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INTERNATIONAL MARITIME COOPERATION OF THE BALTIC STATES MAIN SPHERES AND CONDITIONS OF COOPERATION

Despite of some progress in ideas and real activities, growing cooperation of the Baltic States is still in the beginning stage of searching for both direction and forms. At the same time, aims of the states are generally the same and there are no conflicts or bilateral and multilateral disputes connected with maritime areas or economy influence. Admittedly, there remain some legal issues waiting for new bilateral treaty – like solutions of the Eastern Baltic States maritime boundary or boundary between maritime areas being one of them, but they are expected not to have significant influence on multilateral cooperation between the Baltic States. It can be said the same about a disputed part of the Exclusive Economic Zone between Poland and Denmark.

Common political interest and business are in undoubtedly positive meaning not only predominant in the region but they also strengthen cultural ties. Recently, the initiatives have been enriched by cooperation in transportation, science, industry and services. Poland has lots of positive features that justify growing cooperation with its neighbor states. They refer among other things to advantageous locations of our ports that can be used by our southern neighbor states (Belarus, Czech Republic, Slovakia and Hungary) because they have no access to the sea and they refer to possible exploration of natural gas and oil resources surveyed on the Polish continental shelf.

New political situation that has been introduced in this part of Europe may reborn a tradition of hanseatic corporation¹. A new intellectual and social movement is being started now to take efforts supporting development of such a corporation. Germany and Scandinavian states are in the forefront of the movement².

Psychological barrier with its foot in the past has been a significant obstacle to overcome. Thus, there is a need to create *a modus vivendi* in this important region of Europe, particularly if we take into account how big changes have taken place in the Central and Eastern Europe including restoration of the Baltic States as well as effects of reunification of Germany³.

The Baltic States may become a culture creation factor in more ways then one, in spite of wrong opinions expressed sometimes, and they have never been a cultural periphery⁴. Undoubtedly, they will promote European integration.

Apart from wealth of cultural heritage, the Baltic States (or the Baltic nations) share their common troubles. First of all, they have ecological problems that have been

¹ O. Ruin, *Conflict and Cooperation. Historical Patterns Around the Baltic*, „Framtider International” (FI) 1991, vol. I, and L. Lukaszuk, *The Baltic Sea: New Developments in National Policies and International Cooperation*, vol. II, Ebenhausen 1994, p. 414–423.

² K. Gerner, *Overcoming the Past. Towards a New Modus Vivendi in the Baltic*, FI 1991, vol. I.

³ E. Folheim, *The Prince of German Unity*, FI 1991, vol. I.

⁴ J. Liehm, *Centre and Periphery and the things in between*, FI 1991, vol. I.

addressed for the last 20 years and dealing mainly with land based sources of pollution of the Baltic Sea. Pollution of the half closed sea has already become the European problem⁵ and reestablishment of its ecological balance is a common expectation to be met in the near future⁶. The biggest problem there, is to ensure the sufficient balance between industrial growth and ecological requirements⁷. Except of some legal restrictions, there is a need to invest substantially in rebuilding of the devastated natural environment including its part of land.

The Baltic region is populated very densely, out of population of about 100 million 82 million live on the areas of rivers mouths, as well as on highly industrialized areas. It is necessary to work out and implement of suitable strategy for energy industry, oil industry and maritime transportation since they have been major source of the sea pollution.

Activities that have been initiated by Sweden and Poland so far, including those involved international law, in support of the Baltic environment brought a feeling to the West of a common responsibility for the sea. The problem has been included into the catalogue of issues of the present day international policy⁸. Actually, the process of polluting and dying of the Baltic has become a political issue⁹. More technologically advanced Western states have been delivering the new environment friendly technology to the East European countries. Having planned to build a railroad channel under the strait between Denmark and Sweden, the Scandinavian states are about to rebuild a network of transit roads. Transport of oil and chemical substances is to be completely banned on the entire Baltic Sea area.

