

OSPAR

and

HELCOM,

welcome
in Bremen!



German version: please turn over!

Special issue on occasion of Joint Ministerial Meeting of both marine protection conventions for North east Atlantic and Baltic Sea, June 2003

Eigentumsvorbehalt: Diese Zeitschrift ist solange Eigentum des Absenders, bis sie dem/der Gefangenen persönlich ausgehändigt wird. «Zur-Habe-Nahme» ist keine persönliche Aushändigung im Sinne dieses Vorbehalts. Wird die Zeitschrift (oder ein Teil von ihr) nicht persönlich ausgehändigt, so ist sie (bzw. der nicht ausgehändigte Teil) unter Angabe der Gründe für die Nichtaushändigung an den Absender zurückzuschicken.

MAIN POINTS

EU-strategy

On the agenda of the joint conference of OSPAR and HELCOM, there is, among others, a comprehensive document titled "Towards a Strategy for Marine Environment Protection and Preservation" that has been under discussion in the European Union's bodies for almost nine months now. The final declaration of the OSPAR/HELCOM meeting also attains significance in relation to the debate on this strategy paper.

page 4 EN

Safe shipping?

Every accident at sea triggers the same calls: Double hull now; ban on harbour entry for »rust buckets«; powerful tugs; emergency ports (as many as possible); declaration of protection areas; compulsory use of pilots; tightening-up of governmental harbour controls – the phrases of politicians are the same all across Europe, but the realisation turns out to be difficult.

page 11 EN

Fisheries at an end?

The joint OSPAR/HELCOM ministerial meeting (JMM) is a timely opportunity; growing warnings from experts about over-fishing and the perilous state of fish stocks have raised marine environment issues up the political agenda. But the draft JMM declaration suggests the ministers may well let the opportunity slip.

page 17 EN

Hazardous substances

What an objective! No more hazardous substances in the ocean, and therefore no more releases of such substances from the year 2020 latest. This objective was agreed by OSPAR in Sintra in 1998. Five years later the thrilling question is this: How far did we get with the implementation?

page 19 EN

CONTENTS

EU to search for uniform sea protection strategy Job creation for bureaucrats and NGOs – or chance? By Nadja Ziebarth	page 4 EN
OSPAR/HELCOM Joint Ministerial Meeting and shipping A missed opportunity? By John Maggs	page 7 EN
A new initiative to tackle harmful antifoulings? By John Maggs	page 8 EN
The course towards »clean shipping« More than just regulation By Eelco Leemans	page 9 EN
No one has any concepts for precautionary measures to prevent accidents at sea The Emperor's New Clothes By Klaus-Ruediger Richter	page 11 EN
A new ship with old technology? By Klaus-Ruediger Richter	page 12 EN
Feasibility and limitations of economical incentive systems: They will not work without clear rules By Susanne Ortmanns	page 13 EN
The »Coalition Clean Baltic« and protection of the Baltic Sea. Timid optimism By Antonia Warner	page 14 EN
The causes of eutrophication in the North Sea and in the Baltic are obvious. Make agriculture ecologically sustainable, reduce the traffic! By Susanne Bareiß-Guelzow	page 15 EN
OSPAR/HELCOM Joint Ministerial Meeting and fisheries: A question of competence By Monica Verbeek	page 17 EN
OSPAR and its list of 400 hazardous substances Progress is stopping short By Ute Meyer	page 19 EN
EU's Water Framework Directive still leaves a lot to be desired By Karoline Schacht	page 20 EN
OSPAR and HELCOM have to confront the traffic avalanche Concrete is not an intelligent concept By Herbert Nix and Peer Janssen	page 22 EN

Dear readers,

a magazine article in English normally runs shorter than the same text in German. That is the reason why the English part of this issue sometimes shows »empties« in the layout. Sorry. WATERKANT, the editor.

Übersetzungen durch: / Translations by:

- Dr. Matthias Tomczak, Adelaide SA.
- Dr. Ute Meyer, Bremen (1)
- Compro-Online Fremdsprachenservice, Achim bei Bremen (1)

Wir sagen Danke! We say thank-you!

WATERKANT + AKN

OSPAR and HELCOM, welcome in Bremen!

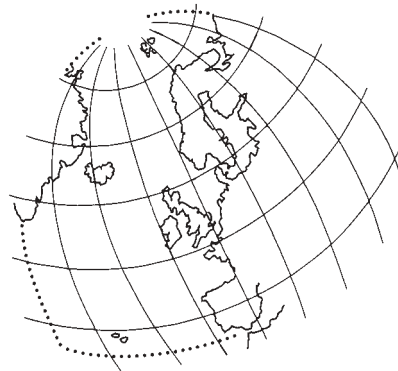
We implore you: Do your job and save our seas!

OSPAR, dear readers, is a convention for the marine protection of the North east Atlantic. It grew out of the »Oslo Convention« of 1972 and the »Paris Convention« of 1974 and is occasionally called OSPARCOM, after the name of the commission responsible for its practical implementation. The region of OSPAR's influence extends to Greenland in the west and includes the North Sea in the east; in the south it is limited by the latitude of Gibraltar, in the north it ends at the pole. The Mediterranean Sea and the Baltic Sea are not included in the OSPAR region; the latter is covered by the Helsinki Conference, formed by the riverine states and named HELCOM after its organising commission.

In the last week of June, 2003, the signatory states of OSPAR and HELCOM will meet for the first time in a joint conference in Bremen. This meeting will be at highest level, the level of environment ministers. It is for this reason that this issue of WATERSKANT appears as a special edition – with 48 pages thicker than usual and bi-lingual in German and English. We want to address not only our long-time readers but also directly the participants of the OSPAR/HELCOM Conference. We tried to collate some of the themes that will occupy the ministers in Bremen and offer comment. It is our wish that the delegates take up our suggestions; and beyond that we wish that the representatives of the media assembled in Bremen make use of our proposals in their reports about the OSPAR/HELCOM Conference and thus increase the pressure on the national (and international) environmental policy in their countries. This is particularly important because the environmental and marine protection initiatives that hold official observer status at the two conventions are not yet taken seriously enough by the institutions of the OSPAR/HELCOM Conference. In contrast to meetings such as the International Conference for the Protection of the North Sea (INK), where NGOs

are even allowed to make submissions to create an open and democratic decision making process, the OSPAR and HELCOM meetings restrict the role of NGOs to mere spectators. At the time of writing it is not even clear whether our representatives will have the right to speak (A question aside: Will the lobby groups of employers and industry, who according to official rules are also registered as »NGOs«, be subjected to the same rude treatment?).

One thing is certain: OSPAR and HELCOM will do themselves and their cause – effective protection of the seas and coasts – no service if they style their meeting into something of



a »closed shop« (apart from a press conference of German environment minister Jürgen Trittin). The political situation in the OSPAR and HELCOM member states is not dominated by public interest in marine protection. Public budgets that, despite maximum burden on employees, have been whittled down (some also talk of »looting« ...), continuing cutbacks first and foremost in social and cultural resorts, high unemployment in many countries and resulting impoverishment of large parts of the population – those are the themes that dominate the discussion in most OSPAR/HELCOM states. Wild salmon stocks endangered through aquaculture in the North East Atlantic, harmful substances with long term effects still being introduced into

the seas, concern about possible further seal deaths, reports about whales with hearing injuries, North Atlantic coral banks endangered by deep sea fishing, risks caused by ruthless shipping practices, again and again alerts of oil pollution and – last but not least – hot debates about gigantic offshore wind parks: All this and more are the burning themes for us and other marine experts, and most likely also for tourism managers and politicians on communal level along the coast. But in the face of massive deterioration of social conditions in the »Agenda 2010« of Chancellor Schröder in Germany, never ending massive strikes against Raffarin's superannuation »reform« in France, labour struggles of communal employees in Sweden or mass dismissals at Finland's IT concern Nokia, of real class struggle in Poland with the occupation of factories in Warsaw (cable factory) and Szczecin (shipyard) and demonstrations of the unemployed – does it come as a sur-



prise that the fate of inhabitants of coasts and seas of whatever species receives comparatively little attention?

It is the role of OSPAR and HELCOM to counteract these tendencies and establish clear signals through their resolutions: The North East Atlantic and the Baltic Sea are more than a reservoir of resources, of shipping routes or a theatre of war for naval forces on their way, for example, to Arabian or African waters. OSPAR and HELCOM, do your job and save our seas!

Peer Janssen

Job creation for bureaucrats and NGOs – or chance?

By Nadja Ziebarth

On the agenda of the joint conference of the ministers of the OSPAR and HELCOM sea protection conventions, there is, among others, a comprehensive document titled »Towards a Strategy for Marine Environment Protection and Preservation« that has been under discussion in the European Union's bodies for almost nine months now. The final declaration of the OSPAR/HELCOM meeting also attains significance in relation to the debate on this strategy paper, since here in Bremen, twelve of 15 EU ministers of the environment will virtually commit to speed implementation of the ministers' declaration on EU level up.

From such perspective, the fact that OSPAR and HELCOM deal with this EU draft, is appreciated because it entails a chance: The Bremen Conference could release pulses into EU's direction that not only help to get the marine protection idea moving within the European Union, but also make concrete contributions such as in relation to the integration of the new acceding countries located at the shore of the Baltic Sea, namely Poland, Latvia, Lithuania and Estonia. Besides, the meeting of the OSPAR/HELCOM ministers of the environment and its support for the EU strategy paper could also help Union's fishing policy to make a bit of headway. In contrast to the declarations by the ministers of the environment, EU resolutions are binding under international law, though.

OSPAR and HELCOM do not consider the EU sea protection strategy draft to be a template for their own work, it's rather the other way round: EU is requested to utilise the OSPAR and HELCOM agreements and approaches as a basis for own strategy development. This, in particular, was emphasised by those OSPAR and HELCOM countries that are not members to the European Union: Norway, Iceland and Russia do not feel integrated themselves into the EU strategy discussion and continue to focus on existing regional commissions.

In their sixth environment action program, the EU countries have undertaken to develop a strategy for the protection and preservation of the marine environment in order to promote sustained utilisation of the seas and to protect marine ecological systems. As contemplated thereby, the strategy paper is intended to become the basis for a future EU common sea protection policy, because such protection, till now, has exclusively been left to the individual

member states, namely within the framework of their memberships to international sea protection conventions. Although some EU common acts of legal relevance such as the Water Framework Directive, the Whitebook on Chemicals or the Common Fishery Policy also pertain to the protection of the seas, there was, till now, no joint strategy for a comprehensive promotion of marine environment protection (1).

