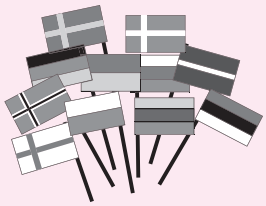
INTERNATIONAL CO-OPERATION FOR THE ENVIRONMENT 23

The conference *Stockholm thirty years on,* convened on June 17-18, 2002 in Stockholm, had global participation and a focus on preparing for the forthcoming UN conference in Johannesburg in September. It reminds us that the international enviornmental work started in the Baltic Sea region. Several of the main actors from the 1972 Stockholm meeting were present also in 2002, while others had been lost. Among them were the then Swedish Prime Minister Olof Palme, whose international engagement made the conference possible and very special, as well as the Indian Prime minister Indira Gandhi, who already then strongly underlined the connection between environment and social and economic factors. Both were tragically murdered during the 30 years since Stockholm 1972. (Photo: Lars Rydén.)

”Humanity stands at a defining moment in history. We are confronted with a pertubation of disparities between and within nations, a worsening of poverty, hunger, ill health and illiteracy, and the continuing deterioration of the eocsystems on which we depend for our well-being. However, integration of environment and development concerns and greater attention to them will lead to the fulfilment of basic needs, improved living standars for all, better protected and managed ecosystems and a safer and more prosperous future. No nation can achieve this on its own; but together we can - in a global parternship for sustainable development.”

Agenda 21, the introductory words



Pollution does not recognise borders. Many serious pollutants eventually pass national borders, are transboundary, and even spread globally. Protection of the environment therefore requires international co-operation. This was understood from the outset by the environmental movement. The first global environmental conference, the United Nations Conference on the Human Environment, was convened on 5 June 1972 in Stockholm. This day in June is now yearly celebrated as the World Environment Day. The motto of the Conference “Only One Earth,” was a revolutionary concept for its time, but is today well established as a starting point for international co-operation on the global scale.

The 1972 conference led to the formation of the United Nations Environmental Programme, UNEP, and a series of other initiative on a national or regional level. One of them was the co-operation in the Baltic Sea Region, the Helsinki Convention on the protection of the Baltic Sea, and the commission overlooking the convention, HELCOM.

On a European scale, 1972 was also a year of beginnings. The first environmental initiatives within the European Community started at this time and in the following year the First European Environmental Programme was written. Environmental work in the European context was initially based on economic co-operation and not until much later did it achieve a status of its own in the Maastricht and Amsterdam treaties.

The second large UN conference for environment, the UNCED Conference in Rio in 1992 formed the basis for co-operation during the 1990s. In Rio, environmental issues were brought together with development and the concept of sustainable development gained momentum. In parallel a new convention for the Baltic Sea was agreed on in 1992.

The international agenda for the environment is increasing in importance every day. Negotiations on how to deal with for example decreased biodiversity, climate change, ozone depletion, desertification, and use of chemicals have led to extensive obligations for the nations of the world. Economic development can no longer go on without concern for the environment. The international agenda for the environment influences the life of everyone: it determines the price for gasoline, where we can build summer houses, and what food we can buy.

This chapter will describe how international co-operation for the environment has developed and where it stands today. Development is rapid and readers can find updates on the Websites listed at the end of the chapter.

Authors of this chapter

Lars-Göran Engfeldt, global co-operation and the United Nations system, developing the UN system; Bo Kjellén, the global conventions; Duncan Liefferink, Michael Skou Andersen and Magnus Andersson, European co-operation and the European Union, EU and national environmental policy; Ulf Ehlin, intergovernmental co-operation on the Baltic Sea environment.

International co-operation for the environment

Global co-operation and the United Nations system

The first initiatives – The Stockholm conference

The origins of present day international co-operation on environment and sustainable development go back to the late 1960s, when Sweden took the initiative to place the issue of environment on the agenda of the United Nations. The background was an increasing awareness in the scientific community about the serious nature of the negative environmental side-effects of the technological and scientific advances after the Second World War. The initiative also reflected a realisation that environmental problems did not stop at national borders, nor did regional co-operation suffice to deal with them. Sweden thus proposed that a global United Nations Conference be convened to increase awareness about the implications of this situation among governments and the public at large and to identify those problems which could only, or best, be solved through international co-operation.

The United Nations Conference on the Human Environment convened on 5 June 1972 in Stockholm. This day in June is now yearly celebrated as the World Environment Day. The motto of the Conference was "Only One Earth," a revolutionary concept for its time. The conference was attended by 113 countries at the ministerial level and by representatives of many international organisations. There were also world leaders present, among them Prime Minister Indira Gandhi of India, who set the stage for future international deliberations by emphasizing the close interrelation between mass poverty and the environment. Secretary General of the Conference was Maurice F. Strong of Canada. Twenty years later he was also Secretary General of the follow-up conference in Rio de Janeiro, the United Nations Conference on Environment and Development

The Stockholm Conference adopted a Declaration and an Action Plan, which established the basis for a new era of international co-operation on environmental issues. As a direct result of the Conference, the United Nations Environment Programme (UNEP) was established by the General Assembly of the United Nations with location in Nairobi, Kenya. UNEP was to be a catalytic instrument in the United Nations to promote the results of the Conference.

The Declaration and the Action Plan with 109 recommendations for international action provided the basis for the rapid development of international environmental law in the 1970s and the 1980s. In this connection, principle 21 of the Declaration, has special significance. It states that:

> "States have….the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of the other States or of areas beyond the limits of national jurisdiction."

From few in the 1960s, today more than 200 global conventions are in place. These are legally binding instruments, containing commitments by States. They have to be ratified by the legislative organs of each signatory State. Each convention is governed by a Conference of the Parties (COP) and is serviced by a secretariat. UNEP has a special role in most cases to provide administrative and other kinds of support. The undertakings in the conventions are often amplified by special protocols that contain more detailed and, at times, time bound commitments. An example of one of the early conventions is the Convention on Wetlands, which was adopted at Ramsar in Iran in 1971.

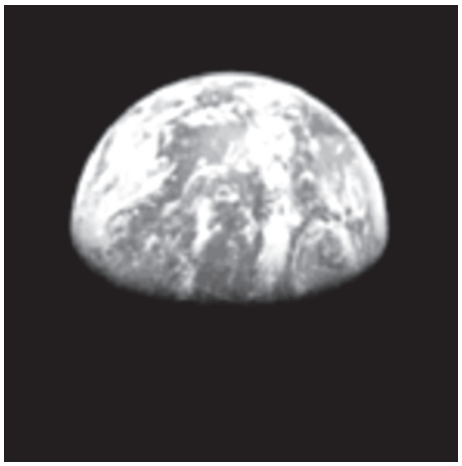


Figure 23.1. Only one Earth. The motto of the 1972 Stockholm Conference on environment is best illustrated by the Apollo photo of the Earth from space as the blue pearl, a deeply touching picture. It was however not enough to improve the environment of the planet as seen 30 years later. (Courtesy of NASA.)

Another significant result of the Stockholm Conference was the establishment of environment ministries and agencies in more than 100 countries. It should also be noted that the Conference marked the beginning of an explosive growth of the number of non-governmental and intergovernmental organisations dedicated to environmental preservation. An estimated 100,000 such organisations were formed in the 20 years before the Rio Conference.

As the globalisation process accelerated in the last 25 years of the 20th century, the Stockholm Conference was used as a model for a series of similar United Nations events to try to come to grips with interlinked and related problems of a cross-sectoral nature such as population, the food crisis, urbanization, human rights, social development, and gender. While achieving progress, they also demonstrated an inadequacy of the established sectorial institutional structure of the United Nations system – a mirror of administrative organisation at the national level – to deal with all these challenges in a comprehensive and holistic way.

The Brundtland Commission

Various reasons, among them the oil crises, contributed to a certain loss of momentum in the 1970s. At the time of the tenth anniversary of the Stockholm Conference in 1982, the question was how lost ground could be regained. One answer was the establishment by the General Assembly of a special, independent

Review
Box 23.1

The global organisations

Thousands of international organisations co-ordinate various activities in the world. Many of these deal with environmental issues. Organisations in which states are members are called intergovernmental organisations, IGOs, and those with non-state membership non-governmental organisations, NGOs. Here we will mention the United Nations and some IGOs that are part of or affiliated with the United Nations system. Many of the relevant NOGs are described in Chapter 21.

United Nations
The United Nations was formed in 1945 in the aftermath of the Second World War. It is an intergovernmental organisation, IGO, for world peace and security. Its activities are based on a Charter, which contains 111 articles. Main objectives of the UN are safeguarding world peace and security, equal rights and self-determination of all peoples, and human rights and liberties. With time a large number of more special functions and objectives of the organisation have developed, including those connected to development and environment.

The UN system has more than 30 special committees, programmes, and organs for various purposes, each with its assisting organs, commissions, etc., referred to as the UN family of organisations. Among them are for example the World Health Organisation, WHO, the UN Development Programme, UNDP, the Food and Agricultural Organisation, FAO and the UN Environment Programme, UNEP just to mention a few. Its ECOSOC, Economic and Social Council, has six regional commissions including ECE, or Economic Commission for Europe. It works through some forty special organisations, e.g. the mentioned UNDP, the UN Commission on Human Rights and the UNICEF, the UN Childrens Fund.

In 2001, the UN had 166 member states. Its Secretariat, headquarters, located in New York, is lead by a Secretary General, whom since 1997 is Kofi Annan, a Ghanan-born lawyer.

United Nations Environment Programme, UNEP
was set up in 1973. Its task is to co-ordinate, catalyse and stimulate environmental protection action primarily, but not exclusively, within the UN system. It has its headquarters in Nairobi, Kenya.

United Nations Development Programme, UNDP
established in 1966 to assist developing countries to accelerate their economic and social development. UNDP has its headquarters in New York. It works together with a long series of other UN organs.

World Health Organisation, WHO
was established in 1948 with the mandate to promote the attainment by all people of the highest possible levels of health. Its headquarters is in Geneva, Switzerland. WHO is also concerned with environmental health.

World Meteorological Organisation, WMO
was established in 1951, from the already in 1873 founded International Meteorological Organisation. WMO's objectives are to facilitate international co-operation in the collection, analysis, standardization and dissemination of meteorological, hydrological and other related environmental information. It has played a key role in analysing world climate change.

The World Conservation Union, IUCN
was founded in 1948 with several hundred states, governmental agencies and non-governmental scientific and conservation organisations among its members. It has played a significant role for safeguarding biodiversity and nature protection, e.g. through promoting the development of international law and policy, in monitoring biodiversity, in technical co-operation projects in developing countries, and in raising public awareness world-wide. Its headquarter is in Gant, outside Geneva in Switzerland. It is associated to the UN system.

Commission of eminent persons under the chairmanship of the then Prime Minister of Norway, Gro Harlem Brundtland. When the conclusions of the Brundtland Commission were published in 1987, the political climate was more receptive. Economic prospects in the industrialised world were more positive. Also, several serious global problems, particularly the destruction of the ozone layer, were by then high on the political agenda in many countries. The serious ozone problem was the subject of a convention signed in Vienna in 1985, later supplemented by the Montreal Protocol in 1988. This agreement foresees the phasing out of ozone-depleting substances and has now largely been implemented, although the effects on the ozone layer will not be apparent for many years to come.

The Brundtland Commission developed conceptually the relationship between environment and development, the crucial issue which Indira Gandhi highlighted in Stockholm and where divisions between North and South had not diminished. Developing countries generally emphasised that satisfaction of basic development needs must have priority. It was poverty and underdevelopment that caused the environmental problems. If they were successfully dealt with, a sound and sustainable environment would follow.

The Commission emphasised the importance of economic growth and promoted the concept of "sustainable development", by which is meant a growth that satisfies today's needs without jeopardizing the needs of future generations. The Commission further underlined that safeguarding of the environment should not be seen as a sectorial interest, but as an integrated component in all economic and social development. The report recommended a sound management of natural resources, energy saving and a population size in harmony with the productive potential of ecosystems. At the same time it argued for a strong increase in capital flows to developing countries, improvements in terms of trade for these countries and other measures to reduce the gaps in living standards between rich and poor countries. The report acquired considerable importance as the hitherto best analysis of the relationship between development and environment and as a guide for further negotiations.

Figure 23.2. Our Common Future. The 1987 report from the UN World Commission for Environment and Development, also called the Brundtland Commission from its chairperson Gro Harlem Brundtland, is perhaps the most influential book ever published in the field of international environmental policy.

The Rio Conference on Environment and Development

Sweden took up the recommendation of the Stockholm Conference to convene another conference on the human environment. This time, on the advice of the Brundtland Commission, a shift in emphasis was proposed to clearly underline the relationship between environment and development. In 1989 the General Assembly decided to convene in 1992 the United Nations Conference on Environment and Development (UNCED). It was not possible to use the new concept sustainable development because influential developing countries, while recognizing the importance of limiting pressures on the ecosystems, feared reductions in their freedom of action. By maintaining a certain dualism it could easier be made clear that the responsibility to take action against environmental destruction primarily rested with the industrialised countries which in their view had caused the problems in the first place.

In spite of the progress generated through the processes set up in Stockholm, the global conditions were much worse in 1992. World population had increased by 1.7 billion to more than 5 billion. Almost 500 million acres of trees had been lost in the preceding 20 years. Chemical substances had damaged the ozone layer and deserts were rapidly expanding. The climate change problems had also begun to receive serious attention.

The Rio Conference was meticulously prepared, just as its predecessor 20 years earlier. Again, innovative approaches were developed. At Rio, the non-governmental presence was much stronger. Also, it ensured a significant informal involvement of private business leaders. This was a sign to come. In the preparations for the World Summit on Sustainable Development in

Figure 23.3. The United Nations Conference on Environment and Development, UNCED, in Rio de Janeiro in June 1992, was chaired by the UN Secretary General Boutro Boutros Gahli (third from left). (Photo: Kenneth Jonasson/Pressens bild.)

Johannesburg in 2002, marked by the dramatic implications of the swift globalisation process, it was clear that success to a large extent depends on governmental interaction with the private sector and civil society.

In contrast to Stockholm, the Rio Conference was a summit, attracting some 120 Heads of State of Government. Altogether, 178 countries participated. In an important change of direction, the United States which had played a leading role 20 years before, this time took a defensive position. The Conference became a success. It adopted three documents, the Rio Declaration, Agenda 21, and the Statement of Forest Principles.

The Declaration represents a delicate balance of principles considered important by both developed and developing countries. Among them are the principles of common and differentiated responsibility for dealing with global environmental problems, polluter pays, precaution and liability.

Agenda 21 is a detailed blueprint for action into the 21st century, contained in 40 chapters. This time, the agreement also covered action at the national level reflecting the recognition that all states have a responsibility to contribute to arresting the negative trends. This was a significant breakthrough. An attempt was made to measure the cost of recommended actions, to demonstrate the urgent need for additional financial resources, particularly to developing countries. As part of the overall political agreement between industrialised and developing countries, the former – with the expressed reservation of the United States – reaffirmed their commitment to reach the accepted United Nations target of 0.7% of GNP for Official Development Assistance (ODA).

