

The cooperation in the Baltic Sea region:

ENVIRONMENTAL CHALLENGES AND THE CONTROVERSY OVER **NORD STREAM 2**

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abstract

Since its announcement in 2015, Nord Stream 2 (NS2) has fueled European public debate about the EU's role in a multipolar world, the scope and limits of transnational governance, and the trade-off between environment and climate protection vs. economic growth and fossil fuel lobbying. Whereas much has been said and written about the security and military risks issued by the project, the environmental and climate impact of the Russian pipeline has received limited attention. This article analyzes to what extent both institutions and civil societies of the Baltic countries (in particular, those directly involved in the permit process) developed forms of transnational cooperation in order to tackle environmental and climate challenges issued by the planned pipeline. The aim is to contribute to the following research fields: the role of environment and climate in international relations; multiple notions of "security" in the Baltic region; and transnational governance in the face of global challenges. The sources are ENGOS' publications and statements, official reports as well as media, which are analyzed according to Critical Discourse Analysis.

KEYWORDS: Nord Stream 2, Baltic Sea region cooperation, geopolitics.

Nord Stream 2 is the longest subsea pipeline in the world; although completed in September 2021, it has never been operative as it was halted by the German government two days before the outbreak of the war in Ukraine¹. Furthermore, three of four offshore lines of the Nord Stream system sustained incalculable damage due to sabotage attacks on September 26, 2022, the responsibility of which has not yet been clearly determined².

Since its first steps, NS2 presented Europe with several challenges: the EU's role in a multipolar world; the relationship between civil societies and national and supranational authorities; the trade-offs between environment/climate protection and economic growth; and fossil fuels lobbying. Whereas much has been said and written about the security risks issued by the project, and the link between energy and geopolitics, the environmental and climate impact of the Russian pipeline has been overlooked both in research and public discourse.

IN ITS FINAL FORM, the 1,230-kilometer pipeline is the longest subsea pipeline in the world, running under the Baltic Sea parallel to its earlier cousin Nord Stream 1 (which opened in 2011) and doubling its capacity. It was expected to deliver 5.6 billion cubic meters of Russian natural gas to Europe's pipeline system without using existing pipelines running through Poland and Ukraine³. The construction of such infrastructure could not have avoided repercussions for the maritime flora and fauna; it was all about assessing the extent in a sea region highly polluted by not

only waste discharge in a semi-enclosed basin with a low water turnover rate but also the huge number of mines and chemical weapons dropped during and after the World War II. The lingering ice during the winter season is an additional threat to the ecosystem. During the Cold War, the pollution of the Baltic Sea became the biggest environmental challenge for this region. In 2005, the UN International Maritime Organization (IMO) designated the Baltic Sea, except for its Russian waters, as a Particularly Sensitive Sea Area (PSSA) to strengthen the environmental protection of the area⁴.

THE COMPANY RESPONSIBLE for the construction of the pipeline, Nord Stream 2 AG, used the environment and climate as leverage to gain support for its project. As to the former, it made clear that locally sourced materials would be utilized and that the route was identified so as to avoid sensitive areas. Moreover, the company built upon the positive results of the environmental monitoring of NS1. However, its eco-friendly narrative was challenged by several Baltic ENGOS, who, relying on their opposition to the first pipeline, highlighted that NS2 would undermine several onshore and offshore conservation areas in Russia, Sweden, and Germany. In 2018, the ENGOS revealed that 140 kg of toxic grease were released into the Baltic sea due to the work⁵.

As to the climate impact of NS2, those supporting the project (Nord Stream AG, the Russian government, and part of the German political establishment) claimed that the pipeline would strengthen supply security and saved 160 million tons of CO₂, thus working as a bridge in the shift from fossil economy to sustainability⁶. Their assumption was that natural gas could be regarded as less harmful than oil and coal. On the other hand, climate activists and several European politicians warned that NS2 would undermine EU decarbonization and increase its reliance on Russian energy⁷. US' sanctions against companies involved in the construction intensified the controversy from early January 2021, but in the end the US, reluctant to undermine its relationship with Berlin, reached an agreement with Germany that would allow NS2 to get online⁸.

This article analyzes to what extent both institutions and civil societies of the Baltic countries (in particular, those directly involved in the permit process) developed forms of transnational cooperation in order to cope with environmental and climate challenges issued by the planned pipeline. Whereas at the institutional level the focus is on the Baltic countries' joint initiatives, as in the Nordic Council (NC), the Council of the Baltic Sea States (CBSS), and the EU, at the civil society level environmental organizations (ENGOS) and climate movements are at the forefront. CBSS was founded in 1994 as an intergovernmental political forum for regional cooperation⁹, while the Coalition Clean Baltic (CCB), established in 1990, is a politically independent network gathering ENGOS from all the

countries bordering the Baltic Sea. Its aim is to tackle the impact that competing commercial and geopolitical interests have on the natural environment of the Baltic region¹⁰.