The present strategy paper draft, however, does not yet encompass the all-embracing integrated approach that is, or will be, required for a EU wide sea protection strategy. On the contrary, this draft presents itself in just that sectoral order, which it wants, allegedly, to abandon later on. It is absolutely right, actually, that the draft criticises the »rag rug of various political measures, legal

regulations, programs and action schedules on national, regional, common and international levels [...]« (2). Concurrently, however, it restricts itself in its capabilities by stating that it was »not yet possible to develop an integrated approach that will be necessary in future.« The reason was that »not all information required for the development of such an integrated policy was available yet« (loc cit.). Should this, once more, be another attempt to postpone necessary and well-aimed action for sea protection by the parole »We don't know enough yet«?

What is at stake here is protection and sustained utilisation of marine environment. The general aim is to »promote sustained utilisation of the seas and to preserve marine ecological systems«, as marine environment is exposed to numerous threats. »Such threats include loss or deterioration of biodiversity and changes in its composition, habitats reduction, pollution by hazardous substances and nutrients as well as the possible future effects of climate change. They are the consequences of various burdens such as commercial fishing, oil and gas production, navigation, entry of pollutants into atmosphere and water, disposal of waste materials, deterioration of the habitats' physical conditions by



interventions such as excavation work or sand and gravel production« (2).

The EU commission's approach to a joint sea protection strategy, as it is available in its draft version now, does not compete with existing regional sea protection conventions. Rather, it is meant to fill gaps in terms of regulation. This is to be appreciated and will, hopefully, continue to be the objective. Both on national and international level or within the European Union, gaps in communication and knowledge need to be filled. For example, let's have a look at fishing policy: The EU ministers of the environment repeatedly pointed to the devastating cutback in fish stocks, and, in particular, to the looming collapse of cod stock (also see article on page 17). Most fishery ministers within EU, however, only see the catch ratios, economic setback, and declining jobs, which they fear in case of an imperative reduction of fishery as seen from the perspective of environment protection. These different perspectives require alignment.

Then, in the commission's document, it reads like this: »Political commitment to sustained development should yield a stronger integrated approach in political decision finding and management, since every area of politics is required to take into account the (positive and negative) side effects on other sectors and the marine ecological system as well. Assessment of and coping with the long-term consequences that current and future practises have on other sectors and marine environment, even though they are not known in their entirety, are tantamount to an ecological approach on the basis of the precaution principle« (2).

In most of the fields that need to be worked on, a European Union joint sea protection strategy can resort to already existing conventions. In a draft statement by the European Council on the January 2003 commission paper it reads as follows: »The Council of the European Union – [...] emphasises the significance of the works within the framework of the regional sea protection conventions such as OSPAR, HELCOM and the agreements of Barcelona and Bukarest as well as within the framework of the Arctic Council and underlines the necessity of co-ordination and co-operation between all relevant agreements, the IMO, and the Commission« (3). It is hoped that necessary selection of the various regulation approaches is made such that the best possible and highest level of protection will be strived for – and that

this level, whilst searching for the smallest common denominator, is not adjusted in downward direction.

What the ambitious project of a common sea protection strategy needs yet is concrete aims, stipulations in terms of time, and tools for implementation. This, the council of ministers seems to be well aware of, as in its conclusion it says: »The Council of the European Union requests the commission to submit, as soon as possible and yet before May 2005, on the basis of an integrated approach a specific



strategy on marine environment that should contain, if necessary, qualitative and quantitative specifications and time schedules by means of which intended measures can be measured and evaluated as well as respective implementation measures, whilst taking the subsidiarity principle into account and involving the protagonists increasingly. In this connection, the commission is requested as follows:

a) to suggest ambitious, clear-cut and coherent goals in relation to the promotion of a sustained utilisation and preservation of the marine ecological systems, and

b) to continue to ensure integrated implementation and enforcement of the existing and new legal regulations« (4).

This, actually, is urgently necessary, because otherwise the strategy concept would not be worth its paper. Till now, the document lacks concrete figures and

instruments almost completely. The problem of fishing, for instance, is dealt with under the headline »Political Measures« by using soft terms such as »endeavours« and »suggest« only. Consequently, change in fishing policy could extend over decades yet. Everybody who watched the tug-of-war on the attempt in December 2002 to bring about an EU reform in fishery knows this. Anyhow, in the »Political Measures« chapter, non-committal formulations such as »continue their endeavours«,

»support initiatives«, »take measures«, »consider steps«, »to endeavour«, »to examine new paths« and »to submit proposals« are dominating.

In the commission's draft, eutrophication, too, is formulated yet very weakly. What needs to be brought about here is a basic change in common EU agricultural policy, and not the preparation of »a more comprehensive assessment of the extent of marine eutrophication in the year 2006« (5). We do not need any further assessment, but containment of overfertilisation in the agricultural sector. Here, special attention needs surely to be paid to the new acceding countries in the Baltic region (also see article on page 15).

To give another example: Under the headline »Chronic Oil Pollution«, well-known measures are proposed, although the commission claims its intention to examine new paths in 2004 in order to improve monitoring of illegal oil



induction at sea and the capabilities to prosecute offenders. Furthermore, »in cooperation with all relevant organisations and others involved, a strategy is to be developed that aims at the prevention of any oil induction from whatever source.« In this connection, various approaches to the deployment and funding of collection facilities in ports are said to be reviewed. The fact that free-of-charge oil disposal in the ports decreases chronic oil pollution is unambiguously evidenced by the statistics in relation to oil spill occurrence in the Germany Bay. The teaching project »Free-of-Charge Disposal of Ships« that was jointly financed by the Federal Government and the coast states and implemented in German ports had been introduced in mid 1988 and phased out in 1991 for budget-political reasons (6). It would surely be welcomed if EU was to revive that practise instantly. In such case, however, an ambitious solution for the expenses must be found because otherwise neither the member countries nor their states, regions, and ports would take part therein. Hamburg, just recently, has terminated for financial reasons its »green shipping« practise that it maintained for more than 3 years on its own, which was no good signal.

In view of the increasing burdens, the variety of associated sources and the complexity of the marine ecological systems concerned, development and speedy enforcement of an integrated sea protection approach seem to be urgently required. Marine ecological systems are mainly threatened by their varied

anthropogenic utilisation, i.e. induction of pollutions from atmosphere and onshore, eutrophication, navigation, construction of ports and reclamation of land, oil, gas and, now, too, offshore wind power stations as well as, not least, overfishing. Therefore, the attempt to enforce a common sea protection strategy on EU level, is basically an initiative that deserves appreciation. The current draft, however, still requires a concrete frame for implementation in order to be capable of genuinely fulfilling its pioneer role strived for.

It remains to be hoped that no other important decisions will be postponed by arguing that research data were missing yet. To this effect, the draft does not augur well when it, in its paragraph 65, »...reveals that there are considerable gaps in terms of information about the condition of marine environment and effectiveness of the measures taken. As a consequence, it is frequently not clear as to whether, and, if yes, what additional protective measures should be taken into consideration and on which level such consideration should take place« (7). Even involved experts such as Fritz Holzwarth, the head of the German delegation to the joint conference of the ministers of the environment, ceased to follow such argumentation. On a symposium of the Federal Office for Maritime Shipping and Hydrography (BSH) held in Hamburg in early June, Holzwarth commented the draft of an EU sea protection strategy by saying that »Science was further in development than politics« (8). Surely,

there was a lot of research demand in various fields such as in relation to the influence of offshore wind power stations on the marine ecological system or the impact on sea mammals of acoustic interferences as fast-moving ferries cause them. This, however, should not prevent politics from taking decisions on the basis of the existing data, as for instance in respect of fishery. »Science cannot substitute active politics«, Holzwarth said (9). It was a political decision, and not a matter for science, as to whether the precaution principle should be followed or not.

What remains to be hoped is that the ambitious project of EU sea protection strategy will not again become a long job-creating measure because of some EU member countries' blockade, whilst marine environment has to suffer. ◀

Remarks:

1. The Council of Experts on Environmental Matters (SRU): Stellungnahme »Zum Konzept der Europäischen Kommission für eine gemeinsame Meeresumweltschutzstrategie« (statement to the concept of the European Commission for a joint marine environment protection strategy), February 2003, <http://www.umweltrat.de/frame03.htm>.
2. Communication by the Commission to the Council and the European Parliament: »Hin zu einer Strategie zum Schutz und zur Erhaltung der Meeresumwelt« (»Towards a Strategy for Marine Environment Protection and Preservation«), Brussels, 2 October 2002; KOM(2002) 539, final.
3. Council of the European Union, Draft of a Council Statement to (2), document no. 5386/1/03 dated 22 January 2003, page 2.
4. Loc. cit., page 3.
5. See (2), page 27.
6. Bestimmung, Quantifizierung und Bewertung der Öleinträge in der Nordsee zur Beurteilung der Schiffsentsorgung in deutschen Nordseehäfen – Seevögel als Indikatoren für Ölverschmutzungen (Determination, Quantification and Assessment of North Sea Oil Inductions for Ship Disposal Evaluation in German North Sea Ports – Sea Birds as Indicators for Oil Pollutions), Wattenmeersekretariat (Common Wadden Sea Secretariate), November 2001.
7. See (2), page 19.
8. Fritz Holzwarth: »Neue EU-Strategie zum Meeresschutz und die Zukunft der Meereskonventionen« (»New EU Strategy on Marine Protection and the Future of Sea Conventions«), 2003 BSH Marine Environment Symposium, Hamburg.
9. Loc. cit.

A missed opportunity?

By John Maggs

The purpose of the joint OSPAR/HELCOM ministerial meeting (JMM) is to enhance cooperation and create a more integrated approach on issues of shared concern. While the HELCOM and OSPAR areas differ in many respects, they are certainly threatened by a number of common environmental problems, and this joint approach is a welcome addition to existing national, regional and global initiatives. Ministerial events of this kind are also traditionally the moments when substantial commitments are made to tackle new or previously intractable problems. The assumption in this case must be that a successful meeting is one that agrees new joint actions, supplemental to existing initiatives, to protect both the Baltic and North East Atlantic. Sadly, in the case of shipping, the most recent draft of the JMM declaration (1) suggests that the meeting will not be a success.

Of the 21 paragraphs and sub paragraphs dealing with shipping issues, only three contain commitments to new action.

Ministers will explore further solutions if adequate progress is not being made on accountability and enhanced compensation in the event of shipping accidents; they will investigate the possibilities of expanding the already agreed inter-ministerial North Sea Conference strategy for tackling harmful antifoulings to the Baltic and to other OSPAR regions; and finally they will ensure appropriate arrangements for future joint efforts by HELCOM and OSPAR. As far as they go all worthy initiatives, but hardly an appropriate outcome for a special joint meeting at ministerial level.

Of the remaining 18 paragraphs most are used to »welcome«, »support« or »urge« action in other forums, principally the International Maritime Organisation (2) and within the EU; three refer to joint efforts in other forums on existing initiatives; two relate to implementation and enforcement of existing measures; and one to an unspecified list of actions that are to be undertaken by HELCOM states alone.

