

## COMPARATIVE ANALYSIS OF 1974 AND 1992 CONVENTION ON THE PROTECTION OF THE MARINE ENVIRONMENT OF THE BALTIC SEA AREA

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**Summary:** In 1970s Baltic States apprehended that the Baltic Sea, a distinct marine region with grave environmental problems, called for an effective protective system. The initiatives of the Baltic States resulted in Convention on the Protection of the Marine Environment of the Baltic Sea Area which was signed on 22 March 1974. Material provisions of this convention, which came into force on 3 May 1980, and its shortcomings are analysed in Part 2 of this paper.

In the light of political changes and developments in international environmental as well as maritime law, a new convention was signed in 1992 by all the states bordering the Baltic Sea as well as the European Community and it entered into force on 17 January 2000. The most important novelties of this convention as compared with the one signed in 1974 are described in Part 4 of this paper. Despite major improvements introduced by the Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992, it failed to rectify some of the shortcomings inherited from its predecessor and reviewed in Part 5 of this paper. At the end of this paper certain conclusions as regards the sufficiency of the existing framework in order to achieve the objectives of the Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992, are drawn.

**Keywords:** Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1974 (1974 Helsinki Convention), Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992 (1992 Helsinki Convention), Baltic Sea, pollution, protection of the marine environment, HELCOM.

### INTRODUCTION

The ecological stability of the Baltic Sea is extraordinary sensitive due to several natural factors. Firstly, the Baltic Sea is only connected to the world's oceans by narrow and shallow waters of the Sound and Belt Sea. This limits the exchange of its water with the North Sea – the same water remains in the Baltic Sea for up to 30 years, – which means that many types of environmental disturbances tend to be long-lasting. Secondly, most of the water entering the Baltic Sea originates from surrounding rivers and this inflow typically carries considerable amounts of pollutants from inland sources since the Baltic Sea catchment area is 1.7 million km<sup>2</sup>, which is almost four times larger than the

sea itself, and is home to nearly 85 million people. Thirdly, the low salinity of brackish water of the Baltic Sea tends to augment biological sensitivity among many species, since their natural habitats in most cases are either the sea or inland lakes. [1, 6-8]

The need for efficient protection of the marine environment of the Baltic Sea from various environmental hazards was apprehended and co-operation in relation to such protection was initiated at international level a long time ago. Taking this into account, the present paper is aimed at analysing the provisions of the first Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1974 (“1974 Helsinki Convention”), revealing its shortcomings, comparing it to the revised Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992 (“1992 Helsinki Convention”), emphasizing the major changes introduced by the latter and analysing its effectiveness as well as sug-

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gesting avenues for addressing current and future challenges. The findings are made through analysis of 1974 Helsinki Convention and 1992 Helsinki Convention as well as application of comparative, systematic and analytic methods.

## **1. SIGNING AND RATIFICATION OF THE 1974 HELSINKI CONVENTION**

Even though the need for co-operation in protecting the marine environment of the Baltic Sea was apprehended among the Baltic States, the political situation in the early 1970s was the major fact preventing the conclusion of regional arrangements involving all of them. Firstly, the former German Democratic Republic (“GDR”), a state that was not recognized by the western states, could not enter into negotiations with other Baltic States. Secondly, the signing of a treaty by Federal Republic of Germany (“FRG”) with the former GDR could be regarded as an indirect recognition of the former GDR by the FRG, something which the latter wanted to avoid. It was only after a treaty was concluded in December 1972 between the FRG and the former GDR that the relations between them were normalized and the door for further agreement with regard to the Baltic Sea area was opened. [2, 47]

The Diplomatic Conference on the Protection of the Marine Environment of the Baltic Sea Area took place in Helsinki from 18 to 22 March 1974. The draft Convention on the Protection of the Marine Environment of the Baltic Sea Area was unanimously adopted by the Conference and the convention was signed on 22 March 1974 by seven Baltic states: Denmark, Finland, FRG, GDR, Poland, Sweden and the USSR. The seventh and last instrument of ratification of the 1974 Helsinki Convention, that of FRG, was deposited in March 1980, and the convention came into force two months thereafter, i.e. on 3 May 1980.

