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**The Environmental Action Plan Approach:
A Milestone in Pollution Control in the Baltic Sea**

by

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INTRODUCTION

Regional cooperation to protect the Baltic Sea was initiated in the mid-1970s.¹ Prior to 1992, as briefly described below, intergovernmental environmental cooperation in the Baltic area was according to the organizational and institutional framework established by the 1974 Helsinki Convention. Conceptually, Baltic Sea environmental cooperation formed an international regime. Intergovernmental cooperation was guided by an explicit international agreement on a well-defined regional and functional issue, and an international organization was created for the purpose of assisting states. Recently, however, governments and international organizations have taken several significant steps to strengthen regional cooperation on Baltic Sea pollution control. In 1992, they agreed on a new Helsinki Convention and in addition launched the Baltic Sea Joint Comprehensive Environmental Action Programme. At the same time, several Western European countries also embarked upon rather ambitious environmental aid programs for environmental protection in East Europe. The recent historical development in Baltic marine pollution control shows that new forms of regional environmental cooperation are emerging today.

Such development raises many issues with regard to analysis of regional environmental policy and institutional development. This chapter discusses the significance of the so-called Baltic environmental action plan and the 1992 Helsinki Convention from the viewpoint of international regime analysis. It examines in particular whether the 1992 Helsinki Convention and the environmental action plan are evidence that a regime change has taken place and a new regime has emerged in the Baltic region. It is concluded that a regime change did recently take place in the Baltic Sea, and issues relevant for understanding the causes as well as consequences of regime change are highlighted. Some of the consequences for Baltic marine pollution control are briefly discussed.

COOPERATION IN THE BALTIC REGION BEFORE 1990

In 1974, the nations bordering the Baltic Sea agreed on the Convention on the Protection of the Marine Environment of the Baltic Sea Area, the so-called 1974 Helsinki Convention, which covered all sources of Baltic marine pollution.² In 1980, they established the Baltic Marine Environment Protection Commission, commonly known as the Helsinki Commission (HELCOM), as a new coordinating body.

In the 1980s, it was predominantly government officials with expert knowledge and experience in environmental issues who were active in Baltic environmental cooperation within the framework of HELCOM. The secretariat officials of HELCOM were recruited from the above group as were the national representatives taking part in regular HELCOM activities.³ As a consequence, HELCOM was governed by officials with rather identical perspectives on the nature of environmental pollution and with likewise similar perspectives on the possible solutions to the pollution problems in the Baltic Sea.

In this period, the HELCOM Commission clearly reflected the competence as well as the composition of its members, and it pursued a marine protection strategy which largely resembled a long-term research program. By means of regular monitoring and research programs, the environmental status of the Baltic Sea was examined and the most important environmental threats were identified. Based on a shared body of knowledge, a number of advisory recommendations were issued. From 1980 to 1990, HELCOM adopted 102 recommendations most of which, especially in the later years, dealt with reducing emissions from land-based sources.⁴ Many recommendations made fairly detailed provisions concerning appropriate steps to improve the environmental condition of the Baltic Sea. However, although HELCOM was effective in this respect, the Commission was unable to enforce the implementation of its recommendations or successfully conduct implementation control programs.

It should be acknowledged that HELCOM actually improved during these years, much due to the efforts of the professional expertise which governed it. But the strategy proposals of experts could not include comprehensive organizational reforms. Nor could they depend upon policy instruments and rule-supervisory

mechanisms directed toward national policy-making.

Until 1990, Baltic environmental cooperation was strongly influenced by states, and government representatives were the key participants in the HELCOM policy process. The pollution control strategy put emphasis on accumulating more knowledge about the Baltic marine environment. Only a few non-governmental organizations (NGOs) were allowed to participate, and only in minor roles. Regarding international organizations, only HELCOM secretariat officials were regularly active in the policy process. Accordingly, the Baltic Sea regime was primarily focussed on developing scientific understanding of the marine pollution problem in the Baltic Sea.

