

Strasbourg, 16 August 2024

AP/CAT(2024)03
Or. English

European and Mediterranean Major Hazards Agreement (EUR-OPA)

81st Meeting of the Committee of Permanent Correspondents

16 May 2024

Online meeting

Meeting report

*Document prepared by the Secretariat
of the EUR-OPA Major Hazards Agreement*

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Thursday, 16 May 2024

WELCOME ADDRESS

Krzysztof Zyman, Executive Secretary of European and Mediterranean Major Hazards Agreement welcomed the participants to the 81st Meeting of the EUR-OPA Committee of Permanent Correspondents (CPC). Present at the online meeting were the permanent correspondents of Armenia, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Greece, Luxembourg, Malta, Portugal, San Marino, Serbia, Slovak Republic and Ukraine. The permanent correspondents of Albania, Georgia, Lebanon, Morocco, Moldova and Romania were absent. Azerbaijan and Monaco had apologised for their absence due to other commitments. K. Zyman also welcomed the experts, observers and Council of Europe (CoE) colleagues present.

1. ADOPTION OF THE DRAFT AGENDA [AP/CAT\(2024\)OJ02](#)

The draft agenda was adopted without amendment.

2. STATEMENT BY THE EXECUTIVE SECRETARY

K. Zyman informed about recent developments in the Agreement and recalled the decisions taken at the last Committee of Permanent Correspondents' plenary meeting held on 6-7 November 2023 in Strasbourg:

- The Committee decided that in 2024, the Agreement is to focus on promoting the right to living in a clean, healthy and sustainable environment for the current and future generations. Following the addresses and presentations on this topic that will be made during the meeting, the CPC will be invited to decide on how to take the issue forward.
- The Agreement is currently elaborating a project in cooperation with the Permanent Representation of Ukraine, focusing on enhancing civilian preparedness for technological disasters in Ukraine, particularly in the field of nuclear safety. The secretariat has consulted the Ukrainian authorities and has obtained feedback. The project will be proposed for inclusion in the CoE Action plan for Ukraine. The Steering Committee on the implementation of the Action Plan for Ukraine 2023-2026 will meet in Kyiv in two weeks' time. K. Zyman will participate online to present the project to seek endorsement to include the project in the Action Plan. Funding for the project will be independent of the Agreement's funding. The project will have linkages with the Agreement as it is looking to utilise the available scientific know-how across its network of specialised centres, e.g., the European Centre for Disaster Medicine (CEMEC) in San Marino and the Specialized Centre for Technological Hazard (SCENT) in Slovakia.
- It was agreed to host joint meetings in the State parties to the Agreement as this presents an opportunity to showcase its work before the national authorities. The Secretariat will explore opportunities to implement this decision in 2025.

With regard to other events and developments at the Council of Europe, the Executive Secretary recalled:

- The European Platform on Disaster Risk Reduction will hold its triennial meeting on 6-8 November 2024 in Budva, Montenegro with the participation of 55 member countries from Europe and Central Asia. THE UNDRR, DG ECHO and the CoE are co-organising this major event which presents an opportunity for CoE to highlight its work on responding to the climate crisis and more broadly, on protection of environment thus showcasing the progress with the implementation of the Reykjavík Declaration. The Agreement will organise at the EPDRR a side event - an award ceremony of 2024 BeSafeNet Olympiad laureates and will contribute to a side event on vulnerable groups and DRR.
- On 18 April 2024, the Parliamentary Assembly of the Council of Europe (PACE) debated a report on “Mainstreaming the human right to a safe, clean, healthy and sustainable environment with the Reykjavík process” tabled by S. Simon Moutquin (Belgium) and adopted a resolution and recommendation. In this context the Executive Secretary recalled that S. Moutquin also authored the PACE Report on “Political strategies to prevent, prepare for, and face the consequences of natural disasters” and he had an exchange of views with the CPC at its 79th meeting on 11 May 2023.
- During the debate on 18 April 2024, PACE deplored the fact that the CoE remains the only regional human rights body which has yet to formally recognise the right to a healthy environment. The resolution adopted by PACE welcomed the setting up in January 2024, of an Intersecretariat Task Force on the Environment, responsible for conducting a survey of existing and planned activities, and “proposing elements for the development of a first Council of Europe strategy on the environment”. PACE further stated that this future strategy must have a clear goal regarding setting standards at European level and underlined the importance “to draw up a legal binding instrument recognising an autonomous right to a healthy environment within the Council of Europe”, capitalising on existing CoE standards.
- The Congress of Local and Regional Authorities in Europe at its 46th Session 26-28 March debated “Local and regional responses to natural disasters and climate hazards: from risk preparedness to resilience” and adopted Resolution 500 (2024) and Recommendation 510 (2024). A report by Jean-Paul Bastin (Belgium, EPP/CCE) and Christian Debève (France, ILDG) presented at the Congress 46th Session on 28 March 2024 found that Council of Europe member states are increasingly confronted with natural disasters and climate hazards, and local and regional authorities are in the first line to respond. To do this in the most effective, yet democratic manner, it will be crucial for local and regional authorities to develop a risk management culture, promote territorial solidarity and induce economic, ecological, and social transitions leading to more resilience. The Secretariat will circulate these documents for the Committee’s information and possible comment.
- K. Zyman participated online in the 2nd Technical Workshop of the Global Fire Management Hub organised by FAO, Rome on 19-21 March 2024. He will also participate in the 3rd Technical Workshop on the “Development of an initial roadmap for the Fire Hub – priorities, means and partner roles” to be held on 28-30 May 2024 at the FAO headquarters in Rome. Further information is available on the [Agreement’s website](#).