The Forest Principles reflect a first global consensus on forests arrived at in spite of emotional controversies between Northern countries, who favoured moving in the direction of a legally binding instrument to stop deforestation, and some Southern countries, who did not want their freedom of action curtailed.

The climate issue

At the Rio conference, two global conventions were opened for signature, the Convention on Climate Change and the Convention on Biological Diversity. This was followed a few years later by the Convention on Desertification.

As the perception of global threats to the environment became stronger in the 1980s, the climate change issue came increasingly into focus. Several international conferences were held, and towards the end of the decade, UNEP and WMO (World Meteorological Organisation) took an initiative that had a major impact on subsequent events. They created jointly the Intergovernmental Panel on Climate Change (IPCC), which issued its first assessment report in 1990.

The Panel is composed of the world's most competent climate scientists, but it has also sought to incorporate representatives of governments and experts in the social sciences. It has to be recognized though, that it is in the framework of natural science that the Panel has commanded greatest authority. The purpose of the Panel has not been to carry out research on its own, but to monitor and evaluate existing research, adding its own conclusions and presentations for policy makers.

In this respect, the Panel has been very successful. Under the guidance of its first Chairman, the Swedish scientist Bert Bolin, the assessment reports of IPCC have greatly influenced the climate negotiations and been instrumental in launching the Framework Convention on Climate change (FCCC).

The IPCC first assessment report appeared in the autumn of 1990. It stated that the process of global warming, created by what was known as the greenhouse effect through the accumulation of carbon dioxide and other greenhouse gases in the atmosphere, could lead to an increase of temperature in the Earth's atmosphere by 1.5 to 4.5 degrees centigrade towards the end of the 21st century. This could possibly cause a sea level rise of between 25 and 95 centimetres, which would obviously have catastrophic effects for small islands and low-lying coastal areas.

Organisations and conference terms

UN	United Nations
UNEP	United Nations Environment Programme
WMO	World Meteorological Organization
IPCC	Intergovernmental Panel on Climate Change
IGO	intergovernmental organisations with state membership
NGO	non-governmental organisation
WHO	World Health Organization
UNDP	UN Development Programme
FAO	Food and Agricultural Organisation
ECE	Economic Commission for Europe
UNICEF	UN Childrens Fund
IUCN	World Conservation Union (International Union for the Conservation of Nature)
WTO	World Trade Organisation
CSD	United Nations Commission on Sustainable Development
ECOSOC	United Nations Economic and Social Council
WWF	World Wide Fund for Nature
ICLEI	International Council for Local Environmental Initiatives
GEO 2000	Global Environmental Outlook, a UNEP report

These findings have been contested by some scientists; and the IPCC itself underlines the many fundamental uncertainties that still exist. Nevertheless, the IPCC statements carry great authority as the mainstream opinion by the great majority of climate experts. The second assessment report, that appeared in 1995-96, also concluded that there was now beyond doubt a human impact on climate caused by the increased emissions of greenhouse gases since the beginning of industrialization. The third report, which appeared in 2001, confirmed and elaborated on more precise conclusions.

THE GLOBAL CONVENTIONS

The climate negotiations and the Kyoto Protocol

Governments have demonstrated that they take global warming seriously by engaging in the negotiations on the Climate Convention. These started in early 1991 and were concluded in May 1992 after a surprisingly rapid negotiation, which was closely linked to the preparation of the 1992 Rio Conference on Environment and Development. During the Rio Conference 153 states signed the Convention, which entered into force in early 1994, after ratification by the required 50 states.

The commitments of the Convention were to a large extent of a procedural nature, but for the industrialised countries, known in Convention language as Annex I states (including all the countries around the Baltic Sea) there was a commitment in principle to stabilize greenhouse gas emissions at 1990 levels by the end of the decade. At the first Conference of the Parties, COP-1, held in Berlin in 1995, it was decided that these commitments were not sufficient or adequate, and a separate negotiation was launched with the aim of reaching agreement on a Protocol with more precise commitments for Annex I states, within specified timeframes.

In Berlin it was also confirmed that the process would not introduce any new commitments for developing countries, reflecting the principle of common but differentiated responsibilities.

The decision became known as the Berlin Mandate, and it opened a period of intense negotiation up to December 1997, when the third Conference of the Parties after a difficult session concluded the Kyoto Protocol, named after the Japanese city where the Conference was held.

The Kyoto Protocol introduces commitments of a new nature for industrialised countries, giving a much more concrete legally binding character than the Convention itself. It thus contains provisions for follow-up and compliance, which open the way for a real legal regime. However, it was not possible in the short time available to agree on all details in the Protocol, and therefore important negotiations continued in the period after Kyoto, leading up to the sixth Conference of the Parties in the Hague in November 2000.

The main quantitative commitments in the Kyoto Protocol relate to the period 1990-2010, or rather to an end point defined as an average of the years 2008/2012. Industrialised countries committed themselves to reduce emissions of greenhouse gases during the period with an average of 5.2 percent. The European Union commitment was -8%, that of USA -7% and that of Japan -6%. All countries in the Baltic Sea region took on the same commitment as that of EU except Poland (-6%) and Russia (0%) The commitments were based on a principle of equal effort, taking into account previously undertaken reductions and more general economic considerations.

Convention terminology

Signatory countries
Those countries that agree to the negotiated text of the convention, and have signed it.

Ratification
When the legal body of a country, often the national parliament, supports the convention. A country which has ratified a convention becomes a Party to the convention.

Entry into force
When a convention enters into force it becomes a legally binding document. In order to enter into force a smallest number of national ratifications is required.

Secretariat of the convention
Each international environmental convention has a secretariat with staff from different countries ("international civil servants"). For example, the secretariat of the Climate Convention (UN FCCC) is located in Bonn.

Protocols
Some conventions are framework conven-tions which means that they need to be complemented with specific protocols. Examples are: the First Sulphur Protocol and the Second Sulphur Protocols to the Framework Convention on Long-Range Transboundary Air Pollution, and the Kyoto Protocol to the Climate Convention.

Implementation
National implementation of international environmental conventions can be problematic because there are virtually no enforcement mechanisms, such as penalties, at hand.

Figure 23.4. The Kyoto conference. An unidentified Australian member of the World Wide Fund for Nature (WWF) delegation covers his face with a paperbag to show his shame over his own country's disappointing proposal. The event took place during a press conference at the COP3 conference on global warming in Kyoto, Japan, Monday, Dec. 1, 1997. However the 10-day meeting resulted in an agreement on a protocol for measures to halt global warming. (Photo: Koichi Yamada/Pressens Bild.)

The agreement would not have been possible without the perspective of softening the commitments with elements that would make it easier to achieve the targets. These refer mainly to the so-called flexible mechanisms, that is a system of crediting emission reductions achieved abroad through co-operation on such projects as improving efficiency in power plants through what is known as Joint Implementation (JI) or through trading in emission reductions. Negotiations on these rules, which could also apply to developing countries within a so-called Clean Development Mechanism, have been extremely complicated, and it is still not quite clear how the system will ultimately operate. The three Kyoto mechanisms, *International Emissions Trading*, *Joint Implementation*, and the *Clean Development Mechanism*, allow for flexibility in the implementation of the emission reduction efforts.

Another element of further negotiations were the rules relating to *sinks and reservoirs*, based on the fact that the ground, and in particular growing forests, absorb carbon. This carbon cycle is still not well-known, and therefore the rules are restrictive during the first commitment period. Nevertheless, a well-designed system could help sustainable forest management. The arguments around the mechanisms and the rules on sinks have centred around the risk that they would make it too easy to reach the Kyoto targets and thus reduce the credibility of the Kyoto Protocol, and in particular the strong signal effect it has had on actors on the global market, that governments are really taking the greenhouse effect seriously. The European Union has underlined that there must be no loopholes in the system, whereas the United States and others have emphasised the need for an efficient market-based system, reflecting the principle of cost-effectiveness.

The Hague meeting did not succeed in resolving all the outstanding issues and negotiations had to be resumed in Bonn in July 2001. In the meantime the new Bush administration declared that the United States would not ratify the Kyoto Protocol. The EU under the Swedish Presidency reacted strongly and stated that the Union and its members would go along with ratification anyway, expecting that other Annex I parties would join in such a way that the required target for entry into force would be met.

At the resumed Conference of Parties, COP-6 in Bonn, a political agreement was reached which will enable countries such as Japan, Canada, and Russia to begin their ratification process. However the agreement meant some weakening of the Kyoto targets in introducing more flexibility in the calculations of sinks and the use of the mechanisms. This was a reasonable price to pay for saving the Kyoto process. Furthermore, important decisions were taken with regard to support for developing countries including assistance for adaptation to climate change.

A number of remaining technical details were finally settled at COP-7 in Marrakesh in October 2001. This first Conference of the Parties in an African country also took important further steps on linkages to the other global conventions, and on transfer of technology and capacity-building in favour of developing countries. It also noted the important and sobering third assessment report of IPCC which concluded that climate change is already under way and that its negative effects will be felt most strongly in vulnerable developing countries.

It is hoped that the Kyoto Protocol will enter into force in 2003. Hopefully new efforts will also be made to reintegrate the United States into the process.

It is not surprising that negotiations have been difficult. Measures to respond to climate change go straight into the heart of our industrial civilization, involving basic questions related to transports or energy. Important economic and social interests are at stake, and the complexity of the regime is daunting. The climate issue makes concrete a number of the more general aspects involved in the discussions and negotiations on sustainable development, and it is sometimes very difficult to see the way forward. Nevertheless it is encouraging that the international community over a short period of time has managed to seriously tackle a long-term survival issue in a serious manner.

It is obvious that future developments of the climate regime will be of great importance for a dynamic growth region such as the Baltic Sea area. All the countries concerned are bound to be among the central actors in the continued negotiations, which will soon have to turn towards the more long-term, as consideration will have to begin on the period after 2010.

The Convention on Biological Diversity

The Convention on Biological Diversity obliges parties to produce national strategies for the conservation and sustainable use of biological diversity and the fair and equitable sharing of the benefits arising from its use. The Convention also gives the parties national sovereignity over their genetic resources. In addition, it points at the importance of establishing global procedures on the transboundary movement of living modified organisms (LMOs) as one component to secure the safe application for modern biotechnology.

The erosion of global biodiversity over the past century is alarming. Major losses have occurred in virtually all types of ecosystems, terrestrial and aquatic alike. Continuing habitat degradation accelerate the extinction, or significant reduction, of species but also of genetic variability within species. Particularly problematic is the significant losses of genetic diversity within the agroecosystems, which constitutes a potential threat to the future food production for an increasing world population.

Access to genetic resources, in particular in the fields of agriculture and food production, is increasingly becoming an area of conflict between industrialised and some developing countries. The former countries, often poor in genetic resources but rich in technological and economic resources, have, without offering compensation, systematically collected genetic resources from developing countries. These are rich in such resources but mostly lack the economic and technological capacity to exploit them. This stands in sharp contradiction to the Convention on Biological Diversity and its aim of fair and equitable sharing of benefits raising from genetic resources.

Conventions and agreements terms

FCCC	Framework Convention on Climate Change
JI	joint implementation or trading in emission reductions
LMO	living modified organisms
MEA	multilateral environmental agreements
UNCED	United Nations Conference on Environment and Development, Rio de Janeiro 1992
A21	Agenda 21, a detailed blueprint for action into the 21st century
CCD	Convention to Combat Desertification
CITES	Convention on International Trade in Endangered Species
CCAMLR	Convention on the Conservation of Antarctic Marine Living Resources
UNFCCC	The UN Framework Convention on Climate Change

Banking terms

GNP	Gross National Product
ODA	Official Development Assistance
GEF	The Global Environment Facility
WB	World Bank
EIB	European Investment Bank
EBRD	European Bank for Reconstruction and Development
NIB	Nordic Investment Bank

Outlook
Box 23.2

The global conventions

Conventions and their structure

Rules for global conventions are legally binding agreements, containing commitments by states, which make part of international law. How a convention is set up, supervised and ratified, as well as how states join a convention and leave it is today regulated in the so-called *1969 Vienna Convention*. Conventions that are considered part of customary law becomes binding to all states, and conventions are thus a forceful part of international law. The United Nation Secretary General serves as the depositary of international conventions.

Global conventions are the results of extensive, often several year long, negotiations between many, often up to some 100, states. After the negotiators have come to an agreement the text of the convention is signed by representatives of the governments and later ratified by the legislative organs of each signatory state, most often the parliament. When the specified number of ratifications have been reached the convention enters into force. Today more than 200 global conventions are in place.

Each convention is governed by a Conference of the Parties (COP) which meets regularly. It is serviced by a secretariat which handles the legal procedures, e.g. to oversee that the participating states follow binding commitments, and a secretariat that work with the practical implementation. The undertakings in the conventions are often amplified by special protocols that contain more detailed and, at times, time binding commitments. Very often further resources, such as technical committees, research laboratories, etc., are set up to work with the issues of the convention, such as monitoring, forecasting, etc. The secretariats and other mechanisms of the global conventions are normally financed through obligatory contributions by the parties according to a scale of assessment of the United Nations.

Below a series of conventions that are of importance for the area of environmental protection are listed.

Conventions to protect habitats and biodiversity

A series of conventions to protect habitats and life forms have been put in place since the early 1970s, and today constitute the backbone of biodiversity protection. The *Convention on Wetlands* of International Importance, especially as Waterfowl Habitat (Ramsar Convention) was signed in Ramsar, Iran in 1971. The principal obligations of the contracting parties are to designate wetlands for the List of Wetlands of international importance, to formulate and implement planning so as to promote conservation of listed sites and to compensate for any loss of wetland resources if a listed wetland is deleted or restricted. Furthermore, the Convention obliges its Parties to establish nature reserves on wetlands and provide adequately for their protection and through management to increase waterfowl populations on appropriate wetlands.

The Convention Concerning the Protection of the World Cultural and Natural Heritage (*World Heritage Convention*) was signed in 1972. Under this convention, outstanding natural and cultural sites are evaluated and, if approved, added to a World Heritage List.

The 1973 *Convention on International Trade in Endangered Species* (CITES), the 1979 Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention), the 1980 Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) and the 1931 International Convention for the Regulation of Whaling are examples of conventions that protect particular categories of species.

The 1992 International Convention on Biodiversity and the Forest Principles are part of the Rio Conventions. The objective of the Biodiversity Convention is to conserve biological diversity, to the maximum extent possible, for the benefit of present and future generations and for its intrinsic value.

Conventions to protect the atmosphere

A series of conventions have been worked out to protect the global atmosphere and air from pollution. The Convention on Long-Range Transboundary Air Pollution was signed in 1979. This convention is further described in Chapter 11.