Both the 1974 and the 1992 Helsinki Conventions still remain as central legal act of international law in the strategy for protection of the Baltic water. Binding international agreements should be concluded so as to make sure that effective control and law enforcement systems will be implemented and that violations of the ecological law will be brought to justice. Nobody should be free from liability, including these without access to the sea; to make the joint protection of the Baltic more effective, Scandinavian states and Germany are assumed to support Russia and the East European countries. Nongovernmental ecological organizations may also play vital role in programming and stimulating new environment conservation efforts. A new idea of creating of a road network, a kind of *corridor to the world* connecting whole of this part of Europe is being emerged at present and it should be considered as one of vital factors of tightening cooperation between the Baltic States¹⁰.

On the turn on the 19th and 20th centuries railroad and sea transportation were dominant. However now, the road transportation dominates the others so ports and railroads making up only 1/10 of the whole industry. It is expected that by 2010 roads

⁵ L. L u k a s z u k, *Some legal problems of the marine environmental protection and the Baltic Sea region*, „Baltic Wave” 1991/1.

⁶ J. K o h n, *Restoring the ecological balance a common prospect for the future*, FI 1991, vol. I.

⁷ L. B r e n, *Big bussines and the Baltic, a complicated marriage*, FI 1991, vol. I.

⁸ J. I h a m u o t i l a, *Energy economics and environment. Strategies for improvement*, FI 1991, vol. I.

⁹ W. V a n O s t e n, *An ecological policy for the Baltic*, FI 1991, vol. I.

¹⁰ P. K a g e s o n, *The Baltic environment a political issue*, FI 1991, vol. I.

will have made 3/4 of the whole transportation network, air and railroad transportation being only 15% and 10% respectively.

It is also expected that the first years of the XXI century will begin phenomena of growing activities of egalitarian and ecological movement expressing *antihierarchical views*¹¹. It may lead conflict with attitudes and political regimes that have dominated in the region as well as with production systems and economy in general. It refers especially to the Western parts of the Baltic. So far, principles of profitability and productivity have required from networks of industrial and transportation installations to be located near the Atlantic coast. Now, new industrial centers and that are being established are located far more inland. The era of the Atlantic oriented *hierarchical* transportation and communication systems has gone and now, we have to deal with evolution of our societies activities. The so called *communication corridors* are supported by development of the European Common Market and planned wide scale new projects of natural resources exploitation.

Thus, in this situation centers even as Hamburg or Bremen are losing that significance and some regions of Germany have been undergoing changes to be included into European economic structures. The same concerns the Northern European countries especially those of the Baltic region. Assumptions that have been worked out in Brussels expect to invest heavily in structures oriented on cooperation in scientific research on the level of private or governmental business, as well as, universities. Technological and cultural cooperation is to serve further changes in economy what is in line with the current European idea of integration. This orientation says also about new communication structures that would meet demands and steps taken by ecological movement; among other things it concerns fast long distance trains and suitable developed structures of large European regions.

North Europe and the Baltic region must react properly on new tendencies if they want to regain a status of center of regionalism based on decentralization principle.

However, there is a problem what policy should be adopted for the Baltic region so as to created system served well *coalition of cooperation and negotiations*. It does not mean an institution, but a new and easy to follow cooperation platform, it also means to establish new ways of understanding and new political consensus in this region of Europe assuming a flexible scheme of micro-scale regional cooperation not only capital cities but also cities, ports and other Baltic centers.

This goal can be achieved in the region by the method of joining and rational differentiation rather than by the classical method of division of labor and specialization. However, doubts are raised if such a centralized system is able to produce an independent and powerful region in this important part of Europe. Thus, it does not mean to establish a new centralized system similar to Brussels's solution but to create the Italian type regionalization. Development of telecommunication, computer methods or territorial research and management institutes working for Estonia, Latvia, Lithuania, Russia and Poland will support this. There is also need to establish the new arts schools and to invest in culture.

¹¹ A.E. Andersson, *A future network of the Baltic*, FI 1991, vol. I.

Moreover, the ideas of multinational hanseatic ecological negotiations and establishment of efficient governing bodies with minimum of centralization and working for the goal of the Baltic ecology are being revived (reborn). All the efforts are to help to stimulate creative attitudes and to create convenient conditions for the region development according to its potential.

New and more open to broaden cooperation with states of the Eastern Baltic orientations of the Nordic Commission can also be advantageous¹².

