

**Yearbook  
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the topic. The idea is that the white book will constitute the basis for the continuity of a process of understanding and formulation of public policies. In order for sustainable development of the region to become a 'process,' institutions must be strengthened (State Councils for the Environment, river basin committees, consortia of municipalities, and so on). The director of the Pantanal program drew attention to the novelty of this instrument—strategic environmental evaluation—which is now seen as a prerequisite management planning tool recommended by the Federal Tribunal for Accounts when a state wants to present a project with great impact within the context of the union's pluri-annual plan. There is also a plan to create the Pantanal Observatory—a network of institutions that should provide, demand, and interpret information on this wetland area.

Susana Camargo Vieira

### E. Chile

A major legal development during the year 2007 in Chile was the enactment of a new law on the environment (Law no. 20.173, published in Chile's Official Newspaper on 27 March 2007, at 2, amending the Law on the Environment, Ley 19.300 sobre Bases Generales del Medio Ambiente, and changing the legal status of the Chilean National Commission of Environment (CNCE) from a commission to a ministry) (a consolidated version of Law 19.300 is available at <[http://www.sinia.cl/1292/articles-26087\\_ley\\_bases.pdf](http://www.sinia.cl/1292/articles-26087_ley_bases.pdf)>). The new law introduces a large number of changes, including the following:

- the highest official in the Chilean National Commission of Environment (Comisión Nacional del Medio Ambiente <<http://www.conama.cl>>) will be the president of the commission (no longer the director) who will have the rank of minister;
- the CNCE will have a direct relation to the president of Chile, although any administrative decisions will have to be signed by the Ministry of the Presidency;
- the presidency of the CNCE will be an organ of the whole commission;
- the functions of the commission will be exercised through the agency's departments;
- Article 71 will include a large number of ministers as part of the Council of the CNCE;
- the Council of the CNCE will exercise functions that are not directly included in the jurisdiction of the president;
- the CNCE will have to pronounce its opinion on any projects and administrative acts related to environment when a draft law is being

considered. Moreover, the CNCE will have a large number of other functions related to the environment and to natural resources;

- the decisions of the CNCE will be formalized in a resolution of the executive director of the commission, and all of the public departments of the government will have to apply this resolution; and
- a new title for the president of the CNCE has been included in the law. This title establishes the legal relationship of the president and its subordination *vis-à-vis* the president of the Republic. Most of this individual's functions are related to the guidance of the commission as well as to the coordination of the national policies regarding the environment in Chile.

This modification of the Law of the Environment has improved Chile's ability to conserve natural resources and biodiversity as well as to diminish the contamination of natural habitats. The new president of the commission has been active in demanding responsibility from the different environmental stakeholders in making Chile carry through on its commitments to its national laws on the environment and international treaties signed and in force.

Sergio Peña Neira

## 6. Nordic Countries

### B. Finland

#### (1) Major Environmental Policies

Two environmental issues dominated the Finnish environmental policy scene in 2007: climate change and the protection of the Baltic Sea marine environment.

#### (A) Climate Change

Climate change already dominated the discussion at the final meeting of the National Committee on Sustainable Development at the beginning of February, where it was emphasized that the new government (the president of Finland appointed the new government of Finland on 19 April) should commence work on a long-term strategy for climate change and energy. At the meeting, the minister of the environment Stefan Wallin stressed that Finland must act in concert with other countries to press for a broad-based, influential, and realistic international agreement that would prevent the temperature from exceeding two more degrees and would become operative after the first Kyoto commitment period in 2012. He also stated that

the long-term strategy should include different climate scenarios extending up to the year 2050 (*Finland's National Adaptation Strategy: An Integral Part of the National Energy and Climate Strategy*, <[http://www.mmm.fi/attachments/5eWdKveQh/5h0aZ7Iid/Files/CurrentFile/Finlands\\_national\\_adaptation\\_srstrategy\\_julkaisu.pdf](http://www.mmm.fi/attachments/5eWdKveQh/5h0aZ7Iid/Files/CurrentFile/Finlands_national_adaptation_srstrategy_julkaisu.pdf)>).