- The European Civil Protection Forum 2024 organised by the EC's Civil Protection Knowledge Network Platform will be held on 4-5 June in Brussels. K. Zyman will participate to share the Agreement's work in this field and present the Recommendation on the "Use of digital tools such as social media and mobile applications for successful disaster risk communication", adopted at the 80th at the CPC meeting on 6-7 November 2023.
- On 11 and 12 June K. Zyman will participate in the conference on "Human rights and migration in the context of natural disasters and emergency situations" in Ankara organised in the framework of the joint European Union / Council of Europe action "[Strengthening the Human Rights Protection in the Context of Migration in Türkiye](#)". He will present EUR-OPA's Recommendation 2021 - 2 on the "Inclusion of migrants, asylum seekers and refugees in public health emergencies resulting from viral or other pathogenic pandemics", adopted at the 14th Ministerial Meeting of the Agreement in Matosinhos, Portugal on 24 November 2021. Additionally, K. Zyman will present Recommendation 2016 - 1 on the "Inclusion of migrants, asylum seekers and refugees in disaster preparedness and response", adopted at EUR-OPA's 13th Ministerial Session held in Lisbon, Portugal on 26 October 2016.
- The Council of Europe Development Bank (CEB) will hold its 57th meeting on 7 June in Reykjavík. On the agenda is "Disaster risk management - prevention and relief: the role of the CEB". The CoE Deputy Secretary General, Bjørn Berge and the Director of Social Rights, Health and Environment, Rafael Benitez will attend.
- The Agreement's membership remains stable with 22 member states although it is operating with a reduced budget since 2023.

The CPC chair D. Reynolds thanked K. Zyman for the introductory statement and expressed her support for the Security Innovation Centre in Serbia. K. Zyman expressed his shock at the assassination attempt on the life of Slovakia's Prime Minister Robert Fico and relayed his good wishes for his recovery.

3. STATEMENT BY TANJA KLEINSORGE, HEAD OF THE REYKJAVÍK PROCESS AND ENVIRONMENT DEPARTMENT

T. Kleinsorge informed the Committee of her appointment in January 2024 as head of the newly created Reykjavík Process and Environment Department. The new Department will gather the ongoing work in the field of the protection of the environment and to ensure synergies with other departments. In particular, the department is in charge of implementing Appendix V of the Reykjavík Declaration, adopted in May 2023. She welcomed the initiative to promote synergies with the Bern Convention, the Landscape Convention and EUR-OPA. In particular, the new department is tasked with finding common responses to the challenges posed by the triple planetary crisis of pollution, climate change and biodiversity loss, to human rights and democracy. T. Kleinsorge welcomed the crucial contribution of EUR-OPA in synergy with other CoE conventions and instruments involved.

T. Kleinsorge recalled that the PACE and a coalition of over 400 NGOs are advocating for drafting an additional protocol to the European Convention on Human Rights. This would make it possible for the ECHR to further develop its case law on climate change and human rights.

In this context, it is important to note the three judgements in April 2024 on climate change and human rights cases, in particular the "*KlimaSeniorinnen*" and others vs Switzerland case. Other options under discussion include drafting an additional protocol to the European Social Charter or drafting a new stand-alone convention on the environment and human rights.

Simultaneously, the CoE is currently drafting a new global Convention on the Protection of the Environment through Criminal Law to replace and supersede the 1993 Convention on Civil Liability for Damage resulting from Activities Dangerous to the Environment (ETS No. 150) which never entered into force on account of lack of ratifications thereof. It is expected that the new Convention could be finalised at the end of 2024 and possibly open for signature in 2025.

K. Zyman thanked T. Kleinsorge for her statement and for introducing several points which were of relevance for the Agreement. A question was raised on national experts to the soon to be created ad-hoc committee, in particular as regards their expertise in the field of prevention of natural and technological disasters. T. Kleinsorge confirmed that a wide range of expertise would be required, including biodiversity loss, pollution, major hazards, human rights, environmental law etc., to meet a requirement of a multidisciplinary committee.