It seems to be willing to develop relations with these states and as that partner structure may be helpful in organizing cooperation between them. Practice that have been proved by the Scandinavian states would be found useful on the whole Baltic region. It concerns especially, among other things, students and pupils exchange, research problems, training or foreign languages learning.

Scandinavian representatives share belief that the Baltic region is a natural cooperation area of all nations living there. It is assumed that state of dynamic economic growth is achievable around the Baltic what would allow to draw the North Europe out of a shadow of current politics of changes sweeping through the East and the Central parts of this continent. Finland may play a particular important role in economical cooperation with Russia.

Initiatives including those, taken by private individuals and of joint ventures character may improve trade exchange in the region¹³ which as a result of dynamic development is able to compete with other regions of Europe. Ambitious of cooperation with Scandinavian states motivated in such a way – as it is expected – should be a guiding principle mainly for the Northern part of Germany and Poland. Some new initiatives of cooperation in economy, including maritime transportation via the shorter northern passage from Europe to Japan, Korea and China in summer time¹⁴, are being put forward by Russian experts, their trade with Finland being exemplary for them. Spreading of new methods of management and need of bringing new hanseatic law into harmony is also raised frequently.

Future cooperation of the Baltic States in time of intensive processes of the European integration is seen as an area of excellent economic potential and vitality of its huge market¹⁵. It is connected with some kind of complementarity of these economies consisting not only of highly productive agriculture (e. g. Denmark) but also oil industry (e. g. Norway), iron ore mining (e. g. Sweden) or forests' natural produce industry (e. g. Sweden and Finland). It is expected that these states will be an engine that will drive the process of equalization of the *Baltic Europe* level of development. These states are very interested in building highways and railroads in Poland and in the Eastern part of Germany as well as in investing in ferry lines between their terminals and parts of the Baltic States. It will allow the states to establish quicker and more direct contacts with the Central Europe not to speak about its contribution to resolution of many problems.

¹² K. Sipponen, *Mare Balticum – a region in transition*, FI 1991, vol. I.

¹³ L. Łukaszyk, *The Baltic states cooperation – some recent approaches*, „L.O.S. Lieder”, January 1995, vol. 6, nr 4.

¹⁴ J. Piskulov, *Liberating the forces of economic integration*, FI 1991, vol. I.

¹⁵ M. Hellström, *Baltic cooperation in the era of European Integration*, FI 1991, vol. I.

There is a necessity to work out a strategy for broadening of cooperation structures of the Baltic States. It is closely related to how fast the East European modernization will be carried out and with the scale of support granted to the states. Sweden donated Poland 300 million SEK in 1990 and Swedish parliament decided to do the same to the Baltic Republics 1 milliard SEK in 1991. Conservation of natural environment, development of local administration, technical support, cultural, educational, information exchange and social movements support occupies prominent position in programs that help and contribute to strengthening of democratization and social reforms. Finland is planning to establish a special Baltic Center that would support scientific research, utilization of its results, collecting and promulgation of data related to the Baltic natural environment and conservation technologies. The Nordic Council of Ministers, the Nordic Investment Bank, the Nordic Research Fond and the Nordic Corporation of Natural Environment Protection they all share this generous contribution to the process.

The Northern States with their democratic tradition as well as unique organizational and social experiences are able to be a factor of unification for the Baltic region and thought to be its integral part. The Baltic Europe has a chance to contribute to political and economical reconstruction of the contemporary Europe¹⁶ undergoing the unification process as a cultural commonwealth with participation of both Poland and the Baltic Republics: Latvia, Lithuania and Estonia. Independence of the republics has created expectation that international cooperation will develop in this region of Baltic. Undoubtedly, the Baltic regional cooperation may contribute to strengthening and development of culture of the region's nations. This cooperation should be thought as a natural part of the broad European activities which will be carried into effect in varieties of ways and levels.

Remarks made by W.C. Clements Jr. from the University of Boston about experiences made by *four tigers of Asia* – Singapore, Hong Kong, South Korea and Republic of China (Taiwan) – are worth mentioning. In his opinion these experiences may also be advantageous to the Baltic states. The countries have similar chance to become *tigers* of the Baltic region. However, he estimates that the countries and advantageous location of their ports, because of some factors, have weaker position than their counterparts from the Eastern Asia 20 years ago. But they can help each other¹⁷.

