FINNISH TRANSBOUNDARY COOPERATION

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THE NEW FINNISH-SWEDISH TRANSBOUNDARY RIVER AGREEMENT
HISTORY OF THE TRANSBOUNDARY WATER AGREEMENT

● PEACE TREATY OF HAMINA 1809 AND BORDER TREATY 1810
● AGREEMENT OF SALMON FISHING 1927
● LOG-RAFTING AGREEMENTS 1917 AND 1949
● TRANSBOUNDARY AGREEMENT 1971, FOUNDING OF THE FINNISH-SWEDISH TRANS-BOUNDARY RIVER COMMISSION ("OLD COMMISSION")
Inspired by "Helsinki rules on the uses of water of international rivers", by the International Law Association, 1966:

- Unilateral decision making should be limited
- Economic assets should be divided fair
- Joint bodies for administrative arrangements are favourable
OBJECTIVES

- Use water resources for mutual benefit
- Support development of local society
- Protect nature
- Protect fish resources
- Prevent pollution of water
Transboundary River Commission

- Issues **FINAL** permits/licences (not possible to appeal)
- General and coordinating responsibility for supervision on use of water and emissions to water
- Specific responsibility for supervision on fishery
- Decisions on claims for compensation
- Funds for remediation measures
Comparison with Convention on Transboundary Rivers and Lakes

- Poor guiding principles and general objectives
- No environmental quality objectives
- No programmes of measures
- No inventories of impact
- No monitoring and assessment
- No warning and alarm procedures
- No research and development
DEMANDS FOR THE NEW AGREEMENT

● ALL FIRST LEVEL PERMITS MUST BE APPEALABLE
● DEVELOPMENT OF COOPERATION IN THE BORDER AREA
● DEMANDS OF EU LEGISLATION, DIRECTIVES AND INTERNATIONAL AGREEMENTS
ROADMAP TO THE NEW AGREEMENT

● SWEDISH SETTLEMENT PERSON REPORT 1997
● THE TORNE RIVER WORKING-GROUP 1999-2002
● AGREEMENT NEGOTIATIONS 2002-2004; 207-2009
● NEW AGREEMENT VALID 01.10.2010
NEW TRANSBOUNDARY RIVER AGREEMENT

- NATIONAL AUTHORITIES ARE ISSUING WATER RELATED PERMITS
- FISHING ISSUES TO THE NATIONAL AUTHORITIES
- NEW FISHING RULES
- ESTABLISHMENT OF THE NEW FINNISH-SWEDISH TRANSBOUNDARY RIVER COMMISSION
TASKS OF THE NEW COMMISSION

- ENHANCE COOPERATION
- HARMONIZING THE WORK OF AUTHORITIES
  - IMPLEMENTATION PLANS/WFD
  - PLANNING OF FLOOD RISK MANAGEMENT/FLOOD DIRECTIVE
  - FIGHTING ENVIRONMENTAL DAMAGES IN THE TRANSBOUNDARY RIVERS
  - NATURE PROTECTION PLANS
TASKS OF THE NEW COMMISSION (cont:)

● COMMON REPORTING ABOUT PROGRAMS AND PLANS; COMMON HEARINGS
● APPROVE OR REJECT RBMPs, PoMs (WFD AND FLOOD DIRECTIVE)
● MONITOR IMPLEMENTATION OF THE AGREEMENT AND LICENSING
● PROPOSING CHANGES FOR THE AGREEMENT IF NEEDED
TASKS OF THE NEW COMMISSION (cont:)

- State about licenses and other activities affecting the state of the transboundary waters
- Appeal the licenses if appropriate
- State about fishing regulations and exceptions
- Works as the harmonizing body for the WFD and Flood Directive
INTERNATIONAL RIVER BASIN MANAGEMENT PLAN-IRBMP

Part A/FS-COMMISSION
International RBMP incl. Joint PoM

Part B National RBMP FINLAND

Part B National RBMP SWEDEN
RESOURCES OF THE COMMISSION

- 3 MEMBERS AND SUBSTITUTE MEMBERS PER COUNTRY (water authority, local representative, local business community)
- OFFICE IN HAPARANDA, SWEDEN
- SECRETARY AND ASSISTING SECRETARY
- BUDGET ABOUT 250 000 EURO/YEAR
- EVALUATION IN EVERY SECOND YEAR
- MAIN STAKEHOLDERS ARE: MUNICIPALITIES, AUTHORITIES, PROVINCIA BOTHNIENSIS AND NGOs
THE FINNISH-NORWEGIAN TRANSBOUNDARY WATER COMMISSION

- Agreement signed in November 5th 1980
- Advisory role
- The main tasks:
  - submits proposals and statements on matters related to the management the transboundary waters between Finland and Norway;
  - supervises and monitors the condition and quality of the transboundary waters;
  - conserves the transboundary waters and water ecosystems as natural as possible for the benefit of local population;
  - monitors construction along the waterways and other activities affecting the state of the transboundary waters.
SPECIAL FEATURES OF THE COMMISSION AREA

- Mostly sparsely populated areas with some bigger modern villages
- Home area of the indigenous people, the saami
- Important spawning rivers for Atlantic salmon
- Arctic area
MAIN ACHIEVEMENTS

- Common water quality monitoring and reporting program of the river Tenojoki
- Common multiple use plans (integrated river basin management plans) for the main rivers:
  - Tenojoki 1990 (revised 2005, municipalities responsible)
  - Näätämöjoki 1992
  - Paatsjoki 1996 (Finland, Norway, Russia)
  - Common monitoring and reporting program for WFD
- Many common research and planning programs
- Improved cooperation with Norwegian and Finnish border municipalities
- Improved water quality in border rivers
Some remarks:

- It is very important to include the interests of the local population in the transboundary water agreements.
- When implementing the proposals of the Commission, ownership of the local population and the decision-making ministries is essential.
- Transboundary water commissions can promote other co-operation between neighbouring countries.
- A transboundary agreement should cover whole catchments areas not only the main border rivers or lakes.
FINNISH - RUSSIAN AGREEMENT ON TRANSBOUNDARY WATERS 1966

- Encompasses most of Finland’s eastern frontier with exception of sea areas
- Covers all fields of water management
- Provides a basis for agreeing on a variety of questions concerning utilization and conservation of watercourses
- Contains regulations
  - the main waterways should be kept open
  - controlling measures that may change or pollute transboundary watercourses
- Establishes a Joint Finnish-Russian Commission
A JOINT FINNISH –RUSSIAN COMMISSION ON THE UTILIZATION OF FRONTIER WATERCOURSES

- To deal with undertakings that may have bearing on transboundary watercourses
- Commission handles all kinds of measures which may cause transboundary impact
- Contracting parties can give the commission a mandate to solve cases or give advisory opinion
- Decisions are made unanimously and are binding on both parties
- Each party appoints three members and three deputy members
- Each party also provides experts and secretaries
- Practical work is mainly carried out by working groups
- The Commission operates in the Finnish and Russian language
RESULTS

● The pollution load has drastically diminished
● The commission has established a joint monitoring programme for water protection
● The discharge rule for Saimaa and Vuoksi
● Large number of fishery studies
● The interests of both riparian countries have been taken into account equitably
● The Commission has the capacity to solve problems flexibly and equitably
● Long experience and results used as a model