4. 2024 PROGRAMME OF ACTIVITIES

4.1. Statutory meetings [AP/CAT\(2024\)01](#)

The Bureau of the Committee of Permanent Correspondents held its meeting on 14 February 2024, mainly to prepare the agenda points of this CPC meeting.

5. SYNERGIES ON CLIMATE CRISIS: POSSIBLE COLLABORATION BETWEEN THE BERN CONVENTION, THE LANDSCAPE CONVENTION AND EUR-OPA MAJOR HAZARDS AGREEMENT [T-PVS/Inf\(2018\)11](#)

Anthony Micallef (Malta), Deputy Chair of the Committee of Permanent Correspondents of EUR-OPA Major Hazards Agreement.

A. Micallef outlined the commonalities between the three instruments: the Bern Convention, the Landscape Convention and EUR-OPA Major Hazards Agreement. The three instruments involve the same multiple sectors of society, strengthen democratic participation, raise awareness and improve resilience. All three instruments share CoE core values.

The three instruments address common concerns such as well-being and quality of life, resilience, vulnerability, sustainable development and major threats and hazards. EUR-OPA has been working on vulnerable groups, reducing the exposure of people to hazards. Similarly, the Bern Convention focuses on the wellbeing of species within their natural environment, as well as the physical and mental health benefits that a conserved natural environment would offer. The Landscape Convention is equally concerned with the quality of life and wellbeing as an important aspect of a well-protected landscape.

EUR-OPA implements many projects on awareness raising and resilience to major hazards that attempt to improve the resilience of the public. Similarly, the Bern Convention considers quite strongly that increasing the integrity and resilience of the natural and semi-natural ecosystems is of prime importance and the convention undertakes wide-ranging actions to protect them. Similar efforts are undertaken in the framework of the Landscape Convention with respect to landscapes. Of particular interest is a common approach of the three instruments to the protection of cultural heritage.

A. Micallef stressed the importance of EUR-OPA's work on raising of risk awareness as a major factor enabling effective DRR. Since the inception in 1994 of the Yokohama Strategy and Plan of Action for a Safer World, the close interrelationship between DRR and sustainable development has been continuously strengthened within all the major global agreements such as the MDGs, the Kyoto Protocol, the Sendai Framework for DRR and the UN's Agenda for Sustainable Development. They all recognise and stress the link between DRR and a sustainable future. This links the involvement of the EUR-OPA Agreement in what has been envisaged by the 2021 Human Rights Council (HRC) Resolution and the 2023 Reykjavík Summit of the Council of Europe concerning the human right to a safe, clean, healthy and sustainable environment.

Further, the Agreement is looking at aspects of safety of the general public through its work on natural and technological hazards. Major hazards are a common concern of the other instruments. The Bern Convention under target 3.2 of goal 3 of its Vision and Strategic Plan 2021-2030 specifically refers to prevention and mitigation of major hazards. All these present strong links for synergies between the three instruments, all three strongly recognise the seriousness of the climate crisis and each of them has several aspects of their work that are aimed at addressing the climate crisis. Collectively, these common concerns provide a strong platform for synergies between the three instruments. [Link to presentation](#)

Carl Amirgulashvili (Georgia), Deputy Chair of the Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention)

C. Amirgulashvili, Head of Biodiversity and Forestry Department at the Ministry of Environmental Protection and Agriculture of Georgia, spoke in his capacity as Deputy Chair of the Standing Committee of the Bern Convention. He broadly agreed with the points raised by A. Micallef on collaboration between the three instruments within the framework of the Reykjavík Process. In his overview of the Bern Convention, C. Amirgulashvili recalled that it is a binding international instrument adopted in 1979 primarily to ensure the conservation and protection of vulnerable or endangered fauna and flora species and their natural habitats. In addition to statutory activities, the convention promotes cooperation among the 49 signatory states and the European Union to implement measures for sustainable management and conservation of wildlife and natural habitats applying international instruments such as the Emerald Network (an ecological network of Areas of Special Conservation Interest) and Natura 2000 that jointly create the largest system of protected areas in Europe.

The Bern Convention contributes to climate action through the following mechanisms:

- *Habitat conservation*: it lays emphasis on protecting natural habitats such as forests, wetlands and coastal areas which play a vital role in carbon sequestration;

- *Species protection*: the convention aims to conserve endangered species and their habitats, as many are vulnerable to the impacts of climate change e.g., changes in temperature, precipitation patterns and habitat loss;
- *Thematic (sectoral) expertise developed by Groups of experts*: these produce the standards which, in the form of “recommendations”, tackle a range of issues such as Biodiversity and Climate Change or invasive alien species (IAS). Specific recommendations address the effects of climate change and promote maintaining the resilience of natural habitats by controlling measures targeting IAS, protecting ecosystems and promoting adaptive management practices.

