

## Baltic Area Legal Studies BALEX

### STRATEGY 2015-2017

Updated by BALEX Advisory Board 5.12.2016



**Baltic Area Legal Studies BALEX is a network established by the University of Turku Faculty of Law and the Åbo Akademi University Department of Law at the Faculty of Social Sciences, Business and Economics in 2014. BALEX's aim is to offer high quality legal research and training on issues of relevance to multi-layer governance and cooperation in the Baltic Sea region.**

### What is BALEX

The BALEX initiative springs from a close co-operation between the Department of Law at Åbo Akademi University and the Faculty of Law at the University of Turku, who have a rich tradition of cooperation e.g. through the Turku Law School platform since the 1980s.

The new joint initiative, BALEX, was established in 2014. It is a legal network whose aim is to offer high quality legal research and training on issues of relevance to multi-layer governance and cooperation in the Baltic Sea region. Its actions may, for example, include academic research, courses, training, projects, assignments, legal consultancy and various events.

### *Substantive interests*

The Baltic Sea region is unique in many ways, in terms of its geographical and climatic conditions and environmental challenges, but also in terms of economic and political characteristics and governance structures. It is probably the world's most heavily regulated and administered sea.

The area has undergone significant changes over the past decades, through the changed political landscape and economic development in the region, and through the enlargement and increased activities of the European Union. The security situation in the region is also continuously changing, in addition to environmental challenges to our wellbeing and

competitiveness. All these features give rise to legal issues which are also unique for the region, but which have not been subject to comprehensive academic research.

BALEX seeks to fill this void. Questions relating to multi-layer regulation in the Baltic Sea region deserve proper analysis, not only for their scientific interest, which is significant, but also for their practical relevance for effective governance in the region.

Substantively, there are few limitations as to what research topics could be taken up within the BALEX framework, as long as the questions are of legal relevance and of specific importance for the Baltic Sea region. Research in this field will inevitably highlight the interaction and inter-dependency of different levels of norms (public international law, EU law, national, regional and local laws and regulations) throughout the whole range of legal disciplines from classical private law issues such as contract law, property and tort law, to public law questions such as environment, safety and security. The research will naturally have close links to related academic fields as well, such as political and administrative sciences, economics, logistics etc.

Questions related to institutions and multi-layered governance will be of relevance in any legal research on the Baltic Sea region. As to substantive themes, particularly interesting legal developments are currently taking place in the areas of environmental regulation, fisheries, energy, maritime transport and military security. Comparisons to other marine regions, such as the North Sea, the Mediterranean, and the Arctic will be made where meaningful parallels can be made.

### ***Focus for 2015-2017***

In BALEX's start-up phase a particular focus will be given to three substantive fields: **maritime transport, environmental protection and marine spatial planning.**

This selection of focus areas is based on several considerations, including the richness of examples of multi-layered regulation in these fields, the particular challenges for the region in the years to come, the background and expertise of the persons currently involved in BALEX, and the current academic needs and the shortage of scholars in maritime law in Finland.

Special attention to these substantive focus areas does not mean that other themes are ruled out in this period. It implies that BALEX will not actively seek research projects and tasks in other areas in this period, but it is understood that if suitable research or other projects come across in any other substantive field, BALEX will of course be willing to assume them as well, subject to suitable staffing and funding arrangements.

## What will BALEX do

The key aim of BALEX is to fill the current void in legal research and training on issues concerning the Baltic Sea region. BALEX offers expertise in legal questions, and a framework for legal students and researchers interested in the Baltic Sea region. More specifically, three key tasks of BALEX are commonly identified:

1. **carry out high quality legal research** in matters that are of relevance for – and common to – the Baltic Sea region
2. **offer interdisciplinary academic training programs** for students, including tailor-made courses on legislation and governance in the region and, in the longer perspective, possibly summer schools or postgraduate programs in Baltic Sea law
3. **reach out beyond the academic community** by providing vocational training for lawyers, civil servants and officials in the Baltic Sea region and by organizing guestlectures, conferences and workshops on topical themes.

The balance between these three categories of activities is not settled and may vary depending on situations and projects.

BALEX is also able to do legal consultancy-like work for, in particular, public organizations, when there is an academic interest. BALEX may also offer its expertise as background information papers for the media, as speakers for external topical events and for smaller research projects.

