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Chemical munitions buried in the Baltic Sea

Report
Committee on the Environment, Agriculture and Local and Regional Affairs
Rapporteur: Mr Gediminas JAKAVONIS, Lithuania

Summary

The Allies (the United States, the United Kingdom, France and the former Soviet Union) inherited chemical munitions that were not used by Germany during the Second World War. At the Potsdam Conference the Allies decided to transport the chemical munitions to the Atlantic Ocean and dump them in deep sites but, in fact, they were dumped in the North Sea and the Baltic Sea.

It was decided that the information on the munitions and on the dumping sites would not be published for fifty years. Unfortunately, in 1997, the United Kingdom and the United States decided to extend the status of classified information for a further twenty years and it is therefore extremely difficult to determine the current condition of these chemical munitions and the risks that they pose to the marine environment.

The plan to construct a gas pipeline on the seabed of the Baltic Sea, linking the Russian Federation and Germany, may pose new dangers with grave consequences for the environment, particularly given that no detailed study has been carried out on the dumping sites of chemical munitions and the possible consequences of the construction of this gas pipeline.

The Parliamentary Assembly appeals for a global solution to the problem of dumped chemical munitions on the Baltic seabed and urges the United Kingdom and United States governments and NATO to immediately declassify military information on the location of all chemical munitions dumping sites present in the Baltic Sea.

Contents **Page**

A. Draft resolution

1. The Allies (the USA, the United Kingdom, France and the former Soviet Union) inherited munitions that were not used by Germany during the Second World War. These stocks amounted to a total of approximately 300 000 tonnes, some 65 000 tonnes of which were harmful military substances – including 39% of yperite (mustard gas), 18% of tabun (a nerve agent), 11% of teargas, and 9% of phosgene (a choking chemical agent). In all there were 14 kinds of hazardous chemical agents.

2. At the Potsdam Conference the Allies decided to transport the chemical munitions to the Atlantic Ocean and dump them in deep sites. The task was shared between the Allies, based on the capacity of each side. The United Kingdom received approximately 65 000 tonnes, the former Soviet Union received 35 000 tonnes and the remainder was left to the United States.

3. The requirement in the agreement to transport the chemical munitions by boat to the Atlantic Ocean and dump them at depths of more than 1 000 metres was not complied with. It is now known that the chemical munitions were dumped in the North Sea and the Baltic Sea, in waters sometimes only tens of metres deep.

4. The Allies agreed to classify this information and not to make it public for fifty years. In 1997, the Ministry of Defence of the United Kingdom and the United States Department of Defense extended for a further twenty years the status of classified information relating to the data on the operations carried out between 1946 and 1947. Regrettably, international law does not at present oblige states to provide detailed information on the location of dumped chemical munitions.

5. It is therefore extremely difficult to determine the current condition of these chemical munitions and the risks that they pose to the marine environment.

6. The Parliamentary Assembly recalls in this context Recommendation 1571 (2002) on reducing environmental risks by destroying chemical weapons and Resolution 1295 (2002) on the state of the environment of the Baltic Sea, both texts referring, *inter alia*, to chemical munitions dumped in the Baltic Sea after the Second World War.

7. It also recalls the Baltic Assembly's recommendation on observation of chemical munitions dumped into the Baltic Sea (2003) and its resolution on the dangers connected with the construction of the gas pipeline in the Baltic Sea (2005). In addition it refers to the appeal made by the Baltic Sea Parliamentary Conference as part of the resolutions adopted at Reykjavik in 2006 and Berlin in 2007, for an evaluation of the feasibility of the gas pipeline that is both transparent and in compliance with international obligations, and for an environmental impact assessment study of the project.

8. The greatest contribution to the studies on the current condition of the dumped chemical munitions was made by the Baltic Marine Environment Protection Commission (the Helsinki Commission, HELCOM). The report published in 1995 provides an analysis of the kinds and amounts of dumped chemical munitions and specifies the dumping regions, the characteristics of the chemical munitions and their present condition as well as possible threats to the environment and human health posed by them. It also contains guidelines and recommendations to fishermen on their conduct upon encountering chemical munitions at sea.

9. HELCOM believes that chemical munitions should not be retrieved from the bottom of the sea and should remain where they are. The majority of experts who have studied the issue also share this opinion.