Importantly, these actions also contribute to achieving the goals outlined in the Landscape Convention and EUR-OPA Major Hazards Agreement, which both prioritise the protection of the natural environment. The Reykjavík Process now provides the ideal platform for fostering collaboration among the three instruments. [Link to speech](#)

Responding to C. Amirgulashvili’s address, K. Zyman noted areas that present opportunities for cooperation, such as habitat connectivity (which is also of interest to the Landscape Convention) or the question of nature-based solutions which protect landscapes, habitats and species alike and prevent hazards turning into disasters. This work of the Bern Convention has immediate bearing for EUR-OPA and shows a great scope for collaboration through the Reykjavík Process.

Gilles Rudaz (Switzerland), Chair of the Conference on the Implementation of the Council of Europe Landscape Convention

G. Rudaz presented the Landscape Convention which was set up in October 2000 in Florence, Italy and which to this date was ratified by 40 states. The convention promotes the protection, management and planning of landscapes and organises international cooperation among the parties. The Convention is based on the assumption that landscape is a key element of individual and social well-being everywhere, an essential component of human beings' surroundings and an important part of their quality of life. The convention introduced a paradigm shift by considering that different landscapes including urban, industrial, degraded are just as much a part of the European natural and cultural heritage, contributing to human well-being and consolidation of the European identity as are the beautiful mountainous and lakeside landscapes.

At the core of the philosophy behind the Landscape Convention is the assumption that landscape is key to quality of life and of wellbeing. It introduced the notion of the “everyday landscape”, underlining that landscape is not just about outstanding places but concerns the whole territory. The quality of everyday landscape offers a major contribution to the quality of life, social and individual wellbeing of people, who generally favour areas where the landscape offers quality and an opportunity for inhabitants to re-energise and to maintain or recover psychological balance.

In Switzerland, the viergrad.s3-website-zh.os.switch.ch website shows, as an example, the effect of climate change on landscape. It shows the landscape changes caused by climate change and the landscape effects of mitigating measures such as construction of infrastructure

to manage risks could bring about. Building dams as well as avalanche and flash-flood protection systems to protect the inhabited areas from natural disasters are a case in point.

People's relationship with the territory could change as the tree lines in the Alps and other mountain chains move up the mountains on account of climate change. This is likely to affect people's perception of and identification with landscapes.

A dramatic landslide in Bondo village in the Bregaglia Valley in the Swiss Alps in August 2017 is an example of how to respond to landscape-transforming event. Formerly, after a landslide the immediate response would be to clear the debris, then build big concrete dams to prevent future rockfall and debris flows. In the novel landscape approach, the municipality heeded the proposals made by a multidisciplinary group of architects, landscape architects, biologists, engineers etc., to recycle the debris, better integrate the protective infrastructure in the landscape and thus manage the risk. [Link to the project Preventing natural hazards: The Bregaglia Valley bets on its landscape assets \(admin.ch\)](#).

On a more general level, adequate responses to risks can be found that respect the integrity of the landscape, even as risks increase on account of climate change. More sustained efforts still are required in urban landscapes to address urban heat, provide green areas with a view to increase resilience in urban areas thereby increasing the benefits to the local populace.

In response to G. Rudaz's presentation, K. Zyman acknowledged the opportunities for possible synergies of the Landscape Convention with EUR-OPA, in particular by working together on such themes as urban heat, forest fires, landslides, rising sea levels and coastal erosion that all affect landscapes in one way or another. [Link to presentation](#)

K. Zyman proposed to work together with the two instruments to maximise synergies with the Agreement.

Decision: the CPC will participate or offer its expertise to the process of developing a CoE strategy and action plan within the framework of the Reykjavík Process. It will engage with the Bern Convention and the Landscape Convention to maximise the synergies regarding the climate crisis.

6. THE RIGHT TO LIVING IN A CLEAN, HEALTHY AND SUSTAINABLE ENVIRONMENT FOR THE CURRENT AND FUTURE GENERATIONS

Natalia Kobylarz, Lawyer at the Registry of the European Court of Human Rights

The views expressed in this presentation are those of the speaker and do not represent the official position of the ECtHR or the CoE.

N. Kobylarz summarised the recent landmark judgment issued by the Grand Chamber of the European Court of Human Rights (ECtHR) judgment in the case of *Verein KlimaSeniorinnen Schweiz and others v. Switzerland* ("*KlimaSeniorinnen*") and the environment-related case law of the Court, overall.