COOPERATION IN THE BALTIC REGION AFTER 1990

Since 1990, the number of participants active in the protection of the Baltic Sea has increased significantly. Three reborn Baltic states - Estonia, Latvia and Lithuania - and a number of international organizations as well as NGOs have become involved in Baltic pollution control activities. The most important international organizations are financial organizations such as the World Bank (WB), the European Bank for Reconstruction and Development (EBRD), the European Investment Bank (EIB), and the Nordic Investment Bank (NIB). Although both the WB and the EBRD have a broader mandate than promoting environmental protection policies in the Baltic Area, their overall concern with Eastern and Central Europe's transition into market economy includes support for environmentally sound investments. In addition, the European Community, which is a party to the 1992 Helsinki Convention, is potentially an influential participant in Baltic environmental cooperation. Unlike the HELCOM secretariat, international financial organizations will be able to play a strong role in facilitating international assistance programs, and they are less dependent on the member states of HELCOM.

Environmental NGOs, such as Greenpeace International, and sub-governmental participants, such as municipalities bordering on the Baltic Sea, have recently become involved in Baltic marine pollution control, and the so-called Coalition Clean Baltic

(CCB), a network for cooperation and coordination between NGOs in the Baltic region, has been formed. Various private businesses, often supported by governmental or municipal funds, are also involved in cooperation in environmental protection.

The involvement of politicians has also intensified. Previously, politicians participated directly only every fourth year at the ministerial meetings at which the contracting parties to the Helsinki Convention were represented by their minister of environment. Today, both local and national level politicians are involved. The involvement of national politicians has intensified as a consequence of the increased attention placed on environmental issues. Extended contacts between municipalities, universities and the private sector have led to increased contacts between local politicians in different countries.

Significant changes have also taken place with regard to professional parties. Today Baltic environmental cooperation is not only a matter concerning national environmental experts with extensive experience in intergovernmental environmental cooperation. With the admission of new organizations different groups of experts have become involved, such as economists, bankers, policy-analysts and independent scientists. Other professionals who are not specialists, such as university professors and local government officials, have also become involved. The regional arrangement for protection of the Baltic Sea has greatly changed compared to earlier. Today, Baltic environmental cooperation involves a wide variety of parties, groups and organizations.

An additional significant development in the Baltic region concerns environmental aid to Eastern Europe. Recently Scandinavia and several other Western European countries have begun assisting Central and Eastern Europe in restoring and protecting the environment. Denmark, for example, has initiated a considerable number of bilateral environmental aid projects in Eastern Europe involving private businesses, municipalities and NGOs as key participants.⁵ Priority has been given to the Baltic region, projects on airborne pollution from some Central European countries, and projects with a good chance of back-up investments. Many of the bilateral environmental aid projects are concerned with pollutants of direct relevance for the marine environment in the Baltic Sea, and states are exchanging

information on their environmental aid projects within the HELCOM forum. However, at present no coordination takes place among donor countries of bilateral environmental aid projects within HELCOM.⁶

In summary, compared to the 1980s a dramatic change has recently occurred with regard to environmental cooperation to protect the Baltic Sea. The number of participants has increased, and they have become more diversified, the types of interactions have also become more diversified, and the professional views and interests involved in the cooperation have become more complex. Such a multilayered form of cooperation differs dramatically from intergovernmental cooperation that is exclusively concerned with scientific-technical issues.

The Baltic Sea Environmental Action Plan

At a meeting in Ronneby, Sweden, in September 1990, government leaders and high-level representatives from the Baltic Sea states, Norway, the Czech and Slovak Federal Republics as well as the Commission of the European Community decided to change the course of pollution control in the Baltic region. The Ronneby meeting marks the beginning of the process that led governments to sign a new convention and adopt the Joint Comprehensive Environmental Action Programme in 1992.⁷ It is hoped that the Baltic environmental action plan will strengthen regional environmental cooperation since pollution of the Baltic Sea has continued, worsened in fact, despite intentions to prevent pollution.