The research covers the period from Gazprom's announcement of the new pipeline (2015) to the outbreak of the Russian war against Ukraine, albeit tracing the background of the controversy to the debate surrounding the construction of the first Nord Stream pipeline.

The sources are ENGOS' publications and statements, official reports and assessments as well as media.

By investigating the channels of transnational cooperation that the Baltic countries established during the global controversy over NS2, this study aims to contribute to the research fields of transnational governance in the Baltic Sea region, the role of environment and climate in international relations, and multifaceted notions of security.

Theoretical background and methodology

The relationship between environmental degradation and international security has attracted growing attention since the end of the Cold war. The threat that global warming poses to the habitability and even existence of entire territories and consequent risks of social unrest fueled by resource scarcity have placed environment and climate at the forefront of international relations¹¹. However, whether the incorporation of such issues in the field are consistent with the traditional nation-based approach to security, or whether this demands a redefinition of the concept itself, has been long disputed¹². This article draws on critical security studies, scholarship that departs from a conceptualization of security in merely military terms to encompass other spheres,

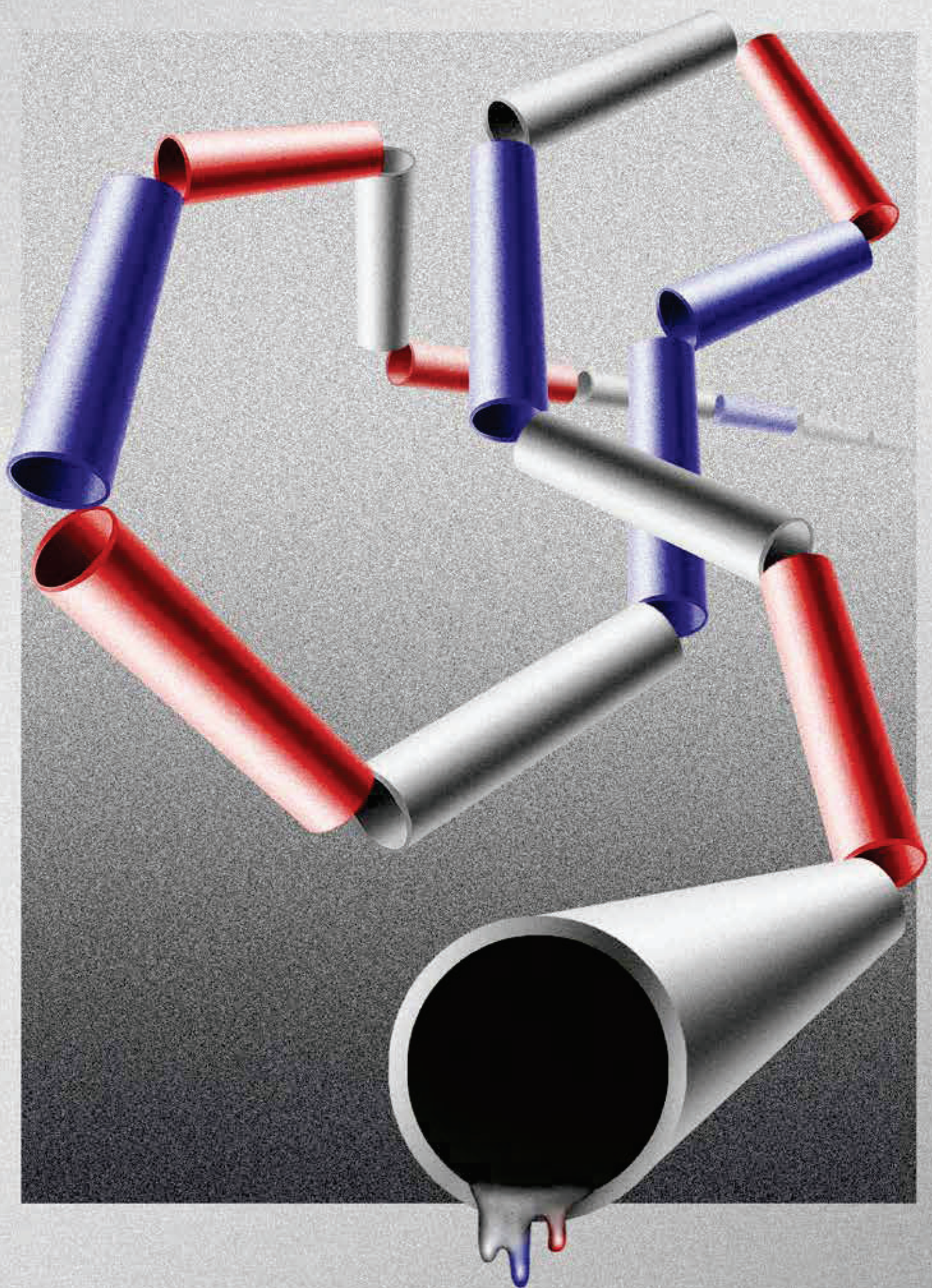
including the environment and climate; with this broadening of the security agenda, the objects of critical security studies are not exclusively states, but also civil society organizations and individuals, and even the ecosystem¹³.

