

Malgosia Fitzmaurice: International Legal Problems of the Environmental Protection of the Baltic Sea. London 1992, Martinus Nijhoff, Graham and Trotman, Dordrecht (Boston), pp. 313 + index.

Nobody needs to be persuaded nowadays as to the weight of the problem of environmental protection in the modern world, including in particular the region of Europe of which Poland is a part. In a way, all such problems tend to focus on precisely this region, that is — on the international scale — on the issue of protection of the natural environment of the Baltic Sea, a part of which is already dead today. For this reason, it is with obvious interest and satisfaction that we welcome the publication of a monograph by Małgorzata Lachs-Fitzmaurice, Ph.D., which deals with the international legal aspects of those very problems.

The first two chapters discuss introductory questions such as the general characteristics of the Baltic Sea; sea regions and the concept of semi closed sea; the global vs. regional approach to marine environmental protection; the definition of pollution; and the causes and types of pollution of the Baltic ecosystem. Two further chapters deal with the Helsinki Convention on the protection of maritime environment of the Baltic Sea area of 1974. Both provisions of the Convention and its application in practice have been submitted to detailed and thorough analysis. Demonstrating the significant role played by the Convention and by the Commission for the Protection of Maritime Environment of the Baltic Sea, appointed on the basis of the Convention (so-called Helsinki Commission), the Author argues that in cases of conflict between international legal obligations of the Baltic states and the relevant provisions of their domestic law, Art. 27 of the Vienna Convention on the Law of Treaties of 1969 should apply (pp. 92 - 93). It seems that this principle cannot possibly be repeated too often. Further, discussing the advisability of granting to the Helsinki Commission the right to pass acts legally binding for the Baltic states, M. Fitzmaurice considers this step futile unless followed by "economic and political reality to implement them" (p. 228).

Chapter V contains a review of international documents dealing with protection of the natural environment of the Baltic Sea, other than the Helsinki Convention. Included in the discussion have been such documents as: International convention for the prevention pollution of the sea by oil of 1954; International convention on prevention of pollution by ships of 1973; Convention on prevention of marine pollution by dumping of wastes and other substances of 1973; International convention on intervention in the high seas in cases of oil pollution casualties of 1969; International convention on civil liability for oil pollution damage of 1969; Convention on long-distance trans-frontier air pollution of 1979; Convention on the conservation of European wild life and natural habitats of 1979. The Author also discusses the relevant bi- and trilateral treaties. Recently, states have started to conclude second generation treaties in the discussed domain. According to the Author, this was made possible by the recent changes in Eastern Europe. As a result, states of the region began to treat environmental protection as a priority.

Chapter VI discusses the regulation of environmental protection in national legal systems of the Baltic states. The regulations of Denmark, Finland, Germany, Poland, Sweden, and the USSR have been discussed. Inspiring is the statement that all Baltic states have created within their respective legal systems a framework for transformation of the Helsinki Commission's recommendations into their domestic law. However, as the Authoress proceeds to mention, the implementation of those recommendations in East-European states leaves much to be desired for the lack of financial resources.

The last chapter VII discusses the law and practice of the European Community with respect to protection of the natural environment of the Baltic Sea area. According to the Author it is indispensable, that the European Community/the European Union should join the Helsinki Convention. It should be added that this step will gain even a stronger justification once Sweden and Finland (as well as Poland in a more distant future) become members of the European Community/European Union. Of course, the Union's/Community's accession to the Helsinki Convention would necessarily lead to changes in the composition of the Helsinki Convention.

The general conclusion formulated in the book is as follows: "... the Baltic States have a well developed regional system with a great potential if properly implemented. The network of bilateral and multilateral treaties and the major conventions (Helsinki and Gdansk Conventions) give a very sophisticated legal framework for co-operation. The problem which is going to be the major obstacle to full achievement of the aims of the Baltic States is of an economic nature" (p. 229). We can do nothing but subscribe to this conclusion.

The values of the monograph under review — those as to the merits as well as the formal ones, the sound set of research tools included — make it a valuable publication both for researchers and for practitioners in the field of the environmental protection.

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