## **2. SHORT REVIEW OF THE MAIN PROVISIONS OF THE 1974 HELSINKI CONVENTION**

### **2.1. The Territorial and Material Scope of the 1974 Helsinki Convention**

Under Article 1 of the 1974 Helsinki Convention the Baltic Sea area covered “the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57°44,8’N” [3]. The same article expressly provided that the Baltic Sea area did not include internal waters of the contracting parties. Therefore, the 1974 Helsinki Convention was applicable to the internal waters only to the extent established in paragraph 3 of Article 4 under which the parties undertook, without prejudice to the sovereign rights, to ensure that merely the purposes of the convention would be achieved in these waters as well. Having in mind that considerable part of the Baltic Sea area is covered by the internal waters due to application of straight base-

lines (e.g. along the coasts of Denmark, Sweden and Finland) and existence of the historical bays (e.g. the Gulf of Riga and the Gulf of Gdansk), their exclusion from the scope of the 1974 Helsinki Convention was regarded as impediment to its implementation. Furthermore, “it is through estuarine waters that much, if not most, of the land-based pollution enters the sea and these waters are not covered by the Convention. Thus their protection will depend entirely upon readiness of the Baltic Governments to act”. [4, 802]

As regards the material scope, 1974 Helsinki Convention was the first multi-state regional agreement on the protection of the marine environment which dealt with pollution from land-based sources, from shipping and dumping at the sea, airborne pollution, i.e. pollution from all sources [5, 26-27].

### **2.2. Pollution Control under the 1974 Helsinki Convention**

Under paragraph 1 of Article 6 of the 1974 Helsinki Convention the contracting parties had to take all appropriate measures to control and minimize land-based pollution of the marine environment of the Baltic Sea area. Land-based pollution was defined as pollution of the sea caused by discharges from land reaching the sea waterborne, airborne or directly from the coast and did not cover pollution from dispersed sources.

1974 Helsinki Convention established two regimes for the prevention, reduction and control of land-based pollution from discharge of hazardous and noxious substances and materials.

Article 5 of the 1974 Helsinki Convention obliged the parties to counteract the introduction into the Baltic Sea of the substances on the “blacklist”, i.e. Annex I to the convention. Comparative analysis of regional treaties of that time dealing with the issues of land-based pollution suggests that substances on the blacklist received a relatively soft treatment under the 1974 Helsinki Convention. For example, under Article 4 of the Convention for the Prevention of Marine Pollution from Land-Based Sources (“Paris Convention”) contracting parties must eliminate pollution from land-based sources by substances on the blacklist, regardless of when the introduction of the pollutants occurred (before or after the entry into force of the convention) [6]. Obligation of the parties under the 1974 Helsinki Convention to counteract the introduction of hazardous substances included on the blacklist did not include a duty to eliminate the already existing pollution, as in the Paris Convention. In case of pollution which was existing at the time when the 1974 Helsinki Convention entered into force the parties were only obliged under Article 6 of this convention to take all appropriate measures to control and minimize such land-based pollution.

1974 Helsinki Convention obliged the contracting parties to take all appropriate measures to control and strictly limit pollution by noxious substances and materials on the “greylist”, i.e. Annex II to the convention. However, this obligation was rather general and vague

since the 1974 Helsinki Convention did not establish either targets for pollution's reduction nor the deadlines for such targets to be achieved. It was further stipulated in paragraph 3 of Article 6 of the 1974 Helsinki Convention that such substances could not be introduced into the marine environment of the Baltic Sea area in significant quantities without a prior special permit. Despite paragraph 5 of the same article obliging the parties to endeavour to establish and adopt common criteria for issuing permits for discharges, it took 12 years after the 1974 Helsinki Convention came into force for the Baltic Marine Environment Protection Commission eventually to agree on these common criteria which are of purely procedural nature and do not substantially limit the discretion of national authorities issuing such permits [7, 458-459].