This article also relies on scholarship concerning transnational environmental and climate governance. By the disintegration of the Eastern bloc, transregional

cooperation between East and West in the Baltic Sea region improved at both institutional and civil society levels¹⁴. Research has highlighted that, while in the classic mode of international environmental diplomacy states play a prominent role, the contribution that non-State actors (ranging from corporations to social movements) make in global environmental governance has changed significantly throughout the years due to both increased opportunities for civil societies to participate in environmental decision making and their resourcefulness¹⁵.

However, whether their involvement results in greater influence or, on the contrary, states remain decisive in global environmental governance is an open question¹⁶. A further obstacle

“CLIMATE ACTIVISTS AND SEVERAL EUROPEAN POLITICIANS WARNED THAT NS2 WOULD UNDERMINE EU DECARBONIZATION AND INCREASE ITS RELIANCE ON RUSSIAN ENERGY.”



on the path towards an effective involvement of civil society actors has been identified in the mismatch between national laws and international environmental legislation; this applies, for instance, to states' compliance with the United Nations Convention on the Law of the Sea (UNCLOS, 1982) and the 1973/1978 International Convention for the Prevention of Pollution from Ships (MARPOL)¹⁷. Transnational climate governance faces even more difficulties, since it is a landscape populated by multiple actors¹⁸ which differ both in policies and definitions as well as the assessment of climate change.

In the case of the Baltic Sea region, even if eight of its nine states are EU members, their national legislations applicable to the Baltic ecosystem differ significantly: the region remains a puzzle of geopolitical, economic, and environmental strategies and regulations which reverberate on its governance. Although numerous international and regional conventions regulate the marine environment of the Baltic Sea, only UNCLOS is binding on the signatories. This complex landscape makes it extremely difficult to reach agreements and to implement joint measures¹⁹.

ENVIRONMENTAL GOVERNANCE in the Baltic Sea region has been commended as one of the most advanced systems of regional governance in the field; compared to other marine regions, the Baltic countries stand out in their high commitment to environmental protection, their pioneering role and improvements in the field as well as a long-lasting cooperation and a well-established governance-structure. Despite these achievements, the adequacy of this regional environmental governance in addressing climate change has been questioned with regard to both the provisions of international laws and conventions and the national policies related to marine environment. The Helsinki Commission (HELCOM), signed in 1974 by all nine Baltic countries, was "the first international regime on the protection of a regional sea and served as a model for many other regions in the world"²⁰. Nevertheless, it has adopted a comprehensive approach to climate change quite late, even though this phenomenon is expected to dramatically impact the regional ecosystem and the connected socioeconomic system. It has been pointed out that environmental governance in the Baltic Sea region is tailored precisely on environmental threats on

a local or regional scale, while climate change is a global challenge that nonetheless reverberates on such local problems²¹.

Lastly, this article is inspired by theories of peace ecology, which link peacemaking and peacekeeping efforts to cooperative resource management and peaceful coexistence both between humans and with the planet²².

Against this theoretical background, the NS2 saga is investigated here as a litmus paper of various concepts of cooperation and security confronting each other in the Baltic Sea region as well as the capability of the transnational regional environmental and climate governance to cope with transboundary challeng-

es, with a particular focus on the interplay or divide between national states and transnational networks of environmental and climate organizations, groups and movements. Content analysis will highlight different framings of NS2 as a transboundary issue in different countries and discursive interactions among various levels of transnational environmental and climate governance (e.g., between Baltic states and the EU or between ENGOs and national governments)²³.

The first Nord Stream pipeline

Ukraine's Orange Revolution in 2004–2005 prompted Russia, Germany, and Great Britain to build a new pipeline, so as to make the gas trade independent of turmoil in Ukraine (and Belarus). Of the three possible routes under discussion between the 1990s and early 2000s (from Kaliningrad to Denmark and Britain; from Finland to Germany; and from the St. Petersburg area to Germany), it was in the end the third one that came out on top. In 2005, German Chancellor Gerhard Schröder and Russian President Vladimir Putin agreed on the construction of the pipeline, and Gazprom and the German Ruhrgas and BASF/Wintershall established the North European Gas Pipeline Co., then renamed Nord Stream AG, with the Russian company as a major shareholder. Further shareholders later joined the consortium²⁴.

