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# Regional Environmental Cooperation and Agreements on the Conservation of Shared Natural Resources in Other Regions

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Saliency / Credibility / Legitimacy

process, conduct rather than contents, scientific credibility

scientific knowledge and decision-making process

# Helsinki Commission (HELCOM) on the Protection of the Marine Environment of the Baltic Sea and the contracting parties



## STRUCTURE OF HELCOM



Inland countries such as Belarus and Ukraine are not the contracting parties, but participate in the framework as the observer status

# Baltic Sea region - history

- Mid-1960s, scientific experts recognized the environmental situation and pollution of the Baltic Sea
- Efforts to overcome the ideological and strategic divide between East and West in Cold War context (German question)
- 1974 *Convention on the Protection of the Marine Environment of the Baltic Sea & establishing HELCOM (Helsinki Commission)*
  - entered into force in 1980
  - first regional multilateral agreement limiting marine pollution from both land-based and sea-based sources, whether airborne or waterborne
  - HELCOM as the decision-making body
  - Non-binding “Recommendation” that articulate common technical, scientific and policy standards and procedures
- 1988 *Ministerial Declaration*
  - reduce total discharge of hazardous substances on the order of 50% by 1995
  - decided in 1998 to continue the 50% reduction effort by 2005

- *1992 New Helsinki Convention (entered into force in 2000)*
  - Expands the former treaty's scope and strengthening collaborative environmental policy
- *2001 Project Team on Hazardous Substances Report*
  - concluded that 50% reduction goal had been largely reached qualitatively for 27 substances of the 36 targeted substances
- *2007 HELCOM Baltic Sea Action Plan*

# Governance System in Baltic Sea region

- HELCOM has adopted “soft” measures such as assessment, review and assistance under the general framework of the Helsinki Convention, rather than top-down enforcement
- 4 EU members (Denmark, Finland, Germany, and Sweden) tend to lead HELCOM policy development
- Though a number of multilateral banks and EU assistance programs are active in the region, bilateral economic assistance is the largest source of foreign environmental assistance
  - lead states → Estonia, Latvia, Lithuania and Poland
- EU’s involvement

- HELCOM's scientific and technical assessment are effectively used for policy making process alongside implementation review
- HELCOM collects both societal data (production, sale, use, and emission sources) and environmental data (concentration, trends and impacts)
- HELCOM's activities are of highly scientific and technological nature, that allows HELCOM to take advantage of the authority and legitimacy, apart from the international politics and the ideological clash between East and West

# Networked Cooperation in Baltic Sea region

- Since 1990s, Baltic Sea region has a dense web of transnational environmental networks of public and private stakeholders, facilitating regional exchange of information and policy collaboration
- Densely networked among parliamentarians, policy-makers, scientific and technical researchers, advocacy NGOs, professional organizations, both under HELCOM auspices and beyond HELCOM
- In the earliest stages, actors attempted to build regional institutions, organization, and networks
  - in order to define and increase awareness of ‘problems’
  - creating networks are goals in themselves and means to establish formally institutionalized interactions
- Since 1990s, the goal changed and the focus shifted from merely compiling data toward policy implementation review and environmental improvement

TABLE 1 Illustrative regional Baltic environmental initiatives

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Organized Regional Network

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Baltic Regional Environmental Dissemination System (BEIDS)  
The Baltic University (a regional university network)  
Baltic Environmental Forum Group  
Baltic 21  
The Baltic Sea Project  
Coalition Clean Baltic (CCB)  
Council of Baltic Sea States  
Union of Baltic Cities

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(VanDeveer, S., "Networked Baltic Environmental Cooperation", *Journal of Baltic Studies*, vol.42, No.1, 2011, p.43)

TABLE 2 HELCOM observer organizations

## Governments and intergovernmental organizations

Government of Belarus  
Government of Ukraine  
Intergovernmental Agreement on the Conservation of  
Small Cetaceans of the Baltic and North Sea (ASCOBANS)  
Baltic 21 – An Agenda for the Baltic Sea Region  
Baltic Sea Parliamentary Conference (BSPC)  
Bonn Agreement  
Council of Europe Development Bank (CEB)  
The Great Lakes Commission  
Intergovernmental Oceanographic Commission (IOC) of UNESCO  
International Atomic Energy Agency (IAEA)  
International Council for the Exploration of the Sea (ICES)  
International Maritime Organization (IMO)  
Oslo and Paris Commissions (OSPAR)  
UNEP/AEWA  
United Nations Environment Programme (UNEP)  
United Nations Economic Commission for Europe (UN/ECE)  
World Health Organization Regional Office for Europe  
World Meteorological Organization