The Baltic environmental action plan contains the overall strategy for Baltic marine pollution control in the coming years. The action plan is based on a comprehensive approach to pollution control and environmental protection, and accordingly takes into account all significant marine pollution sources, not just contributions from single environmental sectors.⁸ The first Baltic Sea Declaration, adopted at the 1990 Ronneby meeting, establishes the overall principles and goals for the action plan, namely to 'assure the ecological restoration of the Baltic Sea, ensuring the possibility of self-restoration of the marine environment and preservation of its ecological balance'.⁹ The Ronneby meeting also endorsed regulatory principles,

among others the Best Available Technology (BAT) and the precautionary principle, both of which were adopted by the 1992 Helsinki Convention. The action plan will identify the 'critical load' for different pollutants in the Baltic Sea. The action plan estimates in addition the financial costs of implementation.

The Baltic environmental action plan is an ambitious attempt to change the direction of pollution control in the region. It consists of six components: a set of policy, legal, and regulatory reforms; institution-building and human resources development; infrastructure investment to control pollution; management of environmentally vulnerable areas; support to research and to develop solutions, transfer technology, and broaden understanding of critical problems; and public awareness campaigns and environmental education. Governments hope that the environmental action plan, by combining investments and financial aid together with technologies, organizations, institutions and policies, will significantly improve the Baltic Sea's poor state of health. It is foreseen in the environmental action plan that governments and international organizations shall build some form of permanent arrangement for environmental cooperation in the Baltic region, and that cooperation will be carried out in an effective manner. As pointed out, the environmental action plan itself is significant because it attempts to establish a comprehensive marine pollution control strategy for the entire Baltic region.

Other prominent characteristics of the environmental action plan are also worth noting. In the action plan, organizations and representatives from governments, international organizations, the private sector, scientists and environmental NGOs are all looked upon as future participants in the activities proposed by the action plan. The need for new and different forms of cooperation is also emphasized; for example international sponsors will assist formerly centrally planned economies in constructing municipal wastewater treatment plants which will involve long chains of activities. Cooperation will be of a multilayered kind in order to be effective.

Another significant feature of the action plan is its emphasis on long-term planning. As mentioned earlier, Baltic cooperation in the 1980s resembled a long-term research program, but little was done in the way of building long-term regional planning and management capabilities. In contrast, the Baltic environmental action

plan is intended to guide regional efforts aimed at significant pollution sources over the coming twenty years. Governments are today well-aware that there are no quick and easy solutions to environmental problems such as those in the Baltic Sea, a significant change in view compared to the early 1970s when protection of the environment first became an international issue of importance.

Additionally, the financial aspect of the Baltic environmental action plan also distinguishes it very much from the previous form of regional environmental cooperation in the Baltic Sea. The total environmental action plan is estimated to cost at least ECU 18.0 billion over twenty years. A two-step implementation process is planned; ECU 5.0 billion will be invested in the period 1993-97, and investments are estimated to cost ECU 13.0 billion in the period 1998-2012. Forty-seven 'priority hot spots' are estimated to cost ECU 6.5 billion. Donor countries are at present struggling with economic recession, but it is hoped that international financial organizations will provide a significant part of the necessary loans. In mid-1994, ECU 2.5 billion had been pledged by state and local government authorities as well as international banks, and the HELCOM secretariat was optimistic that the entire environmental action plan would be sufficiently funded.¹⁰

In summary, the Baltic environmental action plan establishes a comprehensive marine protection strategy for the Baltic Sea. It is based on a multilayered approach to regional cooperation on environmental protection. The environmental action plan considerably expands the time horizon of management and planning, and cooperation is to be backed by considerable financial resources. The environmental action plan approach recently embarked upon by states and international organizations marks a dramatic departure from previous cooperation forms.

