



Presentation Abstract

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Enhanced Environmental Protection: The Baltic Sea Approach

The Baltic Sea is a brackish inland sea, perhaps the largest body of brackish water in the world. Its distinctive geographical and hydrological features make the Baltic environment vulnerable to a variety of threats, such as eutrophication, hazardous substances, over-fishing and radioactive pollution, to name a few. In fact, the Baltic is one of the most polluted marine areas in the world.

The Law of the Sea Convention (UNCLOS) provides for enhanced cooperation on a regional level between states bordering enclosed or semi-enclosed seas with respect to the protection and preservation of the marine environment.¹ The 1974/92 Conventions on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki Conventions) add flesh to the bones of those UNCLOS provisions.² They bring together the coastal states of the Baltic Sea catchment area and the European Union under a comprehensive regime encompassing all marine areas and sources of pollution.³ From a substantive perspective, the 1992 Helsinki Convention reflects basic principles common to most regional seas agreements such as the precautionary and the polluter-pays principle or Best Available Technologies and Best Environmental Practices.⁴ At the same time, its institutional component, the Baltic Marine Environment Protection Commission (Helsinki Commission or HELCOM), serves as a focal point for continuous cooperation on the shaping of a common environmental policy and its effective implementation.

Since the beginning of the 1980s the Helsinki Commission has been working to improve the Baltic marine environment, largely through its numerous recommendations on a wide array of pressing issues including point source and atmospheric pollution, protection of endangered species as well as pollution from shipping activities in cooperation with the IMO. The Baltic environmental policy is also complemented by Ministerial Declarations, namely, soft law instruments whose implementation is facilitated for the most part by HELCOM.

Some HELCOM initiatives stand out for their novelty and effectiveness. The 1992 Joint Comprehensive Environmental Action Programme (JCP) aims to mitigate point source pollution of the Baltic Sea by identifying and gradually eliminating serious pollution areas ("hot spots").⁵ Another achievement is the 2007 HELCOM Baltic Sea Action Plan (BSAP), which provides a wide-ranging joint regional policy with common objectives, actions and obligations.⁶ From a legal policy perspective, it can be construed as a compromise between the Maritime Doctrine of the Russian Federation and EU maritime policy. Another notable feature of BSAP is the promotion of active participation of stakeholder groups. Furthermore, the 2010 HELCOM Moscow Ministerial Declaration sets out a common understanding of

¹ UNCLOS Part IX (Arts. 122-123).

² *Convention on the Protection of the Marine Environment of the Baltic Sea Area*, (Helsinki Convention); adopted in 1974; entered into force in 1980; revised in 1992; entered into force 2000, 2009 *UNTS* 197, available online at http://www.helcom.fi/Convention/en_GB/text/ (last visit 25.10.2012).

³ Denmark, Estonia, EU, Finland, Germany, Latvia, Lithuania, Poland, Russia and Sweden.

⁴ Art. 3.

⁵ Available at http://www.helcom.fi/projects/jcp/en_GB/ (last visit 25.10.2012).

⁶ Available at http://www.helcom.fi/BSAP/en_GB/intro/ (last visit 25.10.2012).

the current situation and of the goals to be met in the future.⁷ To attain those common goals it provides for enhanced monitoring of the status of the Baltic Sea and promotes coherency and coordination between HELCOM initiatives as well as between them and those of other international institutions. On a more practical note, HELCOM states coordinate surveillance efforts and engage in joint operations for the control of oil spills.⁸ More recent concerns, such as climate change and emissions from ships are being monitored while HELCOM action is forthcoming. Lastly, HELCOM is undertaking continuous monitoring programmes to promote the regional implementation of the EU Marine Strategy Framework Directive in the Baltic Sea and to revise and update past actions.⁹

This contribution examines the Baltic Sea environmental protection system as a case study of enclosed and semi-enclosed seas environmental governance. It addresses its successes, pitfalls and future prospects and assesses its importance as a model for cooperation under UNCLOS as well as the UNEP Regional Seas Programme.

⁷ Available at http://www.helcom.fi/ministerial_declarations/en_GB/declarations/ (last visit 25.10.2012).

⁸ See www.helcom.fi/groups/response/en_GB/wp/ and http://www.helcom.fi/shipping/waste/en_GB/surveillance/ (last visit 25.10.2012).

⁹ See www.helcom.fi/projects/on_going/en_GB/projectMore/ (last visit 25.10.2012).