All the big issues of the moment, raised for the most part by the sinking of the »Prestige«, are mentioned, including the phase-out of single-hull tankers, designation and protection of particularly sensitive sea areas (PSSAs), civil liability, flag-State implementation and enforcement of regulations, mandatory pilotage, improved seafarer training, and enhanced port-State inspection of ships. Unfortunately the declaration has nothing new to say, no new proposals; it's all happening elsewhere and all ministers can do, it appears, is nod in agreement. If shipping were the only chapter in the

ministerial declaration it's hard at present to imagine ministers bothering to turn up.

It's certainly the case that a number of new initiatives aimed at tackling these issues are under way in other forums. Following the »Prestige« incident there has been an unprecedented interest in shipping safety at EU level, and the threat of regional EU action (as well as unilateral action by some states) is forcing the IMO to review its position on key issues. While this to some extent explains why the draft ministerial declaration on shipping has ended up the way it has, it is not the whole story and certainly no excuse.

Within many national governments there is an unhelpful deference towards

the IMO and global over national or regional action on shipping. A good number of OSPAR contracting parties believe that the organisation should not work on shipping issues at all. Shipping at the JMM was initially given a low priority by OSPAR, and without the »Prestige« tragedy it would almost certainly have stayed that way.

Few would disagree that the IMO has a vital role to play in this area, but it is wrong to believe that on shipping issues its competence is or should be exclusive. Shipping is certainly a global trade and ideally regulation at that level makes most sense, but the IMO contains many countries, including the influential flag of convenience (FoC) nations representing the shipping industry, that are happy to sideline environmental concerns.

Timely agreement on appropriately progressive measures has in the past proved difficult, if not impossible to achieve at IMO. It is also true that global standards cannot always take account of the particular environmental sensitivities or political priorities of sea areas like the Baltic, or accommodate regional desires to go beyond what can be agreed globally.

An implicit acknowledgement of these limitations is behind many of the post-»Prestige« and indeed post-»Erika« EU initiatives, for example on the phase-out of single-hull tankers. They illustrate both the possibilities for regional action and



A new initiative to tackle harmful antifoulings?

the effect that a willingness to act regionally can have on the performance of IMO: A post-»Erika« EU initiative and threat of regional action led to the IMO's initial phase-out timetable for single hull tankers, and a similar threat post-»Prestige« looks likely to result in further restrictions on the lifespan of these vessels.

The JMM cannot ignore what is happening elsewhere, but it should recognise that it has a role to play in ensuring the success of those initiatives, and a responsibility to act itself if other forums fail to deliver. In this context the current draft of the JMM declaration is weak and ineffectual. Two things are missing. First, if ministers are to defer to action elsewhere they must make it clear what they expect from those forums and they must identify deadlines by which action has to take place. Second, they must make it clear what action they will take at OSPAR/HELCOM level if the initiatives in other forums do not yield satisfactory results. Initiatives at IMO on single-hull tankers, PSSA's, FoCs (the Flag-State Code and Compulsory Model Audit Schemes), pilotage, as well as ballast water, harmful antifoulings and port-State control require this kind of treatment.

At present in only one case, accountability and enhanced compensation in the event of an accident, do ministers suggest they might take the

One welcome area of interest in the draft JMM declaration concerns the regulation of harmful ship antifouling systems. In addition to urging fellow contracting parties to ratify the International Convention on the Control of Harmful Antifouling Systems (AFS Convention) ministers also offer support for last year's International North Sea Conference (Bergen, March 2002) initiative to draw up a regional strategy for tackling harmful antifouling systems other than organotin-based ones. The AFS Convention at present only deals with organotins and is geared more to large vessels trading internationally; the intention of the North Sea strategy being the regulation of antifoulings used on smaller vessels (for example yachts and fishing boats) operating within the area and those flying the flag of the states involved.

The JMM declaration contains a commitment to investigate the possibilities for expanding the strategy to the Baltic and other OSPAR areas. While the North Sea Conference initiative is an excellent one, the inclusion of the strategy in forums capable of creating legally binding instruments should be encouraged. Hopefully this high-level political push will also be reflected in a greater willingness on the part of those OSPAR/HELCOM states that are also part of the North Sea Conference process to volunteer as lead parties for the necessary preparatory work on the strategy. The original North Sea Conference agreement was reached in March of 2002, yet no state has yet agreed to act as lead party, and work on the strategy, which should be complete by 2004, has yet to start.

John Maggs

matter into their own hands if others fail, and this they do in a rather ambiguous fashion and with no deadline. Surely, with shipping issues considered a priority, and the effects of the »Erika« and »Prestige« so fresh in everyone's minds the JMM can do better than this? ◀

Remarks:

1. Draft agreed by OSPAR/HELCOM Joint Heads of Delegations in Rostock on May 14th.
2. The International Maritime Organisation (IMO) is the United Nations' agency responsible for the safety and environmental regulation of shipping.



More than just regulation

By Eelco Leemans (1)

The environmental problems caused by shipping are posing a serious threat to the health of the Earth's oceans. Solving these problems calls for an integrated approach, including the application of various instruments and addressing everyone involved in the maritime sector. The joint OSPAR/HELCOM ministerial meeting offers the opportunity to set new standards for future shipping, if the ministers have the courage to look beyond the usual regulation.

Shipping causes a wide range of effects on the marine environment. Well-known disasters with tankers like Erika and Prestige come directly to mind. These cases only form the tip of a large iceberg, of which the underwater part is formed by daily emissions, that steadily increase the total amount of input into seas and oceans. Intentional and unintentional discharges of oil, garbage, anti-fouling paint, air emissions and non-indigenous species from ballast water have an ongoing adverse impact on life in the world's seas.

There are effects on land, too. In particular, exhaust emissions have detrimental effects on health and the environment. The emissions of SO₂ and NO_x of shipping are constantly increasing while those emissions of land-based sources are rapidly going down.

This situation is not likely to change soon. Trade is becoming more intense and every year more and more ships are crossing our seas. The average speed of ships is increasing, the number of crew on each ship is decreasing, as is the quality of the crews on many ships. Statistically, it is therefore easy to conclude that the chances of disaster are growing all the time.

The conventional way to address these problems is setting up regulations, which are based primarily on the International Convention for the Prevention of Pollution from ships (MARPOL 73/78). The slow progress made by the United Nations' shipping organisation IMO (International Maritime Organisation) and the lack of real changes by MARPOL have triggered some states or regions to design more strict regulations. An example is the so-called oil pollution act »OPA 90«, which was passed by the US House of Congress 18 months after the Exxon Valdez accident. And since the sinking of the Erika, shipping has become an important issue on the EU agenda. Regulations on Port Reception Facilities, Antifouling paints, SO₂

emissions, and Tanker Safety are being proposed or have already been accepted. More recently, the European Commission started drafting a Strategy for the protection of the European seas (see also article on page 4).

Neither of these regulations, however, have been able to provide a »green revolution« in the shipping-sector. Additionally to IMO and EU, non-regulatory bodies like the North Sea Conference, OSPAR and HELCOM show great concern about the impact of

emissions throughout their working life (the »Clean Ship« approach). This approach will address all vessel operations and possible impacts on the environment and consider amongst other strategies the use of recycling, waste prevention and closed-loop process. The first stage of this work, compiling a comprehensive specification of the parameters of the »Clean Ship« and establishing a system for monitoring progress towards fulfilment of the concept, will be reported on by 2004.«

But mostly the progress in developing safe and clean ships is quite disappointing. Now the OSPAR/HELCOM Ministerial meeting in Bremen joins in with a chapter on shipping. Paragraph 24 of the draft declaration states:

»Recent disasters have emphasized how significant the environmental impact of shipping can be. This is another field which will benefit from a more integrated approach«.



shipping on the marine environment. In this process we can sometimes glimpse a willingness to design creative solutions. For instance, at the 5th North Sea Conference the Ministers decided to stimulate the development of clean shipping (2):

»The Ministers acknowledge that new approaches and mechanisms are needed to minimize the impact of shipping on the environment, and agree:

i) to explore and develop the concept of vessels designed, constructed and operated in an integrated manner to eliminate harmful discharges and

This sounds quite promising. However, the remaining part of the draft declaration shows that OSPAR/HELCOM will only use its voice to speed up regulation at IMO-/EU-level. This may to some extent lead towards cleaner and safer shipping in the long run. But regulation is just one way of making shipping more environmentally friendly. There are at least two additional and very important driving forces available for this purpose:

1. Financial Incentives

Stimulating clean shipping through financial instruments can be a very

effective way to go beyond MARPOL- or EU-regulations. Incentive-based systems are already in operation in several ports, particularly in north western Europe (though the port of Hamburg just stopped it on behalf of budget deficit).

OSPAR/HELCOM should stimulate development of these incentive systems, and preferably it should become an allround system available to any type of vessel. Such a system will persuade ship operators to upgrade their vessels beyond current IMO regulations, or order new state of the art vessels. It will force research and development and make it possible for ship operators to cover the associated costs. It will also remove the current incentive to operate sub-standard vessels, whereby ship operators reduce costs and increase competitiveness



relative to other more responsible operators by neglecting costly maintenance and safety requirements.

2. Education

A very important factor is human resources. Just as the best carpentry tool is quite worthless in the hands of a mediocre carpenter, a state of the art ship can easily be shipwrecked if operated by a careless officer. A sophisticated tool like a modern cargo vessel works best in the hands of a master.

Improving both skills and awareness on the protection of the marine environment will turn out to be a very effective driving force. Educating professionals in the maritime industry will make a big difference in cleaning up the worlds oceans. Paragraph 25g of the draft declaration of the OSPAR/HELCOM meeting is therefore a good start:

»We also support efforts, through the IMO and other international and non-

governmental organisations, to improve the training, certification and awareness of ships' officers and crew, particularly in order to ensure that they are able to make full use of the information made available by coastal states on navigational developments that may create hazards for ship safety or the marine environment«.

However, often others aside from ships' crews are to blame for accidents or damage to the marine environment. For this reason, professionals like port operators, ship management, maintenance personnel, surveyors and coast guard officers should also be included in this training scheme.

Protecting the marine environment from pollution by shipping asks for more than a set of regulations for the maritime

industry. What the worlds' oceans really need is a genuine integrated approach, with a combination of technological development regulation, and financial and educational instruments. And because the process is so time-consuming, standards for the future should be set today.

The Clean Ship approach as suggested by the North Sea ministers offers a

unique opportunity to set a new trend towards future standards for sustainable shipping. Most of the technology needed to build these ships is already available. Unintentional discharges into the sea like oily waste, garbage, sewage or cargo could all be halted with current technology, while the technology for tackling effects from antifouling or ballast water is being developed at considerable pace. Emissions to air could easily be reduced drastically by using state of the art technology and even zero-emission will be available shortly in the form of fuel cell technology, as proven by Iceland.