10. The Assembly draws attention to the current plan to construct a gas pipeline on the seabed of the Baltic Sea, linking Russia and Germany, which may pose new and considerable dangers. The construction company claims that the chosen route for the gas pipeline and its actual construction will not in any way affect the possible munitions present along the route and that the gas pipeline will be constantly monitored even after it has become operational.

11. The Assembly regrets that no detailed study on the dumping sites of chemical munitions and their current condition has been carried out before the decision was made to construct the gas pipeline.

12. The Assembly recalls that all Baltic states recognise the importance of the problem of dumped chemical munitions in the Baltic Sea. They are currently undertaking surveillance and research operations, as far as financial and scientific resources allow, and are taking part in international projects. Indeed, international co-operation is vital for solving the problem.

13. The Assembly encourages the European countries, above all those which will benefit from the construction of the gas pipeline, to demonstrate genuine solidarity, including from the financial point of view, with the Baltic riparian states, which do not necessarily have sufficient resources to deal with any environmental problems.

14. The Assembly points out that the Espoo Convention on Environmental Impact Assessment (EIA) in a Transboundary Context obliges the parties to evaluate at the planning stage the impact on the environment of certain activities, and to notify and consult on any project that is likely to have an adverse transboundary impact on the environment.

15. The Assembly welcomes the fact that since November 2005, the international project financed by the European Union, “Modelling of Ecological Risks Related to Sea-Dumped Chemical Weapons” (MERCW), has been in development. Belgium, Denmark, Finland, Germany, Latvia and the Russian Federation are among the participants in the project, which aims to study chemical munitions dumping sites in the Baltic Sea and to assess the resulting risks for marine ecosystems and human health.

16. The Assembly therefore invites the member states and observers of the Council of Europe to:

16.1. strengthen co-operation to find a global solution to the problem of dumped chemical munitions on the Baltic seabed;

16.2. draw up specific action plans to locate every site where chemical munitions have been dumped;

16.3. take the necessary measures to monitor chemical munitions dumping sites on an ongoing basis in order to prevent any danger to the environment;

16.4. decide on precise measures for immediate implementation in the event of chemical munitions causing a danger to the environment;

16.5. take every precaution in the construction of the gas pipeline under the Baltic Sea;

16.6. undertake a reliable assessment of environmental risks, especially those resulting from the presence of chemical munitions along the gas pipeline route.

17. To this end, the Assembly urges the United Kingdom and United States governments and NATO to declassify immediately military information on thelocation of all chemical munitions dumping sites present in the Baltic Sea.

B. Explanatory memorandum, by Mr Gediminas Jakavonis

1. Introduction

1. International co-operation is vital in addressing the problem of chemical weapons dumped in the Baltic Sea after the Second World War, all the more so since interstate agreements have been forged to use the seabed – with its sensitive ecosystem – for economic purposes.

2. The construction of a pipeline on the seabed of the Baltic Sea, subsequent to an agreement between two states, would inevitably disturb the areas where it is known that chemical weapons have been dumped at sea. Moreover, not all the sites have been detected: their condition and the quantities of chemical weapons dumped there are still unknown.

3. The chemical weapons dumped in the Baltic Sea (approximately 292 000 tonnes) therefore continue to be a cause for growing concern in view of the increasing tendencies of certain countries to construct pipelines on the Baltic seabed.

4. In addition, the chemical weapons dumped in the Baltic differ from the conventional weapons dumped before 1949. This means that the Protocol on Explosive Remnants of War (Protocol V) of the 1980 United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, signed on 23 November 2003 and intended to come into effect on 12 November 2006, is not very promising in terms of solving the problem and, in any case, for many other reasons, it would only have limited scope.

5. It should be noted that the provisions of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (Chemical Weapons Convention) signed in January 1993 in Paris by all the Baltic states do not require the declaration of chemical weapons dumped in the sea before 1 January 1985 (Article 4, paragraph 17). Equally, based on the Annex on Implementation and Verification, Part IV (B) to the convention, the country which discovers the chemical weapons, or on whose territory the weapons are found, shall take all the necessary financial and technical measures and expertise to deal with the problem.

6. With the increasing use of the Baltic seabed for economic purposes, the uncertainty as to the location of the dumping sites, the condition of the chemical weapons dumped after the Second World War and their possible effects on the sensitive ecosystem of the Baltic Sea, and as there is no specific international agreement on the issue, the Council of Europe should encourage the international community to strengthen co-operation to reach a comprehensive solution to the problem of chemical weapons buried in the Baltic Sea.