The 1985 Vienna Convention for the Protection of the Ozone Layer (Vienna Convention) was further developed in the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer. This Protocol required signatory governments to regulate consumption and production of CFCs (frozen at 50% of 1986 levels in 2000) and halons (frozen at 1986 level by 2005). Developing countries were given a ten year exclusionary period. The Montreal Protocol entered into force in 1989 and was amended in London in 1990.

The 1992 UN Framework Convention on Climate Change (UNFCCC) is one of the Rio Conventions. The ultimate objective of this convention is to achieve stabilisation of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

Conventions to protect the seas

The UN system of conventions have been of outstanding importance for protecting the marine areas of the world, which legally are international waters. Basic are the four 1958 Conventions on the Protection of the Continental Shelf, on the Territorial Seas, on Fishing and the Protection of Fishing Resources, and on the Open Sea.

For environmental protection the most important are the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Dumping Convention), and the 1973 International Convention for the Prevention of Pollution from Ships (MARPOL). These conventions are further described in Chapter 20.

Conventions to protect the land and other media from pollution and degradation

Several global conventions to protect land areas as well as all other media from severe pollution have been put in place. Conventions referring to nuclear issues include the two 1986 conventions on Early Notification of a Nuclear Accident, and on Assistance in the Case of a Nuclear Accident or Radiological Emergency, signed after the Chernobyl accident.

The question of pollution is also addressed by the 1989 Convention on the Control of Transboundary Movements of Hazardous Wastes (Basel Convention) and the 2001 Convention on Hazardous Substances signed in Stockholm.

The 1994 United Nations Convention to Combat Desertification addresses the issues of the drylands of the Earth. Other conventions are there to protect the global commons, including the Arctic and the Antarctic and bottoms of the seas, from exploitation, e.g. through mining, and degradation through pollution.

The recently adopted Cartagena Protocol on Biosafety sets international rules for the trade with LMOs as well as points at the central role of the precautionary principle in the international environmental co-operation. The Protocol constitutes a major step forward in the area of trade and environment, as it shows that multilateral environmental agreements (MEAs) and the rules of the World Trade Organisation (WTO) can be mutually supportive.

The increasing use of trade related measures in MEAs as important means to accomplish their environmental aims has highlighted complex questions with regard to the relationship between MEAs and the World Trade Organisation (WTO). The use of such measures could be seen as trade distortion and discriminatory according to WTO rules. There is a need to secure the integrity of MEAs restricting trade for environmental objectives in relation to the WTO, without allowing for arbitrary and discriminatory barriers to trade. At the same time, environmental considerations would have to be more clearly integrated into the WTO.

The Convention to Combat Desertification

It is estimated that more than one billion people live in the drylands of the world, which cover up to 40% of the planet's land area. Desertification and drought are therefore major problems, both from the economic and social points of view. Disastrous droughts have required emergency action by the international community, and the long-term importance of the drylands issue for long-term food security is obvious, as are the close links between these problems and the combat of poverty.

For all these reasons, the UN created, already in the 1970s, an action plan to combat desertification, to be managed by UNEP. For various reasons this plan was not successful, and therefore the African countries felt that the Rio process should be used to launch a new initiative. They proposed the establishment of a regional convention for Africa, where the effects of drought had been particularly disastrous. In the negotiations, focus soon changed to a global convention, and Agenda 21 contained a recommendation that a Convention should be negotiated as a direct follow-up to the Rio Conference. This decision was hailed by many developing countries as one of the main results of the Rio Conference.

The Convention was rapidly negotiated and was concluded in 1994. It entered into force in 1996 and more than 170 countries have now ratified it. With the Framework Convention for Climate Change and the Convention on Biological Diversity the Convention to Combat Desertification (CCD) is now part of the package known as the Rio Conventions.

The CCD has, however, a different character than the other two conventions, in the sense that the development aspect is given particular emphasis. Of course the environmental aspects have their proper place, but the particularly vulnerable situation of the drylands and the fact that so many of these countries belong to the least developed give the Convention a special responsibility in combating poverty.

Against that background, it might have been expected that the Convention would contain detailed provisions on financial assistance. However, it was felt that substantial development assistance already goes to the countries concerned. Instead of including a financing procedure for the convention a new organisation was created, called the Global Mechanism, which was designed to have more of a co-ordinating role. It is still unclear to what extent new resources will be channelled through this mechanism; no doubt this is one of the major negotiating issues for the years to come.

In many ways, the CCD contains innovative approaches. Of special importance has been the strong emphasis on local participation and local empowerment;

Implementing the Climate Convention, UNFCCC

The Convention should be achieved within a time frame sufficient to allow ecosystems to adapt naturally for climate change, to ensure that food production is not threatened and to enable economic development to proceed in sustainable manner. By October 1998 the Convention had been ratified by 176 Parties. The convention was further developed in the 1997 Kyoto Protocol on Emission Reductions of Greenhouse Gases. The Protocol defines legally binding quantified constraints on greenhouse gas emissions from each industrialised country. The Protocol covers six gases including carbon dioxide, methane, nitrous oxides, PFCs, HFCs, and SF6. Parties belonging to Annex 1 of the convention have committed themselves to reduce their greenhouse gases emissions by 5.2% on the average over the period 2008-2012 compared to 1990.

Figure 23.5. The Convention to Combat Desertification is a key document for several African countries where deserts are increasing every year. It is still not clear to which degree this is caused by natural factors, such as climate change, or man-made factors, such as too intense cattle mowing. Regardless of this there are many measures available to fight desertifications. (Courtesy of the United Nations Information Centre, Copenhagen.)

governments have committed themselves to create an enabling framework to this end. It is also obvious that even though desertification is a global phenomenon, action to a large extent has to be taken at the regional and national levels. This has been recognized by the establishment of regional implementation annexes, which form an integral part of the Convention. Such annexes exist for Africa, Asia, Latin America, and the Northern Mediterranean region. Furthermore, action is specified in sub-regional or national Action Programmes. A number of such action programmes have already been established.

The Convention also aims at stimulating scientific research on the dryland issues: there is a special Committee on Science and Technology under the Conference of the Parties, and expert panels can be established using a roster of experts proposed by the Parties.

This system is still in a formative stage. It seems quite obvious, however, that the seriousness of the problem of land degradation, linked to effects of climate change, underline the need for the Convention. Without any doubt, the innovative character of the Convention will be of importance in the years to come, provided that its mechanisms will be properly used.

Central and Eastern European countries participated in the negotiations of the Convention. In the years of transition, it was only given limited attention in the region. However, ratification by most countries in the region is now achieved and a specific regional implementation annex for the countries has now been added to the Convention.

A convention to prohibit environmentally toxic chemicals

Modern society is today increasingly dependent on the use of chemicals in most contexts, for example in agriculture (fertilizers and pesticides), cars, pharmaceuticals, plastics, detergents, paints, clothes, building materials, and fuels. This has contributed considerably to the material prosperity in industrialised countries. The back side is however that dangerous substances can cause harm to human health and the environment. Chemical substances released in the environment travel with winds and ocean currents to large parts of the planet. The diffuse distribution into the environment of an ever increasing number of chemicals today represents a grave threat.

International co-operation in this field has acquired a growing importance. Several agreements have been reached in recent years to reduce the negative effects of chemicals that can be released in the environment and to control and manage export of dangerous substances. A global convention was signed in Stockholm in May 2001, aiming at the phasing out of 12 persistent and bioaccumulative organic pollutants (POPs), including PCB, DDT, and dioxins, with the possibility of later adding other pollutants to the list.

Developing the UN system

The Commission on Sustainable Development, CSD, and United Nations Environment Programme, UNEP

Also the Rio Conference resulted in a new institution in the United Nations. The Commission on Sustainable Development (CSD) was established to oversee the implementation of Agenda 21. While UNEP is subordinated to the General Assembly, the CSD is a functional commission of another one of the central

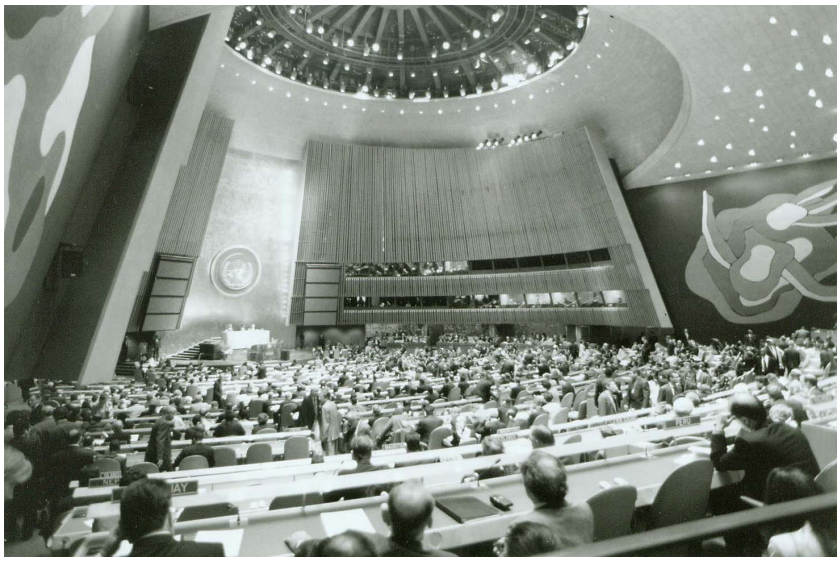


Figure 23.6. The United Nations General Assembly convenes in this beautiful room in the UN head quarter in New York. All members states are represented at the assembly meetings, and it is here that international conventions are agreed before they are open for signature and ratification. (Courtesy of the United Nations Information Centre, Copenhagen.)

organs of the United Nations, the Economic and Social Council (ECOSOC). As all bodies of the United Nations, with the exception of the Security Council, the CSD can only issue recommendations for action. Its meetings have had some positive impact and a relatively high ministerial attendance, particularly in the first years after Rio. A successful practice of dialogues between stakeholder groups and governments has been initiated in recent years. A considerable problem has however been that the meetings of the CSD have been attended largely by environment ministers in spite of its broad sustainable development agenda. The CSD has so far not been able to significantly advance this agenda.

The five year review of UNCED in 1997 was a step backwards from the exuberant spirit that characterised the Rio Conference. A major reason was the failure by industrialised countries to live up to their financial commitments at Rio. The level of ODA (development assistance) in those years dropped from an average of 0.35% of GNP to 0.27%.

A special financial mechanism to deal with global environmental problems was set up after Rio, The Global Environment Facility (GEF). GEF funds projects implemented by the United Nations Development Programme (UNDP), UNEP and the World Bank Group. GEF funds incremental costs, often through co-financing arrangements, for national projects that have global implications in the areas of climate change, biological diversity, international waters and ozone protection. It can also fund projects to combat land degradation if they are related to the core areas. To date GEF has disbursed 11 billion USD in total, out of which 8 billion come from GEF funds.

The aftermath of Rio, with political attention devoted primarily to CSD, involved serious problems for UNEP in spite of the clear decisions from Rio that the organisation should be strengthened. There was general appreciation of several achievements of UNEP, despite some shortcomings. The major area of success has been its pioneering role in the development of international environmental law. However, after Rio, UNEP faced a critical situation with stagnating and reduced funding. This was partly due to increasing financial commitments by states emanating from the proliferating structure of new institutions, particularly new global conventions. These are financed through obligatory contributions according to the scale of assessment of the United Nations, while UNEP is largely dependent on voluntary contributions. There were also some confidence problems in the organisation and its leadership on the part of some donors.

Figure 23.7. The United Nations Environmental Programme, UNEP has its head quarter in Gigiri, Nairobi, Kenya. At present the former German Minister of environment, Klaus Töpfer, serves as General Director of UNEP. (Courtesy by UNEP., http://www.unep.org.)

Revitalizing UNEP

In 1997, the UNEP Governing Council adopted the Nairobi Declaration, which gave the organisation a new and more focused mandate. The Declaration states that UNEP is the leading global environmental authority and that it should serve as the authoritative advocate for the global environment. The core tasks of revitalized UNEP are the following:

- to analyse the state of the global environment, assess trends and provide early warning information on environmental threats.
- to further the development of international law.
- to advance the implementation of international norms and policies.
- to strengthen its role in the co-ordination of environmental activities in the United Nations system.
- to promote greater awareness and facilitate effective co-operation for environmental protection among all sectors of society and actors involved in the implementation of the international environmental agenda.
- to provide policy and advisory services in key areas of institution-building to governments and other relevant institutions.

Also, with new leadership since 1998, UNEP has managed to restore political credibility and confidence. The Governing Council was recently transformed in a Global Ministerial Environment Forum in an attempt to increase its role as the main global political platform for the worlds' environment ministers. The first meeting of the Council in its new setting took place in Malmö, Sweden, in May 2000. Some 100 environment ministers attended. They adopted the Malmö Declaration, which can be seen as a blueprint for global environmental co-operation in the medium term. Its main message is that it is time to act. Commitments entered into must be met and prevailing negative environmental trends must be reversed.

Furthermore, an Environment Management Group has been set up under the chairmanship of the Executive Director of UNEP with the task of substantially improving inter-agency co-operation within the United Nations on selected, urgent issues.

However, the weak financial base remains one of UNEPs main problems. The annual contributions to its Environment Fund amount to less than 50 million USD to which should be added a similar amount in trust fund and other special grants. For its survival, UNEP is now dependent on the goodwill of some 10 industrialised countries. Although their roles are different, with UNEP primarily being a policy organisation, it is a telling comparison that the World Bank has a total portfolio of loans for environmental projects amounting to 15 billion USD. This fundamental weakness must be removed if UNEP is to be able to take on additional important functions, something which is currently being considered.

International co-operation in the 21st century

The balance sheet at the beginning of the new millennium gives a mixed message. On the one hand, as has been shown above, some international co-operation, that evolved over 30 years, to combat environmental deterioration has been impressive. This is particularly the case when it comes to the rapid development of international environmental law, the establishment of national and international institutions to deal with these problems and the progressive greening of important organisations such as the European Union and the World Bank. On the other hand, it is a deplorable fact that key negative trends have been difficult to reverse.

UNEP's "Global Environmental Outlook" report, GEO 2000, states that the global human ecosystem is threatened by grave imbalances in productivity

and in the distribution of goods and services. The unsustainable progression of extremes of wealth and poverty threatens the stability of the whole human system, and with it the global environment. Accelerating economic and social development, together with rapid population growth, take place without a corresponding adaptation of actors and institutions for the safeguarding of the environment. There are promising processes of reform in place to deal with this serious situation, but progress is too slow.

The limited capacity of the global environmental institutions to respond effectively and in a coherent way to these challenges is a particularly serious problem. This system has evolved after the Rio Conference into a fragmented patchwork of institutions with different and often unclear mandates and relationships to each other. This has taken place largely at the expense of UNEP, in contradiction to the intentions behind its creation. Some steps, as has been indicated, have begun to be taken to rectify this situation. Also, the compliance mechanisms of MEAs (multilateral environmental agreements) are generally inadequate and the structure as a whole is weak in relation to other important areas of policy making such as international trade.

