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**Pooling Forces in Protecting the  
Black Sea Marine Environment:  
Actors and Actions**

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## Abstract

The starting point of this Policy Brief has been the call of the Ministers of Foreign Affairs of the BSEC Member States (Ankara, 25 October 2007) to strengthen the cooperation among international institutions for the protection and rehabilitation of the Black Sea marine environment. After a succinct reminder of the natural facts impacting on the state of the Black Sea marine environment, the paper goes on to present the international legal framework that regulates the protection and preservation of the marine environment, in order to identify the main principles of the international cooperation in this field. It then identifies the international organisations, institutions and programmes that develop activities relating to the protection of the Black Sea marine environment and analyses their relevant competences and operations. The paper explores the existing institutional and working interaction of these organisations in activities aimed at the protection of the Black Sea marine environment and studies ways and means that such a cooperation can be strengthened, and enlarged to cover international actors that have been so far not involved in the joint effort to protect, preserve and rehabilitate the fragile and vulnerable marine environment of the Black Sea.

## Keywords

Black Sea, Commission on the Protection of the Black Sea against Pollution (BSC), DABLAS, Danube, International Commission for the Protection of the Danube River (ICPDR), Marine environment, Organization of the Black Sea Economic Cooperation (BSEC), Port State Control (PSC), UN Convention on the Law of the Sea (LOSC), United Nations Environment Programme (UNEP), United Nations Economic Commission for Europe (UNECE).

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## Table of Contents

<b>Some salient facts</b> .....	3
<b>Protection of the marine environment: general features</b> .....	5
<b>Actors in the region</b> .....	8
<i>Organization of the Black Sea Economic Cooperation</i> .....	9
<i>Commission on the Protection of the Black Sea against Pollution</i> .....	11
<i>Danube Black Sea Task Force</i> .....	12
<i>International Commission for the Protection of the Danube River</i> .....	13
<b>Actions within the Organization of the Black Sea Economic Cooperation</b>	13
<b>Coordination with third actors</b> .....	16
<i>A. Make broader and better use of existing arrangements</i> .....	17
Commission on the Protection of the Black Sea against Pollution ....	17
United Nations Environment Programme .....	18
United Nations Economic Commission for Europe .....	20
European Union .....	21
Coordination Meetings of Regional Organisations .....	23
<i>B. Engagement in new arrangements</i> .....	23
Danube Black Sea Task Force .....	23
International Commission for the Protection of the Danube River...	24
Memorandum of Understanding on Port State Control in the Black Sea Region .....	24
Other institutions .....	25
<i>C. Engaging the and with civil society</i> .....	27
<b>Conclusion</b> .....	29

## Pooling Forces in Protecting the Black Sea Marine Environment: Actors and Actions

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### Some salient facts

The geological, geographical and other natural features of the Black Sea and its basin, that impact on its current environmental state, can be found in numerous scientific studies and reports<sup>1</sup>. It is not the object of the present paper to dwell on these known or accessible works. The purpose here is to identify the relevant regional institutions that have or may have a role in the protection of the Black Sea marine environment and to suggest possible and useful synergies among their actions, in order to multiply the anticipated impact of their involvement.

For the purposes of this paper, it is sufficient to highlight a few major facts, which guide the presentation and underlie the practical aspects and recommendations.

The Black Sea has the unique feature of being the largest virtually isolated<sup>2</sup> catchment basin receiving freshwater and sediment inputs from rivers draining almost half of Europe and significant parts of Eurasia (including the Danube, the Dniepr and the Don,<sup>3</sup> the second, third and four largest rivers of Europe respectively). The drainage area encompasses a surface of approximately two million square kilometres.

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<sup>1</sup> See Laurence David Mee, "Protecting the Black Sea Environment: A Challenge for Cooperation and Sustainable Development in Europe", in *Europe's Black Sea Dimension*, ed. Terry Adams et al. (Brussels: CEPS / ICBSS: 2002), 79 ff., and bibliography cited in pp. 133-135.

<sup>2</sup> The Black sea is connected with the Mediterranean through the narrow Bosphorus, the Sea of Marmara and the Dardanelles.

<sup>3</sup> Through the adjacent swallow Sea of Azov, connected only with the Black Sea through the Kerch Strait.

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Land-based pollution is by far the largest source of environmental degradation in the drainage basins of the rivers and consequently in the sea body and its coasts. It accounts for almost 80 percent of the pollution, while pollution from vessels and other sea-based activities contribute the remaining polluting factors in the Black Sea waters and coastal zones.

From the late 1960s to the early 1990s, the growing development of agriculture and industry, urbanisation, overfishing, as well as the rapid expansion of navigation in the Black Sea were the causes of an environmental degradation so widespread that led many to qualify the situation in the Black Sea as “an environmental catastrophe”.<sup>4</sup>

In general there is high pressure to the environment of coastal areas, where the population density is twice the global average. This universal observation is valid also for the Black Sea coasts, where coastal ecosystems are threatened and the natural environment is paved over or converted into developing urban settlements, ports, industrial complexes, tourist beaches and other development projects.

The so-called “green revolution” in agriculture resulted in the inflow of large quantities of nutrients from the major rivers. This brought about the phenomenon of eutrophication, which is the increased intensity of phytoplankton hindering light penetration in the sea. Deprived from light, the photosynthetic benthic (bottom) species of algae died, and with them perished the source of oxygen for a wide variety of species, which disappeared from the Black Sea ecosystems. The eutrophication phenomenon was mostly observed in the north-western part of the Black Sea.

Another phenomenon responsible for the degradation of the marine environment of the Black Sea, taken into account its limited connection with other seas and oceans is the introduction, through the ballast waters of vessels navigating in the Black Sea, of exotic or alien species. These opportunistic species prey on local plants and animals with serious negative impact on the biodiversity of the Black Sea.

The above succinctly presented observations confirm, also in the Black Sea, the relevance of the two overall features that should guide the action in the field of the protection of the environment by all relevant international actors: the notion of **ecosystem**, connecting all elements of the natural

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<sup>4</sup> L. D. Mee, “The Black Sea in crisis: The need for concerted international action”, *Ambio* 21, no. 4 (1992).

environment in an organic unit,<sup>5</sup> and the **basin approach**, in accordance with which any action in an area of catchment (basin) may have a significant impact on the situation of the marine environment throughout the whole basin, even in its furthest spots. Both these features should be taken into account when reflecting on or designing a meaningful plan of actions for the protection of the marine environment of the Black Sea. It is, moreover, clear that the ecosystem and the basin approaches are per force transfrontier and make international cooperation an indispensable aspect of action in favour of the protection, preservation and rehabilitation of the environment.<sup>6</sup> Fragmentation in required action not only is it scientifically flawed but also politically ineffective and legally inapplicable. Suffice here to remind, for example, the importance of the Danube and its riparian states in the quality of the Black Sea environment.