7. The Parliamentary Assembly has already taken some steps in this direction by adopting Recommendation 1571 (2002) on reducing environmental risks by destroying chemical weapons and Resolution 1295 (2002) on the state of the environment of the Baltic Sea, both texts referring, *inter alia*, to chemical weapons dumped there after the Second World War.

8. The Committee on the Environment, Agriculture and Local and Regional Affairs has held two hearings on chemical munitions buried in the Baltic Sea. The first took place in Paris on 1 June 2007 with the participation of Mr Albert Bikmullin, Director of the International Information Ecological Parliament, Kazan, Russia; Mr Augustin Baulig, toxicologist, National Institute of Industrial Environment and Hazards (INERIS), France; and Mr Philippe Louvet, expert in chemistry, Ministry of Defence, France. Mr Bikmullin mentioned, as a possible solution, isolating the munitions by building a secure casing (solution proposed by the Russian experts); Mr Baulig stressed that not enough was known at present to say with any certainty whether or not these munitions posed an environmental threat; Mr Louvet emphasised that, given the difference in density, no chemical agent would ever rise to the surface spontaneously.

9. The second hearing was held in Paris on 22 February 2008, with the participation of Ms Sinikka Bohlin, MP (Sweden), Chair of the Baltic Sea Parliamentary Conference; Mr Mart Jussi, MP (Estonia), Chair of the Baltic Assembly's Environmental Protection and Energy Committee; Mr Mieczyslaw Ostojski, Chair of the Baltic Marine Environment Protection Commission (Helsinki Commission – HELCOM); Ms Maud Amelie Hantizsch, Communications Project Manager, Nord Stream AG; and Mr Erik Lindström, Senior Surveyor, Marin Mätteknik AB. The experts agreed that the chemical munitions lying on the seabed of the Baltic should not be moved and that the planned construction of a gas pipeline should take this recommendation into account, limiting as far as possible any interaction with the munitions. The representatives of Nord Stream, the company responsible for implementation of the project, told members that they would take all the necessary steps to respect the environment at all stages of the construction.

2. The legacy of the Second World War: lack of information on chemical weapons dumped in the Baltic Sea

10. The chemical weapons not used by Germany during the Second World War were inherited by the Allies (the United States, the United Kingdom, France and the former Soviet Union). These stocks amounted to a total of approximately 300 000 tonnes, including roughly 65 000 tonnes of harmful military substances, including 39% yperite (mustard gas), 18% tabun (a nerve agent), 11% teargas, and 9% phosgene (a choking chemical agent). In all there were 14 kinds of hazardous chemical agents.

11. The Potsdam Conference took the decision to ship the chemical weapons to the ocean and bury them in the deepest available sites. The Allies shared the burden based on the capacity of each side. The United Kingdom received approximately 65 000 tonnes, the former Soviet Union received 35 000 tonnes, and the remainder was left to the United States. The Allies agreed not to make the information public for fifty years. However, in 1997 the Ministry of Defence of the United Kingdom and the US Department of Defense extended for a further twenty years the status of classified information relating to data on the operations carried out between 1946 and 1947.

12. Moreover, the requirement in the agreement to tow the vessels loaded with chemical weapons to the Atlantic Ocean was not complied with. It is now known that the chemical weapons were actually disposed of in the sea in several places:

– in the North Sea, on barges of the British and American forces, in the Skagerrak (25 nautical miles from Arendal) and Kattegat Straits; and

– in the Baltic Sea, south-west and east of Borholm (chemical weapons were scattered east of Borholm by the former Soviet Union forces between 1947 and 1948), and in the region of Borholm, south-east of Gotland and in the Little Belt Region, south-west of Liepaja.

13. It is therefore most difficult today to assess the state of the chemical weapons together with the dumped barges and the dangers posed by them.

3. International input in solving the problem of buried chemical weapons

14. It is essential to mention here that the greatest contribution to studies on the condition of the dumped chemical weapons was made by the Helsinki Commission. The 1994 report of the ad hoc working group on dumped chemical munitions (HELCOM CHEMU) includes information on the activities of the dumping of chemical weapons before 1947 (with the exception of 200 tonnes, which were buried by the former GDR in the 1960s). The report does not include any information on dumping activities after the First World War or on the dumping into the sea of conventional munitions.

15. In late 1993 the Helsinki Commission collected data from member states and observers in the United Kingdom, the United States and Norway. The report provides an analysis of the kinds and amounts of chemical weapons dumped, specifies the dumping regions, the characteristics of the chemical weapons and their present condition as well as possible threats to the environment and human health posed by them.