Going beyond IMO and the EU standards offers the possibility for the shipbuilding industry in the OSPAR/HELCOM area to take a step ahead and develop future shipbuilding trends. Building an environmentally sound ship as an example for the worldwide maritime industry could give a boost to this suffering industry.

To sum up, the ministers at the joint OSPAR/HELCOM meeting should

- recognize that the state of maritime technology is ready for development of environmentally sound shipping;
- enhance the training of all professionals in the maritime sector;
- stimulate research into financial incentives for clean ships;
- support Paragraph 48 of the 5th North Sea Conference, in particular the »Clean Ship« approach quoted before. ◀

Remarks:

1. Eelco Leemans is shipping policy officer of the North Sea Foundation (Stichting De Noordzee), a Dutch environmental NGO working towards a sustainable use of the (North) Sea. The North Sea Foundation is (like »Waterkant«-publishers AKN) a member of Seas At Risk federation (SAR). Visit North Sea Foundation's website (www.noordzee.nl).
2. 5th International Conference on the Protection of the North Sea, Bergen (Norway), 2002: Ministerial declaration par. 48.

NO one has any concepts for precautionary measures to prevent accidents at sea

The Emperor's New Clothes

By Klaus-Ruediger Richter

Every accident at sea triggers the same calls: Double hull now; ban on harbour entry for »rust buckets«; powerful tugs; emergency ports (as many as possible); declaration of protection areas; compulsory use of pilots; tightening-up (or alternatively »improvement«, »strengthening«, »unification«) of governmental harbour controls – the phrases of politicians are the same all across Europe. At least when it comes to announcements they are all quick, the ladies and gentlemen from politics, but the realisation turns out to be difficult.

A fine example: The »Prestige« had barely gone down off the Spanish coast, when Loyola De Palacio, Vice-President of the EU Commission and responsible for transport, waved around a lengthy list of ships that the EU considered »dangerous«. It mentioned as many as 66 ships by name, which »had clocked up multiple arrests as a result of offences against the regulations of maritime transport.« A press release of the EU stated: »The Commission hopes that this will restrain operators from loading ships that do not satisfy the norms and that the owners and the states of their flags will from now on apply stricter norms for maritime transport safety.«

Alas, the list of the commission soon raises the question: Who is trying to fool whom here? The EU bureaucrats Ms. De Palacio, or the commissar the citizens of the EU? – Only eight tankers are among the 66 publicly exposed vessels! Six of them are registered with a capacity of 1114 to 5000 tdw – midgets compared to the »Prestige« (which caused the publication of the list)! But that is not all: According to the reputable data bank Lloyd's List number seven had already departed from Mumbai (previously Bombay) in India on the 6th of September 2002, to be scrapped in Colombo, Sri Lanka!

Position number two on De Palacio's agenda for ship safety is the ban on single hull tankers for the transport of heavy oil. This, too, is a popular demand from politicians of all parties and follows a tanker accident with the same certainty as the »Amen« after the prayer. This general remedy against oil disasters, praised by non-experts, in fact increases the risk:

A double hull offers significant protection in a collision – granted. But neither the »Erika« nor the »Prestige« sank as a result of a collision. The causes were insufficient maintenance, hull fatigue and cracks. Double hulls are

particularly exposed to corrosion, since the salt-laden aggressive maritime air finds ideal conditions to destructive activity in the cavities. Insufficient maintenance, savings on (expensive) paint and lack of corrosion proofing reduce the strength of the ship's hulls – which are significantly weaker than a single hull – in the span of a few years. A badly maintained dual hull tanker is thus particularly dangerous; cargo can, for example, leak from the tanks into the hull cavity and vaporise; one of the static charges so feared by tanker experts can ignite it. The consequences of such a combustion are disastrous; the ship sinks without warning, like a stone.

What is taken for granted for cars on land has to be the law for ships as well, whether they are double-hulled or not: A ship in bad condition has to be immediately withdrawn from circulation!

And why should only the heavy oil that is carried by tankers as cargo be

dangerous for the environment? What about the thousands of cubic metres of diesel carried by modern mega-container vessels as fuel? Fuel tanks are usually installed above the unprotected bottom of the ship, in case of ground contact the most dangerous location. Concepts and plans for safe locations of fuel tanks, protected and installed at a central location, had already been developed during the 1980s; but ship owners prefer to use the valuable inner space for cargo and put the fuel in a place not suitable for cargo: inside the double hull below the cargo decks, where it is protected from damage only by the outer hull.

It follows that fuel tanks have to follow the same rules as cargo tanks: protection against ground contact through a dual hull.

When it comes to harbour controls, De Palacio touches an open wound by demanding compliance with at least 25 per cent of the control provisions. The ruse to improve the control statistics by preferential inspection of new vessels had been made impossible through uniform selection criteria. Because new ships are in good conditions their controls are quickly done and therefore so »popular« with harbour inspectors that shipping companies already registered informal complaints about too frequent controls of their vessels. Since then new unambiguous regulations take into account age, flag of registration and other indicators



A new ship with old technology?

for »rust buckets«. This leads to concerns of the public that harbour controls could become less thorough in the future. Only a clear increase of funds for personnel can help here, so that additional experts can be recruited. The responsible ministry for harbour controls in Germany is the Federal Ministry of Transport, the implementing agency is the »See-Berufsgenossenschaft« (SeeBG, Maritime Liability Insurance Association). Manfred Stolpe, Minister of Transport, thus has to dig deeper into his pockets without delay and allocate more funds to the SeeBG, so that it can continue with thorough harbour controls.

There are other demands from De Palacio, one of them the increase in the number of emergency ports. If there were a prize for the most engaging tale in politics, the German Federal Minister of Transport Stolpe would be a sure candidate. In January 2003 he announced with aplomb that a »grid of emergency ports« would be created in Germany.

The final report »Maritime Safety in the Baltic 2002« of the Baltic Institute for Maritime and Environmental Law, handed over to the client (the Lower House of Mecklenburg-Vorpommern) in August 2002, has the names: »The dedicated emergency roadsteads for the German Baltic coast are the Kiel Fjord, the inner road of Wismar, the Rostock road, the Altefähr road off Stralsund, the harbour of Sassnitz Town and Sassnitz Ferry

WEB ADDRESSES

Waterkant

<http://www.waterkant.info>

AKTIONEN KONFERENZ



<http://www.AKNeV.org>

A new ship for the control of accidents involving dangerous goods will be built over the next three years by the Peene shipyard in Wolgast (Mecklenburg-Vorpommern). Besides many other multiple tasks (such as the deployment of buoys, the breaking of ice, or emergency towing) this new »wonder weapon« is also planned for use in oil control situations. The ship is being built on the basis of the plans for the »Neuwerk«, an in-house design of the Administration for Waterways and Navigation. The »Neuwerk« had been committed to assist in the control of the »Prestige« accident off Spain and did indeed collect 16.000 tons of oil-water mixture. Few only know that the actually recovered amount of oil consisted of only 1600 tons, just ten per cent of the total.

People have fiddled around with the oil collection and oil separation system of the »Neuwerk« for years and at great cost. The result is still frightening. Did the Administration learn from its mistakes? The new ship now on order at the Baltic is planned to have an oil collection system capable of accepting highly viscous heavy oil. But the separation system required for the isolation of the oil content is again based on a technology that cannot work, just as in the case of the »Neuwerk.«

After collection of the oil-water mixture the fluid is pumped into the cargo tanks, so that the water collects below the oil film. Following that, a pump sucks the water through a separation system. In contrast, modern vessels process oil polluted water in oil separation systems that press the oil-water mixture through the separator. Experts consider pressure separators to be superior to suction separators.

And why did the Administration select an obsolete suction separator for the new vessel? Only the bureaucrats who made the decision can answer this question. It could not have been for technical reasons.

Klaus-Ruediger Richter

Harbour. Flensburg, Kiel, Puttgarden, Lübeck, Wismar, Rostock-Warnemünde, Stralsund and Sassnitz are available as emergency ports.«

Flensburg, Kiel or Lübeck as emergency ports: only an administrative lawyer can come up with that idea. From a legal point of view a port is of course an emergency port if it is entered by a coastal freighter because the master has to have an infected tooth treated. But in the context of the discussion about the provision of emergency ports triggered by the sinking of the »Erika« and the »Prestige« the list of the Baltic lawyers has all the appearances of a bad joke.

In contrast to the Baltic Institute Minister Stolpe does not want to define emergency ports or emergency roadsteads. He hands the accident command a list – strictly confidential of course – of existing ports and roadsteads and their facilities for accident control. This »emergency port concept« surpasses the tale of the Emperor's New Clothes: In the tale of the brothers Grimm the tailors at least pretended to have cut the cloth and fashioned a new gala dress for their master. With his emergency port concept

»Emperor« Stolpe confronts the public in an old, worn-out raincoat and claims that the accident command can, if need be, fashion him an emergency port from his list at any time.

But Stolpe is not alone in Europe with his »virtual emergency ports.« Not a single coastal state of the EU is prepared to publish a list of »places of refuge.« The reason given for this secret business is the wish not to alarm the population living in the vicinity.

The people who live on the European coasts know that emergency ports are needed to prevent worse outcomes when an accident happens. But it cannot be accepted that these emergency ports and emergency roadsteads are stowed away as secret lists in the »poison cabinet« of a transport ministry; they have to exist and be ready for action. When, in which type of accident, with what kind of cargo and under what emergency should a stricken vessel head towards which port? The next accident will happen. The Minister of Transport, the administration and the accident command have to be prepared for that and have to provide solutions – not fanciful tales! ◀

They will not work without clear rules

by Susanne Ortmanns (1)

The increase in the number of ship movements in the Baltic Sea, and with it the environmental risks, is a cause for concern. An environmental catastrophe would be particularly disastrous, but the daily environmental problems of shipping have severe consequences, too: Disposal of waste water, foreign species that travel to new seas in ballast water and replace established local species, bad coordination in the planning of new ports, air emissions that impact on both the environment and health. What has to be done?

The reduction of air emissions through financial incentives practiced in Sweden can serve as a blueprint for action in the area of the problematic tanker traffic. Sweden suffers more than others under the consequences of air emissions such as nitrous oxide (NO_x) and sulfur dioxide (SO₂), because its soils are particularly sensitive to acid rain. It has been known for several decades that a large part of the emissions that cause environmental damage in Sweden result from shipping as well as industrial production of the countries of central Europe. The EU commission writes in a communique of November 2002 that in many parts of

success story: Nearly 80 per cent of ships entering Swedish ports use fuel with the low sulfur content, and most of the few vessels of the world fleet that are fitted with catalytic converters for the reduction of NO_x operate in Swedish waters. Ferries, the most frequent visitors to Swedish ports, reacted most strongly to the differentiation of charges and changed quickly to the use of fuel with low sulfur content. According to Blomquist the shipping operators for wood and wood products were the leaders in the reduction of NO_x emissions (3).