The need of creation of common maritime policies in Europe is conditioned by many factors¹⁸. It is tended to be shaped in a way set up by the 1982 Convention of the Law of the Sea which came into effect in 1994 and was ratified by several dozen of the European states (e. g. Spain, Germany, Italy and those crated after Yugoslavia had broken apart) as well as by the process of integration underway in Europe and with participation of the East and the Central European states¹⁹.

¹⁶ H. Holkeri, *Reconstructing the map of Europe*, FI 1991, vol. I.

¹⁷ W.C. Clements, *Are East Asian models relevant to the Baltic? Issues and studies*, „A Journal of Chinese and International Affairs”, October 1992, vol. 28, nr 10, p. 71–89; S.B. Cohen, *Geography and politics in world Divided*, New York 1963; L. Alexander, *Regionalism at sea. Concept and reality*, Cambridge 1977.

¹⁸ J.R.V. Prescott, *The maritime political boundaries in the World*, London 1985.

¹⁹ *The European Community and its Eastern neighbours. European documentation*, Luxemburg 1991.

In spite of some differences in development of specific states and subregions, geographical and geopolitical location of Europe in relation to its neighbor areas, maritime areas, gulfs, rivers and land road networks is not only significant but also very much integration supporting factor²⁰. After WW II, regional integration gained new economic and political motivations in Europe. Lose of colonies, specialization of economies, creation of effective transportation systems and economic and cultural cooperation, are among other things, factors stimulating integration of the *Maritime Europe*. Location of many countries at the semiclosed seas (the Baltic Sea, the Black Sea and the Mediterranean Sea) with encouraging navigation composite coastlines, fishery and development of other maritime industries is a vital unity factor. Connection of the countries by the transcontinental navigable rivers and canals is also a factor of similar significance²¹. Institutionalized integration system of Europe with its sophisticated maritime law creates fertile soil for economic, ecological, maritime and military cooperation for the good of European security and development²². However, the problem of ecological balance of the semiclosed seas and other maritime areas still requires a solution²³.

We can specify some political and law forms of cooperation between the Baltic States that have emerged so far, and among other things they are as follows:

- parliamentary meetings of members of parliaments of Denmark, former GDR and former USSR initiated by the Polish parliament in 1965 and held in Rostock. In 1967, a conference of MPs put forward a well known idea of demilitarize the Baltic – known as *The Baltic – a Sea of a Peace*;
- Diplomatic Conference on the Baltic Issues that has been working since 1973 and which includes representants of the Baltic states governments. It deals with Code of the Baltic which is to comprise a body of international law so as to establish a comprehensive protection of the natural environment and to work out effective ways of the sea exploration. Seven states took part in the Conference – Denmark, Finland, former GDR, Poland, former West Germany, Sweden and the former USSR. As practical result of this efforts to codify the cooperation of the Baltic States, we should recognize the Conventions worked out and signed by the Diplomatic Conferences participants in Gdansk in 1973 and in Helsinki in 1974 and 1992, a plan to introduce conventions on exploration of the Baltic sea bed, on navigation, on rescue operations and on protection of resources related to tourism industry and health are one of results of this Conference;
- Conference of Ministers on natural environment protection that evaluate to what a degree resolutions of the Helsinki Conference and other declarations (e. g. of February 1988 on reduction by half pollution drained to the Baltic by 1995) have been fulfilled.

²⁰ *Carrige of goods – inland waterways*, Luxemburg 1991.

²¹ C. A b b a t i, *Transport and European integration, Europaische Perspektiven*, Luxemburg 1987; *Europa transport. Observation of transport markets: analysis and forecasts 1989*, Luxemburg 1990.

²² *The community legal order. European perspectives*, Luxemburg 1991; M.L. M e r i, *Estonia as a civic society. A. security factor in the Baltic Sea region and Europe*, „*Studia Diplomatica*” 1992, vol. XLV, nr 6, p. 3–7.

²³ S. B u k o w i c k a, *Region bałtycki w stosunkach międzynarodowych*, Warszawa 1995; M. P i e t r a ś, *Bezpieczeństwo ekologiczne w Europie*, Lublin 1996.