16. The final HELCOM CHEMU report was produced in 1995 and included data on the research carried out or planned by the Baltic states, as well as guidelines and recommendations to fishermen on their conduct upon encountering chemical weapons at sea.

17. The work by the Helsinki Commission, and in particular its input towards preventing the adverse effects of chemical weapons on human health, produced positive results. There have been fewer cases of fishermen adversely affected after catching chemical weapons in their nets.

18. It should be noted that the Helsinki Commission’s input in the area is both productive and valuable to the international community. However, due to certain international political factors mentioned above, without the assistance of the Council of Europe this commission is objectively unable to draw up a comprehensive solution to the problem of chemical weapons buried in the Baltic Sea after the Second World War.

19. November 2005 saw the beginning of the implementation of the international EU-funded project entitled Modelling of Ecological Risks related to Sea-Dumped Chemical Weapons (MERCW). The project members include Belgium, Denmark, Finland, Germany, Latvia and the Russian Federation. The project aims to research the burial sites of chemical weapons in the Skagerrak region of the Baltic Sea and assess the resulting risk for the sea ecosystem and human health. The results of the project will undoubtedly supply the international community with up-to-date information on the condition of the chemical weapons and their possible threats to the ecosystem of the Baltic Sea.

4. View of the states concerned on solutions to the problem

20. When I was appointed rapporteur of the Committee on the Environment, Agriculture and Local and Regional Affairs on the potential threats to the ecosystem of the Baltic Sea arising from the chemical munitions buried in its seabed during the Second World War (Doc. 10701, Reference No. 3221/2006), the committee authorised me to approach the parliaments of Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland, the Russian Federation and Sweden, as well as the Helsinki Commission, with a view to carrying out a more comprehensive analysis of the issue. I consequently asked them to provide data on the buried chemical weapons and present their opinion on possible solutions to this problem. I also informed UNESCO about the possible threats to the ecosystem of the Baltic Sea posed by the buried chemical weapons and resulting from the changed circumstances stemming from increasingly intensive use of the seabed for economic purposes. Many of the territories bordering the Baltic Sea are included in the UNESCO World Heritage List.

21. I am grateful to all the parliaments which provided valuable information on the problem of dumped chemical weapons. I still hope to receive answers from the parliaments of Germany, Finland and Estonia in the near future.

22. The data and opinions provided by the parliaments of the Russian Federation, Denmark, Sweden, Latvia, Poland and Lithuania lead to the following conclusions:

22.1. the problem of buried chemical weapons in the Baltic Sea is of great relevance to all of the states concerned;

22.2. every state is conducting monitoring and research of the buried chemical weapons and taking part in international projects inasmuch as their financial and scientific resources allow;

22.3. the financial and scientific resources vary from state to state;

22.4. the states acknowledge that the decision to continue the construction of a gas pipeline on the seabed of the Baltic Sea requires a more detailed and comprehensive study into the condition of the buried chemical weapons, its possible effects and the dumping sites;

22.5. the states agree that international efforts are crucial for ensuring that the chemical weapon dumping sites and the weapons therein are controlled, monitored, stabilised and neutralised, if need be through the drafting of specific action plans. In addition, emergency systems should be put in place to manage the chemical weapons removed from the burial sites.

23. The fact that other states diplomatically avoid giving straight replies to the questions addressed to them leads to the following conclusion: some states are bound by political obligations that are not publicly admitted.

5. Conclusions

24. Under current international commitments there is no obligation to provide detailed declarations on the sites and the state of chemical weapons dumped in the Baltic Sea after the Second World War.

25. The classification of information on these weapon dumping sites and on the ways in which the dumping was carried out is obstructing research into these sites, which is all the more necessary in view of the growing trend to use the Baltic seabed for economic purposes.

26. The decisions by the United States and the United Kingdom to classify information on the chemical weapons dumped in the Baltic Sea is obstructing effective research into the state of the weapons and location of the dumping sites as well as their impact on the sea's ecosystem. Such research is necessary for better-informed decisions by the international community into ways of solving the problem and might help protect the Baltic Sea and the surrounding region from potential ecological disasters. The countries of Europe must show genuine solidarity, including from the financial point of view, with the Baltic riparian states, which do not necessarily have sufficient resources to deal with any environmental problems (especially those for which they are not responsible).