It is true that the differentiation of shipping charges according to environmental criteria had a positive impact on the choice of fuel of ships that frequently enter Swedish ports. But the differentiation had only limited success when it came to the expensive refits of vessels with NO_x-reducing technology. This demonstrates the limits of a financial incentive system that rewards environmentally sound behaviour but cannot, of course, offer compensation for all expenses caused by the necessary modifications – which would be problematic in any case, as it would be the direct opposite to the »user pays« principle.

A system of rewards can first and foremost motivate ship owners to introduce environmentally friendly operation who believe that their

customers value such practice. And there are Swedish companies who want to see their products transported by environmentally friendly shipping operators, as there are also consumers who are prepared to pay a little bit more for goods that are produced and transported in environmentally friendly ways (for example Swedish forestry products such as paper).

Another reason for shipping companies to go for investment in environmentally friendly technology could also be the expectation of competitive advantage – When laws or regulations are passed that set compulsory limits for emissions, those shipping companies that already upgraded their fleets today will have an advantage against all others with their outdated vessels.

But such laws always have to be seen as necessary extensions to voluntary agreements. Because only compulsory regulations can force all ship owners to operate their vessels in environmentally sound ways. Rebate systems are successful because they reward the innovators, who then provide proof of the technical and economical feasibility. ◀

Remarks:

1. The author is a member of the Swedish nature protection organisation »Svenska Naturskyddsföreningen«. It was established in 1909 and with a current membership of about 176.000 is the largest environmental organisation in Sweden (more information at www.snf.se).
2. Communication from the Commission to the European Parliament and the Council: A European Union strategy to reduce atmospheric emissions from seagoing ships. COM(2002) 595 final, volume I.
3. Acid News No. 4, December 2002: Journal of the Swedish NGO Secretariat on Acid Rain (<http://www.acidrain.org/AN4-02a.htm>).



Svenska Naturskyddsföreningen

northern Europe shipping is responsible for 90 per cent of the critical load from acid rain and eutrophication (2).

In 1966 the Swedish shipping administration, the organisation of Swedish ship owners and the organisation of Swedish ports agreed on the introduction of port and area charges based on environmental criteria. Beginning in 1998 shipping companies (of all flags) operating cargo vessels that use fuel with a sulfur content of no more than one per cent, and ferry operators whose vessels use fuel with a sulfur content of less than 0.5 per cent, receive rebates on port and area charges. The reduction of NO_x emissions is also rewarded with rebates.

Five years on, the spokesperson for the Swedish shipping agent organisation Berit Blomquist describes the agreement as a

Timid optimism

By Antonia Warner

The Baltic Sea is a nearly enclosed basin that contains the largest brackish water body on earth. Its low salinity (2-25 per mil, compared to 30-35 per mil in the North Sea) poses extreme demands on the organisms that live in the Baltic: The salinity is too low for many marine organisms and too high for many fresh water species. As a result the ecosystems are particularly sensitive to changes in environmental conditions. Marine protection is talked about at the Helsinki Commission (HELCOM) since the 1970s, but with limited success.

Initially the difficulty was to get the eastern block states GDR, Poland and Sowjet Union into the common boat. Today it is mainly lack of political preparedness of many states to follow up HELCOM's recommendations with own action. It is true that the treatment of sewage has improved and that the concentration of particularly dangerous substances in the marine ecosystem has been reduced. But this does not make it a breakthrough in marine protection – the recommendations of the commission are not enforceable by law.

The environmental organisations of all Baltic countries were dissatisfied with the slow progress. Towards the end of the 1980s they established a network to increase the effectiveness and impact of their work. In 1990 they founded the »Coalition Clean Baltic« (CCB), with the Bund für Umwelt und Naturschutz Deutschland (»League for Environment and Nature Protection Germany«, BUND) as its German member organisation. As an international organisation CCB has observer status and thus has the opportunity to feed its positions directly into the decision making processes of HELCOM. The network now has 28 member organisations and operates offices in Uppsala, Tallin, Riga and Klaipeda. In addition to political lobbying CCB is active in environmental protection projects, financially supported by the Swedish organisation for development aid SIDA, in the Baltic states, Poland and Russia and works predominantly in three focus areas:

Firstly, the nutrient input, which results in eutrophication of the Baltic Sea, has to be reduced. To date, not a single state has reached the target of a 50 per cent reduction for all sources, which had been agreed upon by the ministers in 1988. The eastern member states (Poland, Lithuania, Latvia, Estonia, Russia) are approaching the target, mainly as a result of the massive economical changes that

followed the collapse of the eastern block. The nutrient losses in the agricultural sectors of Denmark, Germany, Sweden and Finland, on the other hand, are barely reduced. Agricultural development based on the western European model would have catastrophic consequences for the Baltic environment. CCB also sponsors model projects of ecological sewage treatment on a small scale suitable for small and medium size municipalities and single dwellings as environmentally sound and financially effective solutions for the countryside.

Secondly, fisheries. CCB demands above all the end of drift netting for Baltic salmon, which is threatened by extinction, the use of more selective fishing methods and a moratorium on cod until the cod stocks have recovered.

Coalition Clean Baltic

As a result of pressure from the CCB and others it is now possible for non-government organisations to participate in meetings of the International Baltic Sea Fishery Commission (IBSFC) as observers and present their position directly.

The third focus of CCB's work relates to harmful large scale projects and the rapidly increasing ship traffic (see also article on page 22). New oil terminals are planned in Russia and Poland. A planned oil terminal in Riga could be averted recently because its location was declared a national monument. It is, however, only a question of time until a new location will be found. The oil company Lukoil has plans to produce oil from platforms off Kaliningrad; the first platform is already under construction. Small and not so small releases of oil pose a danger to the neighbouring Russian and Lithuanian national parks of the Kurische Nehrung –

in severe cases reaching the Latvian coast and the Swedish island of Gotland – and to the economical hopes of tourism along the beaches.

The Lukoil project is financed through the European Bank for Reconstruction and Development (EBRD) (1). Russian, Lithuanian and Polish CCB member organisations joined forces to apply pressure and stop these credits, and they are working for an international moratorium on offshore oil production in the Baltic Sea. They already can report a small success, certainly due in part to international exposure: There will be a public environmental impact study of the Lukoil plans.

But not enough of these alarming news: An aluminium factory is to be built at Sosny Bor, 80 kilometres from St. Petersburg. It is planned to make economical use of the nuclear energy produced by the oldest still operating power plants of the Tchernobyl type – which further extends their lifespan. This project, too, is financed through the ERBD; CCB organisations demand that the ERBD withdraws its credit guarantees.

Thus, despite all efforts today's agenda for marine protection does not look much different from the agenda of 30 years ago. HELCOM also expects increasing

problems from the economic development of the Baltic states, as demonstrated by the examples of large scale projects. They do record success in the area of poisonous substances. In 2001

HELCOM announced that the input of 47 particularly harmful substances had finally be halved (it had been promised for 1995). The DDT load had been reduced by 90 per cent, lead and mercury, too, showed a reduction, and the health and breeding success of marine birds had improved as a consequence. This is cause for timid optimism for the future. ◀

Remarks:

1. The direct influence of the European Bank for Reconstruction and Development (as well as the influence of the World Bank and other financial institutions) on the process of marine protection in the Baltic has been officially regulated since the so-called »Baltic Declaration« that ended the conference of the Ministers for the Environment of the Baltic States of 1990 in Ronneby (see also WATERKANT 4/1990, p. 9 ff).
2. See also WATERKANT 4-6/1991, p. 50 ff, and 4/1995, p. 37ff.

The causes of eutrophication in the North Sea and in the Baltic are obvious.

Make agriculture ecologically sustainable, reduce the traffic!

By Susanne Bareiß-Guelzow

Nitrate and phosphate are essential nutrients for plant growth, but too high concentrations harm the ecosystem. Oceans and coastal seas usually contain low concentrations of these substances and limit the productivity of phytoplankton (single cell algae) and of the macroalgae (seaweed, green algae). An increase of the concentration is known as »eutrophication of the sea«; it results in increased algal growth, changes in the species composition and oxygen depletion. The Conference for the Protection of the North Sea of 1987 in London and the Baltic Sea Conference of 1988 already demanded a reduction of nutrient inputs of 50 per cent.

An estimate of the current input into the North Sea and the Baltic Sea shows that the reduction target has been reached for phosphorus but not for nitrogen. The two sources, point sources and diffuse inputs, contributed quite differently to the reduction. Increased capacity of communal and industrial sewage treatment plants in many coastal cities resulted in a reduction of the nutrient loads of point sources. The input from industry are now of secondary importance compared to communal treatment plants. Nitrogen input into the North Sea from point sources could be reduced by 40 per cent, in the case of the Baltic Sea the reduction was even 72 per cent.

But it should not go unnoticed that for example North Sea states such as Belgium and Great Britain are still lagging behind a long way. The Baltic, too, has countries such as Poland, where the input from communal treatment plants is still extremely high. The elimination of nitrogen has to be continued at high speed and according to the agreements, existing laws and European regulations.

In both seas the biggest pressure comes from diffuse inputs from agriculture and horticulture. While nitrogen enters mainly via ground water and drainage into creeks and rivers, phosphorus inputs are generated mainly from soil erosion and the run-off from urban and agricultural areas. These diffuse sources are difficult to estimate and to measure and therefore hard to control. A meagre reduction of 10 per cent in nitrogen inputs and 18 per cent in phosphorus inputs into the North Sea was achieved. This is the area of the greatest need for action.

As is to be expected, the rivers are quantitatively the most important input

paths. Nearly two thirds of the nitrogen input into the North Sea and the Baltic Sea enters from the interior of the continent (1), a direct consequence of the high population density and intensive agricultural use of the run-off areas for the two seas.

The last 40 years have seen frequent development of agriculture towards industrial mass production – conditioned particularly by the agricultural policy of the EU and the resulting necessities to rationalise, mechanise and increase the productivity per unit area. Today's agriculture differs from earlier practices through the huge nitrogen transfer in its agricultural production units. The purchase of additional cheap imported fodder, sourced to a large part from developing countries but also from the USA, created larger herds and laid the foundation for agriculture factories: The

low level of in-house fodder production disturbs the balance between production and in-house use of the generated manure of the operation. Because the mass farming of animals does not allow enough land for fodder production, the resulting amount of nitrogen can no longer find adequate use and has to be discarded via the fields. From an ecological point of view the process constitutes a huge transfer of nutrients from the fodder exporting countries to our soils, which causes extreme nutrient enrichment.

