatened. A major threat to the root vole is groundwater depletion since, unlike other voles, it lives in wetlands.

The Nature Management directorate believes further research must be carried out. A species protection programme will therefore be drawn up of a selection of potential sites and a programme of measures. The designation of sites may not be influenced by administrative problems, according to the directorate. Sites are to be listed in accordance with biological and ecological criteria.

The IKC finally selected 81 sites that deserved designation (including 'dry lands').

Listing

The Netherlands listed its 'first tranche' of sites in December 1996. The second tranche did not follow until July 1998, under heavy pressure from the European Commission, when the Netherlands designated 62 sites, raising the total to 76 separate sites. A 'proviso' has been made, however, in respect of 37 of the sites. The government first wishes to be informed whether the European Commission approves of the principles and procedures adopted in the Netherlands for the implementation of the Habitat Directive. In September 1998, 60 sites had been designated under the Bird Directive subject to the same proviso.

An important reason for the late designation of EU sites is the slow progress of administrative consultation. A major concern is that restrictions will be imposed on economic, military, water management and recreational functions. The Ministry of Economic Affairs in particular wishes to avoid the rigid delineation of sites, which would restrain free economic development. There is particular concern about the implications of the Habitat Directive, which requires a very strict assessment of plans and projects (principle of care).²⁹

The assessment of co-use is stricter under the European Directives than under the Ramsar Convention. The Ministry of LNV's stance is that national policy provides the standard of protection required under the European

²⁹ In accordance with the principle of care, 'Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public' Habitat Directive, article 6.3.

Directives; the Green Space Structure Plan states: 'if, after assessment of the interests in sites that have a nature and/or woodland and/or recreational function, it is decided that one of the functions named must yield to or otherwise suffer demonstrable impairment from another function of overriding national importance, in respect of which land-use intervention is permitted, mitigating measures and, if these prove inadequate, compensatory measures must be taken'. Unlike the Habitat Directive, national policy does not recognise priority areas and the assessment is therefore stricter.

In the Court of Audit's opinion, the European Commission's final verdict on the Dutch stance is important for the continuation of 'non-ecological functions' of wetlands. It understands from the Nature Management directorate that it would be nearly impossible to withdraw the sites if the Commission decided otherwise.

The Lappel Bank judgement

Of relevance to the designation of sites is the European Court of Justice's judgement in the Lappel Bank case concerning a site in the United Kingdom. In anticipation of a port expansion, the UK wished to exclude part of this site from the designation under the Bird Directive. The Court decided that the sole criteria were the ecological features of an area and no exceptions were permitted.³⁰ This judgement is applicable, *mutatis mutandis*, to designations under the Habitat Directive.

Opinion

The Court of Audit found that there were delays in the designation of wetlands under the European Directives. There were two reasons for this. Firstly, the delays were due to the Ministry of LNV's policy of establishing national protection before sites were designated under the European Directives. As a consequence, resistance from

³⁰ The judgement said that, in the selection and delineation of a Bird Directive site, a Member State could not accord greater general importance to economic considerations than to the environmental interest pursued by this Directive. The judgement does not relate to the use of the area but to its designation.

other authorities led to delays in the designation process. Secondly, the Court of Audit also noted that only a part of many of the wetlands in the Netherlands had been designated under the Bird Directive. The Court of Audit was of the opinion that this was contrary to the Lappel Bank judgement of the European Court of Justice.

3.3 Co-use and compensation

The Habitat Directive is frequently quoted in the discussion of plans that affect wetlands. Managers and environmental organisations also cite the European Directives to prevent activities in nature areas, for example the plans to drill for gas in the Wadden Sea.

The European Directives provide a large degree of legal protection for ecological values. There are few examples of the Ramsar Convention providing similar protection. The European Court of Justice's consideration of the Directives, however, refers to the Ramsar Convention and takes it into account.

The obligation under the European Directives to provide compensation for any loss of wetland creates practical problems. An example of such a problem can be found in the Western Scheldt, where Verdrongen Land van Saeftinge was designated under the Bird Directive. Compensation here led to serious social problems so that 'less compensation than desired' eventually had to be accepted.

The State Secretary of V&W informed the Court of Audit in March 1999 that compensation for the Western Scheldt was difficult to arrange; in full accordance with the 'compensation rules' of the Green Space Structure Plan, he had opted for other compensation that others might possibly consider to be 'less-desired compensation'.

Compensation had successfully been found for the Biesbosch and Groote Peel sites designated under the Bird Directive. As far as is known, the issue of compensation

has not arisen in respect of other Bird Directive sites. The number of designated sites, however, is relatively low and relates chiefly to 'easy' sites with regard to differing utilisation functions, for example the Oostvaarder lakes and the Weerribben.

Opinion

The Court of Audit concluded that, in so far as wetlands had been designated, there were difficulties in complying with the European obligation to find compensation. If more sites are designated in the future, the problems will increase owing to lack of space and public support. This also came to the fore in the discussion of compensation for ecological values at sites that have not yet been designated.

3.4 Reports

Under the Bird Directive, Member States must report every three years on the measures they have taken, providing information on bird species and derogations from the Directive. The Court of Audit found that the Dutch Ministry of LNV had not complied with this obligation.

Under the Habitat Directive, Member States must report every six years on the measures they have taken and every two years on derogations from the Directive. No reports had been submitted by December 1998. The Ministry had drawn up descriptions of 62 of the sites designated in 1998.

