

PSSA Designation

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The Wadden Sea Designated as a PSSA

The Wadden Sea has been designated as a Particularly Sensitive Sea Area (PSSA). At its meeting in London on 07-11 October 2002, the Marine Protection Environment Committee (MEPC), which is a committee installed by the International Maritime Organization (IMO) and responsible for designating PSSAs and Special Areas according to MARPOL, designated the Wadden Sea as a PSSA. The IMO is the United Nations' agency responsible for the world-wide regulation of shipping. The designation implements the agreement of the Wadden Sea ministers' conference in Esbjerg in 2001 to submit an application to the IMO to designate the Wadden Sea as a PSSA and concludes an almost ten-year discussion and political decision-making process on the issue.



Photo: K.-E. Heers

Guidelines for the Identification and Designation of Particularly Sensitive Sea Areas (IMO Assembly Resolution A.927 (22), MEPC 47/20 report section 8.13). Furthermore, the area should be at risk to the impact of international shipping. Associated protective measures for PSSAs are limited to actions within the purview of the IMO. This includes the option to designate an area as a Special Area under MARPOL 73/78, the adoption of routing and reporting systems, and the development and adoption of other measures aimed at protecting specific sea areas against environmental damage from ships, such as compulsory pilotage schemes and installation of vessel traffic Services (VTS). The IMO stated that the criteria for the identification of PSSAs and the criteria for the designation of Special Areas under MARPOL are not mutually exclusive. In many cases a PSSA may be identified within a Special Area and vice versa.

History: Development since the 80s in the Wadden Sea

The PSSA designation instrument has been discussed since the late 70s/early 80s. First, the Great Barrier Reef, Australia was designated a PSSA in 1990 and the first "Guidelines for the Designation of PSSAs" were adopted by the MEPC/IMO in November 1991. The guidelines were revised in 1999 and 2001 and provide guidance to IMO Member Governments in the formulation and submission of application for the designation of PSSAs.

Already in the late 80s, the Wadden Sea was discussed and recommended as a potential PSSA, e.g. on several expert workshops and in reports dealing with PSSAs (e.g. WWF 1987). In 1993/94, the first discussions started with regard to considering identifying jointly the Wadden Sea as a PSSA on the level of the three concerned countries. The Wadden Sea would, it was assumed by experts, apparently meet the criteria for being identified as a PSSA. However, what would be the added value of the potential designation, which exact area should be identified, what would be the implications of the designation, those were questions raised; and how did it relate to the ongoing discussion in the framework of the North Sea Conferences to designate the North Sea as a Special Areas according to MARPOL Annex 1.

Particular active in the discussion during the period was the German Marine Working Group

What is a PSSA?

A PSSA is an area that needs special protection through action by the IMO because of its significance for recognized ecological, socio-economic or scientific reasons, and which may be vulnerable to damage by international maritime activities. The PSSA concept offers the opportunity to enable the development of common jurisdictional and enforcement regimes for environmentally significant marine areas. The value of designating a PSSA is an opportunity for coastal states to utilize more effectively their existing powers to regulate the passage of ships through the territorial sea (Southampton Institute, 2001).

In order to be identified as a PSSA, the area should meet at least one of the ecological, socio-economic or scientific criteria entailed in the IMO

"Environmental Impact of Shipping" (Meerskundliche Arbeitsgruppe Umweltfolgen der Seeschifffahrt), which advised the German Federal Environment Agency and Ministry on shipping related issues in 1994.

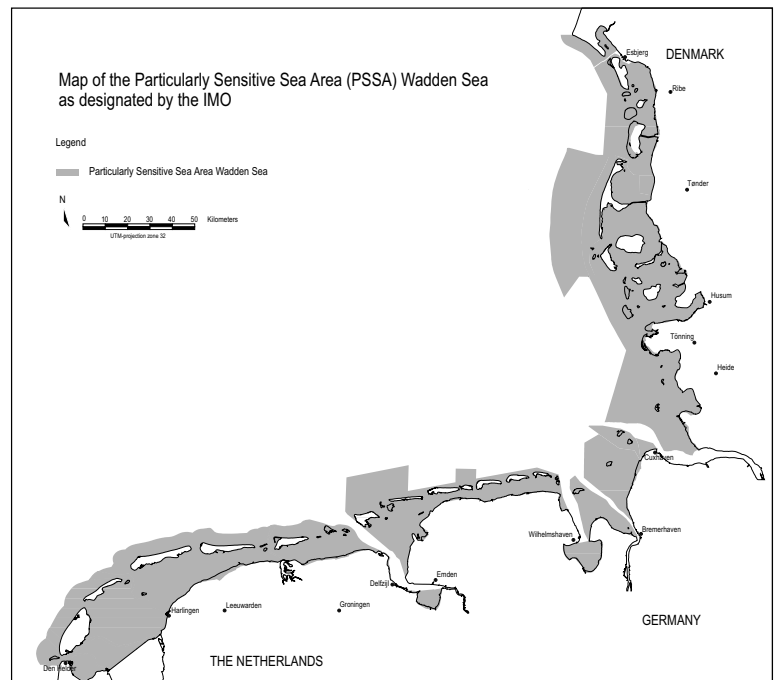
The Wadden Sea Conference in 1994, which was held in Leeuwarden, agreed to study and consider a proposal for designating the Wadden Sea and an adjacent zone as PSSA. In 1995, the Esbjerg North Sea Conference agreed to develop a proposal to the IMO for designating the North Sea a Special Area under MARPOL Annex 1. This designation came into force in 1999 and was important for the further PSSA Wadden Sea discussion in two respects. It was an essential measure in the sense that it paved the way for a PSSA designation and its associated measures. It also removed the anxiety of many experts, policy-makers and politicians that the designation of a PSSA Wadden Sea prior to a Special Area designation would further cause difficulties to the North Sea Special Area designation which was considered particularly important for Denmark and Germany.

