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Challenging Disasters



Regional Organization Report: Helsinki Commission (HELCOM)

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Executive Summary¹

The Baltic Sea region is an area of heavy maritime traffic located between central and northern Europe. It is surrounded by the Scandinavian Peninsula, the Baltic Rim, the mainland of Europe, and the Danish islands. Three decades ago, the seven Contracting Parties of the *Baltic Marine Environment Protection Commission*, also known as the Helsinki Commission (or HELCOM) agreed in an unprecedented manner to protect their common sea. The establishment of HELCOM was a remarkable achievement as so many radically different states were able to sign the 1974 Helsinki Convention under the prevailing political conditions.² This co-operation during the Cold War era was one of the very first issues which the Baltic Sea countries agreed upon.

This study describes the current state of play and historical context of intergovernmental cooperation through HELCOM and its engagement with civil security. It addresses the organizational, institutional and cultural frameworks of HELCOM, as well as the international context within which it is embedded. HELCOM is an intergovernmental organization governing the Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki Convention). HELCOM works on protection of the marine environment of the Baltic Sea. Besides the *Council of the Baltic Sea States*, HELCOM is regarded as another main intergovernmental forum in the Baltic Sea region.

¹ This case study represents one of the Regional Organizations (RO) compiled in the context of the Analysis of Civil Security Systems in Europe (ANVIL) Project. The ANVIL Project aims to map the variety and similarities in Europe's regional and civil security structures, practices and cultures and investigate how variety affects the safety of Europe's citizens. The results give policy stakeholders a clear overview over civil security architectures and EU-added value to the debate concerning "not one security fits all". The ANVIL project is funded by the European Commission within the Seventh Framework Programme. Read more at www.anvil-project.net

² HELCOM. 2004. 30 years of protecting the Baltic Sea. p. 5.

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1. Introduction

The Helsinki Commission (HELCOM) started as a forum for an intergovernmental co-operation in 1974, and a new revised Convention was signed in 1992. This was a result of the end of the Cold War and the smoothing tensions among the contracting parties. The HELCOM membership was still mainly based on geographical position of these countries and shared values.³ As an intergovernmental organisation HELCOM works to ensure the implementation of its founding treaty, the Helsinki Convention, and by specifying the general commitments in the convention through recommendations and ministerial declarations. This has been supported by various high level summits and conferences.

Besides the commitments of the convention, the 2007 HELCOM ministerial meeting defined a HELCOM vision for the future as a healthy Baltic Sea environment with diverse biological components functioning in balance, resulting in a good ecological status and supporting a wide range of sustainable economic and social activities.⁴ In pursuing this objective and overall vision, the *Contracting Parties* (member states of HELCOM) are expecting to transform HELCOM into an environmental *policy maker* for the Baltic Sea area by developing common environmental objectives and actions. Moreover, the contracting countries see HELCOM as an essential environmental focal point providing information about the marine environment, the measures to protect it and other initiatives which can form the basis for decision-making in the area. HELCOM's *way of working* to implement the 1992 Convention is through intergovernmental dialogue as well as by producing information as well as agreeing on recommendations, as indicated in the convention. It has a supervisory body (HELCOM Heads of Delegation) dedicated to ensuring that HELCOM environmental standards are fully implemented by all parties throughout the Baltic Sea and its catchment area.

For operational purposes, it has various expert bodies, i.e. HELCOM RESPONSE ascertaining multilateral response in case of major maritime incidents. This is similar to the standard administrative hierarchy which can be seen in most of the intergovernmental organizations and forums. The coordinating work is supported by the secretariat based in Helsinki.

³ HELCOM Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1974.

⁴ HELCOM website: www.helcom.fi

This case study provides an overview of HELCOM with a focus on its civil security mechanism. It has been based mainly on open source documents and has been strengthened somewhat by comments and presentations from environmental experts working in this field.

2. Analytical Dimensions

2.1 Cultural and historical aspects

2.1.1 The establishment of HELCOM

HELCOM was established in 1980 with the entry into force of the Helsinki Convention of 1974. This set the framework for a Baltic Sea collaboration based on intergovernmental cooperation between the Baltic Sea states, which are “conscious of the indispensable economic, social and cultural values of the marine environment of the Baltic Sea Area and its living resources for the peoples of the Contracting Parties”.⁵ It stresses for the first time the “exceptional hydrographic and ecological characteristics of the Baltic Sea Area”. It also notes the “rapid development of human activities at the Baltic Sea Area”...stating further the common *deep* concern of the increasing pollution of the Baltic Sea area.

The 1974 convention also highlighted the mutual responsibility of the contracting parties to protect and enhance the values of the marine environment of the Baltic Sea area. Interestingly, the convention also states that national measures are not sufficient but there is a need for “close regional cooperation and other appropriate international measures”. There is also a clear emphasis towards the importance of scientific and technological co-operation.⁶

Whereas the 1974 convention called to the contracting parties for all appropriate legislative, administrative or other measures, it excluded the area of *military hardware* such as warships or naval auxiliaries. This made it a genuine convention of *civil security* cooperation among the contracting parties but at the same time set the framework to narrow environmental protection and oil spill prevention, in particular to civilian vessels and interaction only.

In the 9th meeting of the Helsinki commission on 15-20 February 1988 in Helsinki, the contracting states declared their further support for the implementation of the Helsinki convention and the work within HELCOM and underlined the comprehensive approach for a decisive reduction of emissions instead of

⁵ HELCOM Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1974, 1.

⁶ HELCOM Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1974, 1.

just specific pilot projects. As a first step the joint declaration recalled the contracting parties to reduce the emissions of harmful substances to levels that are in accordance with a restored ecological balance. The goal was set to a 50 percent reduction of such emissions in the period of 1987-1995.⁷ It also recalled enhancing the legal and institutional regime, inter alia the Helsinki convention. Based on its rather concrete results in terms of wider participation by the countries of the Baltic Sea region, this Helsinki declaration set up stronger political backing for the earlier 1974 convention and paved the way for the upcoming convention to enlarge and deepen the mandate of HELCOM.

2.1.2 The evolution of the HELCOM membership

The contracting parties to the Helsinki convention were originally divided by the Iron Curtain into two blocs. The Western bloc consisted of NATO and neutral countries (Sweden, Finland); the countries of the Eastern bloc all belonged to the Warsaw Treaty Organization. Taking into account the political climate of the Cold War, the signing of the Helsinki agreement was a real achievement⁸. It was also an interesting functional-strategic cooperation attempt from a politological point of view.⁹

The Baltic coastal states were thus a pioneering region in a global sense, as all the sources of pollution around the Baltic Sea were made subject to a single convention which was signed in 1974. The 1974 convention agreement entered into force on 3 May 1980. However, big differences on both sides regarding environmental legislation and political will combined with the available economic means reduced the room for wider cooperation and intergovernmental cohesion. In the Eastern countries the emissions and discharges of pollutants increased, whereas in the Western countries the amount of pollution decreased.

The 1974 convention was enhanced at the Helsinki meeting in 1988 and at the Ronneby summit in 1990. The 1990 Ronneby summit was a political cornerstone for more concrete environmental cooperation.

⁷ Convention on the Protection of the Marine Environment of the Baltic Sea Area, 15-20.9.1988, Helsinki.

⁸ HELCOM, First GEF Biennial International Waters Conference, 14-18 October 2000, Budapest.

⁹ This type of phenomenon has been studied widely as an example of the realist/neorealist approach in intergovernmental cooperation based on shared values and interests when they will be driven by lasting patterns of international behavior and a clear link to the national security of the contracting parties. In other words, international institutions such as HELCOM by their very existence can affect the strategies states choose, the decisions they make, and their “very best” they can support (or oppose). See more: Hellenberg Timo; Challenging Disasters, Natural Disaster Reduction in the Context of Intergovernmental Relations, Kikumora Publications, 2002, pp. 43.

The convention document established a *Joint Comprehensive Action Programme* in order to restore the Baltic Sea to a solid economic stage. It also established an ad hoc high level task force to HELCOM. It was given a task to coordinate and produce a comprehensive assessment of the condition of the Baltic Sea. The task force was given support by a few financial institutions which took part at the meeting such as the European Bank for Reconstruction and Development, European Investment Bank, Nordic Investment Bank and World Bank.¹⁰ HELCOM was further enhanced at the Ronneby summit of September 1990 when the *Baltic Sea Declaration* was signed by the heads of governments and high political representatives of the Baltic Sea countries, and the Czech and Slovak Federal Republics as well as representatives of the European Commission. The enlargement of the membership pool became thus evident and clearly reached the level of a multinational intergovernmental organization as such. Geography was no longer the common denominator of HELCOM membership but rather the shared values and interest to protect the Baltic Sea area from various disasters.

Nevertheless, in the light of political changes and developments in international environmental and maritime law, a new Helsinki Convention was signed in 1992 by all the states bordering on the Baltic Sea, and the European Community. This convention included also the internal waters and as such penetrated to domestic spheres of the countries involved. It also established a new and at that time radical principle called "polluter-pays"¹¹ which imposed financial consequences on those entities, private or public, which cause harm to the marine environment of the Baltic Sea area i.e. its water-body and the seabed including their living resources and other forms of marine life.¹² It also included other actual demands like *best environmental practice, best available technology, precaution principle*, as well as nature conservation and biodiversity, and the entire catchment area of the Baltic Sea became subject to constant surveillance.¹³

Once the new Helsinki convention was ratified in 1992 it became clear to the contracting parties that some of the re-emerged Baltic coastal countries (Estonia, Latvia, Lithuania and Poland) would not be able to meet the financial expectations and investments needed. This was a set-back for the promising new HELCOM process.