At the first meeting of the working group tasked with formulating the long-term climate and energy strategy, the highest official in the Ministry of the Environment, Permanent Secretary Sirkka Hautajärvi, stated that the starting point has to be that the world's current greenhouse gases will be reduced 50 percent from their present levels by the year 2050. For developed countries such as Finland, this would mean, in her estimation, a 60–80 percent reduction of current emissions by the year 2050, which would require us to prepare for a very different society than we are now living in. According to Hautajärvi and the ministry, the aim of the strategy should be for Finland to become a low-carbon society, meaning that we would need to consider how the citizens of such a society will make a living, how they will live, what kind of products and services they will use, and how they will spend their leisure time.

Finland participated actively in the European Community (EC) preparations for the thirteenth Conference of the Parties to the United Nations Framework Convention on Climate Change and the third Meeting of the Parties to the Kyoto Protocol, which took place on 3–14 December in Bali, Indonesia, and sent a large national delegation to the meeting. The Ministry of the Environment reported that it was extremely satisfied with the conclusion of the Bali Roadmap.

#### (B) Protection of the Baltic Sea Marine Environment

The protection of the Baltic Sea marine environment was a clear priority in Finland during the year 2007. The former minister of the environment, Stefan Wallin, took up the idea of commissioning an economic assessment of the costs of the worsening state of the Baltic Sea marine environment, which would be similar to the one done for climate change by the Stern Report. The idea was presented at the beginning of March in a meeting with the Swedish environmental minister, but it was also taken up in a broader forum and communicated to all of the coastal states of the Baltic Sea. The minister of the environment presented the idea on 15 November in Krakow at the meeting of HELCOM, a governing body of the Convention on the Protection of the Marine Environment of the Baltic Sea Area (see Baltic Marine Environment Protection Commission, <<http://www.helcom.fi/>>).

Finland was disappointed by the decision taken by HELCOM on 7 March, in which it declined to approve Finland's proposal to prevent ships discharging their sewage water into the Baltic Sea. At the HELCOM meeting on

15 November, Finland stated that this issue should jointly be taken to the International Maritime Organization (IMO). The November HELCOM meeting was successful in adopting an action plan, even though it will not receive formal recognition until March 2008 because of the absence of a minister-level representative from Denmark due to the elections in the country. The action plan is ambitious in the sense that it is based on an ecosystem approach—that is, it is based on the need to promote the recovery and protection of the Baltic Sea ecosystems. It is also interesting in that it invokes the concept of maximum allowable nutrient input. Each littoral state of the Baltic Sea will have a ceiling for nutrient input—that is, a defined maximum amount of discharges of phosphorus and nitrogen (*HELCOM Baltic Sea Action Plan*, 15 November 2007, <[http://www.helcom.fi/stc/files/BSAP/BSAP\\_Final.pdf](http://www.helcom.fi/stc/files/BSAP/BSAP_Final.pdf)>).

Finland was also active in pushing for practical efforts to curtail the nutrient flow into the Baltic Sea. An efficient phosphorus removal system was commissioned during 2007 at St. Petersburg's Central Wastewater Treatment Plant that will reduce eutrophication of the Gulf of Finland. The phosphorus removal process used at the St. Petersburg plant was considered to be the single most cost-effective measure for improving the ecological state of the Gulf of Finland. It will reduce phosphorus loading of the gulf by 300–500 tons per year, which is almost 5–8 percent of the total phosphorus load. A number of actors have taken part in implementing the phosphorus removal at the St. Petersburg's treatment plant, among them the John Nurminen Foundation's Clean Baltic Sea Project, which has secured funding from Finnish companies and private persons, and the Ministry of the Environment of Finland, which has funded the necessary equipment and conducted on-site tests of the phosphorus removal process.

The Ministry of the Environment intends to continue cooperation in the region, as set out in a new memorandum of understanding signed with the St. Petersburg Central Wastewater Treatment Plant for the years 2008–11. The primary objective of the new memorandum is to further reduce the waste water load from the city. The ministry has said that it will continue to prioritize support for projects that have an immediate impact on improving the state of the Gulf of Finland. Such projects include constructing the River Neva sewer tunnel, curtailing the discharges of untreated waste water, and improving waste water treatment efficiency.

#### (2) Changes in Multilateral Environmental Agreements That Have Entered into Force for Finland

The Conference of the Parties (COP) to the Stockholm Convention on Persistent Organic Pollutants (Stockholm Convention), to which Finland has been a party since the convention entered into force on 17 May 2004,

adopted a new Annex G to the convention (SC-1/2) in its first meeting, which was held in Punta Del Este Uruguay in May 2005. This annex complements Article 18 (2a and 6) of the convention, which authorizes the COP to adopt arbitration and conciliation procedures, and it entered into force for Finland, among other parties, on 27 March 2007 (adopted by presidential decree on 27 March 2007). The adoption and entry into force of the annexes to the Stockholm Convention is based on the relaxed criterion set out in Article 22 (Adoption and Amendment of Annexes).