One of the aims of the chemical industry at the beginning of the last century was the artificial production of nitrogen. Bottlenecks in the nitrogen supply, caused mainly by a disruption of natural nutrient cycles, became a threatening possibility. Ignoring the cause, all efforts concentrated on an industrial solution. The use of industrial fertiliser obviates the need to return the nitrogen from animal excrements to the soil. The use of nitrogen is high when compared with the development of yield but promoted by its relatively low price; also, in the determination of fertiliser application allowance is made for high losses from run-off. Specialised cultivation such as vegetable farms, vineyards etc. suffer strongly from this. Some countries limit the amount that can be added to the soil, but this is difficult to verify. The





take into account questions of species specific farming and feeding in ecological context.

About one third of the nitrogen load enters the oceans from the atmosphere. This load consist of two different compounds. Nitrous oxide is produced by power stations, industrial and private heating and traffic; the agricultural sector produces ammonia (NH₃). The latter compound represents half the input into the Baltic Sea and one third of the input into the North Sea. Manure contributes significantly to this, since it contains ammonium (NH₄), which escapes into the air as NH₃ during storage and spreading. Regions with a high animal density can emit about 50 kg of nitrogen in the form of NH_x per hectare and year. A short term reduction of the load can be achieved through closed storage and spreading from tubes, which prevents turbulent spreading of the manure. In the long term only a change of direction in agricultural practice away from mass husbandry will lead to a reduction of the emissions.

A reduction of nitrogen emissions from traffic can be achieved in the short term through the development of more intelligent transport and transportation systems. But in the long term again only a basic change of attitude can help: Less traffic. Long develop regional markets. Means of transport with low nitrogen emissions have to receive preferential status. This also applies to individual traffic; but first and foremost could a well organised public transport system bring relief in population centres.

In summary it is seen that the largest reduction of nitrogen and phosphorus inputs into the North Sea and the Baltic Sea can be achieved by making the European agriculture ecologically sustainable. This would benefit several input pathways, through rivers and through the atmosphere. ◀

Literature:

1. Umweltbundesamt: Daten zur Umwelt Deutschland 2000, pp.235-265.
2. Waterkant 3 / 1989, p. 28 ff.

spreading of manure and mineral fertiliser brings with it a much too high phosphorus loading as well, which accumulates and enters the creeks and rivers through erosion and flooding.

A reduction of nitrogen and phosphorus inputs from communal sewage can be achieved through the installation of additional treatment plants in line with the existing ones. The same strategy does not work for diffuse inputs. To manage this type of load, one has to start at the sources. Agriculture as such is not the cause, but certain agricultural practices. The large nitrogen transfer through imported fodder and industrial nitrogen and phosphorus fertiliser into our agriculture has to be reduced or even stopped. These demands can be seen to be satisfied by ecological agriculture, which no longer uses mineral nitrogen fertiliser and imported fodder, and the use of additional fodder purchases by ecological farms is subjected to strict regulations. The holistic view, which sees agriculture as an ecological-economical unit, produces a much reduced nutrient load for the seas. The EU and the individual riverine states should therefore support this type of agriculture more strongly, not only for a healthier diet but also as a measure of environmental and marine protection.

The introduction of a tax on mineral fertiliser and on the import of fodder could be a first step. This will give indirect support to ecological agriculture and push the conventional farm in the right direction as far as the use of nitrogen is concerned. The often heard demand to introduce a charge based on the mismatch between manure production

and its use on the fields contains the risque that unused areas are included in the calculation.

Another source of eutrophication besides agriculture are the so-called aquacultures found, for example, off Denmark and Norway (2). It was only a few days back that this »industry« was afforded particular appreciation from the German side when Chancellor Schröder named this sector of the economy at his »3. Maritime Conference« in Lübeck as worthy of development and – assistance!!! Compared to the total nutrient input into the North Sea aquacultures still play a minor role; so far the problems are evident only in the vicinity of the farms themselves.

But mass animal production in water is as problematic in principle as conventual farming on land. The fish are fattened as fast as possible to their killing weight, held tightly in small cages and fed with a fattening cocktail. The excrements of the fish and remains of foodstuff produce a significant nitrogen and phosphorus fertilising effect. An alternative is shown here as well by first pilot projects of ecological agriculture: Just as in animal farming and fattening on land, so does the »Catalogue of Directions for the Production of Bio-Fish« (of the Associations of Ecological Production)

A question of competence

By Monica Verbeek (1)

The joint OSPAR/HELCOM ministerial meeting (JMM) is a unique and timely opportunity; the recent »Prestige« tanker disaster and growing warnings from experts about over-fishing and the perilous state of fish stocks have raised marine environment issues up the political agenda. The opportunity exists for ministers to make substantial progress on a number of important issues but the draft JMM declaration (2) suggests they may well let the opportunity slip.

One of the few substantial new commitments the ministers are expected to make in Bremen concerns the establishment by 2010 of an ecologically coherent network of well-managed marine protected areas across the North East Atlantic and Baltic. To ensure that the necessary work is undertaken to achieve this commitment, OSPAR and HELCOM will adopt a joint work programme. A marine protected area can be established for various reasons, one being to help protect species and habitats under threat or in decline.

In their separate meeting preceding the JMM, OSPAR ministers will, it is hoped, adopt an initial list of threatened and/or declining species and habitats as well as criteria to identify species and habitats in need of protection and a recommendation on marine protected areas. The initial list includes vulnerable deep sea species and habitats such as orange roughy, hydrothermal vents and sea mounts, but also commercial fish species such as cod and blue fin tuna. For the species and habitats listed, spatial protection via the establishment of marine protected areas is one possible method of enhancing their protection, but in most cases other or additional protective measures, including the improvement of fisheries management, will also need to be considered.

And this is where an ancient dispute crops up again, undermining the outcome of the fisheries element of the JMM and possibly the OSPAR ministerial meeting's decision on the initial list of threatened and/or declining species and habitats. It is generally accepted that fisheries have a major impact on the marine environment of the North East Atlantic and the Baltic. It is the responsibility of the environment ministers that meet in Bremen to protect the marine environment, including from the impact of fisheries. It is the responsibility of fisheries ministers to improve fisheries management in order to reduce the environmental impact. And

the dispute is about where the one responsibility ends and the other begins.

When North Sea environment ministers met in Bergen in 1997 and 2002 and discussed the impact of fisheries on the marine environment and how it might be reduced, fisheries ministers were not pleased; they reacted in a very defensive and territorial manner claiming that fisheries management was not within the competence of environment ministers and that they should not be discussing it. This dispute led environment ministers attending the two meetings to simply agree a list of actions that the competent fisheries authorities were invited to do (3). Through these lists the ministers highlighted pressing issues where improvement of fisheries management was urgently needed; unfortunately, judging by the number of these issues that have still not been properly addressed some six years later, the

fisheries ministers felt little in the way of political pressure as a result.

In order to avoid a repetition of this process, »Seas At Risk« has used its involvement in the JMM preparatory process to focus on fisheries issues where environmental ministers can take action, preferably in cooperation with fisheries authorities. »Seas At Risk« identified several issues where environment authorities have the competence to act and where cooperation with fisheries would be beneficial.

Although this proposal was widely supported by OSPAR/HELCOM contracting parties, the most recent draft of the JMM declaration only offers fisheries authorities full cooperation in complementary actions within the competence of HELCOM and OSPAR, identifying three areas where cooperation would be particularly beneficial. While a first step in the right direction, the text is very weak with no specific commitments; it doesn't mention which actions will be taken by the environmental authorities, and there are no deadlines. Although a list of issues that should be addressed urgently by the competent fisheries authorities was drafted, this list was taken out of the JMM declaration and put instead into an appendix to the separate OSPAR/HELCOM Statement on the European Marine Strategy (an appendix of issues in the field of fisheries



demanding special attention during the development of the European Marine Strategy).

Environment ministers therefore will not commit themselves to bringing these issues to the attention of their fisheries colleagues, and there is every chance that the latter will not even be aware of the list's existence. Worse still, much that remains in the JMM declaration may still be removed, and the presence of the list in the appendix to the Statement on the Marine Strategy is also threatened; several parties to OSPAR/HELCOM, including Norway, Spain and the European Community, are opposing parts of the text and the inclusion of the list as an appendix.

Remarkably, there is also strong opposition to the inclusion of commercial fish species in OSPAR's initial list of threatened and declining species and habitats. The argument they use for exclusion is that commercial species fall under the competence of fisheries authorities, as if commercial fish species are not part of marine biodiversity and cannot decline!

The dramatic decline of cod, nearing commercial extinction in the North Sea, and the recent article in »Nature« showing that 90 per cent of all large predator fishes have disappeared from the world's oceans in the past half century, seem to suggest that the competent authorities are not always very competent.

Indeed, if commercial species are excluded from the list we enter dangerous territory; what is non-commercial today may become commercial tomorrow.

PHOTO SOURCES

- p. 4: Hasenpusch Photo Productions
- p. 5: www.kueste.de
- p. 6: Hasenpusch Photo Productions
- p. 7: Hasenpusch Photo Productions
- p. 8: Hasenpusch Photo Productions
- p. 9: US Coast Guard
- p. 10: Hasenpusch Photo Productions
- p. 11: Hasenpusch Photo Productions
- p. 15: agenda/Wolfgang Huppertz
- p. 16: Hasenpusch Photo Productions
- p. 17: agenda/Wolfgang Huppertz
- p. 18: agenda/Joerg Boethling
- p. 19: Hasenpusch Photo Productions
- p. 20: Hasenpusch Photo Productions
- p. 22: agenda/Michael Kottmeier
- p. 24: Hasenpusch Photo Productions



Dwindling fish stocks in shallow waters have forced the fishing industry to look for new species and fishing opportunities, and one of the alternatives they have turned to is fishing for vulnerable, slow-growing, and previously non-commercial deep-sea fish. That is the main reason why orange roughy, a deep-sea fish species, is threatened and also appears on the OSPAR list. With the current level of fishing capacity and deployed fishing effort, many more species and habitats in the North East Atlantic and Baltic will inevitably go the way of the orange roughy.

OSPAR contracting parties have a legal obligation to protect the full range of species and habitats in the North East Atlantic. Environment ministers should take this responsibility seriously. They

should seize the opportunity presented by the JMM and commit themselves to action. Several species and habitats are running out of time, and if they wait for fisheries authorities to cooperate it may prove too late. ◀

Remarks:

1. Dr. Monica Verbeek is Policy Officer for fisheries, species and habitats in the Federation »Seas At Risk« (SAR).
2. Draft agreed by OSPAR/HELCOM Joint Heads of Delegations in Rostock on May 14th.
3. Statement of Conclusions of the Intermediate Ministerial Meeting on the Integration of Fisheries and Environmental Issues (Bergen, 13-14/3/1997) and Bergen Declaration, Fifth Conference on the Protection of the North Sea (Bergen, 20-21/3/2002).

Progress is stopping short

By Ute Meyer

What an objective! No more hazardous substances in the ocean, and therefore no more releases of such substances from the year 2020 latest. This objective was agreed by the contracting parties of the Oslo and Paris Convention (OSPAR) on the ministerial meeting in Sintra in 1998 (1).