3.5 Conclusions and recommendations

The Court of Audit concluded that the Netherlands' compliance with the European Directives on nature sites was frequently moderate to poor and in one area non-existent. European policy had been effectively 'translated' into national and regional policy, but both the realisation of that policy through the designation of sites and its incorporation into land-use plans left a lot to be desired.

Delays were due in part to the Ministry of LNV's policy of first guaranteeing national protection. The results of this approach were inadequate.

Obligation	Full compliance	Moderate compliance	Poor compliance	Non compliance
Realisation of Natura 2000				
incorporation in national policy	x			
incorporation in regional policy			x	
Protection of species			x	
Designation			x	
Co-use and compensation		x		
Reporting				x

The Court of Audit recommends that the Minister of LNV pay more attention to the conscientious compliance with the European Directives. In particular, the Minister should attend to:

- implementation of policy for the Ecological Network and in particular its local implementation (including the designation of sites);
- protection of species;
- formulation of criteria for ecological values and wise use in the deliberation of plans that affect wetlands (along the lines of the Ramsar Convention);
- further investigation of the feasibility of the compensation obligation, of particular importance if more sites are designated in the future.

4 Supervision of national implementation

4.1 General

As part of its investigation of compliance with international agreements on wetlands, the Court of Audit reviewed the extent to which wetlands policy and its implementation in the Netherlands satisfied the Court of Audit's requirements regarding the supervision of the national implementation of international agreements. It considered in particular the supervision of the regional impact and the implementation of wetlands policy in accordance with the concept of wise use, the realisation of Natura 2000 (the Ecological Network) and the implementation of management and restoration plans for wetlands. To this end, the Court of Audit investigated the division of duties between the Ministries and the local authorities and agreements made on progress reports and evaluation.

The Court of Audit noted that the Ministry retained full responsibility for the implementation of international agreements, despite their local implementation. It therefore expected the Minister of LNV's supervision to provide a complete and up-to-date insight into the results of the implementation of the Ramsar Convention, the Habitat Directive and the Bird Directive.

4.2 General supervision

4.2.1 Agreements with the provinces

The Minister of LNV reached agreement with the provinces in 1993 on the decentralisation of nature and land-use policy. This agreement still has to be elaborated upon. The idea behind the decentralisation was that the provinces, together with regional parties, were in a far better position

to implement policy than a 'remote' Ministry. The agreements on decentralisation were laid down in 1997 in the 'IPO/LNV Covenant'. Decentralisation does not yet have a formal status. In practice, however, trials are already being carried out. The provinces have been experimenting since 1997 with the preparation of an inter-provincial long-term programme.³¹

The 1997 IPO/LNV Covenant on the implementation of the Nature Policy Plan

- The provinces are responsible for the realisation of the Ecological Network with regard to the boundaries of the Policy Document on Agriculture and Nature Conservation and nature development sites.
- The provinces are responsible for the programming of land use and management at these sites.
- The state and the provinces are jointly responsible for the acquisition and use of existing nature sites and for their management by management organisations.
- The provinces are responsible for the adequate basic protection of the Ecological Network via the provincial spatial planning, environment and water policy.
- The provinces adhere to the 'Ecosystems in the Netherlands' report with regard to the area-oriented elaboration and implementation of nature policy. Area-oriented elaboration must set ecological goals in accordance with the report.
- Implementation of nature policy will be evaluated by the provinces and the state on the basis of the 'Ecosystems in the Netherlands' report.
- The parties involved in this evaluation will determine how data on policy performance and expenditure on acquisition, use and private management will be administered.

4.2.2 Agreements within the Ministry

Actors

³¹ The provinces draw up this long-term programme after consultation with each other and on the basis of their provincial plans and the framework letter of the Ministry.

The main actors for the implementation of international agreements are considered below.

The *Nature Management directorate* is responsible for the international agreements, the *substantive* development of the Ecological Network, nature sites and reserves and nature management organisations, such as Staatsbosbeheer, Natuurmonumenten and the provincial Landschappen. It is also responsible for restoration management (including measures against groundwater depletion, acidification and eutrophication), protection of species and fauna management, legislation and regulations on habitat and species protection and the development and co-ordination of nature-related aspects of environmental, land-use and water policies.

The *Green Space and Recreation directorate* is responsible for the organisation of green space and thus for the *spatial* development of the Ecological Network. Together with the twelve provinces in the 'new relationship', this directorate is responsible for running the Countryside Agency and policy on land use, land acquisition, management and land prices. The Countryside Agency is responsible for purchasing land for nature development, its temporary management and the organisation of nature development sites before they are transferred to a nature management organisation. It also has duties relating to rural nature management and area-oriented prevention of groundwater depletion.

Until 1995, the Ministry of LNV was represented in the provinces by Advisory Services. In 1995, the Advisory Services were reorganised into five regional directorates, each of which has similar tasks to those of the Ministry in The Hague.

Problems

Both the Nature Management, Green Space and Recreation directorates at the Ministry and the five regional directorates are involved in the decentralisation of policy. A number of problems have arisen, though:

- the two directorates in The Hague and the regional directorates claimed they exercised general supervision, without knowing precisely what it meant;
- Nature Management was responsible for the substantive development of the Ecological Network and Green Space for its spatial realisation. Spatial realisation had a significant bearing on the further elaboration of the concept of wise use. It was not clear which directorate was accountable for the realisation of the overall policy. In practice, there were no clear lines setting out how the policy could be realised.