In further reform efforts, there should be a strong focus on the overall aim of achieving a more integrated and forceful system. The logical core elements would be a considerable strengthening of UNEP as the leading global environmental authority as well as much closer relationships between MEAs and between MEAs and UNEP. This should be linked to the operational functions of the United Nations system and the Bretton Woods institutions.

Preparations are now under way for the World Summit on Sustainable Development in Johannesburg in September 2002. This will be an opportunity to carry out a ten year review of the implementation of Agenda 21 as well as addressing forward-looking issues.

The General Assembly has decided that the focus of the Johannesburg process shall be on implementation. The preparations have been organised through a bottom-up approach. Local Agenda 21 activities and initiatives such as Baltic 21 are important cornerstones of this strategy. Furthermore, all countries have been requested to submit national sustainable development strategies by 2002. Regional preparatory meetings have taken place during 2001. For its part, the European Union adopted its own sustainable development strategy at the meeting of the European Council in Göteborg in June 2001.

The CSD serves as the Preparatory Committee for the Summit and is the focal point for intergovernmental negotiations on the outcome of the Summit. It is expected that there will be a strong focus at the Summit on poverty eradication, sustainable production and consumption patterns, initiatives for an improved management of natural resources and the process of globalisation. A predominant feature of the agenda will be cross-cutting issues with a direct link to the results of the Rio Conference such as financing of sustainable development, trade and market access as well as transfer of technology to developing countries. The Summit will also consider how the international governance system for sustainable development can be strengthened to be able to better respond to the challenges of the 21st century. As has been mentioned, the private sector and civil society will play a key role in shaping the outcome of the Summit. The Malmö Declaration, in paragraph 23, formulated the challenge for the Summit in this succinct way: "The 2002 Conference should aim at addressing the major challenges to sustainable development, and in particular the pervasive effects of the burden of poverty on a large proportion of the Earth's inhabitants, counterposed against excessive and wasteful consumption and inefficient resource use that perpetuate the vicious circle of environmental degradation and increasing poverty."

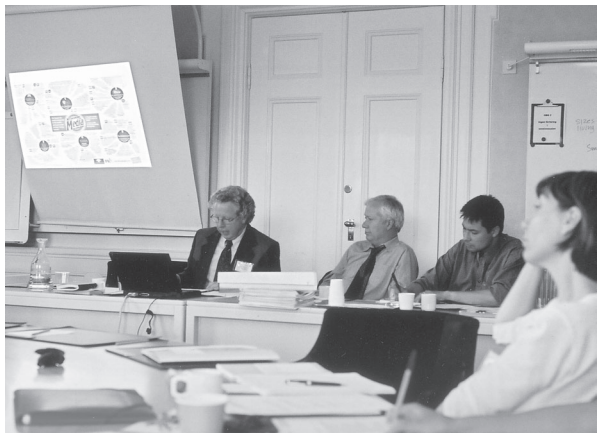


Figure 23.8. Negotiating conventions. A pre-Johannesburg discussion on a possible convention on environmental assessment of new technologies. The discussion was one of the activities in the conference "Stockholm thirty years on" in Stockholm in June, 2002. (Photo: Lars Rydén.)

European co-operation
the European Union

Modest beginnings: the 1970s

The European Community, EC, starting with a core of six member states, and was originally a political and economic co-operation. The Community's first steps in the environmental field were aimed primarily at removing trade barriers caused by national environmental standards. Only in 1971 was the preoccupation with the economic and trade effects of environmental regulation seriously called into question. This eventually led to a declaration at the European Council meeting in Paris in 1972. Here, the Heads of State and Government acknowledged that,

> "Economic expansion should be accompanied by environmental protection so as to achieve a genuine improvement of the quality of life."

The institutions of the Community were invited to lay the basis for an environmental policy in the form of an Environmental Action Programme. The Paris summit is usually regarded as the birth of Community policy with regard to the environment.

Although deeply rooted in the military-strategic situation in Europe after the Second World War, the Community – and particularly its core, the European Economic Community (EEC) – was basically an economic organisation. As laid down in the Treaty of Rome of 1957, its main goal was the establishment of a common market between the six founding members: Belgium, the Federal Republic of Germany, France, Italy, Luxembourg, and the Netherlands. The necessary shift of substantial economic powers from the member states to the Community, however, turned out to be a continuous source of controversy. A major crisis in 1965-1966 could only be solved by accepting a veto right in the Council of Ministers in cases where "very important" interests of a member state were at stake. For many years, unanimity voting remained the rule in practice in the Council, particularly after the accession in 1973 of Denmark, Ireland, and the UK, who were all not particularly eager to share too many of their national powers.

Against this background, the content of the Paris Declaration was fairly radical. It implied the development of a wholly new set of policy goals at the Community level, as it was amending the original common market objective, and a further broadening of the Community's claims on national competences. It may be added that it took about ten years to attain a first balance with regard to this question.

One of the first illustrations of the problem at stake was the debate about the First Environmental Action Programme, drafted by the Commission in 1973. It was used by France to raise formal objections against the Community's competence to develop common environmental policies. Despite general consensus about the content of the Programme, France insisted that its juridical basis was too weak to adopt it as a decision of the EC Council as such. The document was eventually adopted as a "Declaration of the Council of the European Communities and of the representatives of the Governments of the Member States meeting in the Council" (EAP 1973-1976). In the preamble it was stressed, moreover, that actions included in the Programme were to be taken partly at the Community level and partly at the level of the member states. As a result, the Programme did not bind the member states and could not be submitted to the Court of Justice in Luxembourg. Significantly, the mixed status of the First Environmental Action Programme was

The Institutions of the European Union

The **European Council** is the meeting of the Heads of State and Government of the EC member states, taking place at least twice a year. It only acquired a formal status in the "Maastricht Treaty" on the European Union in 1991.

The **Council of Ministers** is the highest decision-making body of the Community. The so-called General Council consists of the Ministers of Foreign Affairs of all member states. In addition, almost all other ministers of the member states regularly meet, for instance as the Agriculture Council or the Environment Council, to discuss matters and take decisions in their respective fields of competence.

The **Commission** may be regarded as the EU's executive. The Commissioners are appointed by the member states but are expected to work independently. They are supported by Directorates-General (DGs) for various policy areas, together employing several thousands of officials. In 1981 the unit for Environment and Consumer Protection, so far having an independent position within the Commission, was incorporated into the existing DG XI which was then named "Environment, Consumer Protection and Nuclear Safety." In 1990 it was renamed "Environment, Nuclear Safety and Civil Protection." Recently the name has been changed to DG Environment.

The **European Parliament** (EP) has today the right to review the legislation proposed by the Commission. The EP has since the dramatic change of the entire Commission in 1999 strengthened its position in European Policy and has today a large impact on its environmental policy.

preserved in all the following ones, despite repeated efforts by the Commission to use the more usual construction of a Council Resolution.

The environmental directives

A better record is however provided by the policies actually initiated in the first years of EC environmental policy. The environmental directives that saw the light in this period can be broadly divided into two types on the basis both of their character and the Treaty basis chosen for their enactment.

The first category includes directives that are directly related to the functioning of the common market. They were usually designed to remove trade barriers that had resulted from diverging national *environmental requirements to products*, such as the emissions from motor vehicles, the composition of detergents or the sulphur content of gas and oil. The number of this kind of directives adopted in the 1970s was fairly small. Moreover, they were in many cases either optional and not very strict (as for instance the car directives) or rather limited in scope (the directives regarding gas, oil, and detergents). Harmonisation of environmental product standards was not at all obvious in this period: it only took place in certain cases.

The second category was much larger in scope as well as in number and comprised all directives that were not exclusively or primarily motivated by the logic of the common market. Most directives of this group contained either *environmental quality standards*, for instance regarding surface water and air, or *framework provisions*, primarily in the fields of water pollution and waste. In principle, it is right to observe that particularly the directives that referred to Article 235 were "a matter of creating a new policy" (Johnson and Corcelle, 1995). Nevertheless, most of them, while intended to be far-reaching, required hardly any direct action.

The double basis of many environmental directives was possible in practice because both articles prescribed the same decision-making procedure, which was in fact the usual one after the crisis of 1965-1966. Decisions were taken by the Council of Ministers by unanimity upon a proposal by the Commission, who had the exclusive right of initiative. The European Parliament (EP) and the Economic and Social Committee (ESC), an advisory body consisting of representatives of employers, workers and other interest groups, were only consulted. This means that they could formulate comments and amendments but did not have formal power to influence the final decision. Once Community legislation had been established, the room for divergent national measures was usually limited and had to be judged case-by-case on the basis of the exact wording of the directive in question.

In conclusion, the first decade of EC environmental policy may be characterized by the combination of ambitious intentions and very modest concrete steps. Common policies were either directly related to trade interests or restricted to general provisions that kept at a considerable distance of the actual polluting activities, even if they were properly implemented. Member states, helped by unanimous decision making in the Council, were reluctant about the transfer of substantial environmental competence to the Community.

The early 1980s and the Third Environmental Action Programme

The first signs of a change became visible in the early 1980s. It may be argued that the development so far did no longer satisfy the needs posed by the continuous increase of the number and impact of environmental problems, the growing national policy responses, and the unflagging process of interweaving of the economies of the member states in general.

The perception of these shortcomings was strongly stimulated by the alarmist reaction to the problem of acidification in Germany and some other

European Union terms

EC	European Community
EEC	European Economic Community
EAP	Environmental Action Programme
DGs	Directorates-General for the policy areas
EP	European Parliament
ESC	Economic and Social Committee
EIA	environmental impact assessment
EMAS	Eco-Management and Audit System
IPPC	the directive on Integrated Pollution Prevention and Control
EMU	European Monetary Union
REC	Regional Environmental Centre in Budapest
EFTA	European Free Trade Agreement
BAT	best available technology
BEP	best environmental practice

countries in this period. At the same time, as some authors argue, each piece of legislation that had been adopted in the EC had contributed to the step-by-step construction of a Community competence in the field of the environment. Every directive, however modest it might be by itself, acted as a *fait accompli* facilitating the acceptance of a further extension of the Community's activities in the field (cf. Bungarten, 1978). This complex of factors helped to prepare the ground for the Third Environmental Action Programme, which marked a shift in degree in the conception of EC environmental policy making.

The Third Environmental Action Programme, adopted in February 1983, was the first one to go beyond the level of a detailed shopping list. Instead, it emphasised two strategic aspects of environmental policy making:

- prevention of pollution, and
- the integration of environmental considerations into other fields of Community policy.

The new impulses were of course not immediately transformed into forceful new policies. Penetration of environmental considerations into other, sometimes long-established policy fields, turned out to be a difficult task. The first half of the 1980s however did see the opening of some new, important sub-fields of environmental policy, notably air pollution. Moreover, a number of common *emission standards* was adopted at last under the framework directive for water pollution and serious discussions about formulating such standards for some major stationary sources of acidification were started. This step was significant. Emission standards were related to conditions of competition in a much broader sense than the earlier product norms and implied a considerably more far-

Review
Box 23.3

The European Union Directives

The number of EU directives related to environmental issues is large and increasing. The European Commission develops directives with considerable input of Member States and the European Parliament. Once adopted by Council of Ministers, the Member States are solely responsible for the implementation of the requirements of the directives. Below follows a selection of the most important environmental directives.

Protection of habitats and biodiversity

The 1979 *Birds Directive* lists 181 birds species that are protected via the preservation, maintenance and re-establishment of biotopes and habitats.

The 1992 *Directive on the conservation of natural habitats and of wild fauna and flora*.

Protection of water

The 1998 *Water Framework Directive*. This directive is the most important in this group. It has three aims: to ensure sustainable water use; to make those who pollute pay the cost of the damage they cause; and that the member states must co-ordinate their actions in each river basin in order to ensure that all measures on water policy work together coherently.

The 1991 *Urban Waste Water Treatment Directive*, which provided for biological waste water treatment.

The 1991 *Nitrates Directive*, addressing water pollution by nitrates from agriculture.

The 1998 *Drinking Water Directive*.

Protection of air

The 1988 *Directive on emissions from large combustion plants*. The overall objective was to bring about a reduction of total annual emissions of sulphur dioxide and nitrogen oxides.

The 1996 *Air Quality Framework Directive*. It provides a framework and timetable for the development of daughter directives on a range of air pollutants.

Directives on chemicals and waste

The 1967 *Directive on the classification, packaging and labelling of dangerous substances* (67/548/EEC).

The 1976 *Directive on limiting the sales and use of certain dangerous substances and preparations* (76/769/EEC).

The 1988 *Directive on dangerous preparations* (88/379/EEC) Regulation 793/93 on the assessment and verification of risks created by existing substances.

In 1991 the EU adopted the *Framework Directive on Waste* and the *Hazardous Waste Directive*. Together the two directives form the basic framework for the EU's regulation of waste.

The *Directive on major accident hazards of certain industrial activities*, commonly known as the "*Seveso Directive*," was adopted in 1982. It has been amended twice.

The 1996 *Directive for Integrated Pollution and Prevention Control* (IPCC).

The 1997 Directive 97/11/EC and 1985 Directive 85/337/EEC both require that an *environmental impact assessment* (EIA) is undertaken before consent is given to certain public and private projects considered to have significant environmental implications.

reaching Community interference with industrial production than the quality norms decided in the 1970s. In addition, the instrument of *Environmental Impact Assessment* was introduced in 1985.

The institutional affirmation: the Single European Act

In 1985, the first major amendment to the Treaty of Rome, known as the Single European Act was signed. In 1987 it came into force. The main idea behind the Single Act was the revitalisation of the project of European integration by completing the "Single European Market" in 1992. Part of the 1992 programme was the strengthening of flanking policies in a number of related fields, including environmental protection.

Until 1987, environmental policy had no formal Treaty basis. As the policy field had gradually evolved as one of the most dynamic ones in the Community, assigning a formal status to it was a rather obvious step, which had in fact already been discussed for many years (cf. for instance Bungarten, 1978). The revision of the Treaty in connection with the 1992 programme then was a suitable, almost inevitable opportunity to do so. From that angle, the sections on environment in the Single Act were mainly a formal confirmation of already politically established practices. At the same time, however, they reflected the increased value attached to the integration of environmental considerations into a project as typically economic as the 1992 programme.

Two parts of the Single Act were directly relevant for environmental policy. In the first place, a separate *environmental section* was included (Art. 130R-T). It laid down the Community's competence to act in order "to preserve, protect and improve the quality of the environment" as far as these objectives could be better attained at the Community level than at the level of the individual member states. The latter formulation was the first formal reference to the subsidiarity principle (decisions on the lowest relevant level). It was combined with a conditioned authorisation for member states to maintain or introduce stricter measures than those adopted by the EC. The environment section, which offered a much more explicit and unambiguous basis for genuinely environmental measures than Article 235, empowered the Council to take the necessary decisions by unanimity, i.e. following the existing procedure.