The Nord Stream 1 project was strongly criticized within and between the concerned EU member states. Not only geopolitical considerations, but also historical experiences, played a role in this²⁵. The Eastern European countries were not at all enthusiastic about the project, which Poland's foreign minister Radosław Sikorski stigmatized as the "Molotov-Ribbentrop Pipeline"; both Poland and Lithuania complained that Germany had not consulted the other EU-member states²⁶. Reservations against the project increased after the Russian-Georgian war in 2008, which gave rise to fear about Russia's ambitions in the

region; the US backed those in the EU opposing the pipeline construction²⁷. However, ENGOs from the Nordic region and Eastern Europe took action to monitor the environmental threats posed by the project. They met for the first time in Helsinki on March 4, 2008; the event was organized by the Russian Regional Environmental Centre (RREC). The need for transnational cooperation resulted from the aware-

ness that each concerned country followed different procedures for assessing the environmental impact of the project. Thus, the main task of this network was not only to inform the public in all affected countries but also to make public participation a working mechanism²⁸.

The Nordic countries' reactions to the project varied. Although far from being uncontroversial, in Finland and Denmark it met less resistance than in Sweden, where the fear that Russia would take advantage of the pipeline to increase its military presence and intelligence activity along the Swedish coast and in particular around the isle of Gotland was on the top of the agen-

"THE RESPONSES TO THE ANNOUNCEMENT OF A TWIN PIPELINE PROVED TO BE EXTREMELY DIVERGENT."



da²⁹. Sweden's former ambassador Krister Wahlbäck was among the first to raise concern, in 2006, regarding the environmental impact of the planned pipeline, although framing it mostly in terms of the economic consequences for fisheries and tourism and, even more, security risks for his country³⁰. In 2007, a Report by the Swedish Defense Research Agency (*Totalförsvarets forskningsinstitut*, FOI) established the hierarchy between the country's "issues of concerns": after highlighting that the project raised more problems than the building consortium was willing to admit, in terms of financial burden and above all regional security, the author reminded that Nord Stream could not be regarded as a "common European project as the project goes against the priorities of several EU members"³¹; only later in the document did he mention the environmental issue. The peripheral position of environment and climate (equated in the Report) in Swedish, and Nordic, public and expert debate on this topic, as well as the vagueness accompanying both notions, were thus determined early. The until then prevailing narrative of a "common sea" facing environmental threats was suddenly challenged by an alternative storyline stressing Russian economic and national interests, on the one hand, and Western European, primarily German, ones on the other³².

Nord Stream AG's application was granted a permit by all affected Nordic countries in 2009³³. On 8 November 2011, German Chancellor Angela Merkel, Russian President Dmitry Medvedev, and representatives of the shareholders of Nord Stream AG and the EU Commission gathered in a ceremony in Lubmin, near Greifswald in eastern Germany, to joyfully inaugurate the system³⁴.

The Baltic governments facing the Nord Stream 2 announcement

In June 2015 (a few months before the Paris Agreement on Climate Change), Gazprom and five European energy companies (Austria's OMV, Britain's Shell, France's Engie, Germany's Uniper and BASF/Wintershall) announced the building of a twin pipeline, Nord Stream 2, to double the capacity of the first one. The debate sparked by NS1 was reignited forcefully because of the Russian annexation of Crimea and support for separatist military forces in the republics of Donetsk and Luhansk³⁵. In the aftermath of these events, the Russian Federation reaffirmed the importance to maintain the Baltic Sea cooperation outside geopolitical calculations, and the Swedish and German Foreign Ministers agreed on the need for a bottom-up approach to Russia (people-to-people contacts) in the social, cultural and economic field. Trade exchanges across the region improved along the EU's *Interreg Baltic Sea Region Program*, signed in 2014 by Denmark, Estonia, Finland, Latvia, Lithuania, Poland, Sweden, the northern regions of Germany, Norway, Belarus and the north-western part of Russia³⁶. However, environmental cooperation

was harmfully affected by the increasing military tensions; due to the political decisions taken by the EU Council and the EU Commission in response to the annexation, the Northern Dimension Environmental Partnership (NDEP), which previously had played a significant role in developing environmental cooperation between EU and Russia, could no longer promote environmental projects in Russia³⁷.