## International non-governmental organizations

Alliance for Maritime Regional Interests in Europe (AMRIE)  
Baltic Farmers' Forum on Environment (BFFE)  
Baltic Operational Oceanographic System (BOOS)  
Baltic Ports Organization (BPO)  
Baltic Sea Forum (BSF)  
Baltic and International Maritime Council (BIMCO)  
BirdLife International  
BONUS Baltic Organizations' Network for Funding Science (BONUS EEIG)  
CEFIC  
Coalition Clean Baltic (CCB)  
Conference of Peripheral Maritime Regions of Europe  
European Boating Association (EBA)  
European Chlor-Alkali Industry (EURO CHLOR)  
European Community Shipowners' Association (ECSA)  
European Fertilizer Manufacturers Association (EFMA)  
European Sea Ports Organisation (ESPO)  
European Union for Coastal Conservation (EUCC)  
EUREAU (European Union of National Associations of Water Suppliers and  
Waste Water Services)  
Global Water Partnership Central and Eastern Europe  
International Association of Oil and Gas Producers (OGP)  
International Chamber of Shipping (ICS)  
International Council for Local Environmental Initiatives (ICLEI)  
Local Authorities International Environmental Organizatio  
Sea Alarm Foundation  
Union of the Baltic Cities (UBC)  
World Wide Fund for Nature (WWF)

# Rhine River Basin



# Pollution Control in Rhine River basin - history

- In the early 1930s, the chlorides issues first arrived on the Dutch agenda
- In 1948 the issues were discussed at length at an international conference concerning salmon fishing
- 1950 *International Commission for Protection of Rhine against Pollution (ICPR)* started its activities
  - During the first period, the authority was not well defined
  - For DE and FR, ICPR lacked authority to make recommendation, and was only a group of experts exchanging information on water quality
- 1963 *Bern Convention* (CH, FR, DE, NL, LX)
  - did not impose any substantive obligations on the riparian states and include emission reduction goals but only formalised a structure for interaction
  - starting joint research, and information was generated and disseminated

- From 1963, ICPR started research on the feasibility of storing waste salt from French Alsatian mines
  - Various ideas (selling, transportation to the North Sea, discharging) were rejected by France because of the high cost of transportation
  
- 1971 Ministers Conference started
  - agreed on cost-sharing formula under the Dutch initiative
  - agreed on steps to be taken to reduce pollution in the Alsace
  
- 1976 *Rhine Chlorides Convention* (entered into force in 1985)
  - France would reduce chlorides emissions by injection by 60% by 1980
  - Because of protests in the Alsace region, France refused ratification in 1979
  
- 1976 *Rhine Chemical Convention*
  
- 1986 *Sandoz accident*
  
- 1987 “*Rhine Action Programme*” (RAP)
  - Non-legally binding, but the most successful instrument in the Rhine
  - Most of its emission reduction goals were achieved

## □ 1991 *Protocol to the Chlorides Convention*

- requires both FR and NL to take measures according to the original cost-sharing formula among all the riparian states
- As many salts as possible would be stacked until 1998 by FR

## □ 1999 *Convention on the Protection of the Rhine*

- entered into force in 2003
- succeeded 1963 Bern Convention and 1976 Chemical Convention
- started to involve NGOs for information exchange, consultation

## □ 2001 New Action Plan “*Rhine 2020*”

- contains targets and measures for ecosystem improvement, flood protection, water quality and ground water
- EU regulation is currently much more important ex. European Water Framework Directive (2000/60/EC)

# Transboundary Cooperation in Rhine River basin

- During 1960s and early 1970s, ICPR concentrated merely on gathering and publishing information on the pollution of the Rhine
- In 1960 five (later six) working groups were set up
  - WG A: effect of the salinity level on agriculture
  - WG B: effect of pollution on the supply of drinking water and health
  - WG C: hydrological questions and water management
  - WG D: technical measures to restrict salinity of the Rhine
  - WG E: economic & financial questions
  - WG F: preparation for a draft international agreement
- For chlorides issue, cost-sharing principle has been adopted rather than polluter-pays principle
- For other pollution issues, until 1986, international cooperation based on strictly legal, institutional and formal approach has been unsuccessful, while informal, non-binding and pragmatic based cooperation since 1987 has achieved a great success

# Mekong River basin



## Mekong River Commission Governance Structure



# Mekong River basin- history

- *1957 Statute of Committee for the Coordination of Investigations in the Lower Mekong Basin (Mekong Committee) (-1975)*
  - An organization to promote, coordinate, supervise, control the planning and investigation of water resources development projects
  - The mandate was actually limited to planning water resources development
  - Funding from US, Europe, Japan and UN agencies (ECAFE, UNDP)
  