Studying the PSSA

The decision to study whether a joint proposal could be made to the IMO to designate the Wadden Sea was reiterated at the Stade Wadden Sea Conference in 1997. Furthermore, the ministers welcomed the mandatory routing measures for oil and chemical tankers off the Dutch and German Wadden Sea, which was based on a joint Dutch-German proposal to the IMO. The further discussions on enhancing shipping and environment safety became particularly acute with the stranding of the "PALLAS" off Amrum in the German Wadden Sea in November 1998. A relatively small accident with a spill of some 250 tons of fuel oil and sludge but with relatively large impact on birds.

On behalf of the Wadden Sea Team, in October 2000, WWF Germany published a report on the designation of the Wadden Sea as a PSSA to prevent shipping accidents. The report entailed ten proposals for the designation of a Wadden Sea PSSA and associated protective measures, e.g. the extension of compulsory pilotage and the establishment of safe havens (WWF, 2000).

In autumn 2000, the trilateral cooperation commissioned the elaboration of a feasibility study on the designation of the Wadden Sea PSSA, as decided at the 1997 Stade Conference. The feasibility study was elaborated by the Maritime Research Centre, Southampton Institute, United Kingdom. A comprehensive summary of the study



was presented in WSNL 2001-3 (Johnson et al. 2001). The study aimed at addressing basically three questions:

- Would the Wadden Sea qualify to be designated as a PSSA under the IMO guidelines and in case of a positive review which area would qualify?
- Would the current protective measures suffice a designation or would it be necessary to define and implement further associated protective measures to qualify for a designation?
- What would be the benefits and burdens of a potential designation?

The study recommended that an application should be made to the IMO for the designation of the Wadden Sea Conservation Area as a core area PSSA and a buffer zone consisting of a risk area from maritime hazards in the adjacent North Sea. Further the study concluded that an application could go forward on the basis of no additional associated protective measures, but the authors recommended three additional associated protective measures e.g. compulsory pilotage for certain ships.

Esbjerg Conference – the Break Through

The recommendations of the feasibility study were comprehensively discussed in preparation of the Esbjerg Conference. An ad-hoc shipping expert group of representatives from competent shipping and nature conservation authorities, as well as representatives from non-governmental organi-

zations was installed by the Trilateral Working Group (TWG)- the policy working group preparing the conference - to examine the recommendations of the Southampton study and advise the TWG on how to proceed further.

The negotiations resulted in the decision of the ministers at the conference to submit an application to the IMO for the designation of basically the marine area of the Wadden Sea Conservation Area consisting of the German Wadden Sea national parks and the Dutch and Danish Wadden Sea nature reserves. The application was to be made on the basis of no further associated protective measures since the Wadden Sea and the adjacent North Sea is already subject to an extensive regime of protective measures, consisting of both international and national regulations, that aim at reducing the impacts from and risks related to shipping. Examples of relevant measures are the MARPOL I and V Special Areas against discharge of oil and garbage, routing systems making certain shipping routes compulsory for ships carrying hazardous goods and compulsory reporting for ships. Such a PSSA would not limit shipping in the area or the use of the Wadden Sea harbors. The major shipping routes had been excluded from the designation.

The application was elaborated as a joint trilateral application by representatives of the competent shipping authorities in the countries together with members of the TWG and delivered to the IMO in June 2002, the first possible date after the conference in 2001. The result was the positive decision of the MEPC to designate the Wadden Sea as a PSSA (see Figure 1).

Benefits for the Wadden Sea

The designation is not only a recognition of the Wadden Sea as a world wide unique nature area but also of the wide range of (inter-) national measures already taken by the Wadden Sea states to protect the area. The Wadden Sea PSSA will be included on the relevant sea charts. It will send out a message internationally as to the irreplaceable environmental value of the Wadden Sea. As indicated in the Southampton study, the PSSA Wadden Sea has the potential to provide incentive for a better shipping safety and reduction of impacts from ships. The designation is considered to furthermore heighten awareness of enforcement agencies and the judiciary and to contribute to a more closer collaboration between the countries' shipping authorities. It should also be recognized that the criteria for the designation of

the Wadden Sea PSSA recognizes the full range of economic activities associated with the Wadden Sea area.

The Wadden Sea is the 5th designated PSSA worldwide, but the first one designated on the basis of a joint application by three states and the first in Europe. Other PSSAs are the Great Barrier Reef, Australia (1990); the Sabana-Camagüey Archipelago in Cuba (1997); Malpelo Islands, Columbia (2002); and the area "Around the Florida Keys", United States (2002). The Wadden Sea is hence rightfully member of an exclusive, international circle.

Follow-up

After the formal decision of the designation of the Wadden Sea PSSA in October 2002, the IMO will notify its members of the Wadden Sea PSSA designation by a circular, and as of that date the designation of the Wadden Sea PSSA will be confirmed and formally enter into force.

The designation of the Wadden Sea PSSA will now be communicated to a wider audience. Directly after the decision a jointly agreed press release was distributed in the countries. Next year it is planned to publish a brochure and a map of the Wadden Sea PSSA in the three languages to inform the communities along the coast and the stakeholders of the PSSA designation. Also next year the Trilateral Wadden Sea cooperation will have its 25th anniversary. This will be an occasion to celebrate the PSSA designation in the countries and to honor all those in governments and non-governmental organizations who have contributed with a lot of time, effort and dedication to obtain a Wadden Sea PSSA designation.

References

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