## Long-term vision

During 2016-2018, BALEX receives its funding from, on the one hand, on-going research projects to which it collaborates and, on the other hand, from external sponsors. Currently five sponsors, namely the City of Turku, the Regional Council of Southwest Finland, Åbo Akademi University Foundation, Turku University Foundation and Åbo Akademi University have agreed to grant the initiative 10,000.00 € per year for three years, with the exception of the Regional Council of Southwest Finland, who for organizational reasons could only commit to funding for 2016-2017. New sponsors are sought during the strategy period. In the long term, BALEX's funding will be managed via both external long-term funding and project means (research and more applied projects). BALEX's long-term vision is to be an internationally leading legal network and an acknowledged research and teaching environment in a broad range of issues of relevance for the Baltic Sea region. It will be a platform to discuss and debate current questions on multi-layered governance, and a "hub" for finding colleagues for various collaborations and projects in this field of research. BALEX aims at connecting this expertise with the concrete needs of the Baltic Sea region; its

countries, regions and cities, students, officials, NGO's and other players. One of its objectives is to invite experts and researchers from the BSR to visit Turku and BALEX.

BALEX aims to be a place where researchers from the whole region come to stay for a while. In terms of size, it would consist of 1-2 administrative staff, 3-4 researchers and 1-2 visiting experts from the region. A cross-disciplinary course on Baltic Sea governance issues, focusing on law, is conceived even in the medium term, perhaps developing into a Masters' programme in Baltic Sea Law and Governance in the longer-term.

### *Cooperation partners*

BALEX is based on close co-operation with a series of institutions, such as the City of Turku, the Regional Council of Southwest Finland, the Government of Åland, the Ministry for Foreign Affairs of Finland, HELCOM, the Baltic University Programme, the Baltic Sea Region University Network, the Union of the Baltic Cities, the Centrum Balticum Foundation, the Baltic Sea Foundation, the Baltic Sea Action Group, the European Foundation and the Schuman Society in Finland.

In September 2016, BALEX started a close cooperation with Centrum Balticum, an independent expert between research and decision-making located in Turku. The center is also a catalyst for public debate and a forum, which aims to strengthen the influence and voice of the Baltic Sea Region in Europe. BALEX will operate under the umbrella of Centrum Balticum and BALEX's existing and future employees are accommodated at Centrum Balticum in the Baltic Sea House in Turku. BALEX will also cooperate closely with other Baltic Sea Region instances working in the Baltic Sea House.

The scientific partners of individual research projects will vary depending on the topic, but some key academic partners who have participated in and supported the initiative since the early setting-up phase include the legal research environments at:

- Walther Schücking Institute for International Law, Kiel University (Germany)
- K.G. Jebsen Centre for the Law of the Sea, University of Tromsø (Norway)
- Scandinavian Institute of Maritime Law, University of Oslo (Norway)
- Admiral Makarov State University of Maritime and Inland Shipping (Russia)
- Free University of Brussels (Belgium)
- CEVIA – Centre for Enterprise Liability, University of Copenhagen (Denmark) x  
The Northern Institute for Environmental and Minority Law, University of Lapland (Finland)
- Axel Ax:son Johnson Institute of Maritime and Transport Law, Stockholm University (Sweden)
- University of Tallinn (Estonia)
- Immanuel Kant Baltic Federal University in Kaliningrad (Russia)

- Mykolas Romeris university (Lithuania)

### *Activities to-date and in the near future*

In its first years of operation, BALEX has been part of many research projects and applications. It was commissioned an analysis on the available options for implementing sanctions for violations of the sulphur in fuel requirements by the Finnish Ministry of Transport and Communications, and participates in the REBUS project. It has prepared and contributed to several proposals for research projects related to the legal issues of relevance for the Baltic Sea region. Funding has been sought from Finnish and EU sources. The proposed projects address multi-level regulation in the Baltic Sea region in selected areas of law and various aspects of shipping regulation, including legal challenges related to the enforcement of new fuel requirements in the Baltic Sea region and to unmanned shipping operations.

Researchers linked to BALEX also co-operate closely with research projects discussing questions of jurisdictional limitations for imposing national employment conditions on ships providing services to installations on the Norwegian continental shelf/exclusive economic zone, and governance of sea areas beyond national jurisdiction.

The planning for 2015-2017 includes also negotiations to start operations in the field of education, hoping these will materialize in the forthcoming years. For instance, an international research seminar for researchers and PhD students is under preparation and can hopefully be a start for a more permanent BALEX Academy. Another need that has been identified, at least in Finland, is a comprehensive university training course in international, Nordic and national transportation law.

In terms of staff, BALEX has two employees. Adjunct Professor (Docent) in maritime law and the law of the sea, **Henrik Ringbom** from the Åbo Akademi University conducted a study on the demand and possibilities for BALEX in the first half of 2014, and from October 2014 onwards continues to work for BALEX through different research projects as a research coordinator. The University of Turku employed **Salla-Maria Lauttamäki** as a part-time planner for BALEX for the period of August 2014 - December 2015. From mid-September 2016 on, LL.M. **Saara Ilvessalo** works part-time for BALEX as a coordinator.