¹⁰ Baltic Sea Declaration, 2-3.9.1990, Ronneby Summit.

¹¹ Referring to HELCOM, the "polluter pays" principle should serve as the economic basis for the control of environmentally harmful activities, emphasising the importance of responsibility by forcing polluters to pay for the true costs of their activities.

¹² HELCOM Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992.

¹³ HELCOM, First GEF Biennial International Waters Conference, 14-18 October 2000, Budapest.

The new convention was soon further enhanced with the *Gdansk Declaration* which was ratified at the high level conference on resource mobilization on 24-25 March 1993 in Gdansk. It focused on *resource mobilization* as part of the *Baltic Sea Joint Comprehensive Environmental Action Programme*. Besides the actual HELCOM countries the summit was attended by Belarus, Czech Republic, Slovak Republic and Ukraine. The Gdansk conference recalled attention to the contracting states' own account to take full responsibility to meet the investment and operational costs needed to fulfil the implementation of the Baltic Sea Joint Comprehensive Environmental Action Programme.¹⁴

After a comprehensive planning and preparatory process, at the 15th Meeting of the Helsinki Commission on 8-11 March 1994 in Helsinki, the emphasis was laid on providing supportive financial assistance when appropriate to Estonia, Latvia and Lithuania "in building up their national abilities to combat pollution, and in particular, in the establishment of national authorities". Furthermore, the meeting declared consideration to the needs of Estonia, Latvia and Lithuania for waiving or even postponing of the costs of assistance rendered in (environmental) combating operations, if the national or international cooperation does not provide "full compensation for the costs incurred". This was a strong argument in the favour of providing some of the HELCOM countries financial support compared to those which were expected to carry out their investment and financial contribution in a full format.¹⁵

Ten years after the HELCOM ministerial meeting in 1988 which set up a goal to reduce by 50 percent the pollution load going into the Baltic Sea, the 19th ministerial meeting took place on 26 March 1998 in Helsinki. The aim was to consider to what extent this target had been reached. Besides noting several achievements, attention was paid to successful implementation of the Baltic Sea Joint Comprehensive Environmental Action Programme (JCP), e.g. the removal of 15 point sources of serious pollution ("hot spots"). Referring to Göte Svenson, former chairman of HELCOM PITF (1992-2003) the JCP was described with an ambitious aim "to restore the Baltic Sea to a sound ecological balance". An innovative element here was to include not only coastal states (contracting parties to the convention) but also the other countries within the entire catchment area as well as major international financial institutions

¹⁴ Gdansk Declaration, High Level Conference on Resource Mobilization, 24-25.3.1993.

¹⁵ Report of the 15th Meeting of the Helsinki Commission held in Helsinki 8-11.3.1994.

(IFIs)¹⁶ (see 2.4.). Nevertheless, the meeting recognized that many problems still existed and thus mitigated the realization of the 50 percent target.¹⁷

After ratification the convention entered into force on 17 January 2000. The convention covers the whole of the Baltic Sea area, including inland waters as well as the water of the sea itself and the seabed. Measures are also taken in the entire catchment area of the Baltic Sea to reduce land-based pollution.

HELCOM enhanced its maritime mandate and operations at the extraordinary ministerial meeting on 10 September 2001 in Copenhagen. This meeting adopted a *Declaration on the Safety of Navigation and Emergency Capacity in the Baltic Sea Area* (HELCOM Copenhagen Declaration). *The Copenhagen Declaration* was a first concrete step for contracting parties to reform the HELCOM mandate solely from pollution prevention towards more comprehensive and holistic intergovernmental civil security cooperation in the Baltic Sea area. While the Copenhagen declaration focused on expressing concern for the growing density of maritime traffic in Baltic Sea area and accidents caused by that, it also provided a road map for multiple sub-committees and sub-organs to carry on the Baltic Sea states cooperation in the field of civil security. Some of the concrete initiatives and goals laid down included projects such as a deep-water route northeast of Gedser (17m); routing measures in the eastern part of the Gulf of Finland following the construction of the new oil terminal in Primorsk; establishing the HELCOM regional, land-based monitoring systems for ships, based on interlinking national Automatic Identification Systems (AIS) networks; and phasing out the use of single hull oil tankers in the Baltic Sea area. It also recalled investigating the benefits from designating parts of the Baltic Sea area as a Particularly Sensitive Sea Area (PSSA) and recalled the Helsinki convention commitment to ensure adequate emergency capacities (firefighting, emergency lightering and emergency towing capacities).¹⁸

At the HELCOM meeting in February 2003, Finland proposed that the Baltic Sea be designated as a Particularly Sensitive Sea Area. This was later endorsed. A PSSA is an area which needs special protection through actions of the International Maritime Organization (IMO) "because of its significance for recognized ecological or socio-economic or scientific reasons and which may be

¹⁶ Svenson, G., An interview "The Operation of the Baltic Sea Joint Comprehensive Environmental Action Programme (JCP)". HELCOM. 2013. 30 years of protecting the Baltic Sea, HELCOM 1974-2004, editor Ulrike Hassink.

¹⁷ Communiqué of the ministerial session on 26.3.1998

¹⁸ HELCOM Declaration on the Safety of Navigation and Emergency Capacity in the Baltic Sea Area, 10.9.2001 (HELCOM Copenhagen Declaration).

vulnerable to damage by international shipping." The designation has been regarded as essential for the protection of both populations and property in the coastal areas, as well as of marine wildlife.

As another major round of actions, comparable to the 1990s JCP, the *HELCOM Baltic Sea Action Plan* was adopted at the HELCOM ministerial meeting in Krakow on 15 November 2007. It was a decisive action to reach the Baltic Sea in a good ecological, environmental but also secure status by 2021. The action plan was further enhanced at the HELCOM Baltic Sea Action Summit on 10 February 2010 with participation of the heads of states and governments of the Baltic Region countries. Particular emphasis was paid on the declaration to the "significant progress achieved in the remediation of the HELCOM hot spots under the Baltic Sea Joint Comprehensive Environmental Action Programme (JCP)". There was also a breakthrough with the completion of the south-west and central waste water treatment plants in the city of St Petersburg. This was emphasized as well as the implementation by the government of Poland of the national wastewater treatment programme (NWWTP) which will be requiring until 2015 over 8 billion Euro.

Besides the Helsinki Convention itself, the HELCOM Baltic Sea action plan has been seen as a key contribution to fulfil the commitments of the contracting parties under several international agreements including: the 1973 International Convention for Prevention of Pollution from Ships, the 1990 International Convention on Oil Pollution, Preparedness, Response and Co-operation, the 1992 Convention on Biological Diversity and the 2002 World Summit on Sustainable Development.¹⁹

The *HELCOM Moscow Ministerial Declaration* on 20 May 2010 further emphasized the role of HELCOM as the "main driving force of the implementation of the ecosystem approach to the management of human activities in the Baltic Sea marine area." It also pointed out interestingly that as HELCOM contracting states are mainly also EU-Member States, the role of HELCOM as the coordinating platform for the regional implementation of the EU Marine Strategy Framework Directive (EU MSFD) in the Baltic Sea is essential. This was a first clear-cut statement that HELCOM is striving to consolidate its mandate as an essential regional actor not only within the Baltic Sea states but also within the EU Member States. The Moscow meeting also decided to establish a HELCOM agricultural/environmental forum to integrate

¹⁹ HELCOM Ministerial Declaration on the implementation of the HELCOM Baltic Sea Action Plan, 20.5.2010, Moscow, 3-4.

the Baltic Sea action Plan more closely to the EU strategy for the Baltic Sea region.²⁰ The HELCOM Moscow meeting was shadowed by a massive Greenpeace protest at the river by using RIB boats, banderols and a river cruiser with slogans demanding the HELCOM members and the Russian Federation in particular stop polluting rivers.

2.1.3 The member characteristics of HELCOM

As the disintegration of the Soviet Union led to stronger political contacts across the Baltic Sea, also movement of people and cross-sector interaction across the borders enhanced the mutual trust among the Baltic Sea countries. Soon the number of contracting parties increased from seven to ten. One country “disappeared” due to the reunification of Germany, three others were re-established (Estonia, Latvia, Lithuania), and also the European Community joined the Helsinki Convention. The ratification instruments were deposited by the European Community, Germany, Latvia and Sweden in 1994, by Estonia and Finland in 1995, by Denmark in 1996, by Lithuania in 1997 and by Poland and Russia in November 1999.

The present *contracting parties* to the Helsinki Convention, or members of HELCOM, are Denmark, Estonia, European Community, Finland, Germany, Latvia, Lithuania, Poland, Russia and Sweden. Most of the HELCOM member countries are thus members of the European Union. Germany (W) joined the European Economic Community in 1957, Denmark in 1973, Finland and Sweden to the renewed European Union in 1995, as well as Estonia, Latvia, Lithuania and Poland in 2004. The status of the contracting parties regarding EU-membership comprises members and one country which did not intend to apply for membership, i.e. Russia.

Streamlining the environmental laws and standards with those of the EU members is as such an important task for most of the members but not a priority aim for Russia. All the HELCOM members are also NATO members except Finland, Sweden and Russia. This heterogenic composition of the contracting parties can be seen as an achievement itself as the environmental management as such is an inherently difficult area of decision-making, based on complex, dynamic, multi-participant, multi-goal and ill-structured decision-making contexts.²¹

²⁰ HELCOM Ministerial Declaration on the implementation of the HELCOM Baltic Sea Action Plan, 20.5.2010, Moscow, 6.