In recent years, a halt in the degradation of the Black Sea environment seems to be perceptible, though the situation remains in many respects critical (e.g. fishing stocks). Therefore action is needed in order to make this trend permanent as is further work towards the stabilisation of the environmental situation and, beyond stabilisation, towards the rehabilitation of the Black Sea environment.

### Protection of the marine environment: general features

The foremost development in the field of the protection of the natural environment, reflected in the universal conferences, declarations and international commitments of the members of the international community<sup>7</sup> is the consecration of the principle of sustainable development, requiring the introduction of environmental conservation as an inseparable goal to the goals of economic efficiency and social equity.

The sustainable development principle is one guiding the action of all international actors, states, intergovernmental organisations, economic actors and civil society. It is translated into diverse concrete actions,

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<sup>5</sup> Cf. Jutta Brunnee and Stephen J. Toope, “Environmental Security and Freshwater Resources: Ecosystem Regime Building”, *American Journal of International Law* 91 (1997): 26-59.

<sup>6</sup> See Sibel Sezer, “The Role of International Environmental Institutions Protecting Regional Seas: A Focus on the Black Sea”, in *Problems of Regional Seas 2001*, ed. Bayram Öztürk and N. Algan (Turkish Marine Research Foundation: Istanbul, 2001), 54-63.

<sup>7</sup> See, among others, UN Conferences in Stockholm, 1972; Rio de Janeiro, 1992; Johannesburg, 1995, etc.

serving the same lofty aim. With respect to the planet's seas, states undertake "the obligation to protect and preserve the marine environment".<sup>8</sup> This general obligation is to be fulfilled individually and also through cooperation "on a global basis and, as appropriate, on a regional basis, directly or through competent international organisations ... taking into account characteristic regional features".<sup>9</sup>

With regard to the marine environment in particular, the general obligations of international actors, states and international organisations, businesses, civil society actors, are spelled out in the United Nations Convention on the Law of the Sea (LOSC). Specific regulations are to be found in numerous bilateral and multilateral international instruments, relating to the protection and rehabilitation of the marine environment. The second class of international instruments can be region-, activity- or species-related.

The LOSC was concluded in December 1982, after almost twelve years of negotiation at the Third UN Conference on the Law of the Sea. It entered into force in 1995. The Convention codifies customary international law of the sea and introduces also some new elements for internationally agreed uses of the sea.

Environmental concerns are obvious in the LOSC. They are present in the parts regulating the various maritime zones and regimes (in particular those relating to the territorial waters and the exclusive economic zone). In addition to the zone-related method, the Convention contains also a sectoral approach, dealing with activities in the sea, irrespectively of jurisdictional zones. The first of such activities regulated by the Convention is the "Protection and preservation of the marine environment".<sup>10</sup>

The Convention enunciates from the outset a general obligation of paramount importance (art. 192):

States have the obligation to protect and preserve the marine environment.

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<sup>8</sup> Cf. Art. 192 LOSC, Montego Bay, 10 December 1982.

<sup>9</sup> Cf. Art. 197 LOSC, Montego Bay, 10 December 1982.

<sup>10</sup> This is the title of Part XII of the Convention, which consists of 46 relatively long articles (192 to 237).

The Convention further reiterates the general customary principle (*Trail Smelter*<sup>11</sup> and *Corfu Channel*<sup>12</sup> cases) of the prohibition of the use of one's territory in order to cause damage to another:

The parties shall take all measures necessary to ensure that activities under the jurisdiction or control are so conducted as not to cause damage by pollution to other states and their environment, and that pollution arising from incidents or activities under their jurisdiction or control does not spread beyond the areas where they exercise sovereign rights... (art. 194, par. 2).

Having stated in the above terms the general principle of the prohibition for any state to cause damage to other states (and their environment) from activities under its jurisdiction or control, the LOSC then goes on to specify in more detail the obligations undertaken by the states parties to it:

- the parties shall take all measures necessary to **prevent, reduce and control** pollution of the marine environment from any source.

This implies land-based pollution, pollution from vessels, from the atmosphere or through it, by dumping, from installations and devices used in exploration or exploitation of the natural resources of the sea, the seabed and its subsoil, from use of technologies, etc. Particular mention is made to the protection and preservation of "fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life". States should also prevent, reduce and control the "intentional or accidental introduction of alien or new species".<sup>13</sup>

- the parties shall take the aforementioned measures **individually or jointly** as appropriate.

The need for international cooperation is recognised from the outset. We shall return to this obligation.

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<sup>11</sup> *Trail Smelter* (USA/Canada), decision, 16 April 1938, *Reports of International Arbitral Awards*, vol. III, pp. 1911 ss.

<sup>12</sup> *Corfu Channel, merits*, 9 April 1949, *International Court of Justice Reports*, 1949, pp. 4 ss.

<sup>13</sup> In the Black Sea the introduction, through ballast waters, of an alien species of jelly fish that is a predator of the fry of the Black Sea anchovy, together with overfishing, brought the near collapse of the stocks of this highly commercial species.

- the parties shall take the aforementioned measures, using the best practicable means at their disposal and in accordance with their capabilities.

Here we have one of the first manifestations of common but differentiated obligations; while the general objective remains the protection and preservation of the natural environment, the practical measures to achieve this goal may differ. Therefore the Convention contains specific provisions on developing states (e.g. technical assistance, etc.).

International law, as codified in LOSC, provides for global and/or for regional cooperation, when warranted by specific regional characteristic features. The relevant article (art.) 197 of the Convention stipulates that:

States shall cooperate on a global basis and, as appropriate on a regional basis, **directly or through competent international organisations**, ..., for the protection and preservation of the marine environment, taking into account characteristic regional features.

The above general rules place a particular responsibility upon regional organisations to contribute to the protection, preservation and rehabilitation of the marine environment of the seas that are within their area of statutory interest. With respect to the Black Sea, such a responsibility was assumed by the Organisation of the Black Sea Economic Cooperation (BSEC) and proclaimed by the Ministers of Foreign Affairs of the BSEC Member States in their Declaration adopted at the 17th meeting of the Council of Ministers of Foreign Affairs of the BSEC Member States (Ankara, 25 October 2007).

### **Actors in the region**

In their 2007 Ministerial Declaration the Ministers of Foreign Affairs of the BSEC Member States:

*Call[ed] upon* the Committee of Senior Officials [of the BSEC] to discuss and consider the preparation of a paper on the possible means of strengthening the cooperation with international organisations dealing with issues on the protection and rehabilitation of the Black Sea marine environment, including those on preventing and reducing the pollution of the rivers flowing into the sea and the hydrographical basins of the rivers flowing into the sea. (par. 11).

This Policy Brief aims to contribute to the discussion on the implementation of the aforementioned task, contributing to the consideration of this topic by the decision-makers, primarily of the BSEC, who understood their share of responsibility in the protection, rehabilitation and preservation of the Black Sea marine environment.