INTERNATIONAL REGIME CHANGE IN THE BALTIC SEA

Only very seldom does it happen that states are in agreement that a treaty or a convention concerned with a particular issue is inadequate and that a new treaty or convention to deal with the issue is needed.¹¹ This nonetheless happened in the case of the Baltic Sea and it is a strong indication that a significant regime change has

taken place.¹² Another noteworthy difference concerns the scope of the Baltic Sea regime which has been expanded considerably by including internal waters, i.e. waters on the landward side of the baseline from which the territorial sea is measured, in the new convention.¹³ Exclusion of internal waters from the 1974 Helsinki Convention was one of its principal limitations as this meant that estuarine waters through which much land-based pollution enters the sea was not covered by the convention.¹⁴ Also important, the Baltic environmental action plan shows that governments intend to significantly strengthen and change regional policy concerned with Baltic Sea marine pollution control. Scholars have ascribed great importance to the recent development which, according to one observer, has resulted in 'a change in the basic norms and principles of Baltic Sea environmental cooperation'.¹⁵

Can we similarly conclude that a change *within* the regime has taken place? Regime change is a fundamental change of a regime which concerns its underlying norms and principles, whereas change within a regime signifies that new rules and decision-making procedures are being used by regime members. Rules and decision-making procedures may refer to voting rules and also the institutionalization of expert and technical advice, but should also include broader institutionalized procedures used by regimes for resolving problems of social choice.¹⁶ It should not be taken for granted, however, that change in norms and principles has resulted in change in rules and decision-making procedures for Baltic Sea environmental cooperation. From empirical analysis we can learn about the extent to which new rules and decision-making procedures, probably reflecting the change in norms and principles, have in fact been established in the new Baltic Sea regime.

The available evidence indicates that a change within the Baltic Sea regime has occurred. New groups for decision-making and planning have recently been formed. The environmental action plan was developed by a HELCOM ad hoc high-level task force (HLTF), a joint effort of the Baltic Sea countries (Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland, Russia, and Sweden), the countries of the catchment area (Belarus, the Czech Republic, the Slovak Republic, Norway, and Ukraine), the European Commission, and four international financial organizations. Several organizations participated as observers, including the International Baltic Sea Fisheries Commission, the CCB, Greenpeace International, and the World Wide Fund

for Nature. Not surprisingly, the role of HELCOM seems to be changing and is less well-defined today.¹⁷

The Baltic environmental action plan, the output of the HLTF-process, is a clear indication of how much has recently changed.¹⁸ The 1974 Helsinki Convention was an important step to protect the Baltic marine environment, but it was also obvious that a more comprehensive approach was to be preferred. An observer concluded in 1980: 'In the long run, however, a more comprehensive approach, taking into account the overall economic, social, and environmental aspects, is likely to be the most effective also from the point of view of protecting the marine environment'.¹⁹ As pointed out, the action plan is the first significant attempt to develop a comprehensive approach for restoration of the Baltic Sea.

Yet another new development concerns the role of NGOs, an important factor in the execution of the Baltic environmental action plan. With respect to the action plan's aim to enhance public awareness and stimulate environmental education, the sixth component of the action plan, two members of the HLTF have stated: 'The participation of non-governmental organizations reaching the grassroots level and the development of effective environmental education programs are essential to promoting public awareness and political commitment'.²⁰ Accordingly, support will be afforded and given high priority for efforts to promote environmental awareness, particularly in the context of local environmental cleanup activities.

But these observations and conclusions with respect to regime change and change within regimes may be too formalistic. Many would argue that international regimes, and accordingly also regime change and change within regimes, is of real significance and therefore should concern us only insofar as the behavior of states is influenced thereby. Hence the impact of the regime on the behavior of states should constitute the dependent variable. The most important test will be assessment of whether and how regime impact has changed as a consequence of regime change and as a consequence of change within the regime. Whether the behavior of states involved in protecting the marine environment of the Baltic Sea has changed as a consequence of the recent regime development should therefore be examined.

There are no generally accepted criteria for measuring the impact of international regimes.²¹ Regime impact assessment can however be conducted in at

least two ways. Regime impact assessment can imply comparing with the situation in which the regime had not existed; in other words, by comparing with a no-regime state of affairs.²² Alternatively, regime impact might be assessed by comparing with the collectively optimal solution to the problem the regime is intended to solve.²³ For the study of the recent developments in the Baltic Sea area, however, analysis of change in regime impact as a consequence of regime change is both more relevant and more intriguing.²⁴ Analysis could compare cooperation during the previous regime with cooperation provided by the new regime, more specifically by comparing policies and regulations dealing with specific environmental problems. Or, analysis of the impact of the new regime could examine a representative number of policies and regulations dealing with particular marine environmental problems in the Baltic Sea agreed to as a result of the new regime. Such a comparative analysis should estimate to what extent policies are in conformity with the new regime, and the conclusions would address to what extent the behavior of states is conditioned by the new Baltic regime. Furthermore, these two analyses can be combined in various ways.