The ECHR framework has not originally been designed or subsequently amended to offer general protection of the environment, or to guarantee an autonomous right to a healthy environment ("R2HE"). Owing to judicial interpretation, in the light of principles of effectiveness, and of dynamic and harmonious interpretation of the ECHR and its Protocols, the right to respect for private and family life and for home (Article 8) has, over time, encompassed a right for individuals to effective protection from serious adverse effects of environmental harm or climate change on their life, health, well-being or quality of life. The right to life (Article 2) has, in principle, been extended to a serious risk of a significant decline in a person's life expectancy owing to climate change. In the specific context of climate litigation, the norm regulating jurisdiction *ratione personae* (Article 34), and firmly prohibiting *actio popularis*, has been interpreted to allow, under a series of conditions, legal standing for associations to complain of violations of substantive rights, otherwise, attributable to natural persons only, even where the association's members would not have victim status if taken individually.

N. Kobylarz then referred to the recent developments regarding the recognition of the R2HE taking place within the UN system (UNGA Resolution recognising the right to a clean, healthy environment as a human right) and within the Council of Europe (PACE's 2021 resolutions and recommendations, 2023 the Reykjavik Declaration).

Lastly, she analysed the question of whether a new protocol to the European Convention on Human Rights right to a healthy environment would make a difference to the current ECHR framework.

Referring to the recent Guide issued by David Boyd, UN Special Rapporteur on human rights and the environment, she reiterated that the R2HE contains, at minimum, substantive elements which are: safe climate, clean air, healthy biodiversity and ecosystems, safe and sufficient water, healthy and sustainably produced food, and nontoxic environment, as well as procedural elements which are: access to environmental information, public participation in decision-making and access to justice. The R2HE has a subjective and objective dimension, overall reflecting the interdependence and interconnectedness between people and nature.

She then listed and briefly explained six normative gaps in the current ECHR framework, which, logically, could be filled by the R2HE.

First, environmental harm that does not directly affect the enjoyment of one of the proxy rights falls outside of the Court's jurisdiction. With the R2HE, an instance of environment's degradation or deregulation can constitute the actual subject-matter of human rights protection and not, as it is now, merely a material event that may trigger interference with other rights.

Second, imminent risk of irreparable harm to the environment is excluded from the scope of the Court's interim measures procedure. The R2HE can, in principle, bring such risk within the scope of interim measures, without it being required that a proxy right be affected in the same way.

Third, recourse to proxy rights is largely restricted to individual impacts on natural persons, excluding environmental associations. The ECHR framework limits the range of environmental-harm exposure (or risk of exposure) to pollution, nuisance or damage caused by environmentally hazardous activities or extreme weather events that are severe, localised and individualised. The same limitation operates in the broader context of climate change, as regards applicant natural persons. While the new "*KlimaSeniorinnen*" approach to *locus standi* of environmental associations may facilitate the recourse to proxy rights regarding complaints about failure to mitigate adverse effects of climate change on the lives and health of individuals, in other areas of concern, indirect protection disqualifies applicant associations by requiring personal and direct impact on natural persons. The R2HE, which encompasses a duty

to protect the environment and to prevent environmental damage, can shift the focus from substantive to procedural-rights victimhood referring to participatory rights of persons concerned.

Fourth, domestic public interest litigation in environmental matters is excluded from the scope of Article 6 that guarantees the rights to “access to a court” and to a “fair hearing”. The R2HE can, in principle, ensure extension of those crucial guarantees to domestic proceedings taken either by individuals or environmental NGOs in defence of the substantive or procedural elements of the R2HE as such.

Fifth, Articles 2 or 8 reflect the content of the R2HE insofar as they guarantee the right to information that encompasses the obligation of active transparency. This right, however, is not actionable by legal persons and, arguably, neither by individuals who had not materially been affected by the environmentally dangerous activity in question. Under Article 10, in turn, the right to information, while actionable by individuals and associations acting as environmental watchdogs, does not encompass the obligation to actively collect and disseminate environmental information. The R2HE can, in principle, fill these gaps, enabling the realisation of the right holders’ duty to protect the environment from decline.

Sixth, the ECHR framework does not offer a mandate for general measures aimed at redressing or preventing environmental harm as such. The introduction of the environment as the object of human rights protection, through the R2HE, can trigger the necessary conceptual shift of focus and legitimize the Court and the CM to require that member States undertake measures such as mitigation of environmental risks and ecological redress.

Élisabeth Lambert, legal expert and research director within the French National Centre for Scientific Research (CNRS), working in the DCS Research Unit

E. Lambert of produced the introductory report on “The Environment and Human Rights” for the conference organised in February 2020 during the Georgian Chairmanship of the Council of Europe. The report stresses (1) the legitimacy of the Council of Europe’s involvement in environmental matters, (2) the need for synergy within the CoE between the various departments responsible for various aspects of the protection of environment and (3) the need for instruments beyond the ECHR and a possible additional protocol on the right to a healthy environment. She reiterated her support for the option of a new instrument on ecological human rights. This is necessary, in spite of the fact that the human rights approach to ecological transition is supported by the Court’s jurisprudence, which cannot address all aspects of environmental change of the paradigm.