This pledge of the BSEC confirms that the Organisation is an interested actor in the protection of the marine environment of the Black Sea. However, realistically, the BSEC does not claim to be the only international institution active in this field. The Declaration admits that the envisaged aim of the protection of the Black Sea marine environment necessitates international cooperation, and calls upon the strengthening of such cooperation and an enhanced role of the BSEC in this process. The protection of the Black Sea marine environment is an objective of several organisations and institutions, which contributes to the realisation of the overall objective in various and varying ways.<sup>14</sup>

Consequently in the field of the protection of the Black Sea marine environment, a large number of regional (or subregional) organisations are active. Their agendas frequently overlap and duplicate themselves. There is no proper level of coordination between them. In dealing with some matters the different institutions and organisations not only do not cooperate but also sometimes compete with one another. The result is a dissipation of resources and a lack of clear focus in the efforts undertaken to counter the emerging threats to security. The potential that lies in the cooperation among these institutions has been insufficiently tapped. However the degradation of the Black Sea marine environment advances at a quick pace and the time has come to give thought to how we could enable possible effective coordination of the efforts of the various international agencies active in the wider Black Sea region.

### *Organization of the Black Sea Economic Cooperation*

Starting from the Organisation, which clearly highlighted the need for enhanced regional cooperation for the protection of the Black Sea marine environment, the protection of the environment has been a matter of primary interest of the BSEC since its inception. A cursory view of BSEC Summit declarations as well as the political and legally binding dispositions throughout the BSEC's history confirms the Organisation's concern over environmental issues. A full account of the relevant excerpts would

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<sup>14</sup> See Nilufer Oral, "The Black Sea: A Case Study in Regional Cooperation", in *The Stockholm Declaration and Law of Marine Environment*, ed. Myron Nordquist, John Norton Moore and Said Mahmoudi (The Hague: Nijhoff, 2003), 237-256.

unnecessarily lengthen this paper; they are easily available for the interested reader.<sup>15</sup> Reference is made to the *Summit Declaration on Black Sea Economic Cooperation* (Istanbul, 25 June 1992), requesting the states participating in the newly launched regional initiative:

to take appropriate steps, ..., for the protection of the environment, particularly the preservation and the improvement of the environment of the Black Sea, and the conservation, exploitation and development of its bio-productive potential (par. 15).<sup>16</sup>

In this spirit, the participating states have also established a Working Group on Environmental Protection, which met for the first time in Varna, on 3-4 November 1993, and agreed that:

environmental protection has emerged as a priority in the BSEC region, and that immediate and concerted action should be taken in order to combat pollution (par. 8).<sup>17</sup>

Following the transformation of the BSEC into an international organisation in 1999, the environmental protection became one of the areas of cooperation of the organisation (art. 4 of the Charter). The environment is addressed in a project-oriented manner in the BSEC Economic Agenda for the Future.<sup>18</sup> Over the years this commitment of the BSEC to act in favour of the environment of the region has been confirmed at the political level (see the most recent Ministerial Declaration, Bucharest, 3 March 2006 and the Action Plan it endorses<sup>19</sup>), though the implementation actions have not been always forthcoming.

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<sup>15</sup> E.g. [www.bsec-organization.org](http://www.bsec-organization.org); Ioannis Stribis and Dimitris Karabelas, comp. *The BSEC at Fifteen: Key Documents 1992-2007* (Athens: ICBSS, 2007).

<sup>16</sup> Stribis and Karabelas, *The BSEC at Fifteen*, 45.

<sup>17</sup> *BSEC Handbook of Documents I* (Istanbul: BSEC PERMIS, 1995), 274.

<sup>18</sup> Council of Ministers of Foreign Affairs of the BSEC Member States, *BSEC Economic Agenda for the Future – Towards a More Consolidated, Effective and Viable BSEC Partnership*, 4th meeting, Moscow, 27 April 2001, in *The BSEC at Fifteen*, 83, “The efforts for efficient environmental protection should be consolidated and strengthened by policies, programs and actions that will follow specific time schedules”.

<sup>19</sup> Stribis and Karabelas, *The BSEC at Fifteen*, 185-187.

### *Commission on the Protection of the Black Sea against Pollution*

The urgency of the environmental situation of the Black Sea in the early 1990s prompted a few initiatives in this field. On the international level, the Global Environmental Facility (GEF) managed jointly by the World Bank Group, the United Nations Environment Programme (UNEP) and the United Nations Development Programme (UNDP), promoted the *Black Sea Environmental Programme* and supported several environmental activities.

The Black Sea Environmental Programme contributed to the creation of the Commission on the Protection of the Black Sea against Pollution (Black Sea Commission). The Black Sea Commission (BSC) was established by the Convention on the Protection of the Black Sea against Pollution signed in Bucharest on 21 April 1992 by the six Black Sea coastal states (Bulgaria, Georgia, Romania, Russian Federation, Turkey and Ukraine). The ratification process of this convention was completed by 1994 but the Commission became operational in 1997, while its International Secretariat started to function in 2000, with modest human resources. The Commission manages the implementation of the 1992 Bucharest Convention and its annexes (Protocol on Protection of the Black Sea Against Pollution from Land Based Sources; Protocol on Cooperation in Combating Pollution of the Black Sea Marine Environment by Oil and other Harmful Substances in Emergency Situations; Protocol on Protection of the Black Sea Marine Environment Against Pollution by Dumping, all signed the same day as the Convention). Within its structure an additional Protocol on Black Sea Biodiversity and Landscape Conservation was negotiated and signed in Sofia on 14 June 2002. Another major text guiding the BSC and its states is the Strategic Plan for the Rehabilitation and Protection of the Black Sea, whose latest version was adopted in Sofia, on 17 April 2009.<sup>20</sup>

The BSC is assisted by seven Advisory Groups which provide their expertise and information support to the Commission and Secretariat on following sectors: (1) pollution monitoring and assessment (PMA); (2) control of pollution from land based sources (LBS); (3) development of common methodologies for integrated coastal zone management (ICZM); (4) environmental safety aspects of shipping (ESAS); (5) conservation of biological diversity (CBD); (6) environmental aspects of the management of fisheries and other marine living resources (FOMLR); and (7)

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<sup>20</sup> Initially adopted on 31 October 1996 (Istanbul) and amended on 26 June 2002 (Sofia).

information and data exchange (IDE). Within the institutional framework coordinated by the Black Sea Commission, seven Black Sea Regional Activity Centres (RAC) have been established, using the potential of existing national structures. The BSC collaborates also with a number of other specialised institutions.

### *Danube Black Sea Task Force*

The Danube Black Sea Task Force (DABLAS) was set up in 2001 with the aim to provide a platform for cooperation to ensure the protection of water and water-related ecosystems in the Danube and the Black Sea.<sup>21</sup> The DABLAS is comprised of representatives of the countries in the region, the International Commission for the Protection of the Danube River (ICPDR) Secretariat, the Black Sea Commission, International Financing Institutions [IFIs – European Bank for Reconstruction and Development (EBRD), European Investment Bank (EIB), World Bank, and Black Sea Trade and Development Bank (BSTDB)], the European Commission, interested European Union (EU) member states, other bilateral donors (e.g. Iceland, Liechtenstein) and other regional and international institutions. Also civil society is involved in the various tasks carried out by the DABLAS Task Force. The European Commission (through its Directorate-General Environment) holds the Secretariat of the Task Force. The full Task Force meets once a year with seven meetings held so far. An annual workplan is agreed during these meetings, which is then taken forward by a smaller working group to ensure the implementation of activities during the year.