Because regime change was undertaken very recently, it is at this point not possible to measure if, and to what extent, the impact of the Baltic regime has changed. Similar to the study of other policy processes, analysis of regime impact will have to wait until the new regime has been in effect for at least five years.²⁵ The Baltic Sea regime is an intriguing case as it seems concern for regime effectiveness was a strong motivating factor behind efforts to change the regime. When examining the regime change process and the issue of effectiveness, researchers should pay attention to issues such as the following: Did regime change take place because the regime was in some sense ineffective? How did different parties view the regime in terms of effectiveness? Were some phases of the policy process (see below) seen as being more ineffective than others? Also relevant, how did perceptions of regime ineffectiveness and effectiveness influence the design of the new regime?

The future development in marine pollution control in the Baltic Sea will be carefully watched by governments, international organizations, environmental NGOs, and researchers. With respect to the issues under consideration here, researchers would be well-advised to focus their analysis on the three essential phases of policy

processes, namely problem identification, policy formulation and policy implementation phases. While regional environmental policies might be somewhat more complex, they are essentially similar to other policies. Making a distinction between the three phases is relevant also when it is apparent that policy processes do not develop entirely according to this sequence of steps; it is well-known, for example, that implementation problems and constraints might result in reformulation of policy goals.

As to the problem identification phase, a number of issues should be examined: Has the new regime introduced different and perhaps better ways to identify environmental problems? Has the regime introduced new ways to develop scientific knowledge providing a basis for policy-making? Has the use of science been improved compared to earlier? It is of course important to understand what has caused the change. In addition to the issues just touched upon, a number of issues should be closely looked at: What role do non-scientific concerns play in the problem identification phase, and how are different countries, international organizations, and environmental groups involved, or represented, in this phase?

When focussing on the policy formulation phase, some issues seem particularly relevant to examine: Has the new regime introduced new and perhaps better ways to develop policy solutions? What role does scientific expertise play when policy solutions are identified, and what role do economic, environmental and other non-scientific (for example ethical) concerns play? Are all legitimate interests and stakeholders represented in the policy formulation process?

Several issues are relevant to examine with regard to the implementation phase, and researchers should try to answer the following questions: Has the new regime introduced new and better ways to implement policy? Has the inclusion of new groups and parties helped to improve implementation? Have new resources become available for implementation as a result of regime change?

The historical development in Baltic marine pollution control shows that new forms of regional environmental cooperation are emerging. The above questions deal with issues that are important when examining regime change.

For the analysis of cooperation to protect the Baltic Sea, the concept of international regimes is still useful. But it should be stressed that the concept should

be precisely defined, and researchers must carefully consider whether the concept is useful for the study of all diverse forms of cooperation that are developing among states and other parties involved in protecting the Baltic Sea. The usefulness of existing concepts and theories should, as always, be scrutinized without bias in the light of new realities. The question of whether bilateral environmental aid programs should rightly be considered as being a part of the new Baltic regime will depend on how the regime develops vis-à-vis such programs.

CONCLUSIONS

The first regime for pollution control in the Baltic Sea was established in the mid-1970s. Since the late 1980s, governments in the Baltic region have felt the need to intensify their efforts in the region, and a new Helsinki Convention was adopted in 1992. The same year the first environmental action plan intended to guide efforts to protect the Baltic Sea was approved by governments. The 1992 Helsinki Convention and the Baltic environmental action plan signaled a dramatic departure, more precisely a regime change, from the form of cooperation characteristic of the 1980s. In arriving at this conclusion, this chapter has emphasized the advent of the 1992 Helsinki Convention as well as the Baltic environmental action plan.