In the second place, the "old" Article 100 was amended with an Article 100A, prescribing a new co-operation procedure for all decisions aimed at the establishment and functioning of the internal market. This procedure was characterized by the principle of qualified majority voting in the Council and limited formal powers for the European Parliament, EP. The EP's amendments, if taken over by the Commission, could be adopted by the Council by qualified majority, but rejected only by unanimity. Article 100A(4), sometimes referred to as the "environmental guarantee," offered limited possibilities for member states to apply stricter measures than those decided in Brussels.

Apart from these formal and procedural changes, the generally strong motivation to get along with the 1992 programme for the removal of trade barriers, a number of them relating to the environment, and the widespread confidence in this Programme conveyed a sense of co-operation upon the member states. Although the number of items did not dramatically increase in the years after the coming into force of the Single Act, some notorious issues were eventually brought to a conclusion in this period, such as the clean car and the large combustion plants. In addition, some major new environmental policy initiatives were launched. The most ambitious was no doubt the proposal of a greenhouse *tax on energy* around 1990. The proposal introduced once again a new policy instrument and implied significant impacts in so far predominantly national fields such as energy policy and fiscal policy. As such it reflected an optimistic perception of the latitude for the penetration of other

The legislation of the European Union

The European Union and its members states are based on several kinds of legislation.

The **Treaty of the Union** is its constitution. The first treaty of Rome in 1957 has been reviewed and rewritten several times. The now valid Treaty of the Union was adopted in Amsterdam in 1997.

The **Declarations** are policy statements that indicate a will to pursue a specific policy. They are not binding.

The **Programmes**, such as the Environmental Action Programme, is in the first instance a policy instrument and does not have binding status. They are however persistently ambitious and include rather far-going plans and proposals. There may even be a direct connection between the ambiguous and non-binding status of the programmes and their contents.

The **Directives** are the most common type of Community legislation in the environmental field. "A directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods" (Art. 189 EEC). Directives are referred to by their official numbers, for instance 70/220/EEC. The first number refers to the year in which the directive was adopted, the second number is a serial number. The addition "EEC" indicates that the directive was legally based on the EEC Treaty.

Our Future, Our Choice

"Environment policy is one of the success stories of the European Union. Thanks to EU legislation we have significant improvements such as cleaner air and safer drinking water. But we still face some real problems," explained Commissioner for the Environment, Margot Wallström as she presented the Commission's proposal for the 6th Environment Action Programme. Entitled *Environment 2010: Our Future, Our Choice* it takes a wide-ranging approach to these challenges and gives a strategic direction to the Commission's environmental policy over the next decade.

The new programme identifies four priority areas:

- Climate Change
- Nature and Biodiversity
- Environment and Health
- Natural Resources and Waste

To achieve improvements in these areas, the new Programme sets out five approaches. These emphasise the need for more effective implementation and more innovative solutions. The Commission recognises that a wider constituency must be addressed, including business who can only gain from a successful environmental policy. The Programme seeks new and innovative instruments for meeting complex environmental challenges. Legislation is not abandoned, but a more effective use of legislation is sought together with a more participatory approach to policy-making.

The five key approaches are to:

- Ensure the implementation of existing environmental legislation;
- Integrate environmental concerns into all relevant policy areas;
- Work closely with business and consumers to identify solutions;
- Ensure better and more accessible information on the environment for citizens;
- Develop a more environmentally conscious attitude towards land use.

The Programme provides the environmental component of the Community's forthcoming strategy for sustainable development. It continues to pursue some of the targets from the Fifth Environment Action Programme, which came to an end in 2000. But the new 6th Programme goes further, adopting a more strategic approach. It calls for the active involvement and accountability of all sections of society in the search for innovative, workable and sustainable solutions to the environmental problems we face. A shorter booklet "Our Future, Our Choice" is available.

The Programme will now go to the Council and Parliament for adoption by co-decision procedure.

policy areas and for the transfer of substantial competence from the member states to Brussels. The later history of the proposal shows that this view was indeed too optimistic, notwithstanding the considerable efforts by the Commission to have the Community play a leading role in this field at the United Nations Conference on Environment and Development in Rio de Janeiro in 1992 (cf. Jachtenfuchs and Huber, 1993).

The recent Treaty revisions

The period of stability and "Euro-optimism" which followed the Single Act did not last long. In response particularly to the profound political changes in Central and Eastern Europe, three other Treaty revisions were accomplished. In addition, the EU admitted three new members in 1995 (Austria, Finland, and Sweden) and started preparations for expanding to the East in the beginning of the next century. EU environmental policy was not and will not be left unaffected by these developments.

The Maastricht Treaty on European Union, in force since the end of 1993, set the scheme for the establishment of monetary and political union by the end of the century. Environmental policies under Article 130R-T, with some exceptions, were now to be decided under the co-operation procedure (qualified majority and co-operation with the EP). Article 100A was to be governed by the new co-decision procedure, which again slightly extended the powers of the Parliament. This was a significant step. Whereas the abandonment of unanimity voting in the earlier Treaty revision occurred in the relatively clear-cut context of the 1992 project, the new modifications were much more open-ended.

Although some types of measures were explicitly excluded from qualified majority voting under Article 130R-T (including for instance fiscal measures, town and country planning and energy policy), member states now ran the risk of being outvoted on genuinely environmental issues with little or no connection with the functioning of the internal market. It should be noted that this holds for member states considering EU policies too stringent, but also for those considering them too lax. The ratification of the Maastricht Treaty caused problems in several member states and gave rise to a fundamental discussion about the subsidiarity principle and the desirability of (further) transfer of national competences to the Community level.

In the same period, the *Fifth Environmental Action Programme* (EAP 1993-2000) was published, a renewed and ambitious attempt to eventually bring about a more integrated approach to environmental problems. Although the actual integration of environmental considerations into other policy sectors remained problematic, the Fifth Action Programme marked a gradual shift in EU environmental policy from standards for particular products or sources to more general requirements regarding the environmental aspects and implications of industrial and administrative processes. Examples of this new approach are the regulation setting up an *Eco-Management and Audit System* (EMAS), the directive on *Integrated Pollution Prevention and Control* (IPPC), and increased interest in *eco-labelling* (see for instance Hèritier et al., 1996).

In 1995, Sweden, Finland, and Austria entered the European Union. On the basis of their relatively well-developed domestic environmental policies as well as their past record in international environmental policy, they were expected to give a positive impetus to EU environmental policy making and to strengthen the position of the former environmental troika of Germany, the Netherlands, and Denmark. To some extent they did so. The six environmentally most progressive member states were now able to block decisions in the Council under the qualified majority rule. Even if actual voting seldom takes place in the Council, this shift of the power balance does have an indirect impact. It should be realised, however, that there is no such thing as a green bloc emerging.

Figure 23.9. The BET European Youth Climate Campaign and the EU Environment Commissioner, Margot Wallström. The BET organisation made a bet with Wallström and Mrs. D.Voynet, the European Council of Environment, that *firstly*, at least 88 schools from at least 8 participating countries can reduce 8% of their CO_2 emissions in at most 8 months in heating and electricity; and *secondly*, that we can reduce our CO_2 emissions in total by 8,000,000 kg in 8 months within the betting period set from the 22nd November 2000. More information on http://www.thebet.de/start.html.

The six have in fact developed quite different strategic orientations in EU environmental policy making which reflect the preferences of domestic constituencies regarding both environmental policy choices and European integration in general. In particular Denmark and Sweden have adopted a more activist attitude and are prepared to take unilateral measures, whereas Germany and the Netherlands generally prefer the role of constructive pushers (see Andersen and Liefferink, 1997; Liefferink and Andersen, 1998).

The Amsterdam Treaty was signed in June 1997. In the environmental field, its most important element is the application of the co-decision procedure to both Article 100A and Article 130R-T. In the latter case, however, the list of exemptions requiring unanimity was retained. In addition, the possibilities for individual member states to go further than harmonisation measures under Article 100A were clarified and to some extent enlarged. It should be noted, in addition, that with the Amsterdam Treaty, the entire Treaty was renumbered: Article 100A was changed into Article 95, and Article 130R-T into Article 174-176.

The Nice Treaty, finally, was concluded in December 2000. It was mainly aimed at streamlining existing procedures in the EU, but it was only partially successful in this respect. Its impact on environmental policy was fairly limited.

EU AND NATIONAL ENVIRONMENTAL POLICY

Environmental policy on the national level

The national environmental policies in the six member states that may, with some reservations, be regarded as the leaders, motors or pioneers of EU environmental policy (cf. for instance Johnson and Corcelle, 1995; Sbragia, 1996) is important to look into. Four of these countries are located in the Baltic catchment area (Germany, Denmark, Sweden and Finland). The remaining two (The Netherlands and Austria) are included here for the sake of comparison.

Schumann (1993) has summarised the domestic factors influencing the EU policies of individual member states (Table 23.1). His scheme is useful for

understanding the impact of the domestic policy on the shaping of the member states' specific EU policies.

The basic differences between members states

The socio-economic level of development, as measured by indicators of GNP, etc., is quite similar among the pioneers, which belong to the more affluent group of EU member states. On the other hand, the political culture and, in particular, the attitudes to European integration vary more. For example, the attitude towards European integration in especially Denmark and Sweden is more reluctant than among the other four pioneers, something which might explain the somewhat greater emphasis in these two countries on the possibilities offered by the Treaty to take stricter measures than the other member states (the so-called "environmental guarantee" in Article 100A(4) of the Treaty). Germany and the Netherlands belong to the core – Kern-Europa – and count themselves among the most "loyal" supporters of European integration. Finland, partly out of general security concerns, and Austria also belong to the group of more loyal members.

The political and institutional structures in Germany as well as in Austria are marked by the federal character of the political system. The German constitution assigns the responsibility for some environmental issues to the Länder, and the federal authorities are relatively weak in comparison with the stronger, more centralised environmental agencies and ministries in Sweden, Denmark, and the Netherlands. Although Denmark and the Netherlands established environmental ministries around 1970, Germany and Austria did not establish and consolidate their federal ministries until 15 years later, around 1985, at a time when it became evident that environmental problems were not just regional or local phenomena. This historical development might help explain why the environmental ministries in these two countries seem to have somewhat less autonomy and power vis-à-vis more traditional ministries of agriculture, industry, etc., and also need to confer more often with such ministries about their EU policies.

The policy styles vary considerably among all the countries in question, but especially in Germany, where the domestic heterogeneity and the importance of the regional authorities seem to have resulted in a somewhat different character. While both interest organisations and environmental NGOs are involved in formal consultations with the governments of the three Nordic countries and the Netherlands prior to new regulation and important EU initiatives, this is not the case in Germany. In a federal context, more regional interests must be accommodated, and consultation between the ministries in Bonn and the German Länder is an important axis in the environmental policy-making process. There is also less room to accommodate interest groups in the formal negotiations than in unitary states. Therefore, the German policy style is generally seen as less consultative than that of the other, more distinctly neo-corporatist countries.

The German situation differs from that of Austria, whose federal system is weaker than Germany's. The Länder in Austria are smaller and less autonomous, and the Austrian situation can, to a high degree, be explained by the role played by the two dominant political parties and their links to labour and industry, respectively. There are also important differences among the smaller pioneers. In particular Denmark stands out as a country with unstable parliamentary coalitions and has less room for concentration of organised interests than Sweden and the Netherlands.

Some observations of environmental policy making based on more current developments can be added to these basic characteristics, and once again Germany stands out from the other pioneers. Following the German

Table 23.1. Important factors for member state's EU policy.

	Relatively stable	Relatively unstable
Country specific	Socio-economic level	Current economic indicators
	Political culture; normative basis; attitudes to EU	Public opinion
	Structures and institutional framework	Government
	Policy style (decision making and implementation)	Current relations between main actors
Issue specific	Prevailing doctrines	Experiences
	Basic relations between state and interest groups	Recent conflict and consensus processes
	Degree of policy integration	Topical problem pressure

reunification in 1990, the policy agenda became congested with issues related to developments in the new Länder, and although the German population remained among those most concerned with environmental issues within the EU (according to Eurobarometer), there was less room to accommodate these concerns. At the same time, the opening towards Eastern Europe made German industries more vulnerable to the relocation of industries, and relatively high factor costs triggered the Standort Deutschland debate. In the Nordic countries and the Netherlands, environmental issues remained considerably higher on the agenda, although these countries have also experienced a gradual decline in interest since the early 1990s. It is notable that environmental concerns have remained relatively high on the agenda in Sweden and Finland despite economic recession.

Changes of governments have been less significant for the relative roles played by these pioneers than changes in environment ministers. In the early 1990s, for instance, relatively forceful environmental ministers Töpfer and Alders in Germany and the Netherlands, respectively, helped to set the European environmental agenda. In Finland, the Greens were elected into the government in 1995 and have since held the portfolio of the Environment Minister. But at the European level, Denmark, with its experienced Svend Auken, and Sweden took the lead.

The different national styles in environmental law

Environmental policy has probably become one of the most internationalised policy fields, with a universal tool-kit of policy concepts and strategies ranging from sustainable development to life cycle assessment. Nevertheless, comparative research has often pointed to substantial variations in the approaches to environmental policy across different countries (e.g. Vogel and Kun, 1987; Jänicke and Weidner, 1996). Even if the group of pioneers in European environmental policy can be said to represent a group of most similar cases, there are some key differences worth drawing attention to. The concern with issue-specific, relatively stable factors at the national level is basically an interest in the special national traits of environmental policy.

In Germany and Austria, the emphasis on detailed, command-and-control-like regulations is an important characteristic. It is often explained by the desire to secure a *Rechtstaat* (constitutional state) after World War II and by the dominance of lawyers in public administration in these two countries (Weale, 1992), but the command-and-control approach also seems to be linked with the federal character of the regulatory system. For instance in water policy, uniform guidelines were demanded by industrial interests already in the 1940s, as they preferred having a level playing field in all *Länder* (Andersen, 1994). On the one hand, the richness of German standards in particular (as in the air pollution guidelines TA Luft) has made these standards an important reference point for legislators across Europe. On the other hand, the tradition has been somewhat at a distance from, and difficult to integrate with, the more processual character of EU regulations in recent years.

In Sweden and Denmark, a more flexible and integrated approach based on framework legislation and extensive consultations with interest groups has been practised for more than 20 years, a tradition which is very much linked with the distinct neo-corporatist tradition in these two countries. The Netherlands, in which consultations have always played an important role, moved towards a more integrated approach with the 1989 National Environmental Policy Plan (NEPP), while regulations in Finland have remained somewhat fragmented across a number of sectoral laws. Nevertheless, these four countries have been more innovative in the use of new, more flexible policy instruments, in particular of an economic and voluntary type, and have less difficulties with the increasingly processual character of EU regulation. In the three Nordic countries, with their

particularly strong welfare state tradition, the public sector seems to have come to play a more significant role in nursing pollution control than has been the case in Germany and the Netherlands, where more responsibility tends to be placed with target groups and private actors (Andersen, 1994).

