

New National Park Law

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New Law for the National Park in Schleswig-Holstein

On 13th of October 1999, the state parliament in Schleswig-Holstein passed a new National Park Law (NPG-SH). The most important innovations are:

1. Enlargement and new boundaries: the National Park has generally been extended up to the 3-nautical-mile line, in front of Sylt and Amrum up to the 12-nautical-mile line.
2. New zoning system: The internal zoning has been simplified. Instead of, so far, three, in the future there are two protection zones. The core zones of the National Park are extended on the basis of ecological criteria, which are, as far as possible, complete tidal flats (Wattstromgebiete).
3. Zero-use area: A reference area between the is-

lands of Sylt and Föhr remains without any use of resources.

4. Whale protection area: A whale protection area has been created westward of the Islands of Sylt and Amrum. There, whale-endangering and -impairing fishery forms are forbidden as a precaution, like the high-standing placing network or also the so-called "Gammelfischerei".
5. Hunting in the National Park is not admissible. The hunting peace (phasing-out, practised since 1989) is now legally regulated.
6. The protection of birds (Shelduck *Tadorna tadorna*), unable to fly during moulting, has been improved by the possibility of a voluntary declaration/agreement with the fishery or a regulation.
7. The mussel fishery has been limited according to the existing agreement. Mussels may be taken for consumption only from cultures, the cultures may only be created outside of the extended protected zones 1 and outside of the eulitoral.
8. The protection purpose of the National Park Law was redefined (§ 2): The nature of the National Park is protected now also for its own sake. The

The surface statistics of the new National Park

Total area	441,500 ha
sublitoral in total area	299,693 ha
surface zone 1	160,992 ha
sublitoral in zone 1	64,335 ha
zero-use zone (part of zone 1)	12,537 ha
sublitoral in zero-use zone	3,482 ha
surface whale protection area (part of zone 2)	24,171 ha

protection targets of the National Park are specified regarding its natural development. Thus, it follows the obligation ensuing from art. 7 of the Constitution of Schleswig-Holstein (protection of the natural life as state target).

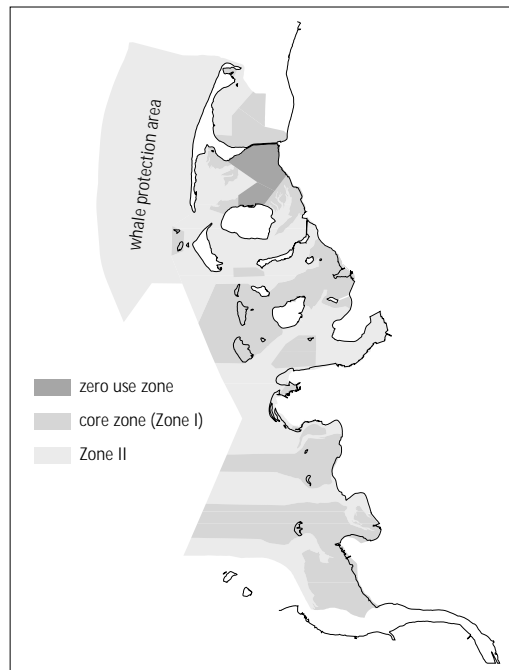
From a trilateral viewpoint, the following can to be emphasised as big progress:

The innovations in the National Park law were prepared in a new, and so far at least in Germany, unique manner by an extensive preparatory public discussion process. For more than two years, suggestions from scientists concerning the improvement of the Wadden Sea protection were subject to discussion in more than 200 public meetings and more than 15 sessions of both National Park Advisory Boards. This had taken place before a draft of the law was formulated. The drafted law was then in addition subject to the normal legal participation process. As a result of this 'double' tuning with local stakeholders, the suggestions of the scientists were (only) partly implemented in the Law. Hereby, the agreements of the Ministerial Declaration of Stade (§§ 5, 7, 35) has been fulfilled as a model.

Before this public discussion process took place, a 7-year long large-scale research project on ecological system research in the Wadden Sea had been finished. On the basis of its results, this research project had the aim to develop overall suggestions on the advancement of the Wadden Sea protection. These had been submitted successfully with the synthesis report before the public debate. This procedure is perhaps a trilateral model, because results of research, suggestions of scientists for protection and practical actions of the administration and the legislation work hand in hand. The protected-zone concept has to be mentioned in this context, which is directly based on the results and proposals of the ecological system research.

It is of special international importance that the entire National Park area has been listed and designated by law as Natura 2000 area, which is both in accordance with Birds Directive and the Habitats Directive. The area west of Sylt and Amrum up to the 12-nautical-mile line was designated as protected area for the harbour porpoise, a species, which is named in Appendix II of the Habitats Directive. A list of the areas was submitted to the Federal Government.

In addition, different commitments made by the trilateral Ministerial Conferences were fulfilled with the amendment of the National Park Law of



The Schleswig-Holstein National Park

Schleswig-Holstein or legally regulated compared to the previous status, e.g. Esbjerg Declaration §§ 15, 15.1 and 33,3 (!), Trilateral Wadden Sea Plan §§ 9.1.5, 9.1.11 and 10.2.1. Just to mention only a few particularly important points: The shell fishery is now legally limited to the sublitoral. The trilaterally protected area in Schleswig-Holstein has been expanded (as in Denmark) generally up to the 3-nautical-mile line, westward of the islands Sylt and Amrum up to the 12-nautical-mile line. All in all, these points speak for the fact that Schleswig-Holstein took an exemplary position in the trilateral protection of the Wadden Sea.

References

Leuschner, C., 1988. Ökosystemforschung Wattenmeer – Hauptphase Teil 1 – Erarbeitung der Konzeption sowie der Organisation des Gesamtvorhabens. UBA-Texte 10/89, Umweltbundesamt Berlin, pp. 151.

Stock, M., E. Schrey, A. Kellermann, C. Gätje, K. Eskildsen, M. Feige, G. Fischer, F. Hartmann, V. Knoke, A. Möller, M. Ruth, A. Thiessen, & R. Vorberg, 1996. Ökosystemforschung Wattenmeer Synthesebericht – Grundlagen für einen Nationalparkplan. Schriftenreihe des Nationalparks Schleswig-Holsteinisches Wattenmeer, Heft 8, Westholsteinische Verlagsanstalt Boyens, Heide, pp. 784.

Gesetz zur Neufassung des Gesetzes zum Schutz des schleswig-holsteinischen Wattenmeeres (Nationalparkgesetz - NPG) Gesetz und Verordnungsblatt 1999 Nr. 19; Seite 518.

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