Importance of coordinating objective obligations with the human rights approach

Historically, the environment has been protected on the basis of a profoundly inter-state approach and positive law; but this perspective showed its limits from the 1980s onwards. Between 1960 and 2000, standards in environmental law were drawn up primarily as objective law, i.e., rules of law requiring the State to comply with standards. However, there are significant limits to these provisions, which cannot be invoked directly in domestic courts. EUROPA adopts the same inter-state approach; for example, the revised Medium-Term Plan 2021-2025 (MTP) mentions the ‘the primary responsibility of States for disaster risk prevention and reduction’.

Given the limitations of these standards, a complementary approach is now being put forward,

based on human rights, which is also recognised as relevant in the context of EUR-OPA. If a right to a healthy environment has been recognised in many States, it is for the following reasons: the protection of a healthy environment (1) corresponds to interests that are worthy of a high level of protection (such as the right to freedom of expression), (2) these interests can be frequently threatened.

There are major legal and political advantages of this approach;

- (1) it raises the issue of access to a healthy environment to the level of a fundamental need, and 'takes seriously' the responsibility of States and non-State actors in the event of infringement of values such as the right of access to drinking water, the right to breathe clean air, etc.;
- (2) It empowers citizens to act in common, in particular by exercising their rights to information, participation and legal action; by making citizens the guardians of this living heritage, thereby making the ecological transition socially acceptable. In other words, it creates a new social contract based on respect for living things.

This right belongs to everyone but is even more fundamental for vulnerable groups (as pointed out in numerous EUR-OPA documents: migrants, asylum seekers, refugees and people with disabilities). Researchers have widely documented the fact that social vulnerabilities and ecological vulnerabilities go hand in hand and reinforce each other.

Similarly, and this is one of the specific features of the right to a healthy environment, this right belongs to both present and future generations, which implies that present generations are responsible for the preservation of living organisms in order to hand down to future generations natural resources that are at least equivalent to those they themselves inherited.

The importance of involving citizens in the ecological transition by offering them the capacity to act for a renewed governance of risks

A number of documents drawn up as part of EUR-OPA activities refer to the responsibility of citizens. Citizens can have a role to play at several levels, and the rights set out echo EUR-OPA's work and form part of the right to a healthy environment, especially from the procedural point of view.

- (1) The right to information and education: Principle 10 of the 1972 Rio Declaration proclaimed the right of citizens to participate and to have access to environmental information. According to the Medium-Term Plan 2021-2025, it is planned that 'The Agreement will favour a tripartite model (universities/businesses/public authorities) for sharing knowledge on disaster risk reduction, in which good collaborative practices will be disseminated by academia, the public sector and private entities'. There is a tendency to focus on digitised information, considering that the digital transition and the ecological transition go hand in hand as outlined in the Recommendation on the "Use of digital tools such as social media and mobile applications to communicate effectively on disaster risks", offers interesting modalities but should not be exclusive of other information modalities, notably because of the digital divide; so that vulnerable groups, often those who should receive information as a priority, would be excluded.

- (2) The right to scientific knowledge: There is a major imbalance between the number of risks, pollutants and chemical substances authorised on the market due to economic freedom, innovation and industrial productivity, and the increasingly limited resources available for serious, independent public research, with the result that the delay in producing scientific knowledge penalises access to information and deprives the preventive approach of sufficient effectiveness. This role of science is recognised, for example, in the 2010 Recommendation on reducing vulnerability to climate change (28 September 2010), but how has it been implemented?
- (3) The right to information and the right to produce science are not unrelated to the right to citizen participation. This right to citizen participation is recognised but is totally ineffective at both national and European level. It has rightly been pointed out that 'the institutions are not sufficiently prepared for citizen participation in crisis management' (M. Galichet, AP/CAT(2023)03, 10 July 2023, p.13). The right to participation certainly implies consulting the public, but also allowing them to co-decide and co-draft risk prevention plans. There is a need to move beyond a vertical logic of governance towards a logic of participatory and inclusive democracy.
- (4) Citizen participation, which must be made effective in European states, goes hand in hand with a strengthening of local governance to ensure the necessary prevention of and response to natural and technological risks. In an article I published on the role of local and regional authorities in the implementation of judgments handed down by the European Court of Human Rights, two major conclusions emerge: (i) the implementation of the ECHR has everything to gain from greater involvement of sub-national authorities; (ii) the implementation of the judgments has in fact done less to strengthen local democracy than to oblige national and local bodies to better coordinate their actions and strengthen their synergies. The need to strengthen local governance is the conclusion reached by a consortium of researchers as part of the ESPREsSO (Enhancing Synergies for Disaster Prevention in the European Union) project. The article also highlights the need for cross-border cooperation between local and regional authorities.