The changing national environmental agendas

Environmental concerns and priorities have changed over time and have been subject to the ups and downs of the issue-attention cycle. The media play an important role in bringing issues to the agenda, and due to the international orientation of these, in particular in the smaller member states, there is a tendency to focus on the same "disasters" or environmental "catastrophes" in all the countries. Forest die-back, the pollution of the Rhine, nuclear fallout from Chernobyl, the death of seals, climate change, and the Brent Star platform are all examples of major environmental issues that have been subject to attention throughout Northern Europe and which have made policy makers respond by tabling these for negotiations in Brussels, in one way or the other. Issues have been brought to the agenda with such rapid pace that there has been only limited time and attention to deal with them, but the pioneers have generally tried to act as "pushers" at the EU level.

Despite the focus on global and regional environmental problems, each of the member states also has a more domestic agenda of issues. It is impossible to give a full account here, but it might be indicative to point to the significance of acidification for Sweden, of transport issues for Austria, and of pollution from intensive livestocks for the Netherlands and Denmark, to understand the background for the initiatives taken by the individual member states in Brussels. However, the environmental agenda is in constant flux and this is perhaps one of its most distinct characteristics.

Conflict and consensus processes regarding environmental policy-making at the domestic level nevertheless act as a general background for raising issues in Brussels. In this context, it might be useful to consider the significance of the response of national target groups to previous environmental policy measures. All the countries under scrutiny here have begun to move towards ecological modernisation of industries and have attempted to reconcile environmental protection with economic development. The industries which stand to loose from ecological modernisation have, however, gradually become more opposed to environmental policy measures. It seems that in particular in Germany these industries might be somewhat more influential and have succeeded in slowing down the pace of environmental policy reform.

The future – differentiation or integration

Since the Maastricht Treaty, a tendency towards greater flexibility and more differentiation in EU environmental policy can be observed. The problems encountered in the ratification of Maastricht marked increasing skepticism about further steps in the process of European integration in general. Difficulties in implementing Maastricht, the limited success of the Common Foreign and Security Policy and struggles regarding the requirements for entering the European Monetary Union (EMU), further contributed to these feelings. In the environmental field, more specifically, the Nordic/Austrian accession more strongly than before emphasised the cleavage between the northern and the southern member states, the latter being perceived as being less concerned with environmental issues than the former. These developments were reflected, among other things, in a shift towards a more processual kind of environmental legislation and increased possibilities for member states to be greener than the rest.

To what extent does differentiation, either regarding final policy goals themselves or regarding the ways to achieve commonly shared goals, indeed

Figure 23.10. The European Parliament. Members of European Parliament hold up their hands in vote during a session at the European Parliament building in Brussels, in February, 2000. The European Parliament with its 626 members has the right to pass or stop proposals from the Commission but also takes its own initatives. (Photo: Thierry Charlier, AP/Pressens Bild.)

constitute a likely perspective for environmental policy making in the EU? This eventually depends on the future divergence between the member states with regard to environmental objectives and standards and the extent to which such divergence is felt as a problem in relation to other goals of the Union. The principal factors behind this are: the priority given to environmental issues particularly in the greener member states, the progress of economic integration, and above all the future enlargement of the Union. On the basis of these factors three possible scenarios can be sketched.

The *first scenario* is that changes in the three underlying factors remain limited. Euro-skepticism will continue to be felt for a number of years. Due to the accession of Sweden, Finland, and Austria, diversity between the member states may have increased, but tensions between divergent domestic environmental objectives and internal market policies can be accommodated with reference to the subsidiarity principle and with the help of existing *ad hoc* constructions.

In the *second scenario*, the problems connected with divergent standards will become more and more pressing. This may happen for instance in the case of a new upswing of the economic integration process. Growing stresses will push environmental issues more to the centre of the Union's political agenda, elevating them to a more prominent place in what may be called the "big bargains" of the Union, for instance regarding agricultural, structural, internal market or monetary policy. Particularly the Structural Funds could emerge as a framework for side-payments to support environmental policies in the more hesitating southern member states. Apart from a sharp increase in the perceived urgency of finding truly common solutions for environmental problems, this scenario would therefore require a high willingness of the northern member states to pay for environmental improvement abroad.

On the longer term, the first two scenarios are prone to be, as it were, surpassed by a further extension of the Union to include a number of Central and Eastern European states. This development would add strongly to the diversity in the Union, not only in the ecological field but in the economic and almost all other policy fields as well. It is almost inevitable that the resulting tensions, combined with the continuing stress on the "workability" of the Union's institutions, will eventually lead to more fundamental adaptations and in particular to more formal arrangements around the differentiation of policies. This could take the rather far-going form of different types of membership or the explicit formation of a "core group" in the EU. One could also think of the more pragmatic solution of creating more room for deviating national policies

in a number of areas where the problems are most pressing, presumably including environmental policy.

Which scenario is most likely to evolve in the years to come? The second scenario carries with it considerable difficulties. In the first place it is questionable if the required rise of the political salience of environmental issues will indeed take place. Apart from the perceived seriousness of trade barriers related to differentiation of environmental policies, this will depend on the cycles of environmental concern in general. Secondly, the problems associated with fitting environmental policy preferences to a politically acceptable redistribution of financial resources in the EU should not be underestimated. For the next few years, therefore, the first scenario seems to be the more realistic one. Particularly if the accession of Central and Eastern European states happens to be shelved – for whatever reasons – EU environmental policy may even be confronted with a quite protracted period of muddling-through. The more fundamental political and institutional answer to a "multi-speed Europe," outlined in a third scenario, is indeed likely to be provoked only by a further extension of the Union to the East, putting environmental policy for a while at the mercy of a veritable storm in the process of European integration.

EU enlargement and Eastern Europe

One important element in the integration process between the EU and the associated countries of Eastern Europe is that the latter's legal systems for

Case
Box 23.4

Lithuanian environmental policy after the EU accession

Developing an Environmental Protection Strategy

Just after the restoration of Lithuanian statehood in 1990, environmental policy makers focused on several neglected areas which called for priority: reorganisation of environmental legislation, review of environmental standards, creation of an effective environmental impact assessment, introduction of economic incentives, improvement of monitoring systems, establishing an environmental education system, and increasing cooperation with global and regional organisations. It resulted in Lithuania's Environmental Protection Programme of 1992, which included all major environmental problems of the day highlighting ways of addressing them in priority order.

Due to the rapid national economic development and restructuring, and the urgency to address some environmental problems the need to set new goals arose and the Lithuanian Environmental Protection Strategy was approved by the Lithuanian Parliament in 1996. It aims at preconditioning the country's sustainable development to allow the preservation of clean and healthy natural environment, biological and landscape diversity and optimal nature use. It clearly indicates that priority problems to be addressed are: water and air quality, waste management, preservation of natural resources, landscape and biological diversity.

Preparing for accession - the Approximation Strategy

The fact that in 1995 Lithuania signed an association agreement with the European Union and the ratification process is over now, brings a number of new elements into Lithuanian environmental policy, including a new emphasis on control over products (such as bans on certain chemicals, control over batteries, mandatory motor vehicle emissions controls) and more stringent waste management requirements.

In order to qualify for accession to the European Union (EU), Lithuania must bring its laws and regulations into approximation with EU legal requirements and then to implement them. The goals and mechanisms for this task are set in the Lithuanian Approximation Strategy, which was developed in 1998. This Approximation Strategy sets forth a concrete plan for meeting EU requirements in the environment sector. Its objectives are:

- to provide an overview of the actions to be taken by public authorities and private persons in order to complete approximation by the projected date of accession to the EU;
- to set priorities among approximation-related actions on the basis of Lithuania's environmental and economic situation.

The Strategy also considers how Lithuania's environmental policy will be influenced by the EU agenda. The EU's environmental requirements are for the most part compatible with Lithuania's National Environmental Strategy. For example, the priority given to waste water treatment in the latter gives Lithuania a good start in implementing the EU Urban Wastewater Treatment Directive. Nevertheless, Lithuania has much to do in order to prepare for accession in the environment sector.

What Lithuania brings to the Union

Lithuania's success in preserving its natural heritage and its efforts since regaining independence to ensure a sustainable level of economic development are already important assets for all of Europe. Lithuania will bring to the European Union a large number of natural and semi-natural territories that are home for many species of plants, animals and fungi which have long since become extinct in the developed countries of the European Union. These and other accomplishments in the area of environmental protection are achieved with the help of the environmental policy instruments which Lithuania possesses.

Daiva Semeniene

environmental protection are being harmonized with the legal system of the EU. The association treaties place stress upon co-operation in ecological issues in almost all relations with the EU. For example, the EU requires that policies for agriculture, energy, transport, regional development and tourism be guided by the principle of sustainable development. Environmental policies are to be incorporated in those policies from the outset. Furthermore, joint actions are to be taken to monitor pollution, to diminish transboundary pollution, to address soil erosion problems and to protect forests, flora and fauna. EU environmental policy not only emerges as the main driving-force for environmental policy reform in Eastern Europe but also appears as the most important benchmark against which the associated countries will measure their own performance in the future.

EU enlargement is likely to bring significant benefits for the European environment. According to Rolf Annerberg, the former head of the Swedish Environmental Protection Agency, improvements in air and water quality, improved waste management and reduced health risks from the management of chemicals in Eastern Europe outweighs the disadvantages of unification. These drawbacks are most apparent in the transport sector. Annerberg argues that the existing EU legislation has to be tightened to "counteract the negative impact of expansion" (ENDS Daily, 1997).

The European Commission believes it would be impossible for the 10 applicant countries of Eastern Europe to comply fully before or even some time after accession. According to the Danish Environmental Protection Agency, "it is not impossible for the [candidate] countries to comply with EU requirements" before accession. It claims that failure to achieve alignment by the time of accession could put existing EU members at a competitive disadvantage. "If reasonably identical terms regarding air and water pollution are not applied, new member states which have a considerably lower level of regulation may obtain competitive advantages" (ENDS Daily, 1997). They may even "pursue an environmental dumping policy, thus attracting and maintaining polluting production facilities". Denmark therefore demands that candidates implement all EU legislation by the time they join.

In 1995, the Regional Environmental Center (REC) Budapest conducted a study over the level of compliance of environmental legal acts in Eastern Europe with the EU's most important environmental legislation. REC's assessment showed that the average compliance level was 46%. In certain fields the compliance level was considerably higher: nature protection 65% , water 61% and general policy 57% .

The high scores for nature conservation is related to the fact this area has the longest history of all aspects of environmental regulation. The lowest level of compliance had been achieved with respect to chemicals, industrial risks and biotechnology (27%), noise (32%), and waste (33%) (REC, 1996).

REC notes that the harmonization process is speeded up by pressure exerted by representatives of the business community, who are interested in achieving a so-called level-playing field for competition from an environmental point of view.

"They realize that functioning in the same legal 'environment' as their partners and competitors in EU countries helps them to increase their own respective credibility and competitiveness. The green profile of products or enterprises is becoming a factor which will help decide whether they will encounter success or failure on the market. Therefore, a strong pressure is mounting on the administration to transpose and implement, as soon as possible, EU regulations on eco-labelling and Environmental Management and Auditing Systems" (REC, 1996).

European Union's funding of states in transition

The PHARE and TACIS programmes. The PHARE programme is a European Community initiative which supports the development of the countries of central Europe and aims at facilitating their future membership to the European Union, for instance through support to the adaptation of national environmental legislation to the EU legislation.

PHARE regularly offers tender opportunities for a wide range of non-commercial, public and private organisations. The main priorities for PHARE funding include development of energy and environment and nuclear safety. For countries that have signed Association Agreements, PHARE is the financial instrument of the European Union's pre-accession strategy which will lead them to full membership.

TACIS is a programme for the countries in the former Soviet Union, with the exception of Estonia, Latvia and Lithuania, for example Russia, Ukraine and Belarus. The TACIS-programme is mainly focusing on aid projects, supporting large scale, coherent programmes. There is a database with consultancy firms in the main office in Brussels.

The PHARE Cross-Border Co-operation Programme supports the exchange of information and experience across the border regions, as well as joint measure in fields such as transport, the environment, energy, telecommunication, business, technology and tourism.

Jeanette Hagberg

Intergovernmental co-operation on the Baltic Sea environment

The 1974 Helsinki Convention

In July 1971 the Government of Finland declared its willingness to convene an intergovernmental meeting to consider how a joint convention to protect the Baltic Sea could be prepared. This willingness was restated by the Delegation of Finland at the First UN Conference on the Protection of the Human Environment, held in Stockholm in 1972.

Thus in 1973, the first intergovernmental expert meetings were called to consider the possible structure and subjects of a convention and the measures that would be needed to implement and administer such a convention.

The Convention on the Protection of the Marine Environment of the Baltic Sea Area was signed by all seven Baltic Sea States at the end of the Diplomatic Conference on the Protection of the Marine Environment of the Baltic Sea Area, in Helsinki, Finland on 22 March 1974. The Signatory States were Denmark, Finland, German Democratic Republic, Federal Republic of Germany, Poland, Sweden, and the Soviet Union.

The Baltic Sea Area, equal to the convention area, was defined to be the Baltic Sea, the Danish Sounds and the Kattegat, but not including the internal water of the Contracting Parties. The Contracting Parties undertake, without prejudice to their sovereign rights, to ensure that the purposes of the Convention will be upheld also in internal waters.

The Convention, often called the Helsinki Convention, was unusually far-reaching and aimed to protect the Baltic Sea from all kinds of pollution. It states that,

> "the Contracting Parties shall individually or jointly take all appropriate legislative, administrative or other relevant measures to prevent and abate pollution and to protect and enhance the marine environment of the Baltic Sea Area without causing an increase of pollution outside the Convention Area."

The Contracting Parties shall, it specifies, counteract the introduction, whether airborne, waterborne or otherwise, into the Convention Area of a number of specified hazardous substances, i.e., DDT and its derivatives, polychlorinated biphenyls (PCBs), and polychlorinated terphenyls (PCTs). They shall further limit the introduction of noxious substances from land-based sources, whether airborne or waterborne. All appropriate measures shall be taken to control and strictly limit pollution by 16 groups of specified noxious substances and materials.

The Convention also stipulates criteria and measures concerning the prevention of land-based pollution, principles and obligations concerning prevention of pollution from ships, prohibition of dumping (exempting dredged spoils), co-operation in combating spillage at sea, and measures to be taken to prevent pollution from the exploration and exploitation of the sea-bed and its subsoil.

The 1974 Helsinki Convention entered into force in May 1980 when it was ratified by the parliaments of the signatories. After the collapse of the Soviet Union the new independent republics of Estonia, Latvia, and Lithuania acceded to the Convention, as did the Commission of the European Communities.

Figure 23.11. The environment of the Baltic Sea, has been the object for international negotiations since 1971. In 1974 the Convention on the Protection of the Marine Environment of the Baltic Sea are was signed by the then seven coastal states. Ratification took longer times and the Convention entered into force in May 1980. A new, enlarged convention which was signed by the coastal states and the European Commission in 1992, entered into force in 2000. (Photo: Pawel Migula.)