Airborne pollution was treated by paragraph 8 of Article 6 of the 1974 Helsinki Convention establishing that the "Contracting Parties shall endeavour to use best practicable means in order to minimise the airborne pollution of the Baltic Sea area by noxious substances".

Provisions of the 1974 Helsinki Convention related to marine pollution could be grouped into three categories: a) regulating pollution from ships, b) regulating dumping and c) regulating exploitation of the seabed and subsoil.

1974 Helsinki Convention prohibited the discharge of sewage by ships into the sea, obligated the parties to ensure the provision of facilities at its ports and terminals of the Baltic Sea area for the reception of sewage and subjected the ships engaged in international voyages in the Baltic Sea area to surveys in order to ensure that ships' equipment, fittings, arrangements and material fully comply with the applicable requirements of Regulation 7 (Sewage) of Annex IV to the 1974 Helsinki Convention. Pollution from ships by oil, noxious liquid substances carried in bulk and garbage was regulated in the 1974 Helsinki Convention by references to MARPOL 73/78. However, these references ("The Contracting Parties, also being parties to MARPOL 73/78, apply in conformity with that agreement <...>") suggested that the party to the 1974 Helsinki Convention was not obliged to comply with MARPOL 73/78 requirements unless it was also a party to the latter and its specific annexes. This limited combating of pollution from ships since during validity of the 1974 Helsinki Convention not all of its parties were always parties to MARPOL 73/78 or its annexes, e.g. for Poland MARPOL 73/78 and its Annex I came into force only on 1 July 1986 [8, 82].

Dumping was regulated by Article 9 of the 1974 Helsinki Convention and its Annex V whereby (subject only to two exceptions under paragraphs 2 and 4 of the Article 9) all dumping in the Baltic Sea was prohibited. In this respect, 1974 Helsinki Convention was stricter than other regional conventions [2, 70].

Article 10 of the 1974 Helsinki Convention obliged the contracting parties to take all appropriate measures in order to prevent pollution of the marine environment of the Baltic Sea area resulting from exploration or ex-

ploitation of its part of the sea bed and its subsoil or from any associated activities thereon and to ensure that adequate equipment is at hand to start an immediate abatement of pollution in that area.

### **2.3. Baltic Marine Environment Protection Commission**

The 1974 Helsinki Convention created a permanent institutional apparatus centering on the Baltic Marine Environment Protection Commission ("HELCOM") which was charged with keeping the implementation of the convention under continuous observation, making recommendations on measures relating to the purposes of the convention, defining pollution control criteria and objectives for the reduction of pollution, promoting in close cooperation with appropriate governmental bodies additional measures to protect the marine environment of the Baltic Sea area and for this purpose receiving, processing, summarizing and disseminating from available sources relevant scientific, technological and statistical information, and etc. It should be emphasised that the primary regulatory mechanism stipulated in the 1974 Helsinki Convention, i.e. HELCOM recommendations, were not particularly forceful due to several reasons: a) unanimous acceptance by the member countries was required for a recommendation to be adopted, therefore, in order to achieve the necessary acceptance the recommendations were typically vague allowing different interpretations [9, 36], b) these recommendations did not bind the contracting parties allowing them to diverge from the requirements established in such recommendations without incurring international responsibility.