The responses to the announcement of a twin pipeline proved to be extremely divergent. While proponents argued that it was to be regarded simply as a commercial project, meeting Europe's increasing demand for cheaper gas since internal production was diminishing, opponents viewed it as Russia's geopolitical move to bypass Ukraine as a gas transit country (thus weakening its sovereignty) and strengthen its influence on the European stage at the expense of Ukraine, Poland, and the Baltic States. However, the real interests of the different actors taking part in the controversy are hard to decipher: was the EU pursuing a stronger cooperation with Russia, so as to remove the threat of an intra-European conflict, or rather merely showing the contradictions of its commitment to energy diversification and decarbonization? What was the US' real concern, containing Russia's military threat to Europe/NATO or promoting their own – far more expensive for Europe – gas supply³⁸? Did Germany aim to continue its politics of East-West dialogue while at the same time gaining popular support through cheaper gas supply or rather make money at the expense of Ukraine and EU solidarity³⁹? And what did Poland fear most, Russia's increased leverage, and influence, over Europe or the challenge to its effort to become a hub for an alternative – and cheaper – gas supply⁴⁰? The various arguments for or against the project were so closely interwoven that it is impossible to separate geopolitics from energy and climate concerns. Rather, these different perspectives were intended to reinforce each other.

In 2016, (when Gazprom started the construction) at the annual Forum of the EU Strategy for the Baltic Sea region, the then Prime Minister of Finland Paavo Lipponen called for a lifting of the EU sanctions against Russia and increased cooperation with Russian partners within the *EU Strategy for the Baltic Sea Region* (EUSBSR), approved by the European Council in 2009 and the Council of the Baltic Sea States. In his view, improving cooperation was intended to avoid a geopolitical and even military competition between Russia and NATO in the region⁴¹. The representatives of the main beneficiary of the project, Germany, for their part emphasized the advantage of the pipeline in terms of cheaper energy supply⁴².

On the other hand, the governments of eight EU member states (Czech Republic, Estonia, Hungary, Latvia, Poland, Slovakia, Romania and Lithuania) signed in March 2016 a letter warning of the geopolitical and energy security risks connected to the project⁴³. However, there were differences between the countries of the so-called Visegrad Group in terms of foreign policy towards, and energy supply from, Russia as well as single countries' transit roles⁴⁴. Poland was seen as head of the countries opposing the NS2 project⁴⁵. UOKiK, Poland's competition authority,

objected that the new pipeline would increase Gazprom's (and therefore Russia's) dominance of the country's gas market. Fearing a UOKiK fine, the five EU energy companies who had joined Gazprom decided to turn their status from shareholders to lenders. In this way, Nord Stream 2 AG ceased being a joint venture and became a fully owned subsidiary of Gazprom⁴⁶.

In the Nordic countries affected by the project, the governments (red-green in Sweden, center-right in Denmark and Finland) found themselves in a difficult situation. On the one hand, they were pressed by the United States, the EU Eastern European countries, and domestic parties in opposition at that time, all demanding the project's suspension. On the other hand, their room for maneuver was limited by their previous permit for NS1. Neither Stockholm, Helsinki or Copenhagen were inclined to resort to their national laws or the Law of the Sea to block Nord Stream 2, which – a non-negligible circumstance – enjoyed support from Germany, one of their main commercial partners⁴⁷. Economic considerations were discussed in Finland and even more in Sweden also with regard to the relation between national political priorities and local commercial interests (the harbors of Kotka, a small and deprived Finnish town, and the Swedish municipalities of Gotland and Karlshamn were willing to lend their harbors to Gazprom in return for substantial financial compensations and job creation⁴⁸).

The debate in transnational governmental institutions

The Nordic countries tried to navigate these dilemmas by urging the EU to take a common political stance on the project, based on the assessment of the non-conformity of Nord Stream 2 with the objectives of the EU energy and climate policy as well as EU security interests. Whereas in 2006 the European Commission supported the construction of NS1, the attitude towards NS2 was considerably different, as it was dismissed as unnecessary in terms of energy security. On December 12, 2018, a vast majority of the members of the EU Parliament voted in favor of a Parliament resolution intended to declare the project unnecessary and dangerous as threatening European energy security and diversification⁴⁹.

At the same time, it was evident that the Commission had no means of preventing a pipeline that complied with EU law: the decision on allowing Nord Stream AG to construct it had to be taken by the German energy regulator, as provided by the EU's Gas Directive. The EU High Representative, Joseph Borrell, in a speech to the European Parliament, described NS2 as a commercial – and above all German – matter⁵⁰. To sum up, Brussels authorities, although struggling to find legal ways to prevent the project (e.g., applying EU internal market energy rules to Nord Stream 2), were pressed by lawyers – and Germany – to treat NS2 in the same way as NS1, regardless of its geopolitical implica-

tions⁵¹. However, a more radical obstacle came in the way of a possible mediation from the EU: the coalition of companies and politicians in favor of Nord Stream 2 and the German Federal Network Agency (*Bundesnetzagentur*, the regulatory office for energy, infrastructure and communications) argued that an offshore project between EU member states and a non-member (Russia) was not under the rule of the European Single Energy Market Package⁵².

