



Recommendation 1431 (1999)¹

Future action to be taken by the Council of Europe in the field of environment protection

Parliamentary Assembly

1. According to the recent data and in particular to the last report of the European Environment Agency ("Environment in the European Union at the turn of the century"), the state of the European environment is not improving significantly, is in some respects worsening, and therefore remains a matter of serious concern.
2. The Assembly is concerned by increasing threats to the global environment as a result of the continuing release of damaging substances into the environment and the degradation of nature in general, leading among other things to loss of biodiversity and desertification, and believes that the Council of Europe has a role to play in the protection of the environment.
3. Since 1973 the Council of Europe has participated in different co-operation processes and contributed to the development of legal instruments concerning the environment at global and European level, one of its main activities in this field being to ensure the monitoring of the implementation of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern, 1979).
4. Environmental legislation has significantly evolved in the last thirty years at European and global level and requires increased co-ordination between international organisations.
5. Such co-operation needs to focus on efficient implementation of existing legal instruments and on a coherent framework for future legal developments, especially given the new geopolitical context in Europe where these instruments will be implemented. Therefore, close co-operation between the Council of Europe, the United Nations Economic Commission for Europe and the European Union is necessary.
6. On the other hand, the Assembly notes the absence of an overall European legal instrument on sustainable development establishing more precise general obligations on the protection of the environment, including the requirement to apply the precautionary principle and to promote sustainable development.
7. The Assembly recognises the need to improve the effectiveness of existing international courts in environmental matters, especially by states accepting the compulsory jurisdiction of the International Court of Justice in environmental matters.
8. The Assembly underlines the important role of the European Convention on Human Rights for the protection of democracy and basic rights and liberties of individuals. In the light of changing living conditions and growing recognition of the importance of environmental issues, it considers that the Convention could include the right to a healthy and viable environment as a basic human right.
9. It is important also to take note that the International Law Commission of the United Nations (ILC) is in the process of finalising what may become a global convention on state responsibility for environmental damage and that a possible European convention could be based on this work.

1. See [Doc. 8560](#), report of the Committee on the Environment, Regional Planning and Local Authorities, rapporteur: Mr Rise. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 4 November 1999.



10. As for the Council of Europe, its Committee of Ministers has recently adopted two significant conventions -the Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment (Lugano, 1993) and the Convention on the Protection of the Environment through Criminal Law (Strasbourg, 1998) – and it would be crucial for those two conventions to be signed, ratified and implemented by the member states as soon as possible.

11. The Assembly thus recommends that the Committee of Ministers:

11.1. call on all governments of member states to sign and ratify the Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment (Lugano, 1993) and the Convention on the Protection of the Environment through Criminal Law (Strasbourg, 1998) after having modified their national legislation in order to implement those legal provisions on criminal and corporate environmental liability;

11.2. instruct the appropriate bodies within the Council of Europe to examine the feasibility of:

- a. developing, possibly through a European charter for the environment, general obligations of states to apply the precautionary principle and promote sustainable development, protect the environment and prevent transfrontier pollution;
- b. drafting an amendment or an additional protocol to the European Convention on Human Rights concerning the right of individuals to a healthy and viable environment;

11.3. increasing co-operation between the Council of Europe and the United Nations Economic Commission for Europe, the European Union and other international organisations with regard to environmental protection, namely by improving recourse to international courts by individuals and non-governmental organisations and unilaterally by states, and by examining the possibilities to develop a European charter for the environment.