²¹ Hellenberg, Timo; Challenging Disasters, Natural Disaster Reduction in the Context of Intergovernmental Relations, Kikumora Publications, 2002, p. 58.

Table 1. Member state characteristics²² (Data derived from: EUROSTAT 2013a, CBSS Study on Citizens' Participation in the Baltic Sea Region, and the CIA World Factbook. Original table made by and derived from Simon John Hollis, a study on the CBSS in Anvil project.)

Permanent Members of HELCOM	Population (m)	Area (sq km)	Regime Type				GDP (€ billion)
			Government	Executive Power ²³	Democratic Index		
Denmark	5.58	43,094	Parliamentary	Government	Full democracy	9.52	240
Estonia	1.34	45,228	Parliamentary	Government	Full democracy	7.61	16
Finland	5.40	338,145	Parliamentary	Government /President	Full democracy	9.06	189
Germany	81.84	357,022	Parliamentary	Government	Full democracy	8.34	2593
Latvia	2.04	64,589	Parliamentary	Government	Full democracy	7.05	20
Lithuania	3.01	65,300	Parliamentary	Government /President	Full democracy	7.24	31
Poland	38.54	312,685	Parliamentary	Government /President	Full democracy	7.12	370
Russia (x)	142.50	17,098,242	Parliamentary	Government /President	Full democracy	3.92	2504
Sweden	9.48	450,295	Parliamentary	Government	Full democracy	9.5	388

(x) Russian data was derived from the CIA World Factbook 2013²⁴

2.1.4 The cultural milieu of the HELCOM

According to the World Value Survey (WVS) for 2005-2007, there are clear distinctions between countries taking part in HELCOM and its civil security cooperation. The WVS puts the Nordic countries Denmark, Finland and Sweden into the group of post-industrial European countries characterized by an average degree of secular-traditional values and also somewhat higher than other comparable countries in terms of self-expressions values. The Baltic countries of Estonia, Latvia and Lithuania are in the group of industrial countries characterized by a high degree of survival values. For instance, Estonia ranks especially high on secular-rational values but considerably lower than comparable countries in terms of self-expression values. Latvia is characterized by an average degree of secular-rational values and also considerably lower than other comparable countries in terms of self-expression values. Lithuania is

²² EUROSTAT 2013a;

http://epp.eurostat.ec.europa.eu/portal/page/portal/product_details/publication?p_product_code=KS-GL-13-001

²³ CBSS; Study on Citizens' Participation in the Baltic Sea Region, 2006.

²⁴ CIA The World Factbook; <https://www.cia.gov/library/publications/the-world-factbook/geos/rs.html>

characterized by an average degree of secularism and self-expression.²⁵ Lithuania is mid rank on secular-rational values but very much lower than other comparable countries in terms of self-expression values. The other HELCOM members, namely Germany, Poland and Russia have all different characteristics. As mentioned before, Germany and Russia represents federal systems. However, Germany is clearly in the post-industrial pool of countries with a high degree of self-expression values whereas Russia is clearly in the group of industrial countries with a very low degree of self-expression values (-1.42). Poland represents a Catholic country with characteristics of both industrial and post-industrial countries, and has a relatively low degree of secular-rational values but also low degree of self-expression values.

Member countries of HELCOM could also be described by their cultural and historical characters. Nordic countries Denmark, Finland and Sweden are closely connected with the Nordic traditions and decades of free trade areas. The three Baltic countries Estonia, Latvia and Lithuania are sharing both geographical but also a common cultural-historical context. Poland and Germany are both Central-European countries and with strong regional administrative traditions. Russia and Germany are federal states whereas all the others belong to the unitary state model. Besides different national interests of the *contracting parties* of HELCOM, national capabilities in the protection of the Baltic Sea vary significantly. Financial resources for environmental protection are much smaller in Poland, Russia and the three Baltic countries than in the comparably more prosperous countries at the north, west, and south-western rim of the Baltic Sea. So even if the interest to protect the Baltic Sea area would be similar in all member countries, the fact is that affluent countries still spend more of their financial resources.

2.2 Legal and institutional aspects

2.2.1 The current legal basis of the HELCOM

HELCOM is an administrative body of the “Convention on the Protection of the Marine Environment of the Baltic Sea Area” – more usually known as the Helsinki Convention which forms the international legal basis of HELCOM work. HELCOM was born in 1980 as an intergovernmental organization established by the principle of consensus and regulated by the 1974 Helsinki convention. The Helsinki convention is an international treaty, and as such international law, but has not been commonly used in international dispute settlement (legal proceedings), even if the convention enables this in article 26. In case of a dispute between contracting parties as to the interpretation or application of this convention, they should seek a solution by negotiation. If the parties concerned cannot reach agreement they should

²⁵ For the statistical date see http://www.worldvaluessurvey.org/wvs/articles/folder_published/article_base_111 [last accessed 15 November 2012].

seek the good offices of or jointly request mediation by a third contracting party, a qualified international organization or a qualified person. If the parties concerned have not been able to resolve their dispute through negotiation or have been unable to agree on measures as described above, such disputes shall be, upon common agreement, submitted to an ad hoc arbitration tribunal, to a permanent arbitration tribunal, or to the International Court of Justice.²⁶

The convention of 1974 and the later new convention of 1992 as well as its annexes have been revised from time to time in the ministerial meetings in order to update its text accordingly to regional and global developments in the field of marine environmental protection. Referring to Fleming Otzen, former HELCOM executive secretary (1988-92) and former chairman of the Helsinki Commission (1992-1994), HELCOM should continue its work according to these principles, remembering that one contracting party (Russia) is not a member of the European Community/Union.²⁷

The day to day work of HELCOM is based at a *political* level on the convention but also on ministerial declarations (see 2.1.2). When it comes to contracting parties' *operational* level cooperation, it is built on administrative decisions of the HELCOM heads of delegations, various expert bodies like HELCOM MARITIME and RESPONSE including the adoption of various publications as well as HELCOM recommendations.²⁸ The HELCOM operational level legal base is composed of two *legal frameworks*. The HELCOM Baltic Sea Strategy on port reception facility (PRF) 1996 offers the NSF (no-special-fee system) Recommendation 1998 and mandatory discharge of wastes (Regulation 7, Annex IV of Helsinki Convention, 2000). The other framework is composed of the EC Directive on PRF 2000/59 (Article 8 Fees, Article 7 Delivery of waste).²⁹

The NSF Recommendation offers a legal base with high incentives. This means delivery right and cost coverage by all ships. In other words, all ships will contribute and the polluter pays principle will be in force. This is considered as a transparent system. The NSF has also challenges which have been listed by

²⁶ Helsinki Convention. Article 26, Settlement of disputes.

²⁷ HELCOM. 2004. 30 years of protecting the Baltic Sea.

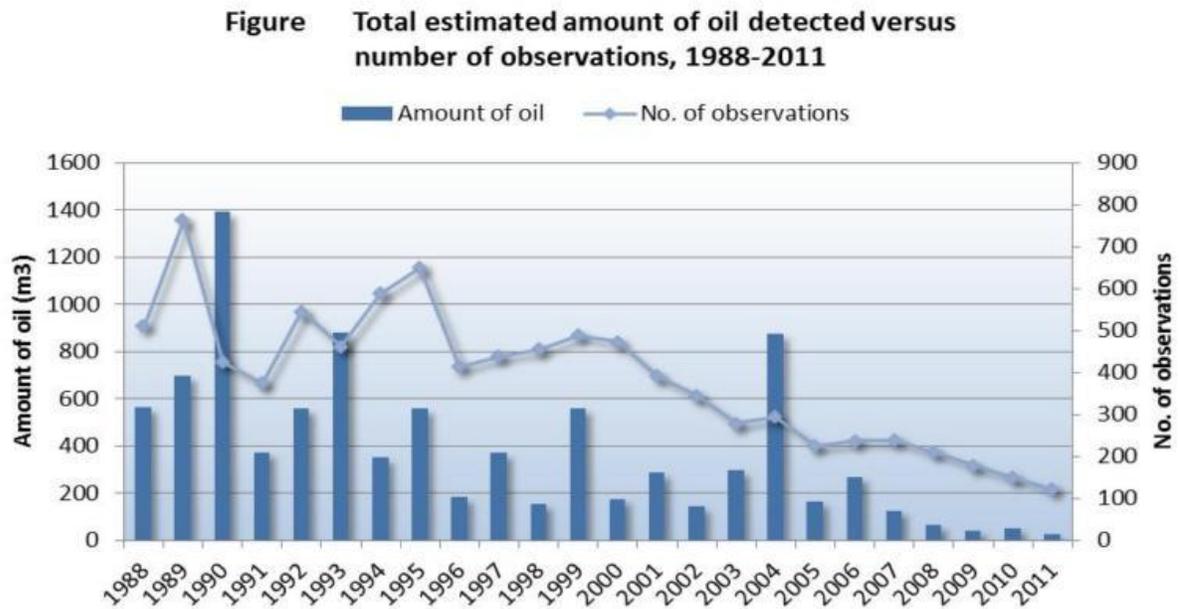
²⁸ Three centuries ago, Tsar Peter the Great was the first authority to put in place strict measures for protection of the Baltic marine environment: *The riverbanks and sewers (of St Petersburg) must be well contained so that they are not covered with earth. Every citizen is responsible for keeping the bank in front of his house clean. All garbage should be collected and brought to a certain place – but in no way dumped in the river. Culprits must be punished harshly.* See more: HELCOM. 2004. 30 years of protecting the Baltic Sea, p. 5.