### **2.4. Enforcement Measures under the 1974 Helsinki Convention**

1974 Helsinki Convention (and it was not an exception among anti-pollution conventions in this respect) lacked any effective international enforcement and sanctions mechanism. Paragraph (a) of Article 13 of the 1974 Helsinki Convention stated that one of the duties of HELCOM was to keep implementation of the convention under continuous observations, however, HELCOM was not given any powers to enforce the rules of the 1974 Helsinki Convention. [2, 82-83]

## **3. ADOPTION OF THE 1992 HELSINKI CONVENTION AND ITS RATIFICATION**

Despite the quite ambitious efforts by HELCOM under the 1974 Helsinki Convention, political and structural factors limited the efficiency in terms of actual results. Partly because of the Cold War influence at political level and partly because of the divergent stakes of the contracting parties, HELCOM tended to focus on technical and scientific subjects. However, the collapse of the Soviet Union in the late 1980s dramatically changed the potential for regional environmental co-operation in

the Baltic Sea area. In the light of political changes the 1974 Helsinki Convention was modified to take into account the increased scientific knowledge, especially on transboundary environmental disturbances as well as developments in international environmental and maritime law. [9, 36]

The revised convention was signed in 1992 by all the states bordering the Baltic Sea (Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland, Russia and Sweden) as well as the European Community. After ratification the 1994 Helsinki Convention came into force on 17 January 2000.

#### 4. MAJOR NOVELTIES IN THE 1992 HELSINKI CONVENTION

The most important differences between the 1974 Helsinki Convention and the 1992 Helsinki Convention could be summarised as follows:

A) Under Article 1 of the 1994 Helsinki Convention the Baltic Sea area, to which the convention applies, “includes the internal waters, i.e. for the purpose of this Convention waters on the landward side of the base lines from which the breadth of the territorial sea is measured up to the landward limit according to the designation by the Contracting Parties” [10]. The inclusion of internal waters within the scope of the 1992 Helsinki Convention is an important factor in the elimination of toxic substances from the Baltic Sea.

B) Several of the general environmental principles discussed during the 1980s and 1990s were incorporated in the 1992 Helsinki Convention. These include: (i) the precautionary principle obliging the states to take preventive measures when there is reason to assume that substances or energy introduced, directly or indirectly, into the marine environment may create hazards to human health, harm living resources and marine ecosystems, damage amenities or interfere with other legitimate uses of the sea even when there is no conclusive evidence of a causal relationship between inputs and their alleged effects, (ii) best environmental practice and best available technology principle obliging the contracting parties to promote usage of best technology and practices available to it at reasonable cost, and (iii) polluter pays principle which means that actors causing environmental harm should be held responsible for these effects.

C) 1992 Helsinki Convention evidences a much stricter approach than the previous one as regards the pollution by harmful substances. Under Article 5 the states are obliged to prevent and *eliminate* pollution of the marine environment of the Baltic Sea area caused by harmful substances from all sources rather than just counter-act introduction of such substances.

D) Particular interest was focused on pollution from land-based sources since it constituted 70-90 per cent of the entire pollution of the Baltic Sea [11, 404]:

a) firstly, the concept of pollution from land-based sources was extended also to cover pollutants entering the sea from diffused sources [11, 404];

b) secondly, under the 1992 Helsinki Convention in case of land-based pollution preventive measures must be also taken inland. Article 6 obliging the parties to prevent and eliminate pollution of the Baltic Sea area from land-based sources stipulates that “the relevant measures to this end shall be taken by each Contracting Party in the *catchment area* of the Baltic Sea”. Thus, the scope of states’ obligations under the 1992 Helsinki Convention in this respect is broader than that of the 1974 Helsinki Convention. [12, 386];

c) thirdly, the scope of procedures and measures that states must implement in respect of land-based pollution far exceeds the solutions adopted in the 1974 Helsinki Convention. Regulation 2 of Annex III to the 1992 Helsinki Convention provides that: (i) municipal sewage water must be treated at least by biological or other methods equally effective with regard to reduction of significant parameters, (ii) water management in industrial plants should aim at closed water systems or at a high rate of circulation in order to avoid waste water wherever possible, (iii) industrial plants and other point sources connected to municipal treatment plants must use best available technology in order to avoid hazardous substances which cannot be made harmless in the municipal sewage treatment plant or which may disturb the processes in the plant, (iv) pollution from fish farming and diffuse sources, including agriculture, must be eliminated by promoting and implementing best environmental practice and best available technology, and etc. [12, 387]

E) Article 7 of the 1992 Helsinki Convention introduced a new requirement for the parties obliging them whenever it is required by international law or supra-national regulations to notify the Commission and any Contracting Party which may be affected about any activity that is likely to cause a significant adverse impact on the marine environment of the Baltic Sea area and to enter into consultations with any party which is likely to be affected by such transboundary impact.