The overall goal of DABLAS is to facilitate coordination for a focused approach to the protection of water and project featuring, and to develop financing mechanisms for the implementation of investment projects for pollution reduction and the rehabilitation of ecosystems in the wider Black Sea region. Under the leadership of the DABLAS Task Force a first project was initiated to prioritise water sector investment projects addressing nutrient reduction. Some 113 out of a total of 158 potential municipal sector projects were evaluated in terms of their environmental impacts on the Black Sea, potential financing, technological efficiency and compliance. Total financing of more than €2.500 million is required for the implementation of the 113 projects.

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<sup>21</sup> This was in response to a Communication adopted by the European Commission in 2001, which highlighted priority actions required to improve the environmental situation in the region.

### *International Commission for the Protection of the Danube River*

The International Commission for the Protection of the Danube River (ICPDR) works to ensure the sustainable and equitable use and management of waters and freshwater resources in the Danube River Basin, naturally including the Black Sea. The work of the ICPDR is based on the Convention on Co-operation for the Protection and Sustainable Use of the River Danube (Danube River Protection Convention, Sofia, 29 June 1994), the legal instrument for cooperation and transboundary water management in the Danube River Basin, binding upon eleven of the Danube riparian states – Austria, Bulgaria, Croatia, the Czech Republic, Germany, Hungary, Moldova, Romania, Slovakia, Slovenia and Ukraine – and the European Community. The main fields of the ICPDR are the conservation, improvement and rational use of surface waters and groundwater, the adoption of preventive measures to control hazards originating from accidents involving floods, ice or hazardous substances and of measures to reduce the pollution loads entering the Black Sea from sources in the Danube River Basin. Its members have agreed to cooperate on fundamental water management issues by taking “all appropriate legal, administrative and technical measures to at least maintain and where possible improve the current water quality and environmental conditions of the Danube river and of the waters in its catchment area, and to prevent and reduce as far as possible adverse impacts and changes occurring or likely to be caused”.<sup>22</sup>

### **Actions within the Organization of the Black Sea Economic Cooperation**

The successful contribution of the BSEC to the work of international organisations dealing with the protection and rehabilitation of the Black Sea marine environment presupposes that the Organisation considers these issues internally and elaborates policies that can be supplementary to the relevant international activities. It is therefore of paramount importance to enhance the consideration of environmental issues by the BSEC organs and to enable them to be useful actors in this field.

Over the years the *Working Group on Environmental Protection* has proven to be one of the most active subsidiary organs of the BSEC. The

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<sup>22</sup> Art. 2 (2) *Convention on Co-operation for the Protection and Sustainable Use of the River Danube*, Sofia, 29 June 1994.

Organisation should build on this asset by strengthening the role of the Working Group on Environmental Protection and taking the necessary initiatives in order to render its work more practical and project-oriented. Several actions can contribute to this objective:

- Increase the effectiveness of the BSEC Working Groups by ensuring long-term participation of the delegates (who will form an informal network in the national administrations), so as to ensure the continuation in the activities of the Group.
- Include in the agenda of the Working Group the consideration of the issue of integrated coastal zone management (ICZM) combining sustainable use of natural resources with the promotion of environmentally friendly human activities in the coastal zone, as a concrete reaction to coastal degradation from development-related activities.
- Include in the agenda of the Working Group the issue of waste management (solid waste and sewage and more generally waste water), due to its major impact on the deterioration of the marine environment. The coordinated address of the related problems will be felt not only in the Black Sea proper; it will be equally applicable to all seas and river basins of the BSEC region.
- Invite and engage interested actors, such as civil society representatives, in the meetings of the Working Group, every time that it is felt or expected that the participation of third actors could enlighten the Working Group and provide valuable input in its deliberations.

Actions contributing to the protection, preservation and rehabilitation of the Black Sea marine environment could also be undertaken by other BSEC Working Groups within the scope of their Terms of Reference and expertise.

The *Working Group on Cooperation in Tourism* could focus more on sustainable, environmentally sound tourism. For many coastal regions (e.g. Bulgarian Black Sea coast, Mamaia district, Yalta, Sochi district and others) tourism is a mainstay for the local economies. This may cause overexploitation or abuse of the natural environment, which would inescapably lead to the devaluation of the areas concerned as tourist destinations with obvious negative economic impact. The Working Group on Tourism can use the expertise available in the member states in order to devise solutions and coordinated actions for an environment friendly

development of tourist activities and develop tourist products based on the natural environment of the Black Sea coasts.<sup>23</sup>

The *Working Group on Agriculture and Agro-Industry* could play a very significant role in the protection, preservation and rehabilitation of the Black Sea marine environment in two areas of its interest: the development of aquaculture and the promotion of sustainable agriculture, especially in terms of use of pesticides and fertilisers. Both aquaculture and the use of pesticides and fertilisers burden to a significant extent the waters of the Black Sea.

The *Working Group on Transport* has been tasked by the BSEC Economic Agenda with the:

aim to promote sustainable transport systems which meet the economic, social and environmental needs of the people of the Black Sea region.<sup>24</sup>

This is particularly important taking into account that transport is a field where big infrastructure projects are considered, with significant impact on the marine environment. In this respect the need for an Environmental Impact Assessment (EIA) for activities that could significantly affect species and their habitats, protected areas, particularly sensitive marine areas and landscapes should be underlined by the Working Group on Transport.

The above considerations should also be fully present in the deliberations of the two treaty bodies established for the development of the “Black Sea Ring Highway” and the “Motorways of the Sea” (Steering Committee and Ad hoc Working Group respectively). Though the BSEC cannot directly influence these independent bodies, the member states are in the position to instil environmental concerns in their dealings.

The role of the *Working Group on Energy* in terms of the protection of the environment is obvious and has been highlighted by the BSEC Economic Agenda, stating that:

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<sup>23</sup> For the resources and activities of the BSEC Working Group on Cooperation in Tourism, see Ioannis Stribis “The Organisation of the Black Sea Economic Cooperation: History, Structure and Cooperation in the Field of Tourism”, in *Bringing BSEC closer to Europe: Train the trainers Tourism Programme* (Athens: Hellenic Republic, Ministry of Tourism, Organisation for Tourism Education and Training, 2005), 7-30.

<sup>24</sup> *BSEC Economic Agenda for the Future*, 82 (see footnote 18).

while coordinating the activities in the energy sector, it should be taken into account that environmental factors, among which the prevention of marine pollution, are of paramount importance.<sup>25</sup>

Several initiatives could be undertaken in order to fulfil this general guideline, among which renewable sources, and EIA studies for infrastructure projects.