²⁹ Mirja Ikonen, HELCOM – No special fee system, 5.11.2012, Trafi.

the Finnish Transport Safety Agency (Trafi) as difference fee systems (ships normally choose NSF Port), competitive distortion, on board waste reduction is not promoted and differentiated fees based on environmental criteria are not widely used.³⁰

It can be noted that the implementation of the provisions of the Helsinki convention takes place mainly via acts related to environmental matters, such as acts on protection of the sea, on protection of the marine environment, on protection of the environment, on protected areas, on plant, and on animals. Only one contracting party has in addition informed about the implementation via acts on hunting and game management and on fisheries.³¹ However, the work in the fields of pollution preparedness and response as well as maritime safety involves regularly military as well as maritime authorities in the HELCOM work.

Figure 1. Illegal oil spills in the Baltic Sea in 2012, an example of annual monitoring data collected as part of HELCOM aerial surveillance activities since 1988, based on the Helsinki Convention Annex VII and Recommendation 12/8 “Airborne Surveillance with Remote Sensing Equipment in the Baltic Sea Area” from 1991³²



³⁰ Ibid.

³¹ HELCOM, LAND 4/2001, ¶, pp. 4.

³² HELCOM Secretariat. 2013.

HELCOM recommendations under the responsibility of the HELCOM RESPONSE group on pollution preparedness and response cover strengthening response capacity of the coastal countries including oil but also hazardous substances, aerial surveillance, ports of refuge as well as response on the shore and oiled wildlife response.

In addition, HELCOM has a continuously updated operational response manual, based on the Helsinki Convention Annex VII (Regulation 11) (the HELCOM response manual). The manual is divided into three volumes: Vol. I on administrative and financial aspects as well as operational aspects related to conventional spills, Vol. II on HNS spills, Vol. III on response on the shore. HELCOM RESPONSE compiles and publishes annual statistics on aerial surveillance (illegal spills), as well as on ship accidents together with HELCOM MARITIME.

HELCOM recommendations under the responsibility of the maritime group (HELCOM MARITIME) – related to the maritime field – cover sewage and other ship generated wastes; airborne emissions as well as safety of navigation (winter navigation, routing and the regional HELCOM AIS system).

HELCOM recommendations under the responsibility of the nature conservation and coastal zone management group (HELCOM HABITAT) address preservation of valuable areas for nature conservation, protection of species and habitats as well as the use and protection of natural living and non-living resources. Planning and management legislation have been considered by HELCOM as specifically important when addressing different uses of the coastal and marine environment.³³

HELCOM recommendations under the responsibility of the monitoring and assessment group (HELCOM MONAS) is related to monitoring and assessment of the environmental state of the Baltic Sea marine environment and of discharges, emissions and losses from activities in the drainage of the Baltic Sea.³⁴

HELCOM recommendations under the responsibility of the land-based pollution group (HELCOM LAND) can be divided to two main categories: HELCOM recommendations dealing with substances or product control measures and HELCOM recommendations dealing with specific sectors.³⁵

³³ HELCOM, LAND 4/2001, ¾, 6

³⁴ HELCOM, LAND 4/2001, ¾, 5

³⁵ HELCOM, LAND 4/2001, ¾, 5

By reviewing the development of the legal framework and practical measures combined, we can conclude with the main features and milestones of co-operation as follows:³⁶

Table 2. Timeline of Baltic Sea regional cooperation on pollution preparedness and response under HELCOM (Hermann Backer, HELCOM Secretariat, 2013)

Milestone	Year
Convention Signature, Interim Commission starts work	1974
Establishing working group dealing with pollution preparedness and response under the Interim Commission	late 1970s
Helsinki Commission and permanent pollution preparedness and response work established, treaty entry into force	1980
Recommendations on regional warning-, reporting-, communication- and command systems on pollution at sea	1980&1981
HELCOM Manual on Co-operation in Combating Marine Pollution	1983
Joint annual alarm and operational exercises (e.g. HELCOM BALEX DELTA)	mid 1980s
Joint annual airborne surveillance (e.g. HELCOM CEPCO)	late 1980s
Manual on response to accidents at sea involving spills of hazardous substances and dangerous goods (presently vol. 2)	1990
Amended 1992 Convention signed	1992
HELCOM SeaTrackWeb oil drift forecast tool in operation	early 1990s
Major revision of the Manuals on Co-operation in Combating Marine Pollution	1996
HELCOM legal manual on information on anti-pollution regulations at sea and the prosecution of violations thereof in the Baltic Sea Area	2000
Amended 1992 Convention in force	2000
Major revision of the manuals on Co-operation in Combating Marine Pollution	2001-2002
HELCOM AIS for the Baltic region in operation	2005
Oiled wildlife response Recommendation and manual amendment	2010
Shoreline response Recommendation	2012

Table 3. Content of the HELCOM Manual on Co-operation in Response to Marine Pollution Volume 1 as of 2012. (Hermann Backer, HELCOM Secretariat, 2013)

<p>HELCOM Manual on Co-operation in Response to Marine Pollution Volume 1</p> <p>Table of Contents</p> <ol style="list-style-type: none"> 1. Information by the Contracting Parties 2. Response Regions 3. Reporting Procedures 4. Requesting and Providing Assistance 5. Operational Co-operation 6. Oil Sampling 7. Co-operation on Aerial Surveillance over the Baltic Sea Area

³⁶ Based on the interview with Hermann Backer, HELCOM, May 2013.

- | |
|--|
| <ol style="list-style-type: none">8. Administrative and Organizational Aspects9. Financial Aspects10. Exercises and Related Guidelines11. Oiled Wildlife Response12. The Helsinki Convention13. HELCOM Recommendations and Related Guidelines |
|--|

2.2.2 The current institutional framework of the HELCOM

The current form of HELCOM is an institution which could be seen as *one* outcome of itself among others.³⁷ Besides the very demanding operational and historical context in which the HELCOM process has been initiated, each contracting partner country has suggested organizational solutions and various convention paragraphs in accordance with their respective interests. For instance Björn Hassler has studied the issue of how this was the case in the early stage of the HELCOM process. Before the end of the Soviet Union, the Nordic countries were most interested in stricter intergovernmental co-operation for environmental protection and needed investments. Also as a result of Cold War tensions, regional co-operation was cumbersome and concrete achievements were modest. The HELCOM process served among other intergovernmental forums as a suitable battleground for two military bloc's engagements. After the breakdown of the Soviet Union during the early 1990's, there was a momentum to strengthen the role of HELCOM. This was done via a complex set of bilateral agreements and joint implementation. This happened as a parallel process with the growing importance of the European Union in the region as well as with deeper integration of the Nordic countries in the field of civil protection and civil security as a whole.³⁸

Figure 2. Institutional framework of the HELCOM³⁹

³⁷ Björn Hassler, *Protecting the Baltic Sea: The Helsinki Convention and National Interests, Current Issues and Key Themes*, Yearbook of International Co-operation on Environment and Development, 2003/04.

³⁸ Hassler, B., "Protecting the Baltic Sea: The Helsinki Convention and National Interests, Current Issues and Key Themes", *Yearbook of International Co-operation on Environment and Development*, 2003/04.

³⁹ HELCOM website: www.helcom.fi

STRUCTURE OF HELCOM



The current institutional framework of HELCOM is based on well organized annual meetings. Ministerial level meetings are also held occasionally. The commission unanimously adopts recommendations for the protection of the marine environment, which the governments of the contracting parties must act on in their respective national programmes and legislation. The chairmanship of the Helsinki Commission rotates between the contracting parties every two years, according to their alphabetical order in English. The working structure of HELCOM, supported by the secretariat, consists of the meetings of the Helsinki commission, the heads of delegation, and five main groups.⁴⁰

2.2.3 Decision-making process

The official definition of HELCOM is that it is an inter-governmental organisation responsible for implementation of the Helsinki Convention including its provisions on pollution preparedness and response as well as pollution from ships and safety of navigation. Even if ultimate powers lie within the national parliaments of the ratifying countries, HELCOM can take administrative decisions to ensure the implementation of the convention.

HELCOM recommendations cover multiple areas of state led cooperation from response to spills of oil or hazardous substances at sea, to offshore units and oil terminals; and further to requirements on emergency and response capacity. The challenge here seems to be that the contracting parties often tend to preserve their sovereignty at the cost of intergovernmental cooperation. This is particularly true

⁴⁰ HELCOM website: www.helcom.fi

in the fields of civil security and environmental cooperation. However, the *European Marine Strategy* foresees a regional approach to the protection of the marine environment across European seas through the development of separate action plans. That gives extra political momentum for coordinated HELCOM efforts to solve the problems affecting the Baltic.

The HELCOM decision-making process is comparable to the standard intergovernmental organisation where the decisions made in the key area (i.e. pollution response co-operation) are based on the principles for requesting and providing (marine pollution) response assistance. The request for assistance can be done by any of the contracting parties. It has been defined in detail in the HELCOM Response manual vol. I.⁴¹ This HELCOM manual defines among other things the response regions, a list of competent authorities and available equipment, the reporting procedures, and the procedures for requesting and providing assistance.

In general, HELCOM decision making has affected and enhanced the regional Baltic Sea intergovernmental cooperation through its recommendations and, on the other hand, ministerial declarations which have affected (not only) the legal base of the contracting parties and indirectly the other countries in this region. As referred to earlier, HELCOM decision making can be defined as realism based on the contracting parties and their shared interests in the HELCOM proceedings. In practice, HELCOM decisions for the contracting parties are mostly advisory decisions of their nature but they can have a significant binding character as all information collected from contracting parties in this regard is open and public.