The Court of Audit noted that the process lacked transparency owing to the large number of policy directorates engaged in the decision-making process for wetlands and the limited co-ordination exercised by the Nature Management directorate. Furthermore, the Ministry in The Hague had inadequate insight into the coherence and the relationship between implementation of national nature policy and the wise use of wetlands.

Another problem highlighted by the Court of Audit was that the Ministry of LNV's agreements with the provinces concentrated exclusively on the structure of the *policy instruments*, while the *objectives of the international agreements were targeted directly at the nature sites themselves*. The Ministry of LNV had not reached agreement with the provinces on compliance with international obligations concerning nature sites. The provinces were therefore badly informed of the substance of those obligations. Owing to the absence of agreements on the immediate objectives for the sites, the results achieved by means of the policy instruments could not be measured or considered in relation to the Ramsar Convention and the European Directives concerning wetlands. This was also the case with national policy. With few exceptions, it could *not* be established, for example, how many hectares of land that had been purchased, organised and managed, the main instruments of nature policy, could be related to concrete sites or how much money had been spent on each site.

Opinion

The Court of Audit found that general supervision should provide insight into the regional implementation of international agreements and national policy. This was inadequately the case. As a result, the Ministry had insufficient insight into the condition of existing nature sites (the core areas of the Ecological Network) and the effects of realising international and national policy. In addition to the direct effects of policy, the secondary effects of other policy (wise use) on nature sites should be more clearly analysed.

4.3 Supervision in practice

4.3.1 Review of regional and land-use plans

The provinces set out their policies in regional plans. The regional directorates of LNV test the consistency of the provincial plans against the Green Space Structure Plan. The Court of Audit could not establish how strictly the regional directorates tested the nature criteria. Moreover, not all regional directorates could explain the importance of selected wetlands in the regional plans. The regional directorate's tests of the provincial plans were generally not documented.

Two of VROM's four regional inspectorates had agreed informally with the Ministry of LNV that they would review the impact of the Ecological Network. The North Holland, South Holland and Utrecht inspectorate considered wetlands and nature sites as a special point of attention in its review of land-use plans. The Groningen, Friesland and Drenthe inspectorate also included wetlands in its review. The other two inspectorates did not consider wetlands or other nature sites in their reviews of land-use plans.³²

The regional directorates of LNV did not systematically review the importance of wetlands in land-use plans. The

³² The Court of Audit carried out a separate investigation of the Spatial Planning Inspectorate. Publication will follow in the second quarter of 1999.

management organisations considered spatial planning in their report 'Dutch Wetlands', which indicates that there are problems in this area. The Ministry of LNV co-financed this report and undertook to make use of it.

4.3.2 Supervision of management and restoration plans

Dutch nature policy (see sections 2 and 3) is laid down in many plans that affect wetlands. The terminology in use varies. There are, for example, policy visions, policy plans, development visions, management plans, restoration plans and redevelopment and land-use plans.

Despite repeated requests (made over a period of one year), the Court of Audit did not receive a complete list from the Ministry of all existing plans and/or expenditure on the plans. The information could not be obtained within a reasonable period of time from the agreements made by the Ministry of LNV with the provinces and the other Ministries.

The Court of Audit found that the Ministry of LNV exercised little supervision of the plans and the progress made with them. No agreements had been made on these matters. The regional directorates' knowledge of the management and restoration plans fluctuated widely. A great deal of information could no longer be produced by the regional directorates, partly because there were no records of the reviews of plans (for example in the form of a review memorandum). Moreover, no agreements had been made on progress reports.

The Court of Audit also found that the management and restoration plans generally had a long to very long completion time. Performance monitoring and measurement of the long-term effects were therefore of great importance. Interim evaluations were necessary to adapt the plans where appropriate. The Ministry generally provided little guidance. The Ministries of V&W and VROM had also failed to make agreements on the supply of information on the implementation of plans.

Nature management organisations

The Ministry also had little insight into the agreements made with management organisations, the content of those organisations' management plans, the management fees and the financial and other problems they faced.

In mid-1997, the Court of Audit submitted its list of selected wetlands to the Nature Management directorate with the request that it check that the list of nature managers was complete and accurate. The directorate was unable to do so, even after ample time. The Court of Audit found from its investigation in the regions that the list was far from accurate and complete even after it had been checked by the Nature Management directorate. The list of wetlands was completed and corrected by the provinces and the regional directorates (see annex 1).

Until 1993, the nature managers' plans were reviewed by the Ministry. Since the decentralisation operation in 1993, neither the regional directorates nor the provinces have considered this to be part of their duties. Under the covenant with the provinces, it is a municipal duty. The quality of the Ministerial review before 1993 can no longer be determined owing to the poor standard of the files. The management plans were no longer available at the Ministry, even though most of them were still ongoing.

The Ministry could not make an estimate of the annual financial importance of managing the selected wetlands. The Ministry would have to study the files of the management organisations to determine the amount concerned. This was not considered feasible. Nature Management, the responsible directorate, hoped that the Court of Audit 'had probably already received the information from the organisations themselves'.

Few monitoring and evaluation agreements had been made with the managers. The policy directorates had received very few monitoring or review reports from private managers of nature sites even though this information was readily available. Reports issued by Staatsbosbeheer were also not readily available at the Ministry. The Court of Audit

had to request them itself from Staatsbosbeheer. It was therefore unclear which measures the Ministry had decided to take in response to Staatsbosbeheer's reviews.