In addition, issues regarding or affecting the protection, preservation and rehabilitation of the Black Sea environment could be considered in the *Working Groups on Cooperation in Emergency Assistance, Cooperation in Science and Technology, on Education and on Culture*, in particular.

The *Economic, Commercial, Technological and Environmental Affairs Committee* of the PABSEC is also a resource that can be helpful, in accordance with the approved “Modalities for enhancing coordination and cooperation between BSEC and PABSEC”,<sup>26</sup> in the study of environmental problems in the BSEC region, as well as in terms of lobbying with the PABSEC Assembly and the Parliaments of the member states in order to facilitate ratification, accession, acceptance (whichever is appropriate with regard to the particularities of each case) of international instruments addressing issues of the protection, preservation and rehabilitation of the Black Sea marine environment. In this respect, the appropriate participation of the PABSEC International Secretariat in the meetings of the Working Group on Environmental Protection is of great importance.

### Coordination with third actors

Addressing the two main sources of pollution of the Black Sea waters and coastal zones requires international cooperation. With regard to land-based pollution, cooperation is necessary among the Black Sea countries and between these countries and the riparian states of the major rivers whose inflow is received by the Black Sea. In this respect the role of regional organisations cannot be overestimated.

For the sea-based pollution, coordination is necessary among flag states, port states and coastal states. International organisations, of regional and universal character, (such as the International Maritime Organisation)

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<sup>25</sup> Ibid., 81.

<sup>26</sup> Council of Ministers of Foreign Affairs of the BSEC Member States, 19th meeting, Tirana, 23 October 2008, Doc BSEC Attachment 8 to Annex VI to BS/FM/R(2008)2.

could be appropriate fora for a concerted approach to the problems related with the pollution through vessels.

The BSEC should become a leader in fields that are not directly within the competence of other interested international actors and support in a complementary manner the relevant actions of the latter. *Complementarity* should be the key approach: institutions closely cooperating in specific tasks or projects, bringing each its know-how as well as its network of cooperation in the member states. This is a very significant and valuable contribution because it is the national authorities that have to implement any resolution, convention or other act.

The contribution of the BSEC in the activities of institutions active in the field of the protection, preservation and rehabilitation of the Black Sea marine environment has three – complementary – aspects.

### *A. Make broader and better use of existing arrangements*

#### Commission on the Protection of the Black Sea against Pollution

The co-existence of the BSC and the BSEC poses the question of their relationship in the field of their common field of interest. The BSC has a more limited membership than the BSEC (as it is comprised of the six coastal Black Sea states). It is however specialised in environmental issues, as its very name indicates (sole area of cooperation), while the BSEC is a multidimensional (“generalist”) regional economic organisation, the environmental issues being one of its competencies, based on the conviction that economic development cannot be pursued while neglecting the environment issues.

The BSEC Economic Agenda for the Future, in its Chapter on Environmental Protection, provides the guideline for the relationship between the BSEC and the BSC:<sup>27</sup>

In order to deal more effectively with the problem of reducing pollutants, which are discharged into the environment, the BSEC will cooperate with the Commission on the Protection of the Black Sea Against Pollution on the implementation of the Strategic Action Plan for the Rehabilitation and Protection of the Black Sea adopted in 1996 by the Ministers of Environment of the Black Sea coastal states – Bulgaria, Georgia, Romania, the Russian Federation, Turkey and Ukraine on behalf of the respective

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<sup>27</sup> *BSEC Economic Agenda for the Future*, 83 (see fn. 18).

Governments, so that its work would be more effectively oriented towards introducing new technologies, building waste water treatment plants, promoting environmental education of the population and other relevant activities. (Emphasis in the text).

The same approach is demonstrated by the BSC in its Strategic Plan for the Rehabilitation and Protection of the Black Sea. One of the principles of cooperative action provides for the promotion of the cooperation among all the states of the Black Sea basin in the field of environmental protection (par. 15) as well as with the BSEC as such and its related bodies (par. 26 a).

The aforementioned strategic texts for each institution led to the institutionalisation of the BSEC-BSC cooperation in 2002, when the two, Istanbul-based institutions, exchanged observer status enabling them to participate in each other's meetings. At the working level there are still possibilities for enhancing such cooperation.

The reciprocal observer status is a major asset for the effective contribution of the BSEC in the protection, preservation and rehabilitation of the Black Sea marine environment. In this respect BSEC should:

- reinforce its participation in the meetings of the BSC and its advisory bodies, as appropriate (participation of the BSEC PERMIS and, whenever appropriate, the representative of the country-coordinator of the Working Group on Environmental Protection);
- ensure the participation of representatives of the BSC in every meeting of the BSEC Working Group on Environmental Protection (e.g. by early notification of the meetings);
- examine the possibilities for joint activities (such as the existing exercises on preparedness in case of pollution emergencies in the Black Sea) and for the conceptualisation and implementation of projects in the field of the environment;
- enhance the existing cooperation between the BSEC PERMIS and the International Secretariat of the BSC.

### United Nations Environment Programme

The basis of the cooperation between BSEC and UNEP is the Agreement on Cooperation between the Organisation of the Black Sea Economic Cooperation (BSEC) and the United Nations Environment Programme

(UNEP) (Istanbul, 20 February 2002).<sup>28</sup> In the terms of the Agreement, “joint priority activities” of the two institutions should be:

- “the development of environmental monitoring systems and the improvement of regulations, methodologies and the legal basis for environmental management” (art. 6), and
- the adoption of international environmental standards in BSEC member states, in particular those specified in international environmental instruments.

The Agreement further states that the two institutions:

- “agree to conduct a broad exchange of information, publications and documents.” (art. 8);
- could cooperate ... “for environmental assessment and capacity building through the exchange of information, expert missions and seminars for the sound management of the various areas of the environment.” (art. 6);
- “should give attention to the vulnerable ecosystems of the Black Sea and the Black Sea basin within the BSEC Member States, especially for the implementation of the Convention on the Protection of the Black Sea Against Pollution.” (art. 7).

The Agreement also provides the practical means for the implementation of the above joint priority cooperative activities:

- At the invitation of UNEP, representatives of the BSEC may participate in the work of the Governing Council of UNEP and its various bodies in the discussion of matters of mutual interest, without the right to vote.
- At the invitation of the BSEC, representatives of UNEP may participate in the work of the Council's sessions in the discussion of matters of mutual interest, without the right to vote.
- The UNEP and the BSEC shall take the necessary steps to ensure their mutual participation in other meetings relating to environmental protection held under their auspices.

Full effect should be given to the provisions of this Agreement binding upon the BSEC:

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<sup>28</sup> Stribis and Karabelas, *The BSEC at Fifteen*, 323-326.