- *1975 Joint Declaration*
  - First document referring to the principle of reasonable and equitable water utilization
  - Extended the power of Mekong Committee - all mainstream, tributaries and inter-basin diversions would require the unanimous approval of Mekong Committee prior to implementation

## □ In 1970s Vietnam War

## □ 1978 *Interim Mekong Committee (IMC) Declaration*

- Cambodia under the Khmer Rouge did not join
- Only “promote” water resource projects with no provision on conservation—functions were much more restrictive than that of the Mekong Committee
  - ➔ Vietnam and Thai pursued their own water resource development plans
- Ideological and military struggle was transferred to IMC during 1980s
- Survived with funding from UNDP, Nordic countries ↔ US withdrawal
- Since 1990s water allocation and sharing issue appeared

## □ 1995 *Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin* & establishment of the *Mekong River Commission (MRC)*

- 3 incentives: water management, the end of Cold War, and international development assistance

## □ 2002 *Agreement on the Provision of Hydrological Information on the Mekong River in the Flood Season* (with China and Myanmar)

- China contributes effectively to the MRC’s flood forecasting activities

# “Mekong Spirit” Cooperation in Mekong River basin

- Started in 1950s with development-oriented approach and with (political) financial assistance from US, Europe, Japan and UN
- Regional geopolitics has been the primary force shaping the regime
- During 1960s, activities relating data collection, investigation and feasibility studies of some projects were undertaken
- During 1975-1990s, IMC concentrated on data collection, training and projects within a single country
- All contracting parties have political and economic incentives for stay in the “Mekong Spirit” regimes, despite the upstream-downstream conflicts

- China factor is important: many water development projects; prefer “dialogue process” to ratification of the Convention; voted against the 1997 UN Convention
- MRC will continue to take step-by step approach

# Mekong Mainstream Dam Plans



## PROJECT DESCRIPTION AND STATUS

Since mid-2006, the governments of Cambodia, Laos and Thailand have granted approval to Thai, Malaysian, Chinese, Russian and Vietnamese companies to investigate eleven dams on the Mekong River's mainstream.

The dams' heights range from between 30 and 70 meters and, in combination, would generate over 14,100 megawatts of electricity. The Don Sahong dam in Southern Lao will block the most important fish migration channel through the Siphandone island-complex, whilst the other ten projects will block the mainstream channel's entire width.

As of July 2009, nine of the projects were at the feasibility stage, whilst two projects (Don Sahong and Xayabouri) had advanced to detailed design stage. The projects are planned to be commissioned between 2013 and 2020.

# Relationship between data/information and the international cooperation

- Data and information exchange is one element of the larger institutionalization framework and interaction
- Joint data and information gathering can alleviate disputes over data and prevent broader conflicts
- Several factors that promote data and information exchange
  - presence of compatible needs, absence of legacies of mistrust, perception that cooperation is of mutual benefit, external pressure and funding, comparable levels of institutional capacity, popular and political concern, functional formal or informal cooperative arrangements
- It is understandable to simply share information in advance of developing an effective legally international body as it is the case with the Rhine

- The lack of reliable data and information can impede negotiations and inhibit international cooperation
- Once an agreement is created, exchange of data and information can form a basis for coordinated management
- Long after an agreement is concluded, data and information can form a basis of transparency, trust, providing mutual assurance of joint compliance
- “epistemic communities” or networks of experts may serve as important supplementary mechanisms for promoting trust
- However, data exchange provisions in an agreement can unnecessarily delay the greater negotiation process and undermine exchanges
  - the cost of actually organizing data and information may be high

# How environmental data and information have influence decision-making process?

- Only sharing data and exchanging information do not necessarily have influence the policy making process
- Failure to influence decision-making process most often reflects a failure to address salience, credibility and legitimacy of data and information
  - ★ **Salience** : relevant / “what decisions might be affected by the information”
  - ★ **Credibility** : convincing the truth of facts, theories, ideas, models, causal beliefs
  - ★ **Legitimacy** : perception of data and information as fair / participation of relevant stakeholders / process for making choices / how information was produced and disseminated
- Trade-offs exist among salience, credibility and legitimacy
  - Scientists can simply conduct research on topics they view as important and present the results to policymakers, but such exercises are unlikely to be persuasive

- Ongoing and continuing relationship between those “doing the science” and those “using the science” is most important while securing the credibility of data and information
- An influence of data and information flows from the process of coproduction of knowledge between data and information producers and potential users, rather than the content and form

# conclusion

- One should not expect that the traditional approach to international environmental cooperation – international treaties, protocols, translation into domestic law, implementation of them – will necessarily work better than “softer” approaches such as action programs and policy efforts
- Needs strategy for data and information to influence the actual policy making process
- An influence of data and information depends far more on its conduct and the process which they create knowledge rather than on the content or form



**Thank you for your kind attention!**

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