The 1992 Helsinki Convention

In 1992 a revised version of the Convention was signed by the Baltic Sea states and the Commission of the European Communities. This 1992 Helsinki Convention embodies developments in international environmental policy and law, in order to extend, strengthen and modernize the legal regime for the protection of the marine environment of the Baltic Sea area. The key elements of this revised convention concern:

- inclusion of the internal waters of the Contracting Parties in the Convention Area. The Contracting Parties undertake to introduce relevant measures in the drainage area of the Baltic Sea to prevent and eliminate pollution of the sea;
- fundamental principles, including the "precautionary principle," the "polluter pays principle" and obligations to use the Best Available Technology (BAT) and the Best Environmental Practice (BEP);
- detailed priority groups of harmful substances and lists of substances banned from use or restricted;
- detailed criteria and measures for preventing land-based pollution, i.e., common principles for issuing permits for waste water discharge and air emissions; and
- detailed new measures for the prevention of pollution from offshore activities.

New provisions were introduced with regard to environmental impact assessment, prohibition of incineration, notification and consultation concerning pollution incidents, nature conservation and biodiversity, reporting and the exchange of information and information to the public.

The 1992 Helsinki Convention entered into force on 17 January 2000 when ratified by the parliaments of Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland, Russia, and Sweden and by the European Community.

The Helsinki Commission

The Baltic Marine Environment Protection Commission, the Helsinki Commission or, in short, HELCOM, was established for keeping the implementation of the Convention under continuous surveillance, keeping the contents of the Convention under review, making recommendations, defining pollution control criteria and objectives for the reduction of pollution, etc. The Commission, which consists of delegations representing the Contracting Parties, meets normally once a year in Helsinki. At special occasions, when important decisions or reports are made, the Commission meets at the ministerial level. Several intergovernmental organisations and international non-governmental organisations are observers of the Commission and are allowed to participate and contribute to the work of HELCOM.

The Chairmanship of the Commission rotates between the Contracting Parties every two years in alphabetic order, using the English names of the Contracting Parties. The Headquarters of HELCOM, the international Secretariat, is placed in Helsinki. It is headed by an Executive Secretary. The staff consists of four Professional Secretaries, a Project Co-ordinator, an Information Secretary, an Administrative Officer and seven Assistants. For specific projects additional staff can be employed.

The decisions by the Commission must be unanimous. They are recommendations and not legally binding. Implementation of the Recommendations is the responsibility of each Contracting Party and is controlled by a system of obligatory regular reporting. The Contracting Parties share equally the administrative costs of the Commission. In 2000 the Commission, taking into account its gained experiences, achievements and the changed political situation, reorganised its work into five main Groups and a Program Implementation Task Force. In addition different working groups and projects are established for specific purposes.

Baltic Sea region terms

HELCOM	The Baltic Marine Environment Protection Commission, or the Helsinki Commission
JCP	Baltic Sea Joint Comprehensive Environmental Action Programme
PITF	HELCOM Programme Implementation Task Force
CCB	Coalition Clean Baltic
UBC	Union of the Baltic Cities
BUP	Baltic University Programme
CBSS	Council of the Baltic Sea States
BSSSC	Baltic Sea States Subregional Council
BALTIC 21	Agenda 21 for the Baltic Sea region

Figure 23.12. HELCOM, or the Helsinki Commission, is the body that is surveying and co-ordinating the implementation of the 1992 Baltic Sea Convention. The HELCOM secretariat is located in Helsinki, in the harbour area.

Review
Box 23.5

How HELCOM is organized

HELCOM organized its work during the first two decades in four main committees, the Environment Committee, Technological Committee, Maritime Committee, and Combatting Committee to address the questions of primary interest. In 1992 also a Program Implementation Task Force was established to implement an especially elaborated action program.

In 2000 the Commission, taking into account its gained experiences, achievements and the changed political situation, re-organized its work into five main groups and a Program Implementation Task Force. In addition different working groups and projects were established for specific purposes.

The Strategy Group works to elaborate a coherent HELCOM policy and strategies based on the concept of sustainable development. Further, it monitors and assesses the implementation by the Contracting Parties of the Helsinki Convention and HELCOM Recommendations.

The Monitoring and Assessment Group identifies and quantifies the anthropogenic discharges/activities and their effects on the marine environment.

The Sea-based Pollution Group identifies current and emerging issues related to sea-based sources of pollution and proposes actions to limit emissions and discharges. Furthermore, the Group works to ensure a swift national and trans-national response to marine pollution incidents.

The Land-based Pollution Group identifies current and emerging issues related to point and diffuse sources of land-based pollution, proposes actions and promotes investment activities in order to reduce emissions and discharges.

The Nature Conservation and Coastal Zone Management Group works towards conservation of natural habitats and biological diversity and protection of ecological processes. It also fosters the development of Coastal Zone Management Plans as instruments of resource management for environmentally sustainable development in coastal and marine areas.

The Programme Implementation Task Force co-ordinates the implementation of the Baltic Sea Joint Comprehensive Environmental Action Programme (JCP). It focuses on investment activities for point and non-point pollution sources and on planning and investment activities related to management programmes for coastal lagoons and wetlands. Members of the Task Force are, in addition to the Contracting Parties other countries in the Baltic Sea region, the International Baltic Sea Fishery Commission, and a number of International Financial Institutions.

Ministerial Meetings

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 the leading star for all the governments around the Baltic Sea with respect to action taken to protect the environment. Many of the decisions and recommendations by the Helsinki Commission had, unfortunately, not been implemented in practice. This was especially true in the countries in economic transition, where there were regions with serious environmental problems. Industry operated with outdated technology and emitted harmful substances, including great amounts of harmful and toxic wastes stored in landfills without control or protection against leakage. Municipalities discharged their waste waters without any treatment. Agriculture did not take environmental conditions into account.

To combat this very serious situation, the Environmental Ministers from the Baltic Sea states in a 1988 Ministerial Declaration called for a 50% reduction by 1995 in emissions of substances most harmful to the ecosystem, i.e., nutrients, heavy metals, and toxic, and persistent and bioaccumulating organic compounds. The Commission also adopted the "Baltic List of Priority Harmful Substances" for immediate action in order to reach the 50% reduction goal by 1995. However, HELCOM failed to reach the goal. There were great difficulties to calculate the reductions achieved between 1988 and 1995, especially for the former Soviet Republics where the monitoring of emissions and discharges were poor or non-existent. However, studies of nutrient load reductions from 1988-95 show that regarding point sources the 50% reduction target was achieved for phosphorus by almost all the Baltic Sea countries, while most countries did not reach the target for nitrogen.

Agricultural loading levels usually showed smaller decreases than the point source loading. In general, decreases could be found in nitrogen, while decreases in phosphorus remained smaller. According to national estimates, the 50% reduction in agricultural nutrient loading has been reached by transition countries except Poland. Both the drastic reduction in the use of fertilisers (80-90%) and decrease in agricultural production (30-40%), as well as the increase of the green set-aside area, supported the estimated reductions. In general, the reductions were biggest both for point and non-point sources in the transition countries, due to fundamental changes in their political and economical systems in the early 1990s.

Concerning hazardous substances (heavy metals and persistent organic compounds) there are considerable data gaps. It is, however, concluded that major reductions have been achieved concerning organochlorine compounds (AOX), especially by the Finnish and Swedish pulp and paper industries, while emissions of lead from the transport sector are significantly down throughout the whole Baltic Sea region.

As the next and more powerful step after the 1988 Ministerial Meeting the Prime Ministers of Poland and Sweden invited Heads of Governments and High Political Representatives of the Baltic Sea states, Norway, the Czech and Slovak Federal Republic, and the Commission of the European Communities to a meeting in Ronneby, Sweden, in 1990. The Prime Ministers decided to set up an *ad hoc* High Level Task Force to elaborate a programme with a view to reduce pollution decisively, in order to restore a sound ecological balance to the Baltic Sea.

In addition to those that participated in the Ronneby Conference, the Task Force included experts from Estonia, Latvia, and Lithuania as well as representatives of multilateral international financial institutions, e.g., the European Investment Bank, the European Bank for Reconstruction and Development, EBRD, the Nordic Investment Bank, NIB, and the World Bank. The financial institutions acted as Executing Agencies for eight pre-feasibility studies covering the following areas:

1. Karelia, St. Petersburg, Leningrad Region and Estonia
2. West coast of Estonia
3. Gulf of Riga and Daugava River basin
4. Lithuanian Coast and Nemunas River basin
5. Kaliningrad Region and Pregel River Basin
6. Vistula River Basin and Baltic Sea coast of Poland
7. Oder/Odra River Basin
8. Mecklenburg-Vorpommern drainage area

These studies investigated point and non-point source pollution in the eastern and southern areas of the Baltic Sea drainage area. In addition, topical studies were carried out within the Task Force dealing with airborne pollution, agricultural run-off and wetland areas.

National plans submitted to the HELCOM *ad hoc* High Level Task force as background material were used in the preparation of the Action Programme, as well.

In the preparation of the Programme, 132 hot spots were identified, 47 of which have been classified as high priority. The hot spots were selected by experience and no strict criteria were used. Investment actions of the Programme will, to a great extent, focus on bringing pollution at these hot spots under control. The formulation of the particular actions and approaches required is based on a set of key principles:

- Recognizing the importance of a long-term perspective as the cornerstone of the Programme Strategy
- Taking into account the important role of natural factors
- Harmonization of economic and environmental objectives

- Harmonization of national development with regional environmental objectives
- Undertaking preventive and curative actions
- Controlling pollution at the source
- Establishing conditions for private sector participation
- Taking action to overcome constraints and build local capabilities

The Baltic Sea Joint Comprehensive Environmental Action Programme, JCP

The resulting Baltic Sea Joint Comprehensive Environmental Action Programme (JCP) was approved as regards principles and strategies at a Diplomatic Conference held at Ministerial level in April 1992 in Helsinki. A Programme Implementation Task Force, HELCOM PITF, was established within the framework of the Helsinki Commission. Members of HELCOM PITF are the Contracting Parties to the Helsinki Convention (the Commission of the European Communities, Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland, Russia, and Sweden), Belarus, Czech Republic, Norway, Slovak Republic, Ukraine, and the Baltic Sea Fishery Commission. Active observers are the Coalition Clean Baltic (CCB), the World Wide Fund for Nature (WWF), the International Council for Local Environmental Initiatives (ICLEI), and the Union of the Baltic Cities (UBC).

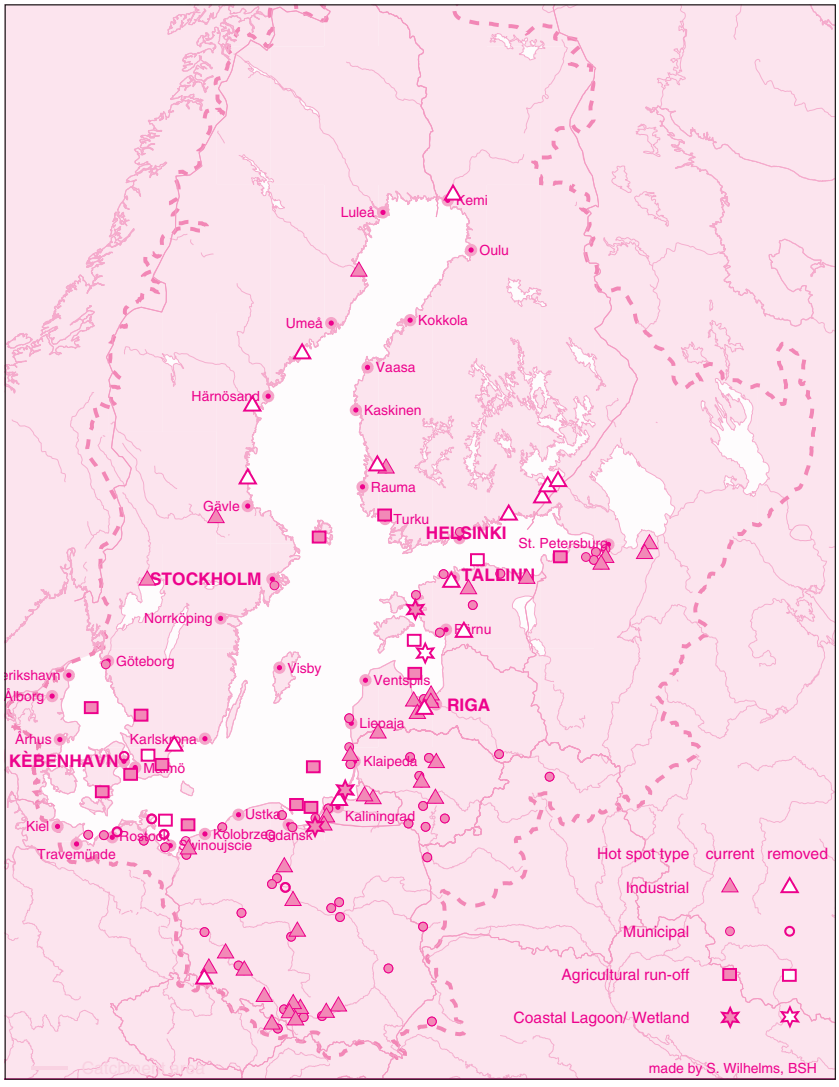


Figure 23.13. Hot spots in the Baltic Sea region 2002. The original list agreed on in 1992 had 132 hot spots (environmentally very bad sites). Since then 23 sites have been taken off the list, 14 industrial, 5 municipal, 3 agricultural and 1 wetland area. 16 of them are in Sweden, Finland, Germany and Denmark especially the pulp and paper factories, and 4 in the Baltic States. For many other sites work to improve them has started. So far close to 7 billion Euro have been invested for improving environmental performance in the Baltic Sea Joint Comprehensive Environmental Action Programme, JCP. (Source: Helcom, http://www.helcom.fi/stc/images/docs/hotspots.jpg.)

Figure 23.14. Inauguration of the new wastewater treatment plant in Liepaja, on May 25, 1998. Liepaja was one of the hot spots on the Helcom list, mostly due to its poor management of municipal wastewater, which however became greatly improved with the new plant, partly financed through Swedish funds. On the picture from left the Mayor of Liepeja, the Swedish Minister of Environment Anna Lindh, the Manager of the new sewage plant Andris Dejus and the Latvian Minister of Environment Indulis Emsis. (Photo: Normunds Mezins, EPA photo AFI/Pressens Bild.)

The Programme is expected to last 20 years, from 1993 to 2012, with the cost of implementation projected at about 18 billion ECU.
The JCP 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
- Public Awareness and Environmental Education

To mobilize the necessary funds, a High Level Conference on Resource Mobilization was held in March 1993 in Gdansk, Poland. The Conference concluded that all efforts must be taken to mobilize local, national, bilateral and multilateral financial and other resources to implement the Programme.