- A relevant item (assessment of the implementation of the BSEC-UNEP Agreement and future prospects) should be included in the agenda of the Working Group on Environmental Protection.
- The BSEC PERMIS should initiate contacts with UNEP on enhancing the implementation of the Agreement, in order to facilitate the consideration of the proposed item by the Working Group.
- Ensure the participation of UNEP in the meeting of the Working Group, where the proposed item is to be considered.
- Engage the UNEP in the elaboration of a short strategic text agreed by both parties to the 2002 Agreement, for the future of the cooperation.
- Explore, in cooperation with the BSC, the possibility for the BSEC to contribute in a project-oriented manner in the implementation of the UNEP Regional Seas Programme for the Black Sea.

### United Nations Economic Commission for Europe

The Cooperation Agreement between the Organisation of the Black Sea Economic Cooperation and the United Nations Economic Commission for Europe (Istanbul, 3 July 2002)<sup>29</sup> has a section devoted to the protection of the environment (art. 2):

With a view to improving the quality of the environment, measures will be taken to assist countries to implement the regional environmental conventions and to facilitate compliance. Consistent with the current programme of the UN/ECE Committee on Environmental Policy, and at the request of the respective member countries, Environment Performance Review may be carried out in order to assist countries to improve their management of the environment by: establishing baseline conditions; making concrete recommendations for better policy implementation and performance; and improving cooperation both with key partners and with the general public. The UN/ECE Secretariat will also assist countries in their participation in the “Environment for Europe” process, recognized as the major long-term pan-European political framework for the promotion of environmentally sound and sustainable development.

Environmental issues are also included in the agreement with respect to the analysis of the environmental aspects of future fuel and energy developments in the member countries and the area of transport

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<sup>29</sup> Ibid., 317-321.

(“harmonisation of safety and environmental norms and standards in the area of transport in the BSEC region”)<sup>30</sup>.

In this respect, we can proceed to an analysis of the implementation to date and the reflection on the contribution the BSEC can have in the relevant activities of the United Nations Economic Commission for Europe (UNECE) in the framework of the application of the relevant provisions of the BSEC-UNECE Agreement. In particular:

- There is a need to ensure the participation of the relevant agency of UNECE in the meeting of the Working Group on Environmental Protection, where the proposed item is to be considered.
- A relevant item (assessment of the implementation of the BSEC-UNECE Agreement and future prospects) could be included in the agenda of the Working Group on Environmental Protection.
- The BSEC PERMIS should initiate contacts with the relevant agency of UNECE on enhancing the implementation of the Agreement, in order to facilitate the consideration of the proposed item by the Working Group.

In the framework of the Cooperation Agreement, the UNECE Secretariat, which services the governing bodies and also helps them monitor the implementation of important international agreements relevant, among others, to the protection and rehabilitation of the Black Sea marine environment (Convention on Environmental Impact Assessment in a Transboundary Context, Espoo, 25 February 1991; Convention on the Protection and Use of Transboundary Watercourses and International Lakes, Helsinki, 17 March 1992; Convention on the Transboundary Effects of Industrial Accidents, Helsinki, 17 March 1992; and Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, Aarhus, 25 June 1998; also relevant is the Convention on Long-range Transboundary Air Pollution, Geneva, 13 November 1979), can provide useful information and best practices to the Working Group on Environmental Protection and the BSEC PERMIS, allowing thus the BSEC member states that have not acted on it so far to examine their participation in the said agreements.

### European Union

The EU places particular emphasis in the protection of the Black Sea environment (see relevant parts of the *Black Sea Synergy*<sup>31</sup> and the

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<sup>30</sup> Ibid.

discussion on Greening the Black Sea Synergy<sup>32</sup>). The EU interest combined with the observer/sectoral dialogue partnership status of the European Commission in the BSEC opens up new opportunities of cooperation between the BSEC and the EU in the field of the environment. EU legislation is very developed (among many others, Water Framework Directive, Habitats and Birds Directive, Port Waste Directive, Common Fisheries Policy, etc.) and also applies to some Black Sea coasts and maritime sectors (Bulgaria, Romania). It can serve as source of inspiration to measures and actions to be decided in the BSEC framework.

Of particular importance could be the launch of a *Black Sea Environmental Partnership*.<sup>33</sup> Such a Partnership should be built around a concrete project (indicatively water quality, ICZM, solid waste management, sewage management, or any other that could be considered attractive to third partners).

The launch of such a Partnership shall be implementing the relevant section of the BSEC Economic Agenda.<sup>34</sup>

The efforts for efficient environmental protection should be consolidated and strengthened by policies, programs and actions that will follow specific time schedules.

In this framework, the establishment of mechanisms and monitoring networks, the exchange of scientific research and experience, as well as the promotion and extensive implementation of cleaner methods and technologies will constitute useful tools for the reduction/elimination of air pollutant emissions and solid waste and wastewater production, which will improve the quality of life of BSEC countries citizens in a cleaner and safer environment.

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<sup>31</sup> Commission of the European Communities, *Black Sea Synergy - A New Regional Cooperation Initiative*, Communication to the Council and the European Parliament, COM(2007) 160 final, Brussels, 11 April 2007.

<sup>32</sup> *The Black Sea (BS) and the Environment (Greening the Black Sea Synergy)*, Civil society position paper addressed to the BS Ministerial Conference in Kiev, February 14, 2008, Odessa, February 7, 2008.

<sup>33</sup> On the concept and contents of the Black Sea Sectoral Partnership, see Ioannis Stribis, "Black Sea Sectoral Partnerships: A Tentative Model", *ICBSS Policy Brief*, no. 14 (Athens: ICBSS, April 2009).

<sup>34</sup> *BSEC Economic Agenda for the Future*, 82-83 (see fn. 18).

## Coordination Meetings of Regional Organisations

Enhanced cooperation in the field of the environment can also be sought through the Coordination Meetings of Regional Organisations in the wider Black Sea area, bringing together organisations and structures active in this region (BSEC, Adriatic and Ionian Initiative, the Central European Initiative, the Danube Co-operation Process, the Regional Cooperation Council and the South East European Cooperation Process). The practice of holding such meetings was launched, at the PERMIS initiative, in 2000, in order to foster synergies among the above organisations and structures and avoid duplications of their respective activities. From 2000 to 2004, these meetings were held on a biannual basis, with the participation of the Chairmanships and/or Secretariat of the regional organisations. After a period of “hibernation”, Coordination Meetings were convened again as of 2008. These Meetings can provide a useful overview of the ongoing and planned activities in the field of the environment in the Black Sea region and help the coordination of activities also in the field of the protection of the Black Sea marine environment.

### *B. Engagement in new arrangements*

The effective contribution of the BSEC to the efforts of international organisations for the protection, preservation and rehabilitation of the Black Sea marine environment could also be enhanced through the development of new relationships.