As a first area of action, the rules of the game have to change in order to make a success of the transition. With the support of the Parliamentary Assembly and the Congress of Local and Regional Authorities in particular, action must be taken at all levels of decision-making to move towards a mode of governance that is more inclusive, more participatory and involves all the stakeholders to ensure that the transition is not imposed and does not exacerbate the existent deep-rooted socio-economic and cultural inequalities.

In some European countries, citizens' conventions have been convened, demonstrating great interest of the populations for environmental questions. Nonetheless, future generations are not represented in such deliberations and scientists and not effectively involved. These are questions that arise also in the context of EUR-OPA, and which reflect upon work carried out in a number of the CoE departments.

The second fundamental aspect is that without a monitoring mechanism in place, no significant progress can be made. It is essential to ensure that all recognised standards are effective, and this is far from being the case: much remains to be done, particularly regarding the rights to information, education, scientific production, participation, etc.

A 2020 study carried on the supervisory mechanism of the Aarhus Convention calculated a

compliance rate of around 41% with the decisions of the Committee of this Convention, estimating that it is not because this is a non-judicial body, but rather that the effectiveness at national level depends on other factors, and in particular the way in which the recommendations are formulated by the Committee. Given the similarity between EUR-OPA activities and those relating to the Bern Convention and the Landscape Convention, it would be conceivable to set up a monitoring committee based on the Bern Convention case file system.

Finally, the recent actions carried out within the framework of the EUR-OPA agreement are concretely contributing to the emergence of a right to a healthy environment for present and future generations, particularly from a collective and preventive point of view. Cooperation with academic bodies could be an appropriate way of carrying out joint actions. [Link to presentation](#) and [speech](#)

K. Zyman thanked E. Lambert for her detailed presentation, particularly for the linkages made with EUR-OPA's work and references made to its MTP, recommendations and publications. The link with technical hazards such as toxic substances and pesticides which are technical risks and EUR-OPA could be relevant in bringing attention to these issues. The agreement could even consider expanding its area of expertise to include these topics.

Emma Pagliarusco, Advocacy Coordinator, Youth and Environment Europe (YEE)

E. Pagliarusco, in her capacity as youth representative, addressed the need to recognise the right to a healthy environment from the perspective of the current young and future generations. The challenges posed by the triple planetary crisis range from health problems to social injustice and economic problems as, for example, more than 300 000 premature deaths are recorded annually in Europe as a result of air pollution. By safeguarding the environment, human rights can be protected and unnecessary suffering prevented. Providing access for everyone to clean air, safe drinking water and healthy foods are the main issues in social justice, and not only the privileged few or just the current generation.

Intergenerational Justice

In the aftermath of the "*KlimaSeniorinnen*" decision, it is necessary to stem the impact of the triple planetary crisis as it poses a significant challenge for current and future generations and requires urgent concerted action at all levels of society. With the passage of time the effects of the triple planetary crisis become cumulative. Intergenerational justice refers to the ethical principle that the present generations have an obligation to ensure that the needs and interests of future generations are met to ensure that they inherit a world that is sustainable, equitable, and just. It recognises the principle that the actions and decisions made by present-day societies have profound and long-lasting impacts on the well-being and opportunities of future generations.

Recognition of the right to a healthy environment by the Council of Europe

The preventive nature of the right to a clean, healthy and sustainable environment is a key aspect of its added value. By preventing pollution and environmental degradation, a wide array

of human rights violations will be prevented, such as negative impacts on the rights to life, health, food, water, culture, housing, property, and a healthy environment.

Over 155 nations worldwide have enacted environmental legislation recognizing the right to a healthy environment. Notably, the right to a clean, healthy, and sustainable environment has been recognised by the UN Human Rights Council in resolution 48/13 of 2021. It has also been enshrined in several regional human rights treaties and ratified by 120 countries. Yet, neither the European Social Charter nor the European Convention on Human Rights currently provide a clear recognition and legal framework for the right to a healthy environment. The Council of Europe, with 42 of its 46 member states already safeguarding the right to a healthy environment domestically or through international agreements, faces increasing pressure from civil society to formalise this right. Over 400 civil society organisations, including Amnesty International, Greenpeace, CIEL and Human Rights Watch, advocate for its legal recognition.

EUR-OPA and its role on the right to a healthy environment and future generations

The EUR-OPA Major Hazards Agreement can play a crucial role in promoting the right to a healthy environment for both current and future generations through its focus on disaster risk reduction, preparedness, and response. While its primary mandate is to strengthen cooperation among European countries in the field of disaster risk reduction, its activities and initiatives can contribute to creating safer and more resilient communities, which are essential components of a healthy environment.