2.2.4 Activities related to civil security

The Baltic Sea and its archipelago have a versatile risk map. It is not only a vulnerable and diversified ecosystem that suffers from increasing passenger traffic. The sea is especially sensitive to spills of oil and hazardous substances, and to protect it IMO has banned the use of single-hulled oil tankers in the Baltic. HELCOM recommends and deals with civil security issues in these two main threats. It has tackled oil spill threats for decades both through better safety of navigation as well as better preparedness and response in case of an accident. To be able to protect the Baltic Sea from hazardous spills, it is important to cooperate at both the tactical-operational and strategic-political levels. Cross-border exercises are also often seen as important for the efficient handling of all

⁴¹ http://www.helcom.fi/groups/response/en_GB/respmanual/

oil spills but all too often these exercises are prepared, conducted and even evaluated with the same authorities who take part in them.

Regardless of the four decades of extensive cooperation among the HELCOM contracting Parties of the Baltic Sea region, the risk of major oil spills taking place in the Baltic Sea is increasing. This is a reason why HELCOM has prioritized oil spill prevention as well as safety of navigation within its operational agenda. Within recent decades the traffic, e.g. the amount of transported oil has increased as a result of the new oil harbours in Russia, in Primorsk and Vysotsk. An increase in traffic volumes has caused some risks to grow which are under the mandate of HELCOM. This is particularly true in some sub-regions of the Baltic Sea, e.g. the Baltic Sea proper and the Sound, where the narrow and shallow straits are causing additional risks. As such, any accident generating oil or chemical spills has disastrous effects on the Baltic Sea.

Referring to HELCOM annual accident statistics, since 1980 twenty major oil incidents, where oil outflow has been more than 100 tons, have occurred. This figure is of course very high and needs to be further studied. HELCOM has evaluated that it would take more than 30 years for the Baltic's waters to be renewed after a major oil spill accident. These narrow ship lanes and shallow waters increase the probability for collisions and groundings. These incidents together with other kinds of risks, for instance terrorist attacks, may have severe consequences for the people, property and environment of the region. According to a risk analysis that was carried out, the advantages at the moment include the comparative modernity of the fleets sailing the Baltic, the strict legislation, an effective information flow, and the possibility of identifying ships and oil spills. For instance, satellite pictures and monitoring by aircraft and ships have improved the control of the traffic. Disadvantages include the increased traffic, the old ships still used, and insufficient harbours routines. And the threat of terrorism has to be always taken into account.⁴²

2.2.5 Crisis management cycle

HELCOM is often underlining its role as an essential (if not the only) regional organization in conducting constant monitoring and implementing the practical environmental protection of the Baltic Sea region. This can be interpreted that HELCOM does have a role in civil security when it comes to regional

⁴² Hellenberg, T & Visuri, P. 2009. *Preventing Terrorism in Maritime Regions. Case Analysis of the Project Poseidon*. Aleksanteri Papers 1:2009.

preparedness and *preparatory* measures as well as operational measures when it comes to pollution response (Convention Annex VII). This work in practice includes the whole cycle of crisis management starting from prevention and following comprehensive preparedness measures at local, national and regional levels. Moreover, HELCOM has a response capacity which is earmarked by the contracting parties.

The Helsinki Convention (Article 3) aims to protect the marine environment of the Baltic Sea from *all sources* of pollution, and to restore and safeguard its ecological balance. This means from HELCOM's perspective a full cycle approach i.e. preventive, response and consequence management capacities.

Since the 1980s HELCOM has seen it necessary to develop the above mentioned holistic approach to civil security in general and continues to materialize the expectations of the contracting parties through cross-border cooperation and annual exercises. These have paved the way to enhance the role of HELCOM at the *operational* level as a key facilitator in this field. Moreover, earmarking national capacities, HELCOM has reached a role of regional capacity itself which has gained a central role in the national planning of the contracting parties.

The long-term *tactical/operational* objective has been to create a common understanding, an agreement on common tactics, and thus to introduce similar techniques and enhance interoperability as illustrated by i.e. the HELCOM response manuals. The aim has been to make it easier for rescue personnel to work together using common or each other's resources. The effective common use of available resources should increase the level of preparedness for mitigating environmental damage in the Baltic Sea region. The cooperation between the rescue services of neighbouring countries should increase the ability to deal with these kinds of accidents at the earliest possible time, preferably before the pollution reaches the coasts.

The *political/strategic* level cooperation has mainly been based on earlier experiences gathered from the cooperation between the Nordic countries during the past half century. Later, more information has been received from the close collaboration between the Nordic Countries and the other Baltic Sea states. One of the major cross-regional oil spill exercises in the Baltic Sea region was "BERE", which was carried out in 1996 in Ventspils, Latvia, starting with an analysis of the risks and available rescue resources. Since then, such activities have been conducted in the big ports of Estonia (Tallinn, the islands

and the west coast), Lithuania (Klaipeda and Kaunas) and the north-west region of Russia (Kaliningrad and St. Petersburg).⁴³ There have been also expert meetings in order to get scientific grounds for common exercises.⁴⁴

2.2.6 The crisis management approach

There are number of direct connections of the HELCOM activities and projects with the military capacities of the contracting parties. Most of the civil security capacities earmarked by the contracting parties are from the navy and other military units. However, there are some exceptions, and this trend of purchasing civilian-only use of capacities has been growing during recent years.

HELCOM organizes regular civil security and crisis management exercises for instance in airborne surveillance (HELCOM CEPCO) among its members. They can be national and bilateral operational exercises involving response units and consisting of live and table top exercises. Besides these, there are annual international operational exercises with participation of all Baltic Sea States (BALEX DELTA). These have been as shown below:

Overview of HELCOM BALEX DELTA Exercises since 1990 (HELCOM Secretariat, 2013)

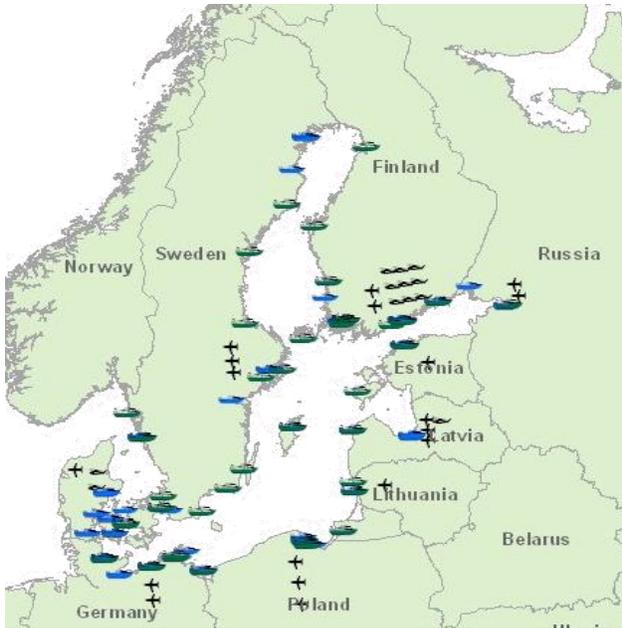
Year	Host	Aim of the exercise
1990	Poland	Oil combating
1991	Denmark	Oil combating; offshore installations
1992	USSR	Special Exercise; combined (rescue/salvage, pollution combating)
1993	Germany	Special Exercise; aircraft control
1994	Finland	Oil combating; ice conditions
1995	Germany	Oil combating
1996	Sweden	Other Harmful Substances; packaged dangerous goods

⁴³ Hellenberg, T. & Hedin, S.; *Cross Border Risks in the Baltic Sea Region, lessons to be learned*, Eurobaltic Publications 4, Helsinki 2006.

⁴⁴ For example, in 2001 specialists representing these places and their central administrations gathered on the island of Tärnö, Karlskrona, Sweden for a workshop. The purpose of the workshop was to summarize the specialists' experiences, check the present situation and list future needs for joint actions. The participants stated that it was necessary to connect all the Baltic Sea States' rescue services in order to fulfill the main objective of increased understanding and the effective use of common resources. Other needs that were identified during the workshop were joint training courses, joint exercises and joint research and development projects. Annual meetings were proposed in order to plan activities. Also the importance of keeping the activities on an operational level was emphasized.

1997	Estonia	Oil combating
1998	Poland	Other Harmful Substances; bulk
1999	Lithuania	Oil combating; ashore cleaning
2000	Russia	Oil combating; oil spill combating in coastal zone of Finnish Gulf
2001	Denmark	Oil combating; testing of procedures and co-operation 7 countries, 11 ships, 2 aircraft
2002	Latvia	Oil combating, 6 countries, 18 ships, 2 aircraft
2003	Finland	Oil combating; testing of procedures and co-operation 5 countries, 16 ships
2004	Germany	Oil combating, 6 countries, 11 ships, 1 aircraft
2005	Sweden	Oil combating, 7 countries, 19 ships, 2 aircraft
2006	Poland	Oil combating, 7 countries + EMSA, 23 ships, 3 aircraft
2007	Estonia	Oil combating, 6 countries + EMSA, 17 ships, 1 helicopter
2008	Russia	Combined Exercise (rescue, fire fighting, oil combating) 6 countries, EMSA, 17 ships, 2 helicopters
2009	Latvia	Oil combating, 5 countries + EMSA, 9 ships
2010	Lithuania	Oil combating, 7 countries + EMSA, 8 vessels
2011	Denmark	Oil response, shoreline response and wildlife response 8 countries + EMSA, 14 ships
2012	Finland	Oil response, shoreline response and wildlife response 7 countries + EMSA, 18 vessels
2013	Germany	Oil response, emergency towing 8 countries + EMSA

Figure 3. Existing Emergency and Response Capacity in the Baltic Sea (HELCOM MERIS database, 2013)



The main objective of these annual HELCOM exercises has been to harmonize command and control mechanisms of major response capacities as well as to train practical operational pollution response. This means administrative, political, technical as well as operational interoperability. During recent years the private sector and NGOs have taken part in more significant ways. This has resulted in *best practise* models both at the regional, national, and local levels such as holistic coastline protection, cross border assistance and inter-agency co-operation in case of an emergency as included in the HELCOM response manuals.