27. With a view to drafting specific interstate agreements concerning the use of the Baltic seabed for economic purposes, environmental impact assessments should be complemented by the requirement to assess the location and characteristics of the dumped chemical weapons and any danger they might pose. Preventive measures must be provided for at the design stage of any installations in the Baltic Sea. States

implementing such economic projects should also undertake to constantly monitor the dumped chemical weapons during any exploitation of the seabed and inform, on a regular basis, the governments and citizens of the states situated on the shores of the Baltic Sea of the results of such monitoring.

28. These provisions should be implemented in the agreement between the Russian Federation and Germany, concerning the construction of the north European gas pipeline, which is now in the design stage, and the routing of which will have an inevitable impact on the known dumping sites of chemical weapons in the Baltic Sea.

Reporting committee: Committee on the Environment, Agriculture and Local and Regional Affairs.

Reference to committee: Doc. 10701 and Reference No. 3221 of 29 May 2006.

Draft resolution adopted unanimously by the committee on 15 April 2008.

Members of the committee: Mr Alan **Meale** (Chairperson), Mrs Maria Manuela de **Melo** (1st Vice-Chairperson), Mr Juha **Korkeaoja** (2nd Vice-Chairperson), Mr Cezar Florin Preda (3rd Vice-Chairperson), Mr Ruhi **Açikgöz**, Mr Miloš **Aligrudić**, Mr Gerolf **Annemans**, Mr Alexander Babakov, Mr Tommaso Barbato, Mr Rony **Bargetze**, Mr Fabio **Berardi**, Mr Ivan **Brajović**, Mrs Pikria Chikhradze, Mr Veleriu Cosarciuc, Mr Taulant Dedja, Mr Hubert **Deittert**, Mr Miljenko **Dorić**, Mr Tomasz **Dudziński**, Mr József **Ékes**, Mr Savo Erić, Mr Bill **Etherington**, Mr Nigel Evans (alternate: Mr John **Prescott**), Mr Iván **Farkas**, Mrs María Emelina **Fernández Soriano**, Mr Adolfo Fernández Aguilar, Mr György Frunda, Ms Eva **García Pastor**, Mr Zahari Georgiev, Mr Konstantinos Gioulekas, Mr Peter Götz, Mr Rafael Huseynov, Mr Jean **Huss**, Mr Fazail Ibrahimli, Mr Ilie **Ilascu**, Mr Ivan **Ivanov**, Mr Bjørn Jacobsen, Mr Gediminas **Jakavonis**, Mrs Danuta **Jazłowiecka**, Mr Stanisław **Kalemba**, Mr Haluk Koç, Mr Gerhard Kurzmann (alternate: Mr Karl **Donabauer**), Mr Dominique Le Mèner, Mr François Loncle, Mr Aleksei Lotman, Mrs Kerstin Lundgren, Mr Theo **Maissen**, Mr Yevhen **Marmazov**, Mr Bernard **Marquet**, Mr José Mendes Bota, Mr Stefano Morselli, Mr Pasquale Nessa (alternate: Mr José Luiz **Del Roio**), Mr Tomislav Nikolić, Mrs Carina **Ohlsson**, Mr Joe **O'Reilly**, Mr Germinal Peiro, Mr Ivan **Popescu**, Mr Cezar Florin Preda, Mr Jakob Presečnik, Mr Jeffrey Pullicino Orlando, Mrs Adoración Quesada Bravo, Mr Dario Rivolta, Mr René **Rouquet**, Mrs Anta Rugāte, Mr Fidias **Sarikas**, Mr Herman Scheer, Mr Andreas Schieder, Mr Mher Shahgeldyan, Mr Steingrimur Sigfusson, Mr Hans Kristian Skibby, Mr Ladislav Skopal, Mr Rainder **Steenblock**, Mr Valerij Sudarenkov, Mr Vilmos Szabo, Mr Vyacheslav Timchenko (alternate: Mr Yury **Zelenskiy**), Mr Bruno Tobback, Mr Nikolay Tulaev (alternate: Mr Vladimir **Zhidkikh**), Mr Tomas Ulehla, Mr Mustafa **Ünal**, Mr Henk van Gerven, Mr Rudolf **Vis**, Mr Harm Evert Waalkens, Mr Hansjörg **Walter**, Mr Blagoj Zasov, Mrs Roudoula **Zissi**.

NB: The names of those members present at the meeting are printed in bold.

See Standing Committee, 29 May 2008 (adoption of the draft resolution); and Resolution 1612.