F) As far as pollution from ships is concerned, the 1992 Helsinki Convention provides that the contracting parties shall apply the provisions of the annexes to MARPOL 73/78 irrespective of the fact whether they have ratified them or not.

G) Article 10 of the 1992 Helsinki Convention obliges the contracting parties to prevent any incineration in the Baltic Sea area.

H) 1992 Helsinki Convention introduces detailed procedures and measures that have to be taken in order to prevent and eliminate pollution from offshore activities. Annex VI to the 1992 Helsinki Convention provides that an environmental impact assessment must be made before an offshore activity is permitted to start, periodical studies have to be carried out in order to monitor consequent effects of the offshore activity, each offshore unit must have a pollution emergency plan ap-

proved in the accordance with the procedure established by the appropriate national authority, and finally, the contracting parties must ensure that abandoned, disused offshore units and accidentally wrecked offshore units are entirely removed and brought ashore under the responsibility of the owner and that disused drilling wells are plugged.

I) Article 15 of the 1992 Helsinki Convention is aimed at nature conservation and protection of the marine biodiversity. Under it the contracting parties must individually and jointly take all appropriate measures with respect to the Baltic Sea area and its coastal ecosystems influenced by the Baltic Sea to conserve natural habitats and biological diversity and to protect ecological processes.

J) 1992 Helsinki Convention provides detailed rules for reporting and exchange of information between the contracting states and HELCOM. Under Article 16 of the convention the parties must report to HELCOM at regular intervals on: (i) the legal, regulatory, or other measures taken for the implementation of the provisions of the convention, of its Annexes and of recommendations adopted thereunder, (ii) the effectiveness of the measures taken to implement the aforementioned provisions, and (iii) problems encountered in the implementation of such provisions.

K) Another important change in the wording of the 1992 Helsinki Convention is the more active collaboration with observers. Only a small number of scientific and expert organisations had taken active part in the HELCOM process in the 1970s and 1980s. After the 1992 Helsinki Convention the number of observers increased considerably. Today, the governments of Belarus and Ukraine have formal status as observers, together with 14 intergovernmental organizations. Furthermore, 16 non-governmental organisations, such as the WWF and BirdLife International, have achieved observer's status. [9, 3]

## 5. CHALLENGES STILL TO OVERCOME

Even though the 1992 Helsinki Convention evidences a much stricter approach than the previous one signed in 1974, but at the same time its provisions are general and flexible as well as need further specification in HELCOM recommendations [7, 458].

The mere increase in the average number of recommendations adopted annually by the HELCOM is not in itself an adequate measure of effectiveness, but, at best, only an indicator of activity [7, 465]. Revision of the 1974 Helsinki Convention failed to grant to HELCOM recommendations a legally binding character and to create adequate enforcement mechanisms. And even though there is a duty to consider HELCOM recommendations in good faith, however, many of them still remain unimplemented [12, 28]. Since HELCOM does not have any enforcement powers, the only measures that can be taken in order to ensure compliance with the aforementioned recommendations are intensive encouragement of active reporting by contracting states

under Article 16 of the 1992 Helsinki Convention and public evaluation of such reports using the "Shame – Name – Blame" approach [12, 28].