Opinion

The Court of Audit was of the opinion that the Ministry of LNV could exercise general control only if it had an adequate understanding of the practice of nature management. The information that was available was inadequately used or made suitable for the review of 'general supervision'. As a consequence, there was little exchange of information with the management organisations.

4.4 Conclusions and recommendations

The Court of Audit found that the Ministry of LNV's system of general supervision produced an inadequate insight into the effects of implementing the Ramsar Convention, the Habitat Directive and the Bird Directive. This conclusion applies in particular to the supervision of the regional incorporation and implementation of wetlands policy in accordance with the wise use concept, the realisation of Natura 2000 (the Ecological Network) and the implementation of wetlands management and restoration plans.

The supervisory function of the Minister of LNV was inadequately defined. Furthermore, the relationship between the implementation of the international policy and national policy was inadequately worked out.

The Court of Audit recommends that:

- further agreements be made with local authorities on the implementation of the Ramsar Convention and the European Directives. These agreements should also relate to the supply of information and checks on the implementation of the local authorities' duties under these international obligations;
- further agreements be made between the policy directorates on the division of duties;
- further agreements be made with other Ministries on the coordinatory role of the Ministry of LNV;
- evaluation criteria be set to check provincial and municipal plans as to ecological values and wise use;

- reviews of provincial and municipal plans be documented;
- 'general supervision' of management and restoration plans be further elaborated by reaching more effective agreements on monitoring the implementation of plans and evaluation of primary and secondary effects;
- more attention be paid to the agreements with nature management organisations.

5 General conclusions and recommendations

The Court of Audit found that the Netherlands' compliance with international agreements on wetlands had to date been moderate to poor and on two aspects had been non-existent. The relationship between international and national wetlands policy was inadequately worked out. Relevant policy information was lacking.

The Court of Audit was of the opinion that the Netherlands should implement and document the Ramsar Convention, the Habitat Directive and the Bird Directive on a more timely, systematic and conscientious basis. The Minister of LNV should also pay more attention to the national implementation of the Convention. The feasibility of compliance with international agreements in the specific context of the Netherlands, however, is open to question.

In this respect, the Court of Audit suggested that the Contracting Parties' ability to interpret the Ramsar Convention on a national basis should be considered. This was particularly relevant to the application of the wise use concept, whereby limits on the available area of the sites could form a major obstacle, for example when implementing zoning measures. The effectiveness of the Convention was dependent largely on the solutions found to this problem. The Court of Audit recommends that the Netherlands' situation be put to the Ramsar Bureau so that it could be compared with that in other countries.

With regard to the Habitat Directive, strict application of the compensation obligation in the Dutch situation would be problematic. It is of importance that the European Commission accepts the policy formulated in this area by the Netherlands in the Green Space Structure Plan.

6 Ministerial response

6.1 The State Secretary of Agriculture, Nature Management and Fisheries

The State Secretary of LNV received the Court of Audit's report and recommendations with interest. Although she cannot subscribe in full to the report's conclusions, she will take the recommendations to heart. She considered four points in greater detail, namely (1) the delay in designating and/or listing sites, (2) the difficulty of tracing specific policy on wetlands and its financing, (3) the delays in carrying out plans, and (4) the limited incorporation in policy on regional and land-use plans.

Designation

The State Secretary confirmed that the Netherlands had designated 18 Ramsar sites with a total surface area of 325,000 ha. by March 1999. She concurred with the Court of Audit that this was inadequate. She explained that few sites had been designated because the Wetlands Memorandum of 1985 allowed sites to be designated only when there was administrative clarity regarding the conservation of their ecological values by means of regulation, classification, ownership and the like. Until recently, this approach had also been applicable in respect of the Habitat Directive and the Bird Directive. The State Secretary had abandoned this approach, in part under pressure from the European Commission and in response to a judgement of the European Court of Justice.

She noted that the Ministry was consulting the provincial and municipal authorities and the water boards on the proposed designation of 57 sites under the Bird Directive and 26 under the Ramsar Convention. The delays in designating sites would, according to the State Secretary, be resolved in 1999. The backlog would then be cleared in full regarding the Bird Directive and substantially cleared

regarding the wetland sites. The new designations would increase the total area of Ramsar sites to approximately 480,000 ha.

The State Secretary also noted that a further analysis was being made of sites that qualified for designation under the Ramsar Convention.

Difficulty in tracing policy

With regard to the difficulty of tracing policy on wetlands, the State Secretary noted that the Wetlands Memorandum of 1985 set out how the government intended to give form and content to the protection of wetlands. The Nature Policy Plan, the Green Space Structure Plan and the Wadden Sea Key Planning Decision of 1995 and subsequent years had been accepted as policy documents and had taken effect. According to the State Secretary, the Nature Policy Plan and the Green Space Structure Plan did not refer to wetlands as a specific aspect of policy and, with the exception of those cases in which area-oriented policy and management plans were applicable, policy formulation, monitoring, evaluation and reporting were therefore not specifically geared to wetlands. For this reason, conservation, restoration and management funds were not disclosed separately in the budget. In her opinion, fulfilment of the Ramsar obligations was guaranteed by the Nature Policy Plan. All wetlands of international importance were core areas in the Ecological Network. Steady progress was being made, according to the State Secretary, with the conservation, restoration and management of wetlands. She noted that such progress was considered in the compulsory three-yearly reports submitted for the Ramsar Conference.