### Danube Black Sea Task Force

The Danube is admittedly the single most important source of pollutants in the Black Sea. This should be the reason why the Ministers of the BSEC Member States in their 2007 Ankara Declaration underlined the importance of the cooperation with the international institutions entrusted with the prevention and reduction of the pollution of the rivers flowing into the Black Sea and their hydrographical basins. In this perspective, the participation of the BSEC in the Danube Black Sea (DABLAS) Task Force as a formal partner would be instrumental in promoting the protection of the marine environment of the Black Sea. DABLAS has extensive experience in project implementation, a field in which its assistance could be valuable for the BSEC. At the recent 7th meeting of the DABLAS Task Force (Kyiv, 28-29 October 2008), the focus was put on project selection criteria and modalities that make the project proposals eligible in terms of compatibility with the existing funding criteria of the EU.

Following consultations of the Management of the International Centre for Black Sea Studies (ICBSS) with the European Commission (May 2008), the BSEC Permanent International Secretariat and the ICBSS were invited in the 7th meeting of the DABLAS Task Force (Kyiv, 28-29 October 2008), with the ICBSS making a presentation in the plenary meeting. Formal participation of the BSEC in DABLAS could be sought following a resolution of the Council, upon the recommendation of the Working Group on Environmental Protection. The BSTDB is already a DABLAS partner, while the total number of DABLAS partners is over thirty.

### International Commission for the Protection of the Danube River

In addition to DABLAS and for identical reasons, the BSEC could institutionalise its relationship with the International Commission for the Protection of the Danube River (ICPDR). One of the main objectives of the ICPDR is the limitation of pollution inflow in the Black Sea through the Danube. To date, nineteen organisations have taken this opportunity and have become observers to the ICPDR. These organisations include intergovernmental organisations, non-governmental organisations (NGOs) and organisations representing private industry. The formal cooperation with the ICPDR grants observers the right to participate at ICPDR decision-making meetings and Expert Group meetings.

### Memorandum of Understanding on Port State Control in the Black Sea Region

In accordance with the international regulations stipulated by International Conventions in the maritime field, the main responsibility for ship safe condition falls upon the flag state – the state under which flag the ship is registered. Port State Control (PSC) comes into the scene when shipowners, classification societies and flag state administrations have failed to comply with the requirements of the international maritime conventions. In such cases, port states are entitled to control foreign ships visiting their own ports to ensure that any deficiencies found are rectified before they are allowed to sail.<sup>35</sup> The Memorandum of Understanding (MoU) provides for an inspection programme under which countries work together to verify that foreign vessels entering their waters are in compliance with strict international safety and anti-pollution standards.

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<sup>35</sup> See Ho-Sam Bang, “Port State Jurisdiction and Article 218 of the UN Convention on the Law of the Sea”, *Journal of Maritime law and Commerce* 40, no. 2 (2009): 291-313.

Ships that are found to be in serious violation of standards are detained in port until their deficiencies have been remedied. The objective of the PSC is to detect and inspect substandard ships and help eliminate the threat that they pose to life, property and the marine environment. Port State Control is regarded as a series of measures complementary to the Flag State Control.

In 7 April 2000, the Black Sea Memorandum of Understanding on Port State Control was signed in Istanbul by the six Black Sea coastal states (Bulgaria, Georgia, Romania, Russia, Turkey and Ukraine). It is managed by the Secretariat located in Istanbul.

One of the main aspects of the PSC is “to increase maritime safety and the protection of the marine environment”<sup>36</sup> from sub-standard shipping (first preambular paragraph), and it allows for the detention of vessels that do not comply with the standards set by the relevant international instruments [among which the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), section 2.1].

The Memorandum of Understanding on Port State Control in the Black Sea Region provides for the possibility for organisations and authorities to be granted observer status (section 7). To date two organisations (International Maritime Organisation and International Labour Organisation), two other regional Port State Control MoUs (for the Mediterranean and for West and Central Africa) and one state (USA) are observers to the Black Sea Port State Control MoU.

The BSEC could enter in contact with the Black Sea Port State Control MoU in Istanbul in order to explore the possibility for the Organisation to become an observer to it, contributing thus to the protection of the marine environment in the Black Sea. The participation of the BSEC in the work of the Black Sea Port State Control MoU could enhance the effectiveness of the latter and add political strength to the measures undertaken by virtue of the MoU.

### Other institutions

The Organisation for Security and Co-operation in Europe (OSCE), in particular its Economic and Environmental Dimension, also has some activities related to the protection of the Black Sea marine environment. The OSCE is active in the field of environmental security. The theme of

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<sup>36</sup> *Memorandum of Understanding on Port State Control in the Black Sea Region*, Istanbul, 7 April 2000, <http://www.bsmou.org/PDF/BSMOUT.pdf>.

the 16th meeting of the OSCE Economic and Environmental Forum was “Maritime and inland waterways co-operation in the OSCE area: Increasing security and protecting the environment” (Prague, 19-21 May 2008).<sup>37</sup> In its aftermath, the OSCE held an international conference on “The Safety of Navigation and Environmental Security in a Transboundary Context in the Black Sea Basin” (Odessa, 24-26 June 2008), with participation of the BSEC and some other regional institutions interested in this field. The Danube Commission (established by the Convention regarding the Regime of Navigation on the Danube, Belgrade, 18 August 1948), whose main responsibility is the navigation in the river, has some navigation-related environmental activities, which can be complementary to those of other international actors regarding the protection of the Black Sea marine environment. The two Organisations have initiated consultations on institutionalising their relations (observer status, sectoral partnership status).<sup>38</sup> Finally, the Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and contiguous Atlantic area (ACCOBAMS), whose purpose is to reduce threats to cetaceans in Mediterranean and Black Sea waters and improve the knowledge of these animals, is another international structure whose expertise can be useful in the strengthening of the international cooperation for the protection of the Black Sea marine environment. ACCOBAMS already has working relations with the Commission on the Protection of the Black Sea against Pollution.<sup>39</sup>

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<sup>37</sup> See OSCE, Office of the Co-ordinator of Economic and Environmental Affairs, Sixteenth meeting of the OSCE Economic and Environmental Forum, Prague, 19-21 May 2008, Part II, Consolidated Summary, Doc. EEF.GAL/10/08, 12 June 2008, pp. 41-45. Cf. Eileen P. Petzold-Bradley, “Umweltprobleme als Konfliktursache im OSZE-Gebiet”, in *OSZE-Jahrbuch 2000*, ed. Institut für Friedensforschung und Sicherheitspolitik and der Universität Hamburg (Baden-Baden: Nomos, 2000), 349-367, in particular 357-359. See also Bernard Snoy, Marc Baltes, “Environmental Security: A Key Challenge for the OSCE”, in *OSCE Yearbook 2007*, ed. Institut für Friedensforschung und Sicherheitspolitik and der Universität Hamburg (Baden-Baden: Nomos, 2008), 313-326.

<sup>38</sup> BSEC PERMIS Note BS/INFO.2008.0412 dated 8 April 2008.

<sup>39</sup> See Commission on the Protection of the Black Sea Against Pollution, *Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS): Perspective Cooperation with the Black Sea Commission*, 2001.