Presidential decrees also incorporated into the Finnish legal system some of the decisions made in the Antarctic Treaty Consultative Meetings (ATCMs). In the Edinburgh 2006 ATCM, the consultative parties decided to recommend to their governments a measure deleting all occurrences of the words 'all species of the genus *Arctocephalus*, fur seals' from Appendix A to Annex II. This proposal was due to the fur seal population recovering to the extent that the Scientific Committee on Antarctic Research no longer deems the fur seal to be at significant risk of extinction in the region. As the amendment was made in accordance with Article 9 of Annex II to the Protocol on Environmental Protection to the Antarctic Treaty, it is deemed to have been approved and to become effective one year after the close of the consultative meeting, which for Finland, among others, was 23 June.

At the New Delhi, India ATCM, which was held from 30 April to 11 May, three management measures were adopted on the basis of Annex V of the Environmental Protocol: revised management plans for two Antarctic specially protected areas were approved (Measure 1); two Antarctic specially managed areas were designated and management plans for these adopted (Measure 2); and one monument was approved for addition to the list of historic sites and monuments (Measure 3). According to Articles 6 and 8 of Annex V to the Environmental Protocol, such measures are deemed to have been approved ninety days after the close of the ATCM at which they are adopted, unless they are objected to. Accordingly, the measures were adopted by presidential decree in Finland on 27 July and came into force for all parties on 9 August.

### (3) Application of International Environmental Treaties

The year 2007 has been a busy year for Finnish officials involved in applying the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention). Finland has received a total of four notifications on the basis of the Espoo Convention and, in addition, is already involved in a very complex international environmental impact assessment (EIA) for the planned offshore natural gas pipeline from Russia to Germany.

The proponent in the pipeline project is Nord Stream AG (<<http://www.nord-stream.com/>>), an international joint venture company (but its

main shareholder is Gazprom, whose majority shareholder is the Russian Federation), and the 1,200-kilometre pipeline will go through the maritime zones of Russia, Finland, Sweden, Denmark, and Germany on the seabed of the Baltic Sea. The pipeline will traverse the economic zone outside Finnish territorial waters for a distance of 369 kilometres.

As was discussed in last year's country report (17 YbIEL 511 (2006)), the states involved officially commenced the procedure under the Espoo Convention, with Nord Stream AG notifying the responsible environmental authorities of Russia, Finland, Sweden, Denmark, and Germany on 14 November 2006 about the technical background and possible environmental impacts of the planned gas pipeline. These states are the parties of origin since the pipeline would traverse under the seabed within their jurisdiction. Based on the information contained in the notification document, the competent environmental authorities of the parties of origin have notified each other and the affected states—Estonia, Latvia, Lithuania, Poland—of the planned project, on whose maritime areas the project may have environmental impacts.

The notification by Nord Stream AG subsequently commenced the EIA procedures, which have been extensive. In Finland, the EIA program was available for public inspection in thirty-three municipalities along the Gulf of Finland coast and in archipelago municipalities in the southern part of the Archipelago Sea, and public hearings were held on 11–14 December 2006 in the cities of Helsinki, Hanko, Turku, and Kotka. The regional environment centre of Uusimaa, which is the national coordinating authority, collected the opinions and comments of the citizens, municipalities, and authorities. The assessment program was available for viewing until the end of January, and the regional environment centre received over fifty statements and comments. The majority of the statements came from other ministries and authorities, municipalities, and organizations—five came from private persons.

The Uusimaa regional environment centre presented its own statement on 28 February to Nord Stream AG on the basis of the comments received and on its own evaluation—the latter being a statement that is in line with that of the Finnish Ministry of the Environment (FME), which is responsible for the international coordination of the EIA procedure on behalf of Finland. In the view of the regional environment centre and the ministry, the most significant environmental impacts of the planned pipeline would be caused by the construction work, since high levels of pollutants have accumulated in the seabed of the Baltic Sea. The proposed pipeline skirts the outer limits of Finland's exclusive economic zone (EEZ). According to the environmental authorities, the project proponent has given no environmental justification for the proposed routing or the proposed alternatives routings. In addition, according to the environment centre, the project has



not been described in sufficient detail and fails to specify how and where the trenches will be dug, quarried, and filled in the construction process. According to the overall analysis of the respective environmental authorities, the assessment program is too general and fails to demonstrate that the selected routing represents the least harmful alternative for the Gulf of Finland. For this reason, the authorities require that the schedule of the project (the final report was to be ready by the end of August 2007) be revised in accordance with the additional requirements they have presented.