Delays in implementation of plans

The State Secretary noted that the Ecological Network was the key instrument to achieving the goals of the Nature Policy Plan. The provinces had since delineated a large proportion of the 'gross' defined Ecological Network as the 'net' Ecological Network. Completion of this delineation had originally been planned for 1998 but this had proved too ambitious and most provinces would probably complete the

delineation in 1999. She noted that conclusion of management agreements was on schedule. She confirmed, however, that the acquisition of land for reserves and nature development sites was behind schedule in some parts of the country owing to poor land mobility owing to rising land prices. As a consequence, the organisation and management of the sites was also behind plan. The State Secretary noted that she would consider the matter in greater detail in the 'Nature' memorandum she would submit to the Lower House in the summer of 1999.

Limited incorporation into regional and land-use plans

With regard to the incorporation of policy into regional and land-use plans, the State Secretary admitted that the obligations of the Ramsar Convention, unlike those of the Bird and Habitat Directives, were not legally binding. The Convention represented more a moral obligation and an international responsibility for conservation, management, research and, where possible, compensation. The only real legal effect, according to the State Secretary, would arise through the link with section 46 (3) of the Flora and Fauna Act, upon its introduction, which prohibited the re-opening of hunting.

The Convention's legal consequences in the Netherlands would be due to the overlap between the sites designated under the Ramsar Convention and those designated under the two Directives. Various instruments were at the government's disposal, according to the State Secretary, to fulfil the obligations of article 6 of the Habitat Directive, which was also applicable to the Bird Directive. In this respect, she named the Nature Conservation Act (for the designation of protected sites) and the Town and Country Planning Act (for the incorporation into regional and land-use plans).

Furthermore, the State Secretary stated that section 29 (1) of the new Nature Conservation Act enabled international obligations to be laid down in an order in council. The State Secretary indicated that it would be determined which instrument or which combination of instruments was the

most suitable for each site. In addition, it would also be decided to draw up a management plan.

Finally, the State Secretary noted that on the order of the European Commission a study had been carried out in 1999 to determine whether the assessment formula of article 6 of the Habitat Directive, including the principle of compensation, had been satisfactorily anchored in the legislation and regulations of the Member States of the European Union. The Commission would make recommendations to the Member States within the foreseeable future.

6.2 The State Secretary of Transport, Public Works and Water Management

Wetland policy

The State Secretary of V&W thought the Court of Audit's finding that the Netherlands had carried out 'the spirit' of wetlands policy to be of great importance. In her opinion, this was the main policy objective of the Ramsar Convention.

Progress control

The State Secretary agreed with the Court of Audit that information on the progress made should be more accessible. She was in favour of a balance between information supply and progress control on the one hand and implementation of policy on the other.

Wise use

She also concurred with the Court of Audit's recommendations regarding the wise use concept in relation to non-ecological functions and its comments on the obligation to find compensation in the Dutch situation. She further noted that Rijkswaterstaat considered nature and the environment to be of secondary planning importance to, for example, the maintenance of waterways or flood protection. This was demonstrated by the fact that water management legislation had been amended after 1991 to permit consideration of non-water management

interests, such as nature, that were not protected under other legislation (e.g. environmental laws).

Nature reserves and Nature Conservation Act designations

With regard to the establishment of nature reserves, the State Secretary noted that it was neither necessary nor desirable to designate every wetland as a nature reserve. Moreover, she considered the most important protective instrument to be designation as a national nature site under the Nature Conservation Act. In her opinion, therefore, the designation need not apply to an entire wetland. The Nature Conservation Act provided *additional* protection, while the remainder of the wetland would be protected by the national environmental legislation applicable to the Ecological Network.

6.3 The Minister for Foreign Affairs

The Minister for Foreign Affairs confirmed that his Ministry had little involvement in the national implementation of the Ramsar Convention. The Minister of LNV bore primary responsibility. The Minister for Foreign Affairs, however, was responsible for the co-ordination of the Netherlands' inter-ministerial response to international environmental and nature issues.

6.4 The Minister of Housing, Spatial Planning and the Environment

The Minister of VROM informed the Court of Audit that all aspects of wetlands policy should be considered, as the Court of Audit had done in its investigation. Despite the critical tone, he thought the Court of Audit's findings supported his actions in this area of policy.

National incorporation

The Minister noted in his reply that the simple act of designating a wetland unfortunately did not legally oblige the provinces and municipalities to protect the wetland in an appropriate manner by means of regional and land-use

planning. According to the Minister, this had to be achieved indirectly, through the impact of national planning policy on regional and land-use policies (namely through the protection afforded by the Ecological Network as laid down in the Green Space Structure Plan). This was set out in the Cabinet's reply of 7 October 1998 to written questions from the Lower House. With regard to incorporation, the Minister also referred to the possibility of designating wetlands as protected national nature sites.

Designations

The Minister further noted that there had been a considerable acceleration in the implementation of the Habitat and Bird Directives in the period between the Court of Audit's investigation and the submission of its draft report in March 1999. A large number of sites had been designated and/or listed for both Directives in February 1999.

Compensation

With regard to the compensation of ecological values, the Minister noted that on the adoption of the Green Space Structure Plan it was readily acknowledged that straightforward 'no net loss compensation' would not always be possible in the Netherlands. According to the Minister, therefore, the principle of compensation in the Netherlands included the triplet of mitigation,³³ compensation and, in exceptional cases, the payment of damages.

The Minister of VROM also referred to the causal relationship between sites not designated under the Directives at the time of the Court of Audit's investigation and their lack of protection under land-use plans. The Minister added that in the absence of national regulations and policies on the protection of sites designated under the Habitat and Bird Directives, competent authorities should always test applications to intervene in areas that qualified for these Directives against article 6 of the Habitat Directive.