Two years later OSPAR had worked out a list with about 400 hazardous substances from which about 20 were chosen as new priority substances for the work of the next four years. The whole list with 400 substances »of possible concern« was finally published on the OSPAR website in 2002 (2).

For all of these substances the OSPAR objective applies - unless new data prove that they are not hazardous. How far did we get with the implementation?

The OSPAR objective with regard to hazardous substances is based on the understanding that such substances must not occur in the marine environment and must therefore not reach the seas. These substances include especially those which do not easily degrade (persistent, P), which can accumulate in marine species (bioaccumulating, B) and which are toxic (T). Such substances remain in the marine environment - once they are there, nothing can be done against their adverse effects. Such substances which combine all the three criteria (P, T and B) are defined as »hazardous« under the OSPAR objective, the so-called PTBs. OSPAR also included substances »which give rise to an equal level of concern« (but do not fulfil all three criteria at the same time).

Actually, hazardous substances are not just »of concern«, they are unacceptable - in case they are used environmentally open. »Environmentally open« means that there are emissions, discharges or losses during their production or use or as waste. In consequence, such substances must not be released any more, from no land-based source - otherwise they would reach the ocean. Therefore OSPAR ministers agreed to end discharges, emissions and losses of hazardous substances by 2020.

This objective was not born in OSPAR, it came from the 4th International North Sea Conference in 1995, and there was significant political pressure to import it into the OSPAR Convention. No more hazardous substances in the ocean, and no more releases of these substances by 2020. This is clearly the political message of the OSPAR objective. And although OSPAR ministers were more reluctant in the wording of it and only promised to make »every endeavour to move towards the target...«, OSPAR

contracting parties cannot step back behind the actual crisp and clear meaning.

What was really new was the work that came after the declaration of this objective - the identification of the hazardous substances for which this cessation target would apply. In the OSPAR working group DYNAMEC the technical criteria for the hazardous properties were defined and the »universe of chemicals« - that is all available and suitable databases on chemical substances - was screened for substances, which meet the defined PTB-criteria. The outcome was a list of about 400 chemicals, which were then ranked according to their hazardous profiles. The top twenty were chosen as new priorities for the OSPAR work of the coming four years.

The target group for the OSPAR objective are the 400 substances - plus

substances of similar concern which are not yet identified. The OSPAR list is thus an open list.

It is very clear - and it was already clear when the ministers declared their commitment - that the OSPAR objective can only be reached if all concerned chemical related regulations - both national programmes and policies as well as EU legislation - implement it accordingly. With the political overlap of twelve of 15 OSPAR contracting parties being EU member states, and only three of 15 EU member states not being OSPAR contracting parties, one should expect that the OSPAR objective would initiate a broad range of implementation activities on EU and national levels. The OSPAR objective concerns particularly chemical policies, water protection, pesticides regulations and agriculture policies. All these policy fields are directed from EU level and all of them are or have recently been under review. A perfect chance to harmonise these policy fields and to implement OSPAR's objective in them. And major targets for environmental NGOs to observe the OSPAR-parties endeavours.

Do national ministers make every endeavour to implement their commitment? A look into the »main« EU regulations concerned can be both - somewhat disappointing and a bit promising.

Does the chemical and pesticides review make use of this chance? The concept for a new chemical legislation is just



EU's Water Framework Directive still leaves a lot to be desired

The European water framework directive (WFD) has been in force since the end of 2000 – however, not much has happened with their realisation to date. It is general knowledge that the directive does not only refer to inland waters but extend in their regulatory power to a significant degree into estuarine and coastal waters as well. To help reduce the implementation deficit in these regions, representatives of politics, environmental protection and administration met in mid-May this year on the invitation of »Aktionskonferenz Nordsee« (Action Conference North Sea, AKN) and the Green League for a one-day seminar under the theme »Water Framework Directive of the EU and Marine Protection.«

With the recent OSPAR/HELCOM Conference in mind the seminar took stock of advances in the implementation along the Baltic and the North Sea coastline, of marine protection aspects that require particular attention, and of questions to which answers have yet to be found. The scientists from the Baltic region collaborate internationally in a search for so-called reference criteria. And along the German North Sea coast, too, the criteria for declaring a »very good ecological state« prove to be the a nut that is hard to crack.

»Marine protection is unthinkable without a framework directive« statements like this one occupied the participants, and with good reason: Unlike the marine protection agreements of OSPAR and HELCOM, the WFD offers a binding framework of legislation that threatens sanctions for offences. It took on board the protection targets of OSPAR for dangerous substances nearly in their entirety and demands an appropriate reorganisation of the administration, so that the aims of the WFD and its intermediate steps can be satisfied

without delay. To achieve a »very good« state, which means one that is essentially free of human impact, for the Baltic Sea is an aim that all participants consider more or less impossible to reach. The target of a »good state« can only be defined in terms of departure from the »very good« state.

The situation of the Baltic Sea is a special one, since its low salinity gives it a different ecology and places it into the estuarine or brackish waters. The WFD leaves it to the member states whether they want to treat brackish and coastal waters as separate categories. But such distinction would only result in duplication of typologies and references and cannot be in the interest of those who want to protect the marine environment.

The harmonisation between the Baltic states, and in particular the coordination of individual protection ideas and demands turns out to be particularly sensitive. As usual, the Scandinavian states appear to set the highest standards.

In Germany it is particularly Schleswig-Holstein with its coastlines at two seas that has to grapple with quite different demands.

The problems along the North Sea coastline are more obvious: Here the Elbe River enters the area of the National Park, which means that significant land-based pollution makes its way into the protected area. But the parameters that serve for the classification of the water types have been documented through extensive monitoring programmes for decades, even though they appear to be unreliable and contain too many gaps when it comes to the task of the WFD. If the WFD is flexible enough it should be possible to avoid duplication of work and speed up the process by filling the

published and it remains unclear how strictly PTBs will be handled. Clearly the OSPAR criteria will not be used as cut-offs in the chemical legislation and PTBs are not defined as unacceptable, but will go through an authorisation process which might allow most of these substances for use under certain conditions. The pesticides evaluation and authorisation process is still almost ignoring the OSPAR objective arguing that their system is so sophisticated that unacceptable substances would easily be identified in the assessment - but pesticides are still found wide-spread in the environment and there are substances in groundwater that the pesticides risk assessment says that they are not supposed to be.

The new European water legislation, the Water Framework Directive, made a starting point, and imported the OSPAR idea into the Directive. However there is no target for the cessation of discharges of all hazardous substances - the Water Framework Directive focuses EU measures on priority substances without identifying the scale of the whole task. Still, a »good chemical status« has to be reached in river management areas on regional basis until 2015 - and here the OSPAR work can get more than a foot into the door. The wealth of »soft« measures applicable under the Water Framework Directive

provides a good opportunity to move closer towards the target. Regional water managers should use the OSPAR list to check whether such substances occur in their river encatchment areas. This is however a new approach for water managers that are more used to control direct discharges into surface waters based on a limited number of well-known

and monitored pollutants. And how can regional and local water managers make use of the OSPAR work, if they are open and trained to do so?

There are national implementation approaches also on national levels (3) - but are there visible changes? How many of the 400 substances are already regulated? Where any releases reduced so



existing data gaps. Generally speaking, if the historical data are to be used for the development of quality targets according to the directive, one has to interpret them »in the right way« in order to derive protection targets from them which can lead to a true improvement in the Baltic and North Sea region. The interpretation is difficult, since in many instances the »old« data are found in material based on qualitative descriptions. To quantify these data is virtually impossible.

There are encouraging indications that – at least in Schleswig-Holstein – the feared large-scale deterioration of water regions as »significantly modified« will not happen. Only the Eider estuary with its barrage should fall into this category. The determination »significantly modified« would mean a serious downgrading of the development and protection targets and has to be rejected on ecological grounds.

The seminar made a strong plea for a new initiative of thought about protection of our waters with a stronger focus on the precautionary principle. Poisonous substances from inland sources enter the rivers, and their longevity allows them to reach the sea, where the problem cannot be solved any more – the damage can be measured and documented but is not reversible. The central idea therefore has to be that such substances should not enter the water; in the optimum scenario they should not be used in the first place.

With regard to the implementation of the WFD the seminar of AKN and the Green League addressed specifically the decision-making bodies in Bremen and demanded a clear initiative and a more advanced state profile: Bremen, it was said, should exploit the

recent OSPAR-/HELCOM-Conference as an advertisement and set long term and innovative goals for marine protection. The association of the administration of Bremen and Lower Saxony, who is responsible for the implementation of the WFD directive in the Weser watershed, is lagging behind other states in the process of adjusting its own state water legislation. A framework regulation has yet to be sighted, and in this area, too, the association has not yet left the start line. All this indicates that the capacity of the administration has not yet been sufficiently increased, as the WFD demands.

The interlacing of the WFD with the existing agreements for the protection of the marine environment raises the question of the future role of OSPAR and HELCOM in the area of, for example, dangerous substances when the European marine protection will be administered centrally from Brussels in the near future. The water framework directive supports in its core that the necessary measures for the improvement of the quality of inland waters and equally well of the marine area are regulated »on the European level« and implemented on the local level.

We marine environmentalists therefore have to teach the administration in Brussels »the sea« so that the necessary demands for the regions are formulated comprehensively and focussed on quality. The seminar »WFD and Marine Protection«, which was attended by politicians, scientists, administrators and environmentalists, developed the basis for this. A regular exchange between all participants on this or a similar level could make good sense.

Karoline Schacht

far? - The problem with the OSPAR list of substances of »possible concern« is that so far it is just a list of chemicals, for most of which no data on market volumes and use patterns are available. It is difficult to make use of it in practical terms. Actually, we have no clear idea about the substances listed.

The OSPAR list includes many well-known pollutants like lots of polycyclic aromatic hydrocarbons (PAH), brominated compounds which are probably used as flame retardants, organotin compounds and pesticides and biocides. These substances comprise more than half of the substances listed. And even for these substances their sources and uses, respectively, are not clear. Not even for pesticides use reporting requirements are established - reliable data on the use of pesticides in agriculture are missing.

More than 150 substances on the list are hazardous industrial chemicals and drugs for which the market volume and the type of application is unknown. It is not even known whether they are of any relevance on the market. It is the challenge and the difficulty of the OSPAR approach that it targets a wide range of substances in products and production processes, but for which hardly any use data are available. It is difficult to push

the implementation of such a list into the practical work of national authorities dealing with chemical and pesticides regulation or water protection.

OSPAR contracting parties must make sure that their policy is consistent and that the OSPAR objective is implemented in all relevant national and EU-legislation. And what can OSPAR do? A lot of effort was put in the establishment of the list. Now it seems that OSPAR lost its enthusiasm.