The FME has at the same time informed Sweden, Germany, Denmark, and Russia of its willingness to participate in the international EIA procedure in accordance with the Espoo Convention. The ministry has received responses from all of the concerned parties except Russia, and the countries have indicated their willingness to participate in Finland's EIA procedure.

After this statement from the Finnish environmental authorities, expert meetings were held between the Finnish authorities and experts and the company, one outcome of which was that the route to be examined was extended by the company in order to find ecologically sustainable solutions. The company abandoned its original dredging plans and informed the interested countries that it was ready to examine the routing alternative passing through the deepest, and possibly most environmentally safe, areas of the Gulf of Finland, which are located mainly in the EEZ of Estonia. This caused quite an uproar in Estonia and led to the Estonian authorities denying Nord Stream AG a survey permit, whereupon the company opted to pursue a plan to build the pipeline in the Finnish EEZ.

On 7 November, the company made a draft EIA of the changes that will be made in conducting the environmental investigations, and this draft was sent to all of the littoral states. Finnish environmental authorities consider it important to examine the planned routing of the pipeline to the south of Suursaari Island in order to obtain data on the environmental impacts of this alternative—a topic that has also been discussed bilaterally between Finnish and Russian environmental authorities. The draft report was made available for public inspection from 12 November to 21 December in the regional environmental centres of Uusimaa, in southwest Finland and in southeast Finland and in the environmental centre of the city of Kotka. The comments and statements regarding the draft report had to be submitted before 21 December. The Ministry of the Environment is in charge of delivering the comments and statements to other states of origin and to Nord Stream AG.

The Finnish Ministry of the Environment received two notifications from Estonia on the basis of Article 3 of the Espoo Convention during the year 2007. In February, Finland received a notification from Estonia concerning plans by the developer OÜ Nelja Energia to construct five

offshore wind farms near Hiiumaa (an island located in western Estonia) as well as a power transmission line. The notification documents were made available for public inspection from 18 April to 8 May in the regional environmental centres of Uusimaa in southwest Finland and southeast Finland, in Maarianhamina in the premises of the regional government of Åland Islands, and on the Internet, and comments had to be submitted before 8 May. Comments were received from two ministries, the Finnish Environmental Centre, the Finnish Institute of Marine Research, the National Board of Antiquities, and the Worldwide Wildlife Fund Finland. On the basis of the comments, the FME replied to Estonia that Finland would like to participate in the transboundary EIA, especially because of the possible effects of the project on migratory birds. The planned location of the wind farm would overlap with an important resting place for migratory birds, in particular, Steller's eider (*Polysticta stelleri*), a species for which Finland is responsible internationally.

Finland received a notification from Estonia in mid-June concerning the commencement of an EIA pertaining to an energy complex and a detailed zoning plan for the complex. The communication asked whether Finland wished to take part in the EIA procedure for the complex and the strategic environmental assessment (SEA) of the zoning plan. The energy complex is to consist of two new energy units (300 megawatts each), two new TSK-140 dry distillation devices, as well as auxiliary equipment for liquid fuel production and possibly a gas turbine for utilizing the gas generated from oil shale pyrolysis. Finland is being notified on the basis of the Espoo Convention (in the case of the energy complex) and the EC Directive 2001/42 on the Assessment of the Effects of Certain Plans and Programmes on the Environment and the Protocol on Strategic Environmental Assessment to the Espoo Convention (of which the latter is not yet in force), because some of the combustion gases from the energy complex are likely to spread into Finnish territory. The documents were made available for public inspection in the regional environmental centres of Uusimaa and southeast Finland as well as on the Internet from 2 July to 20 July. Based on the majority of comments received, and reflecting its own views, the Ministry of the Environment responded in a letter dated 30 July that Finland would like to participate in the EIA of the project and in the SEA of the detailed plan. According to the response, the FME considers it likely that the combustion gases from the new power plant units will extend to Finland and is of the opinion that the EIA must include the impact of the project and its alternatives on the air quality and fallout in Finland. It also points out that the methods used in making the EIA studies should take into consideration the meteorological circumstances of a large enough area in order to ensure that modelling the dispersal of long-range air pollution is done on a realistic basis.