2.3 The relations between the HELCOM and citizens, governments and stakeholders

2.3.1 Citizens

An essential highlight of the HELCOM policies and way of doing things has been an active participation of all major stakeholder groups in the Baltic Sea region as well as beyond. Such participation has been seen by HELCOM to ensure that the HELCOM *plan* is truly relevant and can be effectively implemented by the contracting parties and their stakeholders in practice. From HELCOM's perspective, the choices made by the contracting parties reflect the choices of society as a whole. For this reason, the HELCOM vision of the Baltic Sea has been defined together with *all participating stakeholders* – from governments, through industry and NGOs, down to individual citizens, including older and younger generations, and

organizations in both the private and the public sectors. In this way the HELCOM plan and activities are stated to promote employment and other aspects of sustainable socio-economic development, as well as ecological sustainability and a healthy environment.⁴⁵ Based on visible and open communication policies of HELCOM, it is clear that citizens of the Baltic Sea region are well aware of the existence of HELCOM cooperation. HELCOM use assessment publications, GIS and other databases as well as newsletters and central website (www.helcom.fi) as major communication channels to update citizens and other stakeholder on relevant crisis and security issues. However, there is no common crisis communication system with citizens per se.

2.3.2 Relations between the HELCOM and member states' governments

HELCOM started as a forum for intergovernmental co-operation in 1974, and a new revised convention was signed in 1992. This was a result of the end of the Cold War and the smoothening tensions among the contracting parties. HELCOM membership was still mainly based on geographical position of these countries and shared values.⁴⁶ As an intergovernmental agency, HELCOM functions through decisions and political declarations. This has been supported by various high level summits and conferences.

Today, HELCOM has a small permanent secretariat which narrows the operational capacity of the organization somewhat compared to other similar regional organizations. Nevertheless, through its existence, HELCOM relations with governments and other stakeholders have been extensive. The history of the conventions and annual meetings indicates that the role of HELCOM has been clearly enhanced (and accepted) as a regional actor. However, there are also actors involved – professionals as well as NGOs and concerned citizens – who have expressed their frustration over missing the goal of reaching fully satisfactory mitigation agreements, as well as still existing weak control mechanisms and low degrees of actual implementation. Björn Hassler has pointed out that the primary regulatory mechanism stipulated in the convention (HELCOM Recommendations) is not a very forceful tool.⁴⁷ Referring to the study by Hassler, unanimous acceptance by the member countries is required for a recommendation to be adopted, which might imply that the least ambitious country sets the level of commitment. It is also worthwhile to remember that the fundamental influence over regional Baltic Sea co-operation rests not

⁴⁵ HELCOM website: http://www.helcom.fi/BSAP/en_GB/intro/

⁴⁶ HELCOM Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1974

⁴⁷ Björn Hassler, "Protecting the Baltic Sea: The Helsinki Convention and National Interests, Current Issues and Key Themes", *Yearbook of International Co-operation on Environment and Development*, 2003/04, 33.

in the hands of HELCOM but in the individual governments and contracting parties involved. As with any other intergovernmental cooperation pattern, their primary concern is to protect their respective national interests.

2.3.3 Relations between the HELCOM and stakeholders

Since the beginning of the 1980s HELCOM and its secretariat in Helsinki have been the essential coordination mechanism to improve the Baltic marine environment, largely through some 200 HELCOM recommendations. Successes listed by HELCOM during this period include lower discharges of organic pollutants and nutrients from point-sources. This means a 20-25 percent overall reduction in the emissions of oxygen-consuming substances (BOD) from the 132 originally identified hot spots since the early 1990s, with about 50 hot spots deleted from the list. There are also fewer beaches closed for bathing, thanks to improvements in the treatment of industrial and municipal wastewater.

HELCOM has also achieved significant reductions in atmospheric nitrogen deposition. This means reductions in emissions of organo-halogen compounds such as toxic dioxins and furans. Those national regulations banning hazardous substances like PCB and DDT have also been put in place which eventually means stricter controls on industry (permits are now compulsory for industrial emissions). HELCOM has also improved joint monitoring of the state of the marine environment. This can be seen in a recovery of seal and white-tailed eagle populations.

Better special legislation in preventing the pollution of the Baltic Sea by shipping has been developed and made into international law together with the International Maritime Organization (IMO). These measures have addressed illegal discharges by ships into the Baltic Sea. As such, it can be stated that a major international plan to combat marine pollution has been reached with an active co-operation involving all the contracting parties through HELCOM.⁴⁸

An example of this cooperation involving all the contracting parties was the HELCOM BALEX DELTA exercise which was held in 2012 in Finland and has been seen as a good example of a best practice exercise. The simulation included a tanker, "*Poor Luck*", and the ROPAX "*TUNARI*" and their collision between Helsinki and Tallinn on 27 August 0310 LT. There was a leakage of 15,000 tonnes of crude oil which caused oil drifting towards Helsinki. The exercise started on 27 August with an alerting phase. This

⁴⁸ HELCOM website: www.helcom.fi

included international alerts (HELCOM countries + EU) requesting for assistance. The first response included 8 Finnish oil recovery vessels on scene (virtual response). On the next day, 28 August, the exercise continued with a national phase with nine Finnish oil recovery vessels taking part. The national part of the exercise focused on coastal recovery and protection whereas the wider international part culminated also on oil-soiled wildlife response.

The BALEX DELTA 2012 exercise involved over 1,000 persons during August 2012. There were 18 recovery vessels from 7 HELCOM states + EMSA. All HELCOM states took part (originally 22 vessels registered), but two states had to cancel due to technical problems. There were several other vessels, tugs, a tanker and 50 boats. The oil boom was 10 km long and there were 20 pollution response organisations, 20 other organisations and 30 private companies. Also 50 WWF volunteers took part. The media events were carried out by 120 persons. There were 125 observers from 23 different countries. The budget of this exercise was estimated to total about 3 million euro of which the EU DG ECHO financed about € 550,000.⁴⁹

2.4 The role of the private sector in maintaining civil security

The cooperating international financial institutions (IFIs) with HELCOM are the European Bank for Reconstruction and Development (EBRD), the European Investment Bank (EIB), the Nordic Environment Finance Corporation (Nefco), the Nordic Investment Bank (NIB), the World Bank (WB) and the Council of Europe Development Bank (CEB). These co-operating IFIs formed HELCOM's Programme Implementation Task Force, which was a mechanism for the co-ordination of this work at the regional level until its closure in 2001.⁵⁰ Since then the IFIs have remained observers. The idea of brokering between key stakeholder groups by using the task force mechanism has been common with other regional and intergovernmental organizations.⁵¹

A number of scientific and expert organizations have taken part in the HELCOM process during the decades since the 1992 convention opened the work to NGOs. This was not a common case in the

⁴⁹ Heli Haapasaari, *Operational Co-operation in Marine Pollution Response in the Baltic Sea area*, Finnish Environment Institute, 2012.

⁵⁰ Randefelt, R.; An interview "How do International Financial Institutions assess the cooperation with HELCOM?" HELCOM. 2013. 30 years of protecting the Baltic Sea, HELCOM 1974-2004, editor Ulrike Hassink.

⁵¹ Hellenberg T. 2002. *Challenging Disasters, Natural Disaster Reduction in the Context of Intergovernmental Relations*, Kikumora Publications.

1970's and 1980's as the Cold War era hindered genuine co-operation with NGOs, universities and other external expert organizations. Besides a few scientific observers, the governments of Belarus and Ukraine have formal status as observers, along with 14 intergovernmental organizations. Moreover, 16 non-governmental organizations, such as WWF and BirdLife International, have achieved observer status. Two important things can be raised here: most of these non-governmental organizations have a regional focus, such as Coalition Clean Baltic (CCB) and the Union of Baltic Cities (UBC). Hassler has analyzed this as a possible growth remark of a regional civil society on environmental issues.⁵²

Some private enterprises have been liaised with HELCOM in the listing of "hot spots" which describes those entities responsible for a major part of pollution in the Baltic Sea. As Göte Svenson has pointed out, this listing of "hot spots" followed pre-feasibility studies, carried out by consultants, hired by the international financial institutions. The idea behind was to present a basic framework for projects to be financed by them. For instance, after 59 million euro in investments, Frantschach Swiecie SA, one of the largest pulp and paper producers in Poland, was deleted from the list of hot spots of the Baltic Sea Joint Comprehensive Environmental Action Programme. Later on the company was honored with the Swedish Baltic Sea Award for its efforts to reduce pollution discharges and overall water consumption.⁵³ It is notable that almost half of the non-governmental observers consist of business-related associations, such as the European Chemical Industry Council (CEFIC) and the European Chlor-Alkali Industry (EURO CHLOR). This could be seen as an indication of HELCOM's interest in incorporating not only countries but also other influential actors such as major companies.

2.5 Relations with the European Union, United Nations and other RO

HELCOM relations with the European Union and the United Nations have so far been rather pragmatic and based on shared projects – and interests. For instance, the EU Marine Strategy Framework Directive (MSFD) and HELCOM Baltic Sea Action Plan both have the same goal: a good environmental status of the marine environment by 2020 and 2021. HELCOM states that its activities support implementation of both the plan and directive. Moreover, HELCOM seem to highlight its new role as the regional

⁵² Hassler, B., "Protecting the Baltic Sea: The Helsinki Convention and National Interests, Current Issues and Key Themes", *Yearbook of International Co-operation on Environment and Development*, 2003/04, 37.