What is urgently needed from OSPAR is a new commitment to complete the technical work on the list of possible concern and to search for the information on the marketing and use of the listed substances. And then OSPAR contracting parties must provide all relevant national, regional and local authorities and industries with the information. Then the work on the 400 can start. ◀

Remarks:

1. see WATERKANT 3 / 1998, pp. 10 ff. and 1 / 1999, pp. 5 ff.
2. www.ospar.org
3. WWF has published a study evaluating the national implementation of the OSPAR objective (<http://www.ngo.grida.no/wwfneap/overview/overfset.htm>)

Concrete is not an intelligent concept

By Herbert Nix and Peer Janssen

The North Sea region with its ports, maritime routes, dredged estuaries, container terminals, motorways, railroads, rivers and canals appears to be well developed for an efficient transport of goods that uses all these means of transport. Compared with the North Sea the Baltic region is not yet a »concrete landscape«. But this does not mean that commerce and politics are satisfied with the present status of development and that there are no plans for additional development in that region.

All small and large ports are busy planning port expansions and dredging of estuaries. Stevedore companies that developed and operated locally such as Eurogate now have their own terminals in several locations or are partners in such port operations. And they are the ones who determine the European transport policy today.

Take the example of Germany. Not only is there the plan for a deep water port in Wilhelmshaven, but further extension of the container terminal (CT III a, CT IV) in Bremerhaven is already under way, while Hamburg insists on its own expansion. The Elbe and Weser estuaries are to be deepened further by a few meters. Rotterdam, too, expanded its port area during recent years with its terminals Maasvlakte I and II, and so did Antwerp on the left bank of the Schelde River and Amsterdam with the Africa Terminal.

The result of such uncoordinated plans in individual states and in the European Union as a whole is amongst other outcomes that the Africa Terminal was completed and ready for operation two years ago but has not yet handled a single vessel. There is clearly no such thing as a coordinated port planning process for the EU – something that is urgently required if further planning mistakes and wrong investments are to be avoided.

The Federal Republic of Germany currently discusses the »Bundesverkehrswegeplan 2003« (Federal Traffic Routing Plan). Its section 4.6 »Strengthening the maritime location« clings to the competition behaviour despite the so-called common market, because: »The German marine ports are of great regional and overall economical importance. The Federal government therefore supports the efforts of the states« (ie the German federal states) »to increase the competitive advantage of the German sea ports« (Bundesverkehrswegeplan 2003).

The German government is not alone with this attitude, the other EU member

states see it the same way. Planning mostly ends at the national borders – unless a company already developed private plans for a deep water port, such as Eurogate did with St. Petersburg.

The discussions about port expansions and dredging of estuaries often relegate the inland connections that become necessary to distribute the goods and their economical and ecological impact to the background. The Federal Republic of Germany intends to strengthen the maritime locations by expanding the network of motorways from the Dutch to the Polish border: A new motorway is planned to run north of the existing motorway Hamburg – Bremen at a distance of only about 40 kilometres, including crossings of the Elbe and Weser Rivers and connection with the deep water port of Wilhelmshaven and with the Dutch network; this would give the

Rotterdam port a direct connection to Poland.

The north-south connections, too, are not to miss out on expansion and new construction. In the east of Hamburg this will lead to the third crossing of the Elbe River. And since all governments want to show their ecological credentials, it is stressed that the waterways are environmentally the friendliest way to transport goods. Expansion of inland waterways is therefore not to be forgotten. It goes without saying that the same is true for the expansion of the railways. The German Federal government strongly believes in »continued unimpeded growth in the transport of goods and in the public transport sector, with high rates of growth« (Bundesverkehrswegeplan 2003) and promotes a dramatic expansion of the total transport system under the slogan »Integrated Transport Policy« – a synonym for expansion and new construction of all means of transport.

The German transport plan is used here as an example because it is current policy and because it illustrates that maritime transport does not end in the port or at the coast. The plan does not differ significantly in its essence from the plans of other EU countries. Transport of goods in a »globalised« economy



produces not only a network of logistics but also interactions that reach from the sea far into the interior (and vice versa). The joint OSPAR/HELCOM Conference sees itself confronted with the task to finally address these problems and no longer postpone the structural conditions of the maritime transport and related interior transport connections for future discussion. The century-old competition of the ports has to be terminated. This requires first and foremost an overall European concept for ports and transport that investigates (amongst other aspects) the goods highways and the rate of usage of existing capacity: Why, for example, do bananas from overseas destined for Italy have to be routed through Hamburg?

Politics and commerce never tire to claim that the increase of the transport volume is unavoidable and develops automatically as a result of globalisation and global division of labour. If this is true, this division of labour should be taken seriously and allow the developing countries, which include the soon-to-be-integrated Baltic states, to produce the goods for their own needs themselves. This could bring a real economic future for these countries, which today are often nothing but low wages exclaves, and would at the same time result in a reduction of goods highways.

So far the »integration« of eastern Europe takes a different shape: The conquest of the Baltic region by the western European industrialised nations is accompanied by a massive expansion of the transport infrastructure. New and old road construction projects under discussion are to literally pave the way for the expected increases primarily in the goods traffic. Ports are expanded, or new ports are set in concrete into coastal regions worthy of protection. The EU Commission rejoices: Following the entry of Sweden and Finland into the EU in 1995 and its expansion through Poland's entry and the entry of the three Baltic states in 2004, »the Baltic Sea essentially becomes a European inland sea.« And not to forget: Poland's recently acquired NATO membership promotes an interest in well developed roads amongst the military; the government in Warsaw presented its credentials as a reliable partner during the war against Iraq and even more afterwards. Environmental organisations will find it difficult to work for their aims in the face of such overwhelming promises of an economic boom.

GESTALTUNG & REALISATION FÜR ONLINE-& PRINT-MEDIEN



2 Polderweg 12
26723 Emden
Tel. 0 49 21- 6 57 58
Fax 0 49 21- 6 61 01

info@soeckermedien.de · www.soeckermedien.de

Germany and Denmark continue to tinker with their old plans for a Fehmarn Belt crossing. The bridge across the Öresund (although it also carries a railway track) already produced not only an increase in road traffic and associated emissions but also increased competitive pressure on the ferry traffic. The ferry port of Trelleborg in southern Sweden, for example, suffered a massive reduction in turnover since the beginning of this millennium. The Greek shipping company »Superfast« closed its ferry connection between Rostock and Sweden in 2002 after only a few months because it was not economical – while the Finland service develops profitably during the same period. Trelleborg, Rostock, Lübeck and other Baltic ports put their hopes still into the so-called combined traffic and even plan massive port expansions, but they constantly express their worry over the competition from the Öresund crossing. Once the Fehmarn Belt is turned into a motorway the combined ferry traffic will be finished, and the TT-Line, which operates under the Swedish »Green Ship« certificate (see article on page 13) is expecting massive turnover reduction then.

But use of the road connection over the Öresund is to be increased through the extension of the motorways across Jutland towards Copenhagen. The conservative Danish government earmarked half a billion Euro for the project; its Social Democrat predecessor had rejected the project on the basis of much lower estimates.

The prognosis for Poland and the Baltic states is similar: The traffic consultancy company Kearney estimates that only 15 per cent of the Polish road network is suitable for heavy traffic, 50 per cent require repairs. It gives a figure of 17.5 billion Euro that have to be invested in Poland's infrastructure over the next 15 years, nearly 50 per cent of that amount for road construction. The EU agreed already in 2001, under the slogan of the concept of a »Trans-European Network« (TEN), to bring some 15.000 kilometres of Polish roads up to EU standard (axle load 11.5 tons) by 2015. And yes, Poland's public railways are currently privatised and restructured, following the German model – German citizens have daily experience with the »success« of this model, both with regard to reliable and economical public transport as with



terminal of Primorsk. But Ventspils and above all Riga are to be expanded. Estonia plans to invest mainly in Tallin, where total turnover increased by 17 per cent in 2002 to 38 million tons. Lithuania's Klaipeda managed to achieve a 15 per cent increase and reached 20 million tons and has secured the assistance of BremenPorts, the privatised Hansestadt Bremisches Hafenamt (HBA – port authority), for further expansion, with financial backing from the World Bank.

According to BremenPorts Klaipeda is important because it is the northernmost port that is virtually ice-free. This may be so, but Hamburg, Kiel and Lübeck can also report significant increases in trade with St. Petersburg; the Elbe port alone had a turnover of 165.000 tons to and from Russia, an increase of 80 per cent against the previous year. The total turnover of St. Petersburg in 2001 was about 475.000 TEU.

The Russian container trade is also under western control: The Moscow Ministry of Transport estimates that only 5 per cent of international container traffic is done by national companies.

All these data are only splinters, are a partly random selection from extensive editorial investigations. A complete analysis of the transport development would go beyond the framework not only of this article but of the entire issue. The important aspect for the Baltic region is that the HELCOM delegates do not give in to possible pressure of the OSPAE states to ban transport themes from the agenda. It was HELCOM that in the past showed a readiness to confront the problems of inputs and stresses caused by maritime and land-based traffic. This engagement should not decrease when the problems increase dramatically – on the contrary, »Road clear for concrete« in road and port construction is not necessarily intelligent, it may be more a dumb levelling. ◀

regard to improvement of the environment through competition with the big trucks.

Warsaw expects an increase in the bilateral goods traffic between Germany and Poland of over 200 per cent before 2015 – from 34.5 million tons in 2002 and 33.6 million tons in 2001. The German Federal Office of Goods Transport and the road construction company Hochtief AG (owned mainly by the energy company RWE) expect even a fourfold increase, of which 80 per cent will occur on the roads.

The corresponding shipping traffic is expected to increase tenfold within ten years.

To get the expansion of the transport routes and its financing through the EU moving a national logistic association – ProLogistyka Association – was established in Poland a year ago: Is it a surprise that such well known western European names as Danzas, DFDS, Hellmann Moritz, P & O and Schenker are among its foundation members? And it is also no surprise that – in response to an initiative of the German Christian Democrats and Christian Social Union – a debate is under way in Berlin about a »Traffic Project European Unification« (financed of course through the EU) to guarantee the connectivity and open a back door to the planning and citizen consultation process.

Poland's road building projects not only target Byelorussia and the Ukraine, the Baltic states are on the connection list, too. Ten years ago Latvia, Estonia and Lithuania barely had any motorways, today all three make massive efforts to become connected amongst each other and with their neighbours: from Klaipeda via Vilnius to Minsk, from Vilnius towards Riga, from Riga to St. Petersburg, from St. Petersburg to Tallin, from Tallin to Parnu and Riga – the construction sites and plans stretch like a spider net in the making across the land. Beyond that all three states concentrate their interest on maritime connections: The three Latvian ports of Ventspils, Riga and Liepaja suffered from reduced traffic, caused mainly by the reduced oil business after the opening of the new Russian oil