³³ I.e. limitation of damage.

7 Postscript by the Court of Audit

More timely, more systematic and more conscientious: the three key terms adopted by the Court of Audit to encourage the Ministries in the Netherlands to comply with international agreements on wetlands. With regard to timeliness, real progress has been made with the recent designation of wetlands, but it cannot be concluded from the ministerial responses that policy will be implemented more systematically and more conscientiously in the future.

The Court of Audit is pleased with the State Secretary's undertaking to take the recommendations to heart. Her intention to determine which instrument or which combination of instruments is the most appropriate *in each area* is particularly welcome.

The Court of Audit noted that all four politicians concerned had a different response to the Court of Audit's report; the responses are varied rather than contradictory. In the Court of Audit's opinion, the quality of wetlands policy in the fully-planned Netherlands stands or falls on co-ordination by The Hague with and between the nature managers. Final responsibility for co-ordination lies with the Ministry of LNV, and within it the Nature Management directorate. The Court of Audit's investigation revealed that substantial improvements had to be made in this area. Unfortunately, the State Secretary of LNV did not consider precisely this point in her response.

Annex 1 Wetlands selected for the investigation

Number	Name	Province	Ram-sar	Bird Direct ive	Habi-tat Direct ive	NB-Wet	Mana-ger	Cross-boundary	Nati-onal park	>25,000 ha	Part of the Ecological Network	respo-nsi-bility of regional direct o-rate
1	Waddenzee W ³⁴	Noord Holland/ Friesland/ Gro-ningen	x ³⁵	x	x	x	div	x		x	x	n/nw
2A	Texel-de Schorren en Zeeburg W	Noord Holland	x	x	x	x	nm sbb				x	nw
2B	Texel-duinen Texel W	Noord Holland	x	x			sbb				x	nw
3	Vlieland W	Friesland	x	x			sbb rws				x	n
4	Griend W	Friesland	x	x		x	nm				x	n
5A	Terschelling-Boschplaat W	Friesland	x	x		x	sbb				x	n
5B	Terschelling-duinen en Noordsvaarder W	Friesland	x	x			sbb				x	n
6	Ameland (oostpunt, = ond. PKB) W	Friesland	x	x			sbb/ ifg				x	n
7	Schiermon-	Friesland	x	x		x	nm		x		x	n

³⁴ **W** = in de lijst uit paragraaf 2.8 samengevoegd tot Waddenzee; **B** = in de lijst uit paragraaf 2.8 samengevoegd tot Biesbosch

³⁵ Er waren in 1998 18 wetlands bij Ramsar aangemeld. In deze bijlage is een aantal van deze aangewezen gebieden verdeeld in een aantal deelgebieden.

Number	Name	Province	Ram- sar	Bird Direct ive	Habi- tat Direct ive	NB- Wet	Mana- ger	Cross- bound- ary	Nati- onal park	>25,0 00 ha	Part of the Ecologi- cal Networ- k	respo- nsi- bility of region- al direct- o-rate
	nikoog W											
8A	Rottum- Rottumerplaat W	Groningen	x	x		x	sbb rws				x	n
8B	Rottum- Rottumeroog W	Groningen	x	x		x	sbb rws				x	n
9	Balgzand W	Noord Holland	x	x	x	x	nhl				x	nw
10	Friese Waddenkust- /kwelders W	Friesland	x	x		x	rws ifg				x	n
11	Lauwersmeer W	Friesland/ Groningen				x	sbb nm p				x	n
12	Groningse Waddenkust- /kwelders W	Groningen	x	x		x	rws nm grl				x	n
13	Dollard W	Groningen	x	x		x	nm grl	x			x	n
14	Zwanewater	Noord Holland	x	x			nm				x	nw
15A	Voordelta/Voo- rnes Duin- Voordelta	Zuid Holland					nm zhl rws			x	x	zw
15B	Voordelta/Voo- rnes Duin- Westplaat	Zuid Holland					nm zhl rws				x	zw
15C	Voordelta/Voo- rnes Duin- Voornes Duin	Zuid Holland					nm zhl rws				x	zw
15D	Voordelta/Voo	Zuid		x			nm				x	zw

Number	Name	Province	Ram- sar	Bird Direct ive	Habi- tat Direct ive	NB- Wet	Mana- ger	Cross - bound ary	Nati- onal park	>25,0 00 ha	Part of the Ecologi- cal Networ- k	respo- nsi- bility of region- al direct- o-rate
	mes Duin- Kwade Hoek	Holland					zhl rws					
16	Haringvliet	Zuid Holland			x	x	rws sbb nm				x	zw
17	Hollands Diep	Zeeland					rws				x	zw
18	Volkerakmeer	Zeeland					rws sbb nm zl				x	zw
19	Grevelingen	Zeeland					rws n&rs				x	zw
20	Oosterscheld e inclusief Inlagen	Zeeland	x	x	x	x	rws			x	x	zw
21	Zoommeer	Noord Brabant/Ze- e-land					rws sbb nm hzi				x	zw/z
22	Markiezaat	Noord Brabant	x	x	x	x	nbl				x	z
23	Veerse Meer	Zeeland					sbb				x	zw
24A	Westerscheld e	Zeeland					rws	x		x	x	zw
24B	Verdronken land van Saeftinghe	Zeeland	x	x	x	x	zl				x	zw
25	Het Zwin exclusief Belgische deel	Zeeland		x			zl	x			x	zw
26A	IJsselmeer- Makkumer-	Friesland				x	ifg				x	n