⁵³ Svenson, G.; An interview "The Operation of the Baltic Sea Joint Comprehensive Environmental Action Programme (JCP)". HELCOM. 2013. 30 years of protecting the Baltic Sea, HELCOM 1974-2004, editor Ulrike Hassink.

coordination platform of the EU directive which is linked to its first deliverables of the TARGREV and CORESET projects. The Baltic Sea Action Plan (BSAP) and the EU strategy are implemented in synergy, ensuring that all countries are involved in joint actions to save the sea.

Besides being a regional platform for EU directive implementation, HELCOM has hosted several EU funded projects. Here are some examples of the latest ones:

- *Test project on cooperation in execution of various maritime functionalities at sub -regional or sea- basin level in the field of integrated maritime surveillance (Cooperation project)* HELCOM participates as partner on surveillance information exchange. (DG MARE)
- *Sub-regional risk of spill of oil and hazardous substances in the Baltic Sea (BRISK) 2007-2013.* Carried out a comprehensive Baltic-wide analysis to check whether the existing emergency and response capacities in each sub-region of the Baltic are sufficient to tackle medium-size and large spills. (Baltic Sea Region Programme BSRP)
- *HELCOM/EMSA project on monitoring the banning of carriage of heavy grade oil in single hull tankers (2005-2007)* The project objective was to monitor compliance with the provisions of the amended Annex I of the MARPOL convention and regulation (EC) no 1726/2003, regarding banning the carriage of heavy oil in single hull tankers, which entered into force as from 5 April 2005. It created a regional warning system based on the HELCOM AIS as well as a list of single hull tankers.(CP funds in cooperation with EMSA)
- *PURE – Project on Urban Reduction of Eutrophication* which implements one of the most cost-effective and quickest ways to tackle eutrophication: it enhances phosphorus removal at selected municipal wastewater treatment plants (WWTPs). PURE has been part-financed by the European Union (European Regional Development Fund and European Neighbourhood and Partnership Instrument).
- *BALTHAZAR Project: Addressing Nutrient Loads from Agriculture and Building Capacity within Monitoring.* The main areas of HELCOM's BALTHAZAR Project (2009-2012) have been to enhance the protection of the Baltic Sea from the main land-based threats: hazardous waste and agricultural nutrient loading. The pilot project has focused on St. Petersburg and the Leningrad and Kaliningrad oblasts of the Russian Federation. The project has been carried out with funding from the European Union.
- *COHIBA Project (2009-2012).* Project has identified sources, evaluated effluents and flow patterns, and assessed different management measures of hazardous substances in the Baltic region. The eight Baltic coastal countries (excluding Russia) and HELCOM actively participated in COHIBA, led by the Finnish Environment Institute (SYKE). Project was co-funded by the European Regional Development Fund.
- *PRESTO Project – Addressing Transboundary Sources of Pollution to the Baltic Sea.* PRESTO Project has improved waste-water treatment in Belarus with technical studies and concrete investments as well as by increasing human competence. The project has been part-financed by

the European Union (European Regional Development Fund and European Neighbourhood and Partnership Instrument).⁵⁴

HELCOM is active also in other multiple intergovernmental initiatives in the Baltic Sea region. As Per Westerberg has pointed out, existing structures such as the Nordic Council of Ministers and the Council of the Baltic Sea States have been also crucial in shaping the regional cooperation in this field. Referring to Westerberg, the Nordic Council has established contacts and established the Nordic Parliamentary Conference which is in line with HELCOM initiatives. Also the EU Strategy for the Baltic Sea Region, adopted in 2009, can be seen as a clear qualitative continuation of the HELCOM processes. One could add to HELCOM spheres of influence perhaps also, as Par Westerberg has done, the Northern Dimension of the EU which includes also participation of Iceland and Norway which are not HELCOM contracting parties per se.⁵⁵

3. The Quality Issue

3.1 Effectiveness

The environmental status of the Baltic Sea has been improved in several respects during the last decade. This has been verified as a reduction of emissions of nutrients from point sources and joint (among the participating states) environmental monitoring is becoming more efficient and reliable. Visible improvements such as re-opened bathing beaches and the recovery of the white-tailed eagle and seal populations have been important in order to ensure future political support of the measures taken. This influence has primarily been achieved not through multiple convention texts or institutional gatherings, but rather due to HELCOM's ability to successfully shape the regional environmental agenda, to formulate joint action on shared values when urgent response is needed and to suggest concrete remedies. These initiatives have been based on scientific evidence produced in HELCOM member countries.⁵⁶

⁵⁴ Baltic Sea Environmental Proceedings No. 132, HELCOM Activities Overview 2011.

⁵⁵ Westerberg, Per, "The Baltic Sea Region – a Swedish perspective, Baltic Rim Economies", *Quarterly Review*, 1/2013, 28.2.2013

⁵⁶ European Commission website: <http://ec.europa.eu/ourcoast/index.cfm?menuID=7&articleID=122>

3.2 Efficiency

Estimating the efficiency of HELCOM is a difficult task as the contracting parties do not share the financial contributions equally. For instance Finland is contributing double the amount of financing compared to Sweden and Denmark whereas Latvia and Lithuania are still well behind their financial contributions when compared to neighbouring Estonia. It is worthwhile to note however, that the 36th Meeting of the HELCOM heads of delegation discussed this issue at their draft budget estimate for 2013-2014 and touched upon the issue of reaching equal shares of financing (see table 2 below).⁵⁷ Particular emphasis was paid on the situation with Latvia as it seemed that the country has no possibilities to increase its share to the HELCOM budget until the year 2013. There has also been increasing pressure on Lithuania to meet the expectations by other contracting parties in the financial terms.

Efficiency of course is not only a financial issue but in the case of HELCOM it is most actually a way of measuring the commitment of the contracting parties – and the impact and outcome of their investments. As stated by HELCOM (33/2012), nearly two decades have passed since the legally binding decision of equal shares of funding was introduced in the work of HELCOM. Besides the Estonian decision to start paying equal shares to the HELCOM budget there has not been too much progress in this regard. In order to keep up the HELCOM “spirit” and benign cohesion instead of “detrimental impacts”, it seems to be of outmost importance that Latvia and Lithuania start fulfilling their obligations.

Table 4. Draft budget estimate for the Financial Period July 2013-June 2014⁵⁸ (HELCOM, 2012)

⁵⁷ HELCOM 33/2012; Contributions to the HELCOM budget in equal shares, 9 May 2011.

⁵⁸ HELCOM. 2011. 33/2012; Contributions to the HELCOM budget in equal shares, 9 May 2011.

A. INCOME (Euro)	Draft Budget Estimate 2013–2014
1. HQ Contribution by Finland	290 000,00
2. Contributions by Contracting Parties	
2.1 Denmark	180 583,00
2.2 Estonia	180 583,00
2.3 European Community	49 250,00
2.4 Finland	231 900,00
2.5 Germany	180 583,00
2.6 Latvia	117 830,00
2.7 Lithuania	89 388,00
2.8 Poland	231 900,00
2.9 Russia	180 583,00
2.10 Sweden	231 900,00
3. Interest and other income	5 000,00
4. Transfer from Working Capital Fund	0,00
TOTAL INCOME	1 969 500,00

3.3 Legitimacy

The legitimacy of HELCOM has been a constant issue when evaluating its mission and policies from the perspective of other intergovernmental contexts in the region. After World War II the socio-economic interaction grew rapidly in the Baltic Sea region. It took some decades to learn that carrying capacity of the sea does not correspond any more to the amount of polluting substances released in the course of the production processes. Natural disasters and environmental degradation accelerated the increase of public awareness and generated investigations on the state of the marine environment in the Baltic Sea (1968).⁵⁹ Those findings resulted globally in a wave of regional agreements on protecting seas and acknowledging that national measures are not sufficient to prevent environmental disasters in the Baltic Sea. The regional cooperation for environmental protection, including pollution preparedness and response, was initiated in the early 1970's.

4. Conclusion

⁵⁹ HELCOM, First GEF Biennial International Waters Conference, 14-18 October 2000, Budapest

Acknowledging that national measures alone are not sufficient to prevent environmental disasters in the Baltic Sea, the countries of the region started the HELCOM process in the Cold War era of early 1970's as described in this study.

HELCOM will celebrate its 40th year of anniversary in 2014. Despite its remarkable achievements there are still some remaining obstacles to work with. One of them comes from the fact there are too many authorities to deal with oil spill prevention at the national levels. For instance in Finland, the Finnish Environment Institute under the Ministry of Environment is responsible for oil spill prevention on seawaters. However, when the oil reaches the shorelines the responsibility shifts to the regional rescue services under the Ministry of Interior. Somewhere between these two agencies lays the capacity and knowledge of the Defence Staff and Ministry of Defence, which may be mobilized if needed.

So what is to be done in the Baltic Sea region in order to manage these emerging risks? A comparative model for the regional approach could be derived from the Mediterranean Sea where the United Nations and the EU are co-financing a Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) to tackle cross border risks, mainly oil spill prevention. Rather than lose time and scarce resources on overlapping national monitoring, training and decision support systems, the Baltic Sea countries should promote the region as a piloting area within the European Union and worldwide in the field of cross-border risks prevention. This would provide citizens of the region comprehensive safety across their borders and enhance the mutual trust towards our common survival kit targeted to respond to the greatest megatrend of the 21st century; the balancing of domestic safety risks and external security threats.