It is also worthwhile emphasising that compliance with the 1992 Helsinki Convention is always related to costs necessary to achieve such compliance. "The choice of technology, practise and level of environmental hazard is always the compromise between environmental values and social or private costs" [9, 37]. For example, it is undisputed that St. Petersburg in Russia is the Baltic Sea's single biggest polluter. Approximately half of the municipal wastewater that flows into the Baltic Sea from Russia is untreated, therefore, in 2004 the European Commission had little choice but to provide a fifty million euro grant to St. Petersburg for treating sewage [14]. Thus, when the ultimate goal is to reach substantial and tangible improvements, it is not sufficient to focus only on convention texts and formal agreements. As the success of the Baltic Sea Joint Comprehensive Environmental Programme indicated, HELCOM should be more active in developing concrete action programmes, including time-tables, allocation of resources ant etc.

## CONCLUSIONS

1. Within the field of pollution control the 1974 Helsinki Convention was unique in being the first regional convention for the protection of marine environment which encompassed all kinds of pollution, i.e. land-based pollution, airborne pollution, pollution from ships, dumping and seabed activities.

2. Even though the 1974 Helsinki Convention was considered to be progressive at the time of its adoption, one should emphasize the major defects in the regime established by this convention: a) internal waters of the contracting states were not included within the scope of the 1974 Helsinki Convention's application; b) the parties were only obliged to counteract the introduction into the Baltic Sea area of hazardous substances, however, not to eliminate pollution caused by such substances; c) application of MARPOL 73/78 was limited only to the parties who had ratified it and its respective annexes; d) HELCOM recommendations were not binding upon the parties and their implementation rested exclusively within the good will of the contracting parties; e) the 1974 Helsinki Convention did not establish any effective international enforcement and sanctions mechanism.

3. The 1992 Helsinki Convention succeeded in solving some of the concerns left open by the 1974 Helsinki Convention and also reflected developments in the international environmental law. Firstly, internal waters were included within the geographical scope of the 1992 Helsinki Convention. Secondly, the convention obliged the parties not only to counteract but also to eliminate pollution by harmful substances. Thirdly, the 1992 Helsinki Convention adopted a much stricter approach as regards the land-based pollution obliging the states to take preventive measures inland as well. Fourthly, the

parties were subjected to the requirements of MARPOL 73/78 and its annexes irrespective of their participation in that convention; Fifthly, the 1992 Helsinki Convention obliged the parties to report on the measures taken for implementation of the convention. Sixthly, several of the general environmental principles discussed during the 1980s and 1990s were incorporated in the 1992 Helsinki Convention: (i) precautionary principle, (ii) best environmental practise and best available technology principle, and (iii) polluter pays principle.

4. Even though regional co-operation created under the 1992 Helsinki Convention is well developed, the convention itself is not sufficient to fulfil the task facing the Baltic States to save their environment. Revision of the 1974 Helsinki Convention failed either to extend to HELCOM recommendations a legally binding character or to create adequate enforcement mechanism. Furthermore, compliance with the 1992 Helsinki Convention and HELCOM's guidelines is always related to technical and financial assistance available for achievement of such compliance. Therefore, HELCOM should be more active in developing concrete action programmes, including time-tables, allocation of resources and etc. rather than adopting numerous recommendations who are not being implemented by the contracting parties due to lack of resources.

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## 1974 M. IR 1992 M. KONVENCIJOS DĖL BALTIJOS JŪROS BASEINO JŪRINĖS APLINKOS APSAUGOS LYGINAMOJI ANALIZĖ

