

## BALTIC MARINE ENVIRONMENT PROTECTION COMMISSION - HELSINKI COMMISSION

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### The Helsinki Conventions

The Convention on the Protection of the Marine Environment of the Baltic Sea Area, the Helsinki Convention, was signed in 1974 by the then seven Baltic Sea riparian States. The Convention entered into force in 1980, when it was ratified by all states. It covers the whole sea area out to the border between Kattegatt and Skagerrak but excludes the internal waters.

The objective of the Helsinki Convention is to protect the Baltic marine environment against all forms of pollution. In 1992, a revised Convention based on the many years of experience with the 1974 Convention was signed. The new Convention covers also the internal waters of the Contracting Parties and takes into account nature conservation. It also reflects developments in the international environmental policy and the environmental law. It tightens and specifies measures to combat pollution from land-based sources. A precise objective is to prevent and eliminate pollution in order to ensure the ecological restoration of the Baltic Sea, self-regeneration of its environment and preservation of its ecological balance. Best Environmental Practice and Best Available Technology are to be used for this purpose and the Polluter Pays Principle is to be applied.

The new Convention presupposes that preventive measures must be taken in the whole drainage area of the Baltic Sea. Furthermore, the Signatories shall individually and jointly take all appropriate measures to conserve natural habitats and biological diversity.

So far, the 1992 Helsinki Convention has been ratified by Denmark, Estonia, the European Community, Finland, Latvia, Lithuania, Germany and Sweden. Most probably the Convention will enter into force next year after ratification by Poland and the Russian Federation.

The decision-making body of the Helsinki Convention is the Baltic Marine Environment Protection Commission, the Helsinki Commission (HELCOM), an intergovernmental organization with a permanent international secretariat in Helsinki. The HELCOM Recommendations on measures relating to the purposes of the Convention have to be implemented through national laws, policies, standards, etc. They are not legally binding but have quite a binding political and moral force since they are adopted unanimously.

The organization of the Helsinki Commission comprises at present the Commission, four permanent Committees and the HELCOM Programme Implementation Task Force (working at committee level with expanded participation). They have several working and expert groups, and the work is further supported by informal meetings, workshops, seminars and symposia for specific topics.

The **Environment Committee** works on joint monitoring programmes covering different sectors of the marine environment, the open sea, coastal waters, and airborne pollution. The data are compiled into joint databases and evaluated at regular intervals by experts from the Baltic Sea States in order to assess the environmental conditions. The third assessment of the status of the marine environment is just published.

The **Technological Committee** works on restriction of discharges into waters and emissions to the atmosphere from urban areas, industry and diffuse sources, including agriculture and traffic. Recommendations are prepared on banning or decreasing the use of certain substances or on reducing discharges and emissions. Also, it makes at regular intervals compilations on the pollution load to the Baltic Sea.

The **Maritime Committee** takes measures against all kinds of operational pollution from ships and off-shore platforms and deals with facilities in ports to dispose of ships' wastes. It also coordinates the activities of the Baltic Sea States in matters concerning the protection of the Baltic Sea from pollution by ships. At present, one of the main concerns is how to reduce the illegal discharges into the Baltic Sea and how to develop a Baltic Manual on national legal systems concerning violations of anti-pollution regulations.

The **Combatting Committee** elaborates the rules and guidelines for cooperation in combatting spillages of oil and other harmful substances. It also coordinates airborne surveillance with remote sensing techniques to find and record oil discharges.

The **HELCOM Programme Implementation Task Force** plans and coordinates the implementation of the Baltic Sea Joint Comprehensive Environmental Action Programme.

The starting point of cooperation of the Baltic Sea States in the implementation of the Helsinki Convention was an assessment of the state of the environment of the Convention Area. Thus, a joint monitoring programme for the open Baltic Sea is being coordinated by the Helsinki Commission since 1979. The open sea monitoring was later extended to cover also monitoring of airborne pollution and radioactive substances. National monitoring programmes for coastal areas supplement the joint programme and harmonized system of monitoring of these areas is under development. During the past years, a lot of efforts have been made to improve the reliability of the collected data by arranging several intercalibration and intercomparison exercises and training courses for personnel involved in the practical work.

Another important instrument to monitor the implementation of the Convention is a continuous project dealing with periodic evaluation of waterborne pollution load entering the marine environment with direct discharges from coastal industries, municipalities and via rivers. The project started in 1985 and is proceeding in stages according to a unified methodology. A similar project has been also established for periodic evaluation of pollution load from atmospheric deposition.