One of the many concrete results of HELCOM cooperation has been the establishment of NEFCO (Nordic Environment Finance Corporation) in 1990. The aim was to promote wastewater treating investments in former CIS countries. Some experts have highlighted that HELCOM could be a more efficient actor if the decision making mechanism would not require consensus. It would also be worthwhile to change ideas about the future of HELCOM. At this moment, Russia is outside of the European Union and the others are following the EU directives. So it is a good question if HELCOM is being integrated into the EU mechanisms, would it be an advantage or disadvantage? It could also be useful to discuss about the advantages of keeping HELCOM as an independent organization and what are the advantages of it? Moreover, could HELCOM have more systematic and broader role in civil security at large as a multilateral organization and in which sectors in particular?

HELCOM has been functioning mainly in the field of environmental protection but it has a remarkable administrative as well as operational role also in other civil security issues especially in the fields of pollution preparedness and maritime safety since the 1970s.

Annex 1: Coded Data



2.1	CULTURAL AND HISTORICAL ASPECTS OF RO DEALING WITH CIVIL SECURITY	YES /N OT	DEGREE High/Medium/Low	SOURCE
2.1.1	The establishment of the RO			
	Is the formation of the RO related to the EU or other RO?	no		
2.1.2	The evolution of the RO eventual membership enlargement and current membership			
	Does the RO have observers/associate members with a different status with respect to (founding) pMS?	no		
2.1.3	The member characteristics of the RO			
	Are RO's pMS also EU members?	no/ Yes	Medium	
2.1.4	The cultural milieu of the RO			
	Recall the scores of each pMS with regard to the World Value Survey parameter on industrial/post industrial attitude:			-
	There is a dominant attitude among pMS?	no	Medium	
	There is a great variance among pMS?	Yes	High	
	Has any cultural feature of the region influenced in a substantial way the RO characters and activities? It may relate to language, religion, history, as well as deep-rooted crisis experience(s) which impacted the whole region.	Yes	High	
				Cold War and Soviet Union

2.2	LEGAL AND INSTITUTIONAL ASPECTS OF RO DEALING WITH CIVIL SECURITY	YES /N OT	DEGREE High/Medium/Low	SOURCE
2.2.1	The current legal basis of the RO			
	Have any major changes in the legal basis framework occurred since the 1990s?	Yes	Medium	Copenhagen Declaration 2001, Baltic Sea Action Plan 2007
	Does the statutory basis rely on a single law?	no		
	Does the statutory basis rely on fragmented statutory provisions?	no		
	Have there been any major changes, occurring over time, in the legal framework regulating crisis management?	Yes	Medium	Helsinki Commission Meeting 2003, PSSA
	Are there any major changes foreseen in the future?	Yes	Medium	
2.2.2	The current RO institutional framework			
	Are there ad hoc ruling bodies (i.e. RO presidency, secretariat, councils/assembly of member states representatives, etc)?	Yes		Working groups, informal meetings, seminars
	Are there permanent ruling bodies inside the RO?	Yes		Secretariat, Heads of Delegation
	Does the representation mechanism involve all pMS?	Yes		
	Do the observers/associate members support the RO by financing it?	no		
	Do the observers/associate members support the RO by providing crisis management assets?	no		
	Do the RO agencies have a degree of autonomy?	no		
	Is there a division of responsibility?			
	Are there specific agreements, programme, budgets devoted to civil security?	Yes	low	Some modest funds to Secretariat of Helcom
	Have there been any major changes,	Yes		

	occurring over time, in the legal/institutional framework?		
	Are there accountability arrangements?	no	
2.2.3	Decision making process		
	Is unanimous agreement required from all partners?	Yes	
	Is there an agreement required by national parliaments through a formal legislative procedure?	no	
	Is the decision making prevalently intergovernmental?	Yes	
	Is the decision making prevalently supranational?	no	
2.2.4	Activities related to civil security		
	Is there a kind of prioritization among threats considered by RO?	Yes	Oil spills, collisions
	Are there activities related to prevention?	Yes	Exercises, monitoring systems, information exchange
	Are there activities related to preparedness (regular exercises, exchange activities, research projects/funding, efforts in terms of standardisation, joint procurement, joint planning and common risk mapping, formation of experts networks)?	Yes	as above + training
	Are there activities related to response?	Yes	as above + training
	Does the RO operate at operative level and manage executive activities?	Yes	annual exercise
	Does the RO operate at political level and conduct consultation activities?	Yes	Contracting Parties
	Is there a different approach with regards to prevention, preparedness and response?	Yes	Preparedness and Response are the main focus of Helcom
2.2.5	The crisis management approach		
	Does the RO use members' civilian/military	Yes	Based on coordination by the members

	assets for responding to a crisis?		themselves	
	Does the RO use its own assets?	no		
	Is there a coordination mechanism of these assets?	Yes	Helcom Secretariat	
	Does the RO develop a lessons-learned process or best-practices?	Yes	Studies, manuals	
2.3	THE RELATIONS BETWEEN RO AND pMS CITIZENS, GOVERNMENTS AND STAKEHOLDERS	YES /N OT	DEGREE High/Medium/Low	SOURCE
2.3.1	Citizens			
	Do citizens somehow know of the existence of this regional cooperation?	Yes	High	
	Does the RO enjoy support?	Yes	High	
	Does the RO somehow communicate to/inform citizens of the countries involved?	Yes	Medium	
	Is there a main method used by the RO across the region for informing the public on an emerging/unfolding crisis?	no		
	Is there cooperation on common crisis communication systems?	Yes	Medium	
	Are there central reliable website/social media or mobile application to update citizens on relevant crisis issue/security information?	Yes	low	
2.3.2	Relations between RO and pMS governments			
	Are governments committed to the RO (i.e. by commitment resources, by participation of high-level policy makers to related fora, by the frequency of meetings, by the declaration issue by governments regarding the RO)?	Yes	Medium	
	Do governments provide strategic and policy guidelines to the RO with respect to civil security?	Yes	High	
	Do governments supervise RO activities?	Yes	Medium	
	Are governments influenced by RO regulations/strategy/activities (i.e.	Yes	Medium	

	documents/strategies/policies make explicit reference to RO frameworks/activities)?			
	Do national parliaments play a particular role?	Yes	Low	
	Have governments used RO mechanisms for civil security (i.e. transnational disaster, major disaster beyond the capacity of the country, etc.)?	no		
	Do governments delegate specific functions to the RO?	Yes	Medium	
	Does the RO contribute to the information sharing/awareness of in the pMS with respect to civil security?	Yes	Medium	
2.3.3	Relations between RO and stakeholders			
	Does the RO have direct relations with stakeholders?	Yes	Low	
	Does the RO have relations with regional/provincial/local stakeholders?	Yes	low	
	Do stakeholders have expectations toward the RO's role on civil security?	Yes	Medium	
	Does the RO contribute to the education/information sharing/awareness/training of stakeholders?	Yes	Low	
2.4	THE ROLE OF PRIVATE SECTOR IN MAINTAINING CIVIL SECURITY	YES /N OT	DEGREE High/Medium/Low	SOURCE
	Does the RO cooperate with profit-oriented and non-profit organizations in the private sector?	Yes	Medium	
	Are there any conventions or agreements existing on cooperation with private sector organizations with regard to prevention, preparedness and response to crisis?	no		

2.5	THE RELATIONS WITH THE EU, UN AND OTHER RO	YES /N OT	DEGREE High/Medium/Low	SOURCE
	Does the RO have relations with the EU and/or related institutions (i.e. European Commission)	Yes	High	EU Strategies and financial instruments
	Does the RO have representatives/officers in EU institutions?	no	Low	
	Are there funding or coordination mechanisms between the RO and EU institutions?	no		
	Does the RO, formally or de facto, act as a means to harmonise national legislation with the EU acquis?	no		
	Does the RO, formally or de facto, act as a means to implement EU regulations/strategies/policies?	no		
	Is there any relation with UN with regards to civil security issues?	Yes	Low	Mainly with research and information exchange
	Is there any relation with NATO with regards to civil security issues?	no		
	Are there relations with other RO studied by WP3?	Yes	Medium	CBSS
3	THE QUALITY ISSUE	YES /N OT	DEGREE High/Medium/Low	SOURCE
3.1	Effectiveness			
	Has there been any review/evaluation/scrutiny of RO by pMS and/or EU?	Yes	Low	
	Has there been any professional/political inquiry over crisis having RO involvement?	no		
3.2	Efficiency			
	Have there been any changes in the budget's amount?	Yes	Low	Latvia and Lithuania still behind as donors
	Are budget details publicly available?	Yes	Medium	
	Is the budget for regional cooperation generally uncontested?			
	Is there a source of controversy among and within pMS regarding the budget?	Yes	High	
	Is pMS' contribution to the budget proportionate to their benefits of the cooperation?	no	High	
	Is there a permanent budget for "cold phase" cooperation (preparation, prevention)?	Yes		

	Is there asset sharing and/or asset procurement through the RO which may be related to efficiency?	no		
	Does the RO have the goal to enhance efficiency of national civil security systems (i.e. by improving standardization and/or interoperability of assets)?	Yes	Medium	
3.3	Legitimacy			
	Do countries use the regional cooperation mechanism in place when crisis occur?	Yes	low	To be tested
	Do countries by-pass the formal mechanisms and contact each other bilaterally or informally?	Yes	Medium	This is the normal standard of cooperation
	Do countries by-pass the regional organization in favor of more overarching ones, such as the EU?	Yes	Medium	
	Are there cases where RO involvement in crisis management have strained political relations between pMS or undermined the legitimacy of a national government?	no		

Annex II: Resources

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