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### S a n t r a u k a

1974 m. Konvencija dėl Baltijos jūros baseino jūrinės aplinkos apsaugos buvo pirmoji regioninė aplinkos apsaugos konvencija, numatanti valstybių narių išpareigojimus dėl taršos iš visų taršos šaltinių, tačiau turinti ir tam tikrų trūkumų. Pirmą, ji nebuvo taikoma valstybių narių vidaus vandenims. Antra, Konvencija įpareigojo valstybes nars tik kovoti su pavojingų medžiagų, esančių juodajame sąrašė, išmetimu, tačiau nenumatė pareigos eliminuoti jau esamą tokių medžiagų sukeltą taršą. Trečia, daugelis Konvencijoje numatytų išpareigojimų buvo abstraktūs – juos buvo būtina tikslinti HELCOM rekomendacijose. Deja, 1974 m. Konvencija dėl Baltijos jūros baseino jūros aplinkos apsaugos šioms rekomendacijoms nesuteikė teisinės galios, todėl ar jos bus įgyvendintos, priklausė išimtinai nuo valstybių geros valios. Galiausiai pabrėžtina, kad Konvencijoje nebuvo įtvirtintas joks mechanizmas, kuriuo būtų buvę galima užtikrinti Konvencijos vykdymą.

1990-aisiais pasikeitus politinei padėčiai buvo pradėta rengti nauja Konvencija dėl Baltijos jūros baseino jūros aplinkos apsaugos, turinti užtikrinti glaudesnę bendradarbiavimą saugant ir gerinant Baltijos jūros baseino jūrinę aplinką. Naujojoje Konvencijoje įdiegtos naujovės leido išplėsti, sustiprinti ir patobulinti teisinį Baltijos jūros baseino jūrinės aplinkos apsaugos režimą. Buvo aiškiai numatyta, kad 1992 m. Konvencija dėl Baltijos jūros baseino jūrinės aplinkos apsaugos yra taikoma ir valstybių narių vidaus vandenims. Antra, buvo išplėsta taršos iš sausumos šaltinių sąvoka, kuri pagal 1992 m. Helsinkio konvenciją taip pat apėmė ir išsklaidytą taršą. Be to, Konvencijos šalys buvo įpareigos imtis atitinkamų apsaugos priemonių ne tik jūroje, bet ir sausumoje. Trečia, buvo sugriežtinti valstybių narių išpareigojimai dėl kenksmingų medžiagų. Kitaip nei 1974 m. Helsinkio konvencija, kuri numatė tik išpareigojimą kovoti su tokių medžiagų išmetimu, 1992 m.

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Helsinkio konvencija įpareigojo valstybes nars sustabdyti ir panaikinti Baltijos jūros baseino jūrinės aplinkos taršą, sukeltą kenksmingų medžiagų iš visų taršos šaltinių. Ketvirta, pagal Konvenciją valstybės narės įsipareigojo ne tik reguliariai atsiskaityti HELCOM apie priemones, kurių buvo imtasi Konvencijos ir papildomai priimtų rekomendacijų nuostatoms įgyvendinti, bet ir užtikrinti, kad visuomenei būtų prieinama informacija apie vykdomas arba numatomas priemones taršai sustabdyti ir likviduoti.

Tačiau nepaisant visų naujovių 1992 m. Helsinkio konvencija vis dėlto paveldėjo ir tam tikrus ankstesnės Konvencijos trūkumus. HELCOM rekomendacijos ir toliau liko neprišalomos bei vykdomos valstybių gera valia. Antra, išskyrus valstybių pareigą atsiskaityti HELCOM apie įgyvendintas priemones, ir šioje Konvencijoje nebuvo numatytas joks atsa-

komybės mechanizmas, kuris būtų taikomas Konvencijos šalims pažeidus Konvenciją. Trečia, paaiškėjo, kad 1992 m. Helsinkio konvencijoje įtvirtinto taršos mažinimo režimo efektyvumas priklauso ne nuo teisinių ar institucinių veiksnių, o nuo galimybės gauti finansinę ir techninę pagalbą, reikalingą atitinkamoms priemonėms įgyvendinti.

**Pagrindinės sąvokos:** 1974 m. Konvencija dėl Baltijos jūros baseino jūrinės aplinkos apsaugos (1974 m. Helsinkio konvencija), 1992 m. Konvencija dėl Baltijos jūros baseino jūrinės aplinkos apsaugos (1992 m. Helsinkio konvencija), Baltijos jūra, tarša, jūros aplinkos apsauga, HELCOM.