It is worth mentioning that the 1992 Helsinki Convention requires the Contracting Parties to report regularly to the Commission and to provide information to the public. Reports shall be given on the legal and other measures taken to implement the Convention's provisions and the recommendations adopted thereunder. At the request of a Contracting Party or the Commission, the Contracting Parties shall provide information on discharge permits, emission data or data on environmental quality. With this regulation, reporting is made far more concrete and is made binding under international law. In this way, the Commission now has a valuable instrument at its disposal with which it can confirm the implementation of the Convention and its decisions - admittedly not through powers of inspection, but by evaluating the information submitted to it.

#### **The Baltic Sea Joint Comprehensive Environmental Action Programme**

During the late 1980s - and even more clearly after the collapse of the socialist regimes in Eastern Europe in the early 1990s - it was evident that the Helsinki Convention had not been binding enough for all the governments around the Baltic Sea with respect to action taken to protect the environment.

For taking action against this very serious situation, the environmental ministers from the Baltic Sea States committed themselves at a meeting in 1988 to cut down the discharges entering the Baltic Sea of some harmful substances and nutrients by 50 % by 1995. As the next step, a conference at prime ministerial level was held in Ronneby, Sweden in 1990. The prime ministers decided to elaborate a programme to restore the Baltic Sea to a sound ecological balance. The resulting Baltic Sea Joint Comprehensive Environmental Action Programme (JCP) was approved as regards principles and strategies at a Diplomatic Conference in Helsinki in 1992 and a Programme Implementation Task Force, HELCOM PITF, was established within the framework of the Helsinki Commission.

The Programme consists of six major components: Policies, Laws and Regulations; Institutional Strengthening and Human Resources Development; Investment Activities; Management Programmes for Coastal Lagoons and Wetlands; Applied Research and Public Awareness and Environmental Education.

As to the investments in point and non-point source control, the Programme focuses on 132 "hot spots", all land-based pollution sources. The Programme shall be implemented within a twenty-year period, 1993-2012; the financial resources needed have been estimated to be 18 billion ECU.

All countries having territory within the Baltic Sea drainage area (the Contracting Parties to the Helsinki Convention, Belarus, Czech Republic, Norway, Slovak Republic and the Ukraine), the European Community and five international financial institutions, the European Investment Bank, the European Bank for Reconstruction and Development, the Nordic Investment Bank, the World Bank, the Nordic Environment Finance Corporation (NEFCO) and the Baltic Sea Fishery Commission (IBSFC) are members of the PITF.

### Experiences

The effects of toxic substances on the biological system of the Baltic Sea are very serious. Since long, populations of birds and seals in the Baltic Sea, e.g., have been threatened by pollutants, such as heavy metals and organochlorines. The white-tailed eagle, e.g., was close to extinction. Due to decrease in discharges and other action, these populations are now recovering. Concerning seals, it can be mentioned that the rapidly growing seal populations in some areas now cause strong conflicts with fishermen and their organizations.

Implementation of the various components of the Programme started in 1993. Some of the countries involved have taken the responsibility as a lead party for a whole element or a substantial part of an element. Furthermore, the non-governmental organization World Wide Fund for Nature (WWF) has taken the lead for programme element number 4 "Management Programmes for Coastal Lagoons and Wetlands". Other NGOs, such as Coalition Clean Baltic (CCB), the International Council for Local Environmental Initiatives (ICLEI) and the Union of the Baltic Cities (UBC) also contribute quite actively on practical level to the implementation work supporting the elements "Public Awareness and Environmental Education", "Policies, Laws and Regulations", and "Institutional Strengthening and Human Resources Development".

Of great importance to the development of the cooperation on the protection of the marine environment of the Baltic Sea and elaboration of the Helsinki Convention was the understanding by all the governments of the Baltic Sea States that it is a joint interest to have a living Baltic Sea. The not legally binding HELCOM recommendations have, therefore, also been implemented in national legislation and policy in all Contracting Parties. However, many recommendations have not been implemented in practice, due to insufficient enforcement mechanism, especially in the countries now being in transition. The follow-up work done by the Helsinki Commission has during the past years not had such a form that implementation shortcomings could be clearly demonstrated. For future use, a well-developed and harmonized follow-up system must be agreed upon and introduced. The system is for the moment under elaboration, in conjunction with preparing the reporting on the implementation of ministerial decisions taken in 1988, in which the Baltic Sea countries committed themselves to the 50 % reduction of pollution inputs to the marine environment by the year 1995. The positive results achieved during the first years of implementing the JCP have several reasons. First of all, the initiative to the action programme was taken at the highest possible level, by the Prime Ministers. That guaranteed necessary resources and political pressure while elaborating the programme as well as the commitments later on by the countries involved to implement the adopted programme.