The natural mediator could have been the CBSS, paradoxically precisely because of its “weakness”, as it is an institution aiming to promoting regional cooperation but is not legally binding and even questioned by some after EU Eastern enlargement in 2004, which was supposed to be its main mission. However, the remark made in 2017 by Aduda and Evert that, after dealing with NS1, “no CBSS activities [related to NS2] can be noted, though, and no official document or statement of the CBSS on the second Nord Stream project exists”⁵³ is still valid. A survey of the CBSS' website reveals only one input under the voice “Nord Stream 2”: the reply of Russia's Foreign Minister Lavrov to a journalist who had asked whether the Council had

“THE RELATIONS BETWEEN THE ENVIRONMENTAL MOVEMENT AND THE AUTHORITIES IN RUSSIA WERE FAR FROM UNPROBLEMATIC.”

discussed NS2. Lavrov made it clear that “Nord Stream 2 was not on the agenda, and no one mentioned it. [...] There has been much politicized agitation around this project. The decision by the European Union to apply the Third Energy Package (the so-called Gas Directive) has already raised eyebrows. [...] I do not think that this project can be stopped, and I am confident that it will be carried out. Germany, other European countries whose companies are involved and all of Europe in the end are interested in completing the project since it will enhance Europe's energy security”⁵⁴.

ON THE CONTRARY, in a Joint statement released on June 17, 2021, the representatives of green-affiliated political parties in the countries around the Baltic Sea reminded the public that NS2 could not be treated as a European project since it had never gained a majority in the European Council, the European Parliament or the European Commission. They also emphasized that the pipeline would jeopardize Ukrainian sovereignty and European autonomy in the energy and military fields as well as in environmental and climate terms⁵⁵.

Unlike CBSS, the Nordic Council of Ministers hosted some debate at least. In 2016, the Conservative Group pressed the Council to urge the Nordic governments to critically assess the NS2 project according to its impact on (in this order): the climate and Baltic maritime ecosystem; security; and European cooperation⁵⁶. On the other hand, another Prime Minister, the Finnish Juha Sipilä (leader of the Centre Party), although agreeing on the EU energy dimension of the project, made it clear that in his country there was a broad agreement on treating the NS2 permit as an almost exclusively environmental

issue (the same as for NS1)⁵⁷. In his turn, a Finnish representative of the Social Democratic Group, Erkki Tuomioja, put forward the link between cooperation and security: “I take these security policy issues very seriously, which is why I ask myself, and I ask you, and I ask everyone here: Do you actually think that opposing Nord Stream 2 in any way contributes to increased security and understanding, or is it, on the contrary, a political action that increases tensions and conflicts and is therefore a bad service to security?”⁵⁸.

As in the case of NS1, the decision over NS2 was delegated to the ESPOO Convention, which provides that each concerned Party has to evaluate planned infrastructural projects along the Environmental Impact Assessment (EIA) in a Transboundary Context, while at the same time informing and consulting the other Parties⁵⁹. Germany, Denmark, Sweden and Finland regarded themselves as Parties of origin under the Convention, while all nine Baltic Sea States were granted the status of affected Parties. The EU plays a limited role in this procedure, which “allows the public to actively engage [...]”⁶⁰.

Baltic and global environmental organizations cooperating against Nord Stream 2

As part of the ESPOO consultation process, public meetings were held by all the affected Parties, and ENGOS mobilized as they had done before against NS1. The Coalition Clean Baltic, Greenpeace, and ClientEarth made use of different instruments, from petitions to legal appeals. A concrete example of how the cooperation worked is the Memorandum about the Finnish licensing process of NS2 prepared by the Finnish Society for Nature Conservation for its international counterparts, in order to answer the many questions raised by the permit process⁶¹.

IN 2015, CCB started a campaign to prevent the construction of NS2 as it threatened biodiversity in the Russian part of the Gulf of Finland, in particular in the Kurgalsky Nature Reserve, which was created in 2000. It has been included in the list of Baltic Sea Marine Protected Areas drafted by HELCOM and is also covered by the RAMSAR Convention for protected wetlands of international importance. The Reserve has an inestimable conservation value for the Eastern Baltic Sea region. The campaign began with an open letter⁶² and continued with several and diverse initiatives⁶³. In Russia, it was carried out through a grassroots mobilization involving activists from national and local environmental movements, journalists and experts⁶⁴. A public hearing to discuss the potential transboundary environmental impacts of the NS2 project was held in Kingisepp (Russia) on 30 June, 2017, with residents and politicians from the Kingisepp district along with representatives from civil

society, ENGOS, and the Ministry of Natural Resources and Environment, as well as experts (working for Nord Stream 2 AG). Although the meeting was defined “constructive” by an international magazine for the oil and gas pipeline industry⁶⁵, the relations between the environmental movement and the authorities in Russia were far from unproblematic. The activists warned that Gazprom was harming the Kurgalsky nature reserve, thus ignoring Russian laws on environmental protection, a claim shared by the Russian division of Greenpeace, which, although not being a CCB member, joined the mobilization. On the basis of the assessment of Russia’s Komarov Botanical Institute, Greenpeace Russia deplored the destruction of already endangered species in the reserve as systematic⁶⁶.