Number	Name	Province	Ram- sar	Bird Direct ive	Habi- tat Direct ive	NB- Wet	Mana- ger	Cross - bound ary	Nati- onal park	>25,0 00 ha	Part of the Ecologi- cal Networ- k	respo- nsi- bility of region- al direct o-rate
	en Kooiwaard											
26B	IJsselmeer- Workumer- waard	Friesland				x	ifg				x	n
26C	IJsselmeer- Steille Bank en Mokkebank	Friesland				x	ifg				x	n
27A	Markermeer- Gouzee	Noord Holland					rws				x	nw
27B	Markermeer- Ijmeer	Noord Holland		x		x	rws				x	nw
28	Ketelmeer	Flevoland					rws				x	nw
29	Zwarte Meer	Overijssel	x	x		x	nm				x	o
30	Veluwemeer	Flevoland/ Gel- derland					rws				x	nw
31	Wolderwij- den Nuldernaauw	Flevoland/ Gelderland					rws				x	nw
32A	Gooi- en Eemmeer- Gooimeer	Flevoland/ Utrecht		x		x	rws				x	nw
32B	Gooi- en Eemmeer- Eemmeer	Noord Holland		x		x	rws				x	nw
33A	IJssel: Deventer- Zwolle	Overijssel/ Gel- derland					sbb				x	o
33B	IJssel: Zwolle- Ketelmeer	Overijssel/ Gel- derland					nm				x	o
34A	Gelderse	Gelderland					sbb				x	o

Number	Name	Province	Ram- sar	Bird Direct ive	Habi- tat Direct ive	NB- Wet	Mana ger	Cross - bound ary	Nati onal park	>25,0 00 ha	Part of the Ecologi cal Networ k	respo nsi- bility of region al direct o-rate
	Poort-Oude Rijnstrangen											
34B	Gelderse Poort- Ooijpolder	Gelderland					sbb				x	o
35	Rijn: Heteren- Amerongen	Gelderland					ul				x	o
36	Waal: Ewijk- Waardenburg	Gelderland					sbb gl				x	o
37A	Dordtse Biesbosch B	Zuid Holland	x	x			sbb		x		x	zw
37B	Sliedrechtse Biesbosch B	Zuid Holland	x	x			sbb		x		x	zw
37C	Brabantse Biesbosch B	Noord Brabant	x	x			sbb		x		x	z/zw
38	Leekster- meer	Groningen/ Drente					sbb grl				x	n
39	Zuidlaarderm meer/Onnerpol- der	Groningen					grl				x	n
40	Groote Wielen (Grutte Wielen)	Friesland					ifg				x	n
41	Oude Venen (Ald Feanen)	Friesland	x	x		x	ifg				x	n
42	De Deelen	Friesland	x	x			sbb				x	n
43	Van Oordt's Mersken	Friesland					sbb				x	n
44A	Sneeker-meer en Goingarjip- sterpoelen	Friesland					sbb				x	n

Number	Name	Province	Ram-sar	Bird Directive	Habitat Directive	NB-Wet	Manager	Cross-boundary	National park	>25,000 ha	Part of the Ecological Network	responsibility of regional directorate
44B	Terkaplesterpoelen en Akmarijp	Friesland					sbb				x	n
45	Witte en Zwarte Brekken en Oudhof	Friesland					sbb				x	n
46	Oudegaasterbrekken	Friesland					d				x	n
47	Fluessen, Vogelhoek en Morra	Friesland					sbb				x	n
48	Rottige Meenthe en Oldelamer	Friesland					sbb				x	n
49	De Weerribben	Overijssel	x	x			sbb		x		x	o
50	De Wieden	Overijssel					nm				x	o
51	Oostvaardersplassen	Flevoland	x	x		x	sbb				x	nw
52	Lepelaarsplassen	Flevoland		x		x	fl				x	nw
53A	Zaanstreek/Waterland-Ilperveld, Varkensland en Twiske	Noord Holland					sbb				x	nw
53B	Zaanstreek/Waterland-Polder Oostzaan	Noord Holland					sbb				x	nw
54	Oostelijke Vechtplassen	Utrecht					nm				x	nw

Number	Name	Province	Ram-sar	Bird Directive	Habitat Directive	NB-Wet	Manager	Cross-boundary	National park	>25,000 ha	Part of the Ecological Network	responsibility of regional directorate
55	Naardermeer	Noord Holland	x	x			nm				x	nw
56	Arkemheen	Gelderland					sbb				x	o
57	Nieuwkoopse Plassen	Zuid Holland		x		x	nm				x	zw
58	Reeuwijkse Plassen	Zuid Holland					sbb				x	zw
59	Yerseke en Kapelse Moer	Zeeland					zl sbb				x	zw
60	Fochteloërveen en Esmeer	Drente					nm				x	n
61	Dwingelderveld	Drente		x			nm sbb		x		x	n
62	Bargerveen	Drente	x	x		x	sbb	x			x	n
63	Engbertsdijkvenen	Overijssel	x	x	x	x	sbb				x	o
64	Groote Peel	Limburg/ Noord Brabant	x	x	x	x	sbb				x	z

Noord Holland = North Holland

Zuid Holland = South Holland

Oosterscheldt inclusief inlagen = Eastern Scheldt including dykes

Noord Brabant = North Brabant

W³⁶

x³⁷

en = and

Texelduinen = Texel dunes

oostpunt ond. PKB = eastern part under PKB

³⁶ **W** = merged in the List into the Wadden Sea; **B** = merged in the List into Biesbosch.