The conditions for successful cooperation in environmental protection in the Baltic region have improved considerably since 1990. Most importantly, the political conditions in the region today are more favorable for cooperation. The formerly centrally planned economies do not favor a strict doctrine of state sovereignty which improves the conditions for a comprehensive action-oriented pollution control strategy. Governments look to environmental interest groups and the private sector as important partners in protection of the Baltic Sea. In order to strengthen efforts to protect the Baltic Sea, the Baltic environmental action plan is intended to involve and stimulate a multilayered network of private companies and public organizations; such networks have only developed recently. The action plan also stresses the need for long-term priority planning and substantial funding by international organizations such as the World Bank, the European Investment Bank and the European

Community. International financial organizations will play an important role in the success of the Baltic environmental action plan. However, there is no way of knowing today if the environmental action plan will make states cooperate more effectively and increase overall effectiveness of Baltic cooperation. Until now, scholars have not explicitly examined whether regional action plans enhance the effectiveness of cooperation in marine environment protection.

It seems relevant, because the question has been given little attention by scholars, to briefly consider the institutional relationship between international environmental regimes and environmental action plans. As a general impression, a definite relationship between international regimes and international environmental action plans seems not to exist. Agenda 21 (i.e. an environmental and development agenda for the 21st century) signed at the 1992 United Nations Conference on the Environment and Development (UNCED) is an ambitious, though to some failed, attempt to create a global environmental action plan.²⁶ Agenda 21 is an action plan with a political commitment to pursue a set of goals, but it is not a legally binding document, it will at most constitute 'soft law'; it furthermore does not constitute the legal or institutional framework for an international regime, at least not in a reasonable interpretation of the regime concept. Judging from this example, it seems that an international environmental action plan does not necessarily have to be preceded by an international regime.²⁷ In the case of the 1974 Helsinki Convention, on the other hand, the existence of an international regime did not spur the creation of an environmental action plan. The relationship between regimes and international environmental action plans is thus not a causal one; however, it is not evident what kind of relationship does exist.

It should at the same time be noted that international environmental action plans are far from a novelty. Environmental action plans have long been a trademark of the United Nations Environmental Program (UNEP). UNEP has developed and introduced action plans for several of the world's seas, among others the Mediterranean Sea (the Med Plan).²⁸ The World Bank has financed environmental action plans to protect the marine environment, and the Mediterranean Sea is again a case in point. It could also be added that the European Community launched its first environmental action programme as early as 1973.²⁹ Some countries have for

some time used domestic environmental action plans, and this development undoubtedly contributes to the increase of international environmental action plans.³⁰ Despite the ambiguous legal status of the international environmental action plan, it is a new instrument for environmental protection in the Baltic Sea and shows that new administrative and planning approaches are developing at the regional level.

Transboundary environmental problems may to a large extent be regional rather than international in nature. From an economic perspective, international and sometimes even global regulation is often preferable since industries across countries will incur uniform costs due to environmental regulation. While the environmentalist viewpoint often supports global regulation, the regional approach acknowledges the geographical scope of the environmental problem to be dealt with. The recent development on protection of the Baltic marine environment is an endorsement as well as a strengthening of the regional approach to pollution control.

Finally, it should be recognized that the multilayered form of cooperation involving many different parties and new patterns of interaction presents new challenges to regional environmental protection in the Baltic Sea. Such new forms of environmental cooperation might create new difficulties. Both the conditions for, as well as the focus of cooperation, may change. HELCOM, or perhaps a different coordinating body, might be given the task of coordinating multiple, dissimilar initiatives to protect the Baltic environment instead of tackling relatively well-defined marine pollution problems. Effective implementation of environmental aid projects and environmental investments may be difficult to realize - perhaps because donor and recipient countries do not agree on which environmental problems should be solved, and how.³¹ Also regional policy formulation might be quite complex. On one hand, participation by different parties might result in better knowledge and a broader understanding of environmental problems and strategies for problem-solving. On the other hand, conflicting perceptions of the severity of environmental problems, as well as different preferences as to how measures should be implemented, might result in disagreements hindering regional environmental policy. But such divergences should not hide the fact that today cooperation to protect the Baltic Sea seems to be on the right track.

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