As far, as so called level of social diplomacy for environment is concerned, steps were taken by the Polish-Swedish Society for Natural Environment Protection established in 1987 to implement the *Vistula Project*. It assumes international cooperation in the field of purification of the river which each year transports to the Baltic 75% of overall pollutants volume collected over entire Polish territory. World Fund for Nature, the nongovernmental Polish-Swedish Ecological Fund, and so called Board of the Vistula River-Basin have been expected to take part in the project. The 1990 Ronneby Baltic Conference resolutions have also had significant importance.

The main ways of cooperation taken by the Baltic states in clarification of the law regime for the good of the Baltic environment first of all are:

- organization of joint activities ensuring proper protection of the Baltic environment and legislation efforts taken to supplement and to perfect treaty and internal laws concerning marine and land ecology, while the laws should comprise a broad range of the ecology subjects;

- vitalization of the Baltic regional cooperation to meet requirements specified by the process of OSCE as well as requirements of water protection and the Baltic natural resources exploration;

- creation of suitable organizational and social support to create a law would set up ways and guidelines for the proecological cooperation within framework of nongovernmental organizations, too (e. g. cooperation between social organizations for joint funds).

Since there are no fundamental conflict of interests in the environmental cooperation of the Baltic States, it has a chance to become a model cooperation in the same way as solutions adopted by the Helsinki Conventions then promulgated by the UNEP to other structures of the regional cooperation to enhance marine environment protection were.

Proecological resolutions of the 1992 Helsinki Conventions and the new 1982 Law of the Sea Convention²⁴ can be said to be important elements of the environmental law regime. Although, not all of the Baltic states have accepted this Convention, they recognize its assumptions because they already signed it in Montego Bay in 1982, the same situation relates to the Final Act of the UN Law of the Sea Conference²⁵.

Moreover, as the UN member states, recognizing the UN Charter, the Baltic States accept the law also as far as the regional cooperation is concerned, among other things, within the UN European Economic Commission that has included environmental and states cooperation issues in its official documents and they are understood to be dealt with within framework of regional activities of the Commission, i. e. in Europe and North America jointly²⁶.

It is also pointed out that countries of the region despite the fact that there are some differences existing between them in political systems, degree of economy development,

²⁴ J. Ciechanowicz, *Ochrona środowiska morskiego w nowym prawie morza*, „Technika i Gospodarka Morska” 1989, nr 6, p. 262–264.

²⁵ *Recent action regarding treaties to which the United States is not a party. Status of the UN Convention on the Law of the Sea*, „International Legal Materials”, July 1987, vol. XXVI, nr 4, p. 1124–1128.

²⁶ United Nations’ Economic Commission for Europe. Features. ECE/GEN/F/3, 5 June 1987, Protection of the Environment in the ECE.

geographical location, natural resources and the environment quality they face a lot of common problems. There is urgent need to resolve them and their multi-branch character as well as wide scale of occurrence call for intensification and broadening of international cooperation.

Cooperation between states of the region has been strengthened for three decades by dialog, negotiations and joint projects especially as far as common efforts of the governments to implement resolutions of the Final Act of CSCE and the Final Document of the Madrid Meeting of the states that took part in the process of the CSCE are concerned. Preventive and control measures have been taken to avoid transboundary polluting of the sea water. In 1987, the European Economic Commission began to work on liability for the transboundary polluting. The first of these cases was connected with *Rhine river*.

The Commission is going to work out a long-term strategy for conservation and wise exploration of natural resources by member states to the year 2000 and further, this strategy would also specify medium and short term purposes. First of all, agreements affecting tendencies and ecological policy in the region are to be published. The works on the strategy taking into account points of view of all the governments would be regarded as an integral part of the region's economic and social development.

Along with new scientific, technological and institutionalized capabilities, the member states would benefit from the strong collective ecological cooperation. Within framework of the cooperation, there is also room for legal activities aiming for implementation and perfection of new marine conservation regime based on general recommendations affecting regional cooperation as put down in the 1982 Law of the Sea Convention as well as in the Document and Resolution of the CSCE and with regard to the bilateral or multilateral treaties that have already been agreed.