ALTHOUGH PUSHING FOR A different route for the pipeline to avoid damage to the Kurgalsky Reserve, WWF Russia declared in 2018 that it was not against the deliveries of gas to Europe, including through the Nord Stream 2, as long as the route of the pipeline was changed so as to avoid damage⁶⁷, a position differing from that of WWF International, which warned against the climate impact of NS2 as well as Europe’s increasing dependence on gas⁶⁸, and rather echoing that of the Finnish Society for Nature Conservation. Although reproaching Russian natural gas as no sustainable solution, this Society pragmatically stated that gas pipelines were safer than boats crossing the Gulf of Finland, which was already affected by considerable traffic and consequently a high risk for accidents. However, the main point of the Finnish Society was that law did not provide the possibility for a climate-based complaint concerning the Environmental Impact Assessment⁶⁹.

In its turn, Greenpeace International, while launching a petition together with CCB in 2017 to save the reserve, casted light on Russia’s double standards: “In Russia, the trench will cut through the unique reserve while in Germany the gas pipeline will be laid underground, without affecting the natural landscape. In other words, environmental requirements in Germany must be respected, while in Russia this is not necessary”⁷⁰. Greenpeace Nordic also deplored Russia’s ambiguity: albeit not bound by the ESPOO Convention, Russia decided to act as a party of origin under that convention, and this was valuable; at the same time, however, Moscow seemed to ignore its international treaty obligations provided by the Ramsar Convention on Wetlands of International Importance and the Helsinki Convention on the Protection of the Marine Environment of the Baltic Sea Area⁷¹. The German environmental and human rights NGO Urgewald added a further concern, related to the Russian Arctic province of Yamalo-Nenets Autonomous Okrug (YaNAO), where 90% Russian gas comes from. Nord Stream 2 would be no exception, thus further jeopardizing the livelihoods of



Nenets Indigenous Peoples, based on reindeer herding (the largest in the world), already affected by the impressive oil and gas exploration and extraction conducted by Russia's two gas giant companies, Gazprom and Novatek⁷².

As in the case of NS1, warnings against the release of toxic substances from the seafloor, furthermore with the risk to churn up weapons from World War II (and, in addition, failures and leaks which would release gas in the ocean once the pipeline had operated) were considered unfounded by the authorities. In the end, Sweden and Finland granted NS2 a permit in 2018, while in Denmark the granting process was delayed until 2019. In the face of global pressure, Denmark rejected the original route planned by the building company, which would pass through its territorial waters; Nord Stream AG thus applied for a route implying detours around the island of Bornholm. As the new route affected only Denmark's exclusive economic zone and no longer Danish territorial waters, Copenhagen could reject the application again only on the basis of environmental threats, but no reason to halt the project on this ground was put forward by the relevant authorities⁷³.

The national EIAs were criticized by Baltic ENGOs not only for not taking into due account NS2's impact on marine flora and fauna, but also for overstating EU countries' impending scarcity of natural gas supply while at the same time underestimating the consequences the pipeline's construction would have for the climate. Greenpeace Nordic concluded that "the investment would be detrimental to the environment, specifically the unique ecosystems of the Baltic Sea and adjacent lands and tie the European energy system more strongly to fossil fuels"⁷⁴. Similar arguments against the permit were advanced by the Danish Society for Nature Conservation⁷⁵ and its Swedish counterpart, as well as the German BUND (Friends of the Earth Germany)⁷⁶ and NABU (The Nature And Biodiversity Conservation Union)⁷⁷, all members of CCB. Interestingly enough, whereas the Russian and German divisions of Fridays For Future⁷⁸ and other German activists fiercely contested the construction of NS2 because of its climate impact⁷⁹, this was not the case of the Nordic divisions.

THE GRASSROOT CAMPAIGN against NS2 also made use of lawsuits, but they proved to be unsuccessful in Russia⁸⁰, Germany⁸¹, Sweden and Finland. In the two Nordic countries, ClientEarth arrived in 2018 at the conclusion of two domestic proceedings with illuminating implications in terms of access to justice in environmental issues⁸². Through its Polish foundation "ClientEarth Prawniczy dla Ziemi", ClientEarth challenged permits allowing for the development of the Nord Stream 2 pipeline in the two Nordic countries. Their verdicts proved, according to ClientEarth, that obstacles to accessing justice exist even in those countries where it is assumed that NGOs can have their arguments examined by an impartial body⁸³.