Implementing the various components of the Programme Started in 1993. Some of the countries involved have taken the responsibility as lead party for a whole element or a substantial part of an element. Furthermore, the non-governmental organisation 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 actively to the implementation work supporting elements "Public Awareness and Environmental Education, Policies Laws and Regulations, and Institutional Strengthening and Human Resources Development."

As to "Investment Activities for Point Source Pollution," the international financial institutions involved are active here as well as a number of donor countries acting bi and multilaterally. Finland and Sweden took the lead for this element.

For Non-point Source Pollution, Poland and Germany share the responsibility, acting within the sectors of agriculture and traffic respectively.

Environmental benefits. Once fully implemented, the Programme is expected to have a strong beneficial impact on the water quality of the rivers in the Baltic Sea drainage area. The quality of the coastal waters can be expected to improve relatively rapidly. Reducing the load of nutrients and heavy metals will help to restore the ecological balance of the open sea and also the ecological balance of the coastal lagoons and wetlands.

Figure 23.15. The Visby Summit. The 1996 Visby summit initiated work for a common Agenda 21 for the Baltic Sea region. Today the Baltic Sea region is an outstanding case of a regional co-operation for environmental protection. Other region where this is ongoing is e.g. The Great Lakes District in the USA and Canada, The Lake Victoria region in Southern Africa, and the Black Sea and the Mediterranean regions in Europe. (Photo: Courtesy of Pressens Bild.)

According to the rough estimates in the pre-feasibility studies, the investments, when completed, would lead to reductions in emissions of BOD_5 by about 550,000 tonnes/year, of nitrogen by about 70,000 tonnes/year, and of phosphorus by about 15, 000 tonnes/year.

Results achieved within the Action Programme. For programme elements 1 and 2, Policies, Laws and Regulations and Institutional Strengthening and Human Resources Development, the lead party Germany has arranged a variety of seminars and training for the countries in transition. The co-lead parties ICLEI and UBC provide various comprehensive support on the local level. The Nordic countries are also equally active in providing training for experts, rendering advice and arranging seminars.

The implementation of requisite laws, policies and regulations is progressing. Estonia, Latvia, Lithuania, and Poland stress their wish to bring their legislation towards conformity with EU legislation and international norms. Most of the countries in transition have also improved their use of economic instruments to gather resources for waste-water treatment, in particular, and protective measures for the environment, in general.

A working group under the lead of WWF for Management Programmes for Coastal Lagoons and Wetlands has specified key target areas and so-called Area Task Teams have developed management plans in a decentralized manner.

Public Awareness and Environmental education is also dealt with by a working group with Finland as lead party, supported by CCB. A number of joint projects have been identified which will call for financial support.

As to Investment Activities for Point Source Pollution, of the 132 hot spots identified 22 have 2001 been removed from the list. In a number of other hot spots, the pollution load reduction has started and is proceeding step-wise. A few projects are almost finalized, many are under construction or in the advanced planning stage, but a great number still remain unplanned.

The Visby Summit

In 1996 the Baltic Sea Prime Ministers met 3-4 May in Visby, Sweden. Among other high priority political topics the environmental conditions in the Baltic Sea were discussed on the bases of reports given by HELCOM.

For the first time HELCOM could report on positive trends concerning the pollution load on the Baltic Sea and subsequent improvements in specific environmental sectors, e.g., the levels of PCBs had decreased significantly in fish and eggs of guillemot as well as in seals. The health status of seals in the Baltic Sea had improved. Also, concentrations of DDT decreased rather rapidly after the regulations and bans had been introduced, and the effect of the DDT

ban is clear in respect to white-tailed eagle in the Baltic Sea area. After 25 years, the situation for the eagle returned to normal.

Concerning nutrients, the phosphorus inputs had decreased significantly in most areas of the Baltic Sea. For nitrogen, however, the situation was still unclear since decreased inputs from some sources were compensated by increased inputs from others.

A number of specific actions were called for in the Presidency Declaration from the Visby Summit and the subsequent adoption of action programmes for the Baltic Sea states by the Ministers of Foreign Affairs at their meeting at the Council for the Baltic Sea States (CBSS) in Kalmar, 2-3 July 1996. They concerned:

- an updating and strengthening of the Baltic Sea Joint Comprehensive Environmental Action Programme;
- the elaboration of an action programme for continuous reduction of discharges, emissions and losses of hazardous substances moving towards their cessation within the time frame of one generation (25 years);
- the expeditious implementation of the HELCOM strategy for Port Reception Facilities and the HELCOM assessment of future environmental risks of increased handling and transportation of oil in the Baltic Sea region;
- the strengthening of actions to further limit emissions and leakage of nutrients from agriculture consistent with the goal to restore the ecological balance of the Baltic Sea; the development of an annex to the Helsinki Convention on agriculture;
- the development of a coherent policy for sustainable fishing in the Baltic Sea based on a comprehensive plan to be elaborated by the Baltic Sea Fisheries Commission in consultation with HELCOM and ICES;
- the protection of biodiversity and nature conservation, including the further development of integrated coastal zone management;
- development of action programmes for transboundary water courses; and
- the elaboration of an Agenda 21 for the Baltic Sea region.

The 1998 Ministerial Meeting

At the Ministerial Meeting in 1988, the Ministers called for a reduction of 50% by 1995 in pollution load with respect to heavy metals, toxic or persistent organic compounds and nutrients going into the Baltic Sea. Ten years later at the 1998 Ministerial Meeting the gathered Ministers and the Commissioner from the European Commission could conclude that a number of important actions had been taken during the past decade. They welcomed the significant progress made in the reduction of discharges of organochlorine compounds and the significant reduction of lead from motor vehicles. They also welcomed the recovery of the populations of certain hitherto severely endangered species.

Nevertheless, the Ministers and the Commissioner recognized that many problems which so far have not been successfully addressed still exist, thus mitigating the realization of the 50% target. In particular they expressed concern at eutrophication resulting from high inputs of nutrients from agriculture, transport, and municipalities, and at comparatively high concentrations of some heavy metals and persistent organic pollutants as well as illegal discharges from ships.

The Ministers and the Commissioner reaffirmed their commitment to achieve the strategic goals set up in the 1988 Ministerial Declaration and to define a series of more specific targets to realized before the year 2005. They further decided to intensify the implementation of the Baltic Sea Joint Comprehensive Environmental Action Programme and place increased emphasis on the reduction of non-point pollution sources in agriculture and transport sectors.

In order to develop greater priority setting and targeting for tackling the more acute environmental issues around the Baltic Sea, the 1998 Ministerial

Figure 23.16. The Baltic 21 process. During a meeting in Gdansk in December 2001 representatives from Lithuania and Sweden, lead parters in Baltic 21 sector for education for sustainable development, agree on the final wording in the text that was adopted by the Ministers of Education in Stockholm in January 2002. (Photo: Lars Rydén.)

Regional support programs

The western countries in the Baltic Sea region organised support programmes for the newly independent states already from 1990 and still running. The Swedish International Development and Co-operation Agency, Sida, thus already in 1990 set aside 300 MSEK to assist Poand in its environmental work. In the following years considerable sums were invested by Sweden for environmental protection in the entire region channeled over both Sida and the Swedish Institute. Germany invested huge sums to improve the environment in the new Länder, while Denmark and Finland assisted mainly the closest neighbours on the easterna side of the Baltic Sea.

Meeting also decided that HELCOM structures, procedures and programmes should be reviewed during 1998. The review resulted in changes in the role, organisation and procedures of HELCOM to better reflect the changing political and economic context and enable the Commission to react more rapidly and effectively to the environmental challenges (see Box 23.5, page 720).

BALTIC 21 – an Agenda 21 for the Baltic Sea region

The project on the elaboration of an Agenda 21 for the Baltic Sea Region, Baltic 21, was officially launched by the Ministers of Environment at their informal meeting in Saltsjöbaden, Sweden, 20-21 October 1996. The Saltsjöbaden Declaration provides the basis for the Baltic 21 set-up and process.

The emphasis in Baltic 21 is on environmental aspects and it focuses on regional co-operation. Not only governmental ministries but also environmental movements, business/industry, universities, intergovernmental organisations and the international development banks are involved in the Baltic 21 process and are represented in the steering group, the Senior Officials Group.

The work focuses on seven sectors of crucial economic and environmental importance in the region. The sectors are agriculture, energy, fisheries, forestry, industry, tourism, and transports. The major outcome of Baltic 21 will be a regional action programme for sustainable development in the Baltic Sea Region and a common view of how sustainability can be reached in the region.

The agenda was presented to and adopted by CBSS in June 1998. At a conference at the Castle of Haga outside Stockholm in March 2000 a further sector was added to the list: Education. An action programme for education for sustainable development was signed in January 2002.

Review questions

1. What were the major achievements of the 1992 UNCED Conference?
2. Describe the content and role of five selected conventions in the environmental field. Find out if your country is a party to these conventions.
3. Describe the structure of the United Nations and some of its organs and committees, including the CSD and UNEP.
4. Enumerate at least five global organisations in the environmental field, including an IGO and NGO, and describe what they do. Are you a member of an international NGO?
5. Describe the major steps in the international work to agree on regulation of the emission of greenhouse gases, and the implementation of the Kyoto Protocol. Find out what the obligations are of your home country.
6. What are the procedures for creating and developing an international convention? Describe the legal status, the institutions established, and the economic mechanisms.
7. Describe the structure of the European Union and some of its organs and committees.
8. Describe the EU Environmental Action Programmes and some of the main differences between the first six environmental action programmes in the period 1973-2001.
9. Discuss the differences between the EU member states environmental concerns and cultures, and the difficulties this leads to in the EU context. Which EU member states may be seen as the motors of EU environmental policy?
10. How is the EU enlargement into Central Europe prepared? If you live in an accession country describe how your country is preparing for EU membership.
11. Describe the JCP, Helcom's Joint Comprehensive Environmental Action Programme, and what its 132 hot spots are. Do you have a hot spot near where you live? If so, what is presently being done to remove it from the hot spot list?
12. Describe Baltic 21 and enumerate the sections it addresses.

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Internet resources

Baltic 21
http://www.ee/baltic21

Baltic Environmental Forum
http://www.bef.lv

European Commission, DG Environment
http://europa.eu.int/comm/environment/
http:/europa.eu.int/comm/dgs/environment

European Environment Agency
http://www.eea.eu.int

Eurostat
http://www.europa.eu.int/comm/eurostat/

Helsinki Commission
http://www.helcom.fi

Multilateral conventions
http://fletcher.tufts.edu/multilaterals.html

OECD Environmental Division
http://www.oecd.org/env

The Ozone Secretariat
http://www.unep.org/ozone

UN Commission on Sustainable Development
http://www.un.org/esa/sustdev

UN Convention on Biological Diversity
http://www.biodiv.org

UN Environmental Programme (UNEP)
http://www.unep.org

UN Framework Convention on Climate Change
http://www.unfccc.de

Glossary

Agenda 21
an agenda for the 21st century to implement sustainable development as expressed in a 40 chapter and 400 page long negotiated document from the Rio UNCED conference

Amendments
additions to a legal text such as a treaty or a convention

Amsterdam Treaty
the European Union treaty signed in Amsterdam in 1997

Baltic 21
an Agenda 21 for the Baltic Sea Region, officially launched by the Ministers of Environment at their informal meeting in Saltsjöbaden, Sweden, 20-21 October 1996; the Saltsjöbaden Declaration provides the basis for the Baltic 21 set-up and process

Bretton Woods Institutions
the World Bank, WB, and the International Monetary Fund, IMF; named after the town in the United States in which, immediately after the Second World War, financial mechanisms were created to further economic development and rebuild after war damage

The Brundtland Commission
also called the World Commission on Environment and Development, or the Brundtland Commission; an independent Commission of eminent persons established by the UN General Assembly under the chairmanship of the then Prime Minister of Norway, Gro Harlem Brundtland; the conclusions of the Brundland Commission, published in 1987, introduced the concept of sustainable development on a systematic basis

Commission on Sustainable Development
commission established by the UN under the Economic and Social Council (ECOSOC) to oversee the implementation of Agenda 21

Conference of the Parties, COP
conferences of parties to global conventions to oversee that the objectives of the convention are met and further the development of the agreement, e.g. with protocols

Convention
legally binding agreement, containing commitments by nation states, which make part of international law, and regulated by the so-called 1969 Vienna Convention; today more than 200 global conventions are in place

Council of Ministers
the highest decision making body of the European Union, consisting of the Ministers of the participating governments

Declaration
policy statement that indicates a will to pursue a specific described policy

Directive
the most common type of EU legislation, being binding for each member state, as to the result to be achieved, referred to by official numbers, for instance 70/220/EEC, in which the first number refers to the year in which the directive was adopted, the second number is a serial number, and the addition "EEC" indicates that the directive was legally based on an EEC Treaty

European Commission
the executive organ of the European Union, with its site in Brussels, headed by a Secretary General and with some 20 Commissioners each head of a Directorate-General, DG

European Council
the meetings of the Heads of State and governments of the European Union member states, taking place at least twice a year

European Parliament, EP
democratically elected assembly of the European Union, with some 600 members from the 15 member states, which meets in Strasbourg

Helsinki Commission, HELCOM
the Baltic Marine Environment Protection Commission, the Helsinki Commission or, in short, HELCOM, established to oversee the Helsinki Convention

Helsinki Convention
convention signed on 22 March 1974 in Helsinki, Finland by the then all seven Baltic Sea states, on the invitation of the government of Finland, for the Protection of the Marine Environment of the Baltic Sea area

International Union of Conservation of Nature, IUCN
Organisation founded in 1948 with several hundred states, governmental agencies and non-governmental scientific and conservation organisations among its members, to safeguard biodiversity and nature protection, promoting the development of international law and policy, and monitoring biodiversity, with headquarter in Gant, outside Geneva in Switzerland

Kyoto Protocol
agreement from December 1997 on the climate issues negotiated by the third Conference of Parties of the Framework Convention on Climate change, named after the Japanese city where the Conference was held; the Kyoto Protocol with later developments form the basis for present actions to combat climate change.

Länder
composite "states" within the Federal States of Germany and Austria

Maastricht Treaty
the European Union treaty or convention agreed in 1991 to serve as the fundamental document of the Union.

PHARE
programme in the European Union which supports the development of the countries of central Europe and aims at facilitating their future membership to the European Union, for instance through support to the adaptation of national environmental legislation

Programme
a policy instrument within the EU and UN systems, including plans and proposals in a policy area

TACIS
programme in the European Union for the countries in the former Soviet Union with the exception of Estonia, Latvia, and Lithuania, for example Russia, Ukraine, and Belarus, to support economic and other development

Treaty of the European Union
the constitution of the Union, first written for the six founding members in Rome in 1957, and later amended and rewritten in the Single European Act from 1985, in Maastricht in 1991, and in Amsterdam in 1997

United Nations Conference on Environment and Development, UNCED
the UN conference in Rio de Janeiro in 1992, also called the Earth Summit, where 174 states agreed on five documents, the Rio documents, including the Rio Declaration and the Agenda 21