### *C. Engaging the and with civil society*

In today's interdependent world the actions of states and intergovernmental organisations are usefully assisted and complemented by those of the civil society organisations (both national and international).<sup>40</sup> This observation is particularly relevant with respect to the protection of the environment and guides the action of a growing number of international actors, when dealing with issues of environmental protection.<sup>41</sup>

In the Black Sea region, however, and despite the serious ecological challenges, the largest and most experienced international NGOs, that are active in many parts of the world, have not developed specific, concrete activities. Some, modest, actions in environmental issues in the Black Sea region have been and are undertaken by non-governmental organisations, national and local, mostly at the grassroots level.<sup>42</sup> These civil society actors are very diverse and dispose of limited resources (both human and material). Hence, their involvement in the field of the protection and preservation of the environment is quite uneven; in few occasions their mobilization has had some impact.<sup>43</sup>

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<sup>40</sup> Ioannis Stribis, "Sovereignty and Civil Society. The Quest for Complementarity", in *Training of Moldovan Jurists on the Rule of Law and Support to the Necessary Legal Reforms in Moldova*, Central and Eastern European Legal Studies, vol. IV (London: Esperia Publications Ltd, 2006), 277-296.

<sup>41</sup> Alix Gowlland Gualtieri, "The environmental accountability of the World Bank to Non-State Actors: Insights from the Inspection Panel", in *The British Yearbook of International Law 2001* (Oxford: Oxford Clarendon Press, 2001), 213-253; Helle Munk Ravnborg, Henrik Egelyng, Kim Raben and David Andrew Wardell, *Integrating Environment as a Cross-cutting Issue in Danish Development Assistance. A Review of Post-1999 Experiences*, DIIS Report 2005:10 (Copenhagen: Danish Institute for International Affairs, 2005); Ulrich Beyerlin, "The Role of NGOs in International Environmental Litigation", *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* 61 (2001): 357-378; Liza D. Fallon and Lorne K. Krikowen, "International Influence of an Australian Nongovernmental Organisation in the Protection of Patagonian Toothfish", *Ocean Development & International Law* 35, no. 3 (July 2004): 221-266.

<sup>42</sup> See M. Çevikoğlu, Mehmet and Z. Tugay, eds., *Black Sea NGO Directory: Environmental Non-Governmental Organizations in Bulgaria Georgia Romania Russia Turkey Ukraine*, third edition (Istanbul: Global Environmental Facility / Black Sea Environmental Program, 2000).

<sup>43</sup> See for example the role of Ukrainian NGOs in the issue of the rehabilitation/construction of Bistroe canal in the Danube delta. For a detailed account of the action of NGOs in this particular issue, see Ioannis Stribis, "The

This is an additional reason militating in favour of a stronger engagement of the BSEC with national NGOs. These organisations are excluded from the cooperation schemes provided for in art. 8 or 9 of the Charter (observer status, dialogue partnership), which are reserved to international NGOs.<sup>44</sup> The proposal to amend the BSEC Charter (art. 9) in order to allow the institutionalised cooperation of the Organisation with national NGOs (sectoral dialogue partnership) has been presented in detail in another framework<sup>45</sup> and merits consideration, in the perspective of a better preparation and implementation of decisions adopted within the BSEC.

For the purposes of the present discussion, it is submitted that the BSEC should elaborate and apply practical arrangements in order to associate national NGOs to its activities, in particular those relating to the protection of the environment. Ad hoc interaction can be fostered, for example, by extending to relevant NGOs, on a case-by-case basis, invitations to attend as guests particular meetings of the Working Group on Environmental Protection whenever the appropriate instances of the BSEC (Chairman-in-Office, Country-Coordinator, BSEC PERMIS or other) believe that their presence will assist the Group to better understand and address the challenges of the protection of the Black Sea marine environment.

In this respect, it is very important to bear in mind that the BSEC has failed so far to attract the interest of environmental NGOs, though the sustainable development is one of the most important factors of economic cooperation.<sup>46</sup> The BSEC should reflect why no non-governmental

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construction of a canal in the Danube Delta as an instance of transborder pollution” in *Transborder Pollution*, ed. Ant. Bredimas (Athens / Komotini: Ant. N. Sakkoulas, 2006), 155-208 (in Greek).

<sup>44</sup> See art. 8 and 9 of the Charter. Also the first of the *Criteria for Granting Observer Status to NGOs*, CMFA, 1st Meeting, Thessaloniki, 25 October 1999, Doc. Attachment 1 to Annex V to BS/FM/R(99)2, in BSEC, *Handbook of Documents*, vol. IV (2000), 144:

a) Observer Status shall only be granted to NGOs, which are truly international.

An organisation shall be deemed international (regional or sub-regional) if it has its statutory and real seat in one of the BSEC Member or Observer State, its administrators are under the jurisdiction of two or more BSEC Member States, and it is operational in at least two BSEC Member States.

<sup>45</sup> Ioannis Stribis, *Decision Making in the BSEC. A Creative Cartography of Governance*, Xenophon Paper, no. 1 (Athens: ICBSS, 2006), 77-80.

<sup>46</sup> For the current deficit and, hence the need for the BSEC to cooperate with wider segment of civil society, in particular the voluntary associations, see, Ioannis

organisation dealing with the protection of the environment has applied for institutionalised relations (observer status, dialogue partnership) and act accordingly. An appropriate way for the BSEC to engage the civil society in the field of the protection of the Black Sea marine environment could be its contribution to the establishment of *regional networks* bringing together national or regional NGOs active in the protection of the marine environment, with a view to setting up NGOs with international character, eligible, in accordance with the BSEC Charter, for institutionalised cooperation with the BSEC. Such an advice was given by the PERMIS in 2002 to the Turkish environmental NGO TURKMEPA, which was seeking cooperation with the BSEC Working Group on Environmental Protection. Despite of the existence of other MEPAs (Marine Environment Protection Association) and other environmental NGOs in several BSEC member states, BSEC instances have had no information on a possible follow-up of this advice. The Working Group on Environmental Protection could probably inquire the issue. In more general terms the Working Group, conscious of the growing importance of civil society organisations in the protection of the environment, including the marine environment, could adopt a more proactive stance and take the lead in order to remedy the actual shortcomings of the BSEC in this field.

## Conclusion

The appeal to consider the possible means of strengthening the cooperation among international organisations dealing with the protection and rehabilitation of the Black Sea marine environment, that was launched by the Ministers of Foreign Affairs of the BSEC member states in 2007, was timely and is proof of the leadership that the BSEC as the only locally-owned, inclusive and fully-fledged regional organisation can exercise in regional affairs, including the environmental governance. It is now of paramount importance that the BSEC delivers on its pledge and mobilises its forces as well as invites the other relevant institutions to pool available resources for the salvation of the Black Sea marine environment.

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Stribis, *Advocacy in international forums by civil society organisations* (Yerevan: International Council on Social Welfare, Black Sea NGO Network, 2008), 55-56.

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