Concluding remarks: Much more needs to be done

Unlike Germany, where the most determined mobilization against the pipeline was carried out by the environ-

mental and climate "lobby"⁸⁴, in Denmark, Finland and Sweden public debate centered on geopolitical, economic and to some extent administrative issues, and even when environmental and climate concerns were expressed, they were often put forward instrumentally. The new framework shaped by the growing tensions between Russia and Ukraine required a different narrative, centered not on sustainability but on Russia as a danger to the Baltic region and Europe as a whole. It is noteworthy that while complicating (and lastly halting) the NS2 project, geopolitical concerns affected differently the fate of another gas pipeline: they led in fact to a reassessment from the Danish Environmental Agency of the Baltic Pipeline, which would transport liquefied natural gas from Norway through Denmark, Sweden's exclusive economic zone, and Poland. The Agency first revoked the permit in 2021, following the campaign by ENGOs (first the Danish divisions of Friends of the Earth, Climate Movement, and Extinction Rebellion). They pointed out to the environmental and climate impacts of the project, which ran through protected Natura-2000 areas, compromising Denmark's commitment to green policies. However, in 2022, in light of the new geopolitical situation, the Agency granted a new permit⁸⁵.

THESE TWO EXAMPLES illuminate the paradoxes of transnational environmental and climate governance: while the permit process for big infrastructural projects (including the energy ones) goes through an environmental assessment, as a matter of fact, environmental protection is subordinated to contingent political/military circumstances. As to climate change, it is not even considered in national EIAs; it should be an EU, i.e. joint, priority, but the permits granted to NS1 and NS2 as well as to other pipelines cast a shadow on the political commitment of the EU to climate action as well as the capability of its legal framework to include climate when assessing transnational projects. Additionally, the fact that the EU is out of the picture when the country which submits an offshore project affecting EU member states is not a member state itself (and thus not covered by the rule of the European Single Energy Market Package) complicates further EU transnational governance.

As to the Baltic Sea region, the saga of NS2 shows that here, too, transnational environmental and climate governance has not worked properly. Neither the Nordic Council, the Nordic Council of Ministers or the Council of the Baltic Sea States were able to take a joint stance on the planned project: after all, the final decision rested with national authorities. Whereas for some experts "whether the environment has received appropriate protection is hard to judge"⁸⁶ (and this should be enough to cast doubts on the transparency of the procedures), Baltic ENGOs' conclusions were definitely negative as to the transboundary environmental impact of NS2, not limited to the Kuralsky Nature Reserve. Challenging the divide West-East, Baltic ENGOs targeted not only the promoter countries of NS2, Russia and Germany, but also the EU



– and the governments of the affected Nordic states. These environmental and climate organizations and movements showed that transboundary challenges require being tackled through an equally transnational processes, from both the bottom and the top⁸⁷, especially if the Baltic countries want to reverse the trend in the health of the Baltic sea: in late 2023, experts at the Baltic Marine Environment Protection Commission (Helcom) announced that from 2016 to 2021 the improvements were negligible or null and, consequently, the Sea faces “critical challenges due to the climate crisis and degradation of biodiversity”⁸⁸.

ENVIRONMENTAL ARGUMENTS are the only legal channel that coastal states affected by cable-lying or submarine pipelines on their continental shelf can resort to in order to prevent the construction⁸⁹. Neither the UNCLOS or ESPOO Conventions nor the national EIAs allow taking reasons other than environmental ones into account, but in spite of their centrality in law provisions they are de facto subordinated to other considerations. At the same time, other issues, not less important, are overlooked. Therefore, in the end, the question to be raised is not only whether environment and climate receive adequate protection through EIAs, but also whether, against the background of how vulnerable and exposed to political calculations gas pipelines are, the environment and climate should be treated as essential to international security⁹⁰. Conversely, should not threats to human rights and global cooperation be incorporated into assessments of transboundary infrastructural projects? Does buying gas or oil from dictatorships help democracy and peace?

For years, the Western European companies involved in the projects, the lack of balance between member states, and contradictory EU goals have fueled the machine of a government, the Russian one, which is an enemy both of the environment and democracy as well as peace. Only the invasion of Ukraine made all these European actors step back from doing business with Russia. This story of failure should teach something to anyone supporting gas and oil while disregarding the environmental, climate and human impact of the fossil economy and push for a new concept of security, incorporating the safeguard of the environment and climate action. ❌

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