EUR-OPA promotes the right to a healthy environment for current and future generations by enhancing disaster risk reduction, climate change adaptation, capacity building, public awareness, and international cooperation. Through its activities and initiatives, the Agreement contributes to creating safer, more resilient, and sustainable communities, which are essential prerequisites for a healthy environment and the well-being of all. This agreement is of paramount importance to ensure that current and future generations enjoy the right to live in a clean, healthy and sustainable environment. [Link to presentation](#) and [speech](#)

In the ensuing discussion D. Reynolds, Chair of the CPC, remarked that the interlinkage of human rights and the right to live in a sustainable environment means that the environment ought to be protected and the climate crisis should be considered a major hazard and addressed as such, considering, given that is not possible to reverse any harm done to the environment. Whilst national legislation accords attention to these issues, EUR-OPA could be a platform to unify discussions.

A. Balducci (PC, San Marino) echoed the importance of closing the rift between the human rights approach with the operational and technical approach in order to adopt a more direct action on environmental protection. A. Freitas (PC, Portugal) highlighted the role of citizens with regard to the right to a safe, clean and healthy environment; the capacity and responsibility to act, based on knowledge and understanding. Can only act if aware of what needs to be done, primary responsibility. To be capable of acting citizens had to have knowledge of the risks and the right to information. The national authorities and the public bodies raise awareness and enhance knowledge of the public in order to create 'public power' at national, regional and international level. EUR-OPA's recommendations and resolutions and other publications are based on a human rights and community-led approach with a special focus on vulnerable groups. The next step is to bring together the available and varied

expertise of the national authorities and academia in order to create doctrine in this area; academia exists within the specialised centres.

S. Badalyan (PC, Armenia) noted that the results of research and projects carried out with the support of EUR-OPA demonstrate the Agreement's engagement with the local population, e.g., through the Protect Your Territory project. The key idea and ultimate goal of the project is the joint development of mechanisms (methodological and information-educational materials) aimed at involving of the local population knowledge, creative information and engineering technologies of the students and mass media for increasing the responsibility and active participation of everyone (and primarily involving the young people from the European and other concerned countries) in the protection of his/her territory and for ensuring its sustainable development, and thereby "to support resilience". Moreover, the project educates, informs and helps the population acquire adequate behaviour skills through its national and municipal campaigns.

N. Holcinger (PC, Croatia) informed about Croatia's National Platform for DRR actions in awareness raising and education, particularly emphasising the fact that there cannot be sustainable development without DRR. Linking climate change to energy efficiency and DRR draws attention to the interdependencies between the issues. For example, projects that deal with energy efficiency also increase risks in some areas. Other agreements have already started to connect initiatives which have the same wider goals. E.g., the UN connects the Sendai Framework for DRR 205-2030 with SDGs. The changes at the CoE and EUR-OPA present an opportunity to step in the right direction and to be one of the leaders in connecting these initiatives into one. N. Holcinger suggested drafting a paper linking all the research/findings presented today. In future, the Agreement could aim for a new concrete and innovative medium-term plan that combines initiatives and actions based on synergies, with a leading role connecting regional actions and involving youth.

<p>Decision: K. Zyman will engage an expert to elaborate a working paper on EUR-OPA's contribution to enhance the right to a clean, healthy and sustainable environment. The paper will serve as the basis for a recommendation to be prepared for adoption by the CPC.</p>
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7. PRESENTATION OF THE SECURITY INNOVATION CENTER AT THE FACULTY OF SECURITY STUDIES AT THE UNIVERSITY OF BELGRADE WITH THE VIEW TO ADMITTING IT TO THE EUR-OPA NETWORK OF SPECIALISED CENTRES

J. Tomic introduced the Security Innovation Center (SIC), Serbia, founded in 2011 and embedded within the Faculty of Security Studies at the University of Belgrade. J. Tomic formally requested that SIC be admitted into the network of EUR-OPA specialised centres. In accordance with the Agreement's Rules of Procedure, the centre is recognised by the government of Serbia.

F. Stojanović, Deputy Director of SIC presented the centres objectives. SIC is dedicated to developing and commercialising cutting edge and innovative solutions security systems, expertise in data analysis, etc. Through its scientific and commercial projects, SIC provides consultancy services, analysing research findings and develop modern technologies. SIC serves to bridge the gap between research institutes, governmental non-governmental entities, academia and industry involved in security practices. SIC is licensed by the ministry for internal affairs of Serbia to conduct disaster risk assessments and develop emergency plans for both

private and public entities. SIC is also actively involved in the establishment of National Simulation Centre within the Faculty of Security Studies. [Link to presentation](#) and [speech](#)

In conclusion, K. Zyman praised the wide scope of expertise existing in the network of specialised centres assuring of the mutual benefit of this to SIC and other centres. K. Zyman proposed that the SIC be admitted to the network of specialised centres.

Decision: The CPC unanimously decided to admit the Security Innovation Center (SIC) to the EUR-OPA network of specialised centres.

8. ANY OTHER BUSINESS

No further issues were raised.

9. DATE AND PLACE OF NEXT MEETING:

Decision: the next CPC meeting will be held on 21-22 November 2024 in Paris.

10. END OF MEETING