³⁷ In 1998, 18 Ramsar wetlands had been designated. In this annex a number of these are divided into several sub-areas.

Waddenkust/kwelders = Wadden coast/salt marshes
Het Zwin exclusief Belgische deel = Het Zwin excluding
Belgian part
Rijn = Rhine

Key

sbb = Staatsbosbeheer
nm = Natuurmonumenten
p = private
grl = Geldersche Landschap
rws = Rijkswaterstaat
nbl = North Brabant Landschap
gl = Gelders Landschap
fg = It Fryske Gea

Annex 2 National and regional policy

Nature policy

Nature management policy in the Netherlands is laid down in the Nature Policy Plan. This plan is further elaborated upon in the Management Programme of 1997, in which the Minister of LNV links forms of nature management to the realisation of nature policy objectives and the restoration of ecological values. Many of the nature policy objectives are found or realised in wetlands.

The Nature Policy Plan also sets out the Ecological Network. It is to be realised on the basis of the Policy Document on Agriculture and Nature Conservation through the purchase of farmland and other land for nature development and for nature reserves. Nature management organisations are also involved in these purchases. Furthermore, nature management agreements are concluded with farmers.³⁸ The Ecological Network represents a 190,000 ha. increase in the area of nature sites on land. Existing nature sites on land covered an estimated 12% of the land area in 1990 (0.51 of the 4.15 million ha.). Upon realisation of the Ecological Network, the proportion will be nearly 17%. In addition, the large waters are included in the Ecological Network.

Other policy areas

Spatial planning

The spatial impact of agriculture, nature, recreation and forestry is integrated into the Green Space Structure Plan (1993).³⁹ The aim is to realise the responsible use of land in the countryside. The general boundaries of the Ecological Network are indicated in the Structure Plan. The provinces themselves must indicate where they intend to

³⁸ In 1990, nature management agreements had been concluded with farmers in respect of 13,000 ha. of land. A further 17,000 ha. of nature reserve had been purchased (Source: Nature Survey 1997).

³⁹ The Structure Plan is an elaboration of the VINEX planning memorandum for the countryside.

realise the Ecological Network within the general boundaries, taking account of existing activities and buildings.

The Green Space Structure Plan states that decisions on the use of an area should be taken 'after consideration of all interests'. Spatial policy should pay due attention to the ecological importance of nature sites. Provincial and municipal plans should be tested on their ecological criteria.

Environment and water policy

Integrated water management policy set out in the Third and Fourth Memorandum on Water Management is of particular importance to the concept of wise use. The various functions of national waters are co-ordinated by the Ministry of V&W. Regional water policy is a responsibility of the provinces and the water boards.

The Green Space Structure Plan refers to a 'buffer policy' to limit groundwater depletion in the Netherlands. The Drinking Water and Industrial Water Supply Policy Plan (Ministry of VROM) allows water extraction to be stopped near to such wetlands as the Frisian Lakes and Naardermeer.

Fisheries policy

Coastal and inland fishing is a national responsibility. Of particular importance to fisheries policy is the 'Fishing for Balance' policy document issued in 1993 for the Delta region, IJsselmeer and the Wadden Sea. This document is a first step towards wise use. The policy must reverse the decline in fish stocks in the Wadden Sea and the Eastern Scheldt and prevent further over-fishing.

Recreation policy

The provinces are also responsible for the further elaboration of recreation policy. The Green Space Structure Plan indicates which waters have an important recreational function.

The compensation principle (see section 2) is laid down in the Green Space Structure Plan. It is also applicable to recreational areas. The Green Space and Recreation directorate drew up a list of these areas in 1994.⁴⁰

Nature policy is worked out at a regional level in many plans that have a bearing on wetlands. The terminology used differs. There are, for example, policy visions, policy plans, development visions, management plans, restoration plans and redevelopment and land-use plans.

⁴⁰ Elaboration of the compensation principle, Green Space Structure Plan, GRR directorate, October 1995.

Annex 3 Financing

The Ministry does not have a separate budget for the implementation of international agreements. Implementation is financed from policy field 13 'Nature, Green Space and Recreation' of the budget.

Article (1997)	Major funds for wetlands	Amount (NLG million)
13.02 Acquisition	purchase for Staatsbosbeheer	123
	purchase for private organisations	28
	nature sites and reserves	41
	nature development	10
13.03 Organisation	land-use projects (including Strategic Green Projects)	272
	water management	14
	area-oriented prevention of groundwater depletion	12
		6
	nature sites and reserves	

Annex 4 Glossary

Landschap: Landscape Association

Ministry of LNV: Ministry of Agriculture, Nature Management and Fisheries

Ministry of V&W: Ministry of Transport, Public Works and the Water Management

Ministry of VROM: Ministry of Housing, Spatial Planning and the Environment

Natuurmonumenten: The Netherlands Society for Nature and the Environment

Rijkswaterstaat: Directorate General for Public Works and Water Management

Staatsbosbeheer: Netherlands State Forest Service

Stichting Natuur en Milieu: Foundation for Nature Conservation and Environment Protection

Vogelbescherming: Netherlands Association for the Protection of Birds

Waddenvereniging: Netherlands Society for the Preservation of the Wadden Sea