Finland received a notification from Sweden about a windmill park being planned by Finngrunden Offshore AB and its sister company WPD Scandinavia AB in the area of Finngrunden in Selkämeri (Baltic Sea). The park would be located approximately forty kilometres from the Swedish coast, off the city of Gävle, and would lie within the Swedish EEZ. The park is planned to consist of 210 windmills with an overall capacity of 1050 megawatts, and the project would include five undersea electrical cables to Sweden. The documents delivered by Sweden were made publicly available by the FME in the regional environmental centre of southwest Finland and in Maarianhamina, Ahvenanmaa, in the premises of the regional government on 4–21 June, and comments had to be submitted by 21 June. In a letter dated 29 June, Finland notified Sweden that it wanted to take part in the EIA procedure, since the windmill park may, for instance, impact traditional fishing, especially for Baltic herring, by Finnish fishers and migratory birds and waterfowl.

Finland received a notification from Lithuania of the commencement of an EIA for the construction of a new nuclear power plant. The procedure was begun by the project proponent Lietuvos Energija AB. Plans call for constructing a new nuclear power plant to replace the decreased electricity generation capacity due to the eventual closure of the Ignalina nuclear power plant (Unit 1 already having been shut down and Unit 2 to be closed by the end of 2009). The documents delivered from Lithuania were available for public inspection in Finland on 3–21 September, with comments to be submitted by 21 September. Comments were received from eight authorities, one research institute, and one non-governmental organization. Most of those who submitted comments and the FME were of the opinion that Finland should participate in the EIA procedure even though, due to the long distance, no impacts on Finland are anticipated during construction or normal operation of the proposed plant. However, according to the FME and the other commentators, the impacts of a possible nuclear accident should be studied, as should the transportation and handling of nuclear fuel and the final siting of the spent fuel. For these reasons, Finland responded at the beginning of October to Lithuania that it wants to take part in the EIA procedure.

Timo Koivurova

### C. Norway

#### (1) Ratification of, and Accession to, Treaties

Norway, Finland, Russia, and Sweden adopted a cooperation agreement for the Barents Euro-Arctic Region in 2007, and Norway acts as host

country to the Secretariat. Norway also joined the 2001 Agreement on the Conservation of Albatrosses and Petrels. Moreover, the ratification and entry into force of some treaties led to significant amendments to existing Norwegian legislation:

- a number of provisions of the Norwegian Maritime Code (in particular, paragraphs 183–90) were amended to ensure compliance with the 2001 International Convention on Civil Liability for Bunker Oil Pollution Damage;
- the Act Concerning Nuclear Energy Activities was significantly amended in order to take into account amendments to the 1960 Paris Convention on Third Party Liability in the Field of Nuclear Energy and the 1963 Brussels Supplementary Convention; and
- the Patents Act was significantly amended as a result of Norway's accession to the 1973 European Patent Convention.

In addition, Norway adopted amendments to the Greenhouse Gas Emission Trading Act in order to finalize efforts to set up an emission trading system adapted to the European system. The amendments included provisions on the allocation of free quotas and set aside quotas for future gas-fired power plants.

#### (2) Regional and Bilateral Cooperation

Together with Ireland, Austria, and Iceland, Norway expressed concerns that the nuclear reprocessing plant at Sellafield in the United Kingdom might be reopened as a consequence of increased demand for nuclear power because of efforts to reduce greenhouse gas emissions. Since 2005, the plant has been closed due to a significant accident. The four countries expressed concern that a new accident may lead to considerable nuclear damage.

In 2007, Norway has mainly focused on bilateral environmental cooperation with European countries, in particular, Poland, Romania, and Bulgaria. In the case of Poland, a main focus has been on preservation of cultural property. In the cases of Romania and Bulgaria, efforts have been related to their accession to the European Community (EC).

In light of the problems that polar bears are likely to face because of global warming, Norway has invited the parties to the 1973 Agreement on the Conservation of Polar Bears—that is, Canada, Denmark, Russia, and the United States, to a meeting to be held in 2009. The last meeting under the agreement took place in 1981. Norway proposes to organize biannual meetings under the agreement.

#### (3) Legislation and Government Regulation

A new Act on Reindeer Herding (2007, no. 40), which pays particular attention to Norway's obligations under the 1989 International Labour