#### **Research, educational and applied projects:**

- Partner in **AAWA project on fully automated (remotely operated) ships**. BALEX's role is to assess the legal challenges in this development. Many other universities and companies address other challenges. The project is funded by Tekes - the Finnish Funding Agency for Innovation.

- **REBUS/RECO project** led by the department of Industrial Management, loosely linked to BALEX, aims to create a legal framework that will help enable networked business practices. REBUS project funding comes from private companies, public research institutions, and Tekes.
- **BaltReg** (2015-2018) analyses the legal interaction and interrelationship between the multiple layers of regulation in the Baltic Sea region and improves the understanding of how multi-level governance works in the region, both generally and in specific fields, from the points of view of law as well as political science. BaltReg is a joint project by the Department of Public Administration and the Department of Law at Åbo Akademi University and is closely linked to the BALEX initiative.
- The EU-CEF project **CompMon** (2014-2016) assesses various methods to monitor compliance with the new sulphur requirements on ships' fuels, notably through the use of remote surveillance and various other new technologies. The project is also a Flagship project in the Policy Area Clean Shipping of the EU Strategy for the Baltic Sea Region. The role of BALEX is linked to studying the legal questions involved. The study for the Finnish Ministry of Transport and Communications on the implementation of international transport conventions in Finland had been completed in late 2015. The study is now published and available at [www.lvm.fi/documents/20181/877203/Julkaisu+10-2016.pdf/a73129a0-a3c1-4932-9d17-8e69569777e5](http://www.lvm.fi/documents/20181/877203/Julkaisu+10-2016.pdf/a73129a0-a3c1-4932-9d17-8e69569777e5)

The BALEX team will continue to seek external funding for upcoming research and other projects and to explore other avenues for academic and professional cooperation in the region.

## BALEX decision-making and communications

### *Decision-making*

BALEX operates with the support of a Steering Group, an Advisory Board, and staff. The BALEX Steering Group meets 2-4 times a year to set strategic targets to Baltic Area Legal Studies and to guide its operations. Its members represent the two co-operating universities in Turku, Finland:

- **Jussi Tapani** (Chair / University of Turku), Professor, dean, University of Turku
- **Markku Suksi** (Chair / Åbo Akademi University), Professor, Åbo Akademi University
- **Anne Kumpula**, Professor, University of Turku
- **Marko Joas**, Professor, Åbo Akademi University
- **Felix Collin**, Project Researcher, University of Turku

The BALEX Advisory Board meets a few times annually to discuss the current targets and emphasis of the network. The Advisory Board's members are prominent jurists and decision-makers from the Baltic Sea region:

- **Allan Rosas** (Chair), Judge at the European Court of Justice; Senior Fellow of the University of Turku and Visiting Professor, College of Europe and University of Helsinki
- **Kari Häkämies**, Region Mayor, Regional Council of Southwest Finland
- **Marie Jacobsson**, Principal Legal Adviser on International Law, Swedish Ministry for Foreign Affairs
- **Anita Mäkinen**, Chief Adviser, Finnish Transport Safety Agency
- **Jussi Mälkiä**, President, Meriaura Group
- **Erja Tikka**, Ambassador for Baltic Sea Issues, Ministry for Foreign Affairs of Finland
- **Adam Wisniewski**, Professor, Gdansk University

BALEX's research issues are coordinated by **Henrik Ringbom**, Adjunct Professor in Maritime Law and the Law of the Sea, and general activities by coordinator **Saara Ilvessalo**.

## *Communications*

BALEX emphasizes open communication with its partners and stakeholders. It seeks to actively inform and invite partners to share information on current developments within its operations or relevant fields.

A BALEX e-newsletter is published 3-4 times a year to provide an overview of BALEX initiatives and projects, and links for further reading. It is mainly targeted to BALEX partners, but all interested stakeholders can join the mailing list. The newsletters are also published on BALEX's website.

BALEX's two previous websites ([www.utu.fi/balex](http://www.utu.fi/balex) at the University of Turku and [www.abo.fi/institution/balex](http://www.abo.fi/institution/balex) at the Åbo Akademi University) will be combined under a new main website hosted by Centrum Balticum, re-directed from the domain [www.balex.fi](http://www.balex.fi). The university websites will present a summary of the academic activities of BALEX and will direct to the main website ([www.balex.fi](http://www.balex.fi)). BALEX staff is always available for presentations and discussions about cooperation.