

Brussels, the XX of January 2021

João Pedro Matos Fernandes, Minister of Environment and Energy Transition
Augusto Santos Silva, Minister of Foreign Affairs

Dear João Pedro Matos Fernandes,
Dear Augusto Santos Silva,

In its resolution of 22 October 2020 (*2020/2006 INL EU legal framework to halt and reverse EU-driven global deforestation*), the European Parliament officially called “the European Union and its Member States to support at the next UN General Assembly, the global recognition of the right to a healthy environment”.

We, Members of the European Parliament, today ask the Portuguese presidency of the Council of the European Union how it intends to follow up on the call expressed by the European Parliament. We consider that an active support at the UN General Assembly would be highly welcome. Indeed, according to recent UN resolutions, 156 States throughout the world have already established legal recognition of the right to a healthy environment.

We would like to remind you that Slovenia is the first and only EU Member State to date to call and act for this recognition at the UN level. Whereas Portugal was the world’s first nation to incorporate the right to a healthy environment in its constitution in 1976, such a pioneering position should encourage you to be leaders on the international scene during the Portuguese Presidency of the Council.

Whereas the first Conference of the United Nations on the Human Environment in 1972 early expressed the fundamental right to live in a healthy environment, no concrete action has been taken at the UN level in order to ensure the effectiveness of this right. Besides, the European Union has not fulfilled its role as a key actor pushing for the respect of this fundamental right at the international level. And yet, we are convinced that human rights cannot be properly protected without a real protection of nature, as both must be done hand in hand. Indeed, the crisis the world is facing today reminds us of the interdependence between human rights and the protection of the Earth and its boundaries.

Furthermore, we are calling for concrete actions from the European institutions, and in particular the Council of the European Union, in their trade and diplomatic relationships in order to guarantee the effectiveness of the right to a healthy environment, not only for European citizens but also for all the world citizens. It is our view that the European Union should now take the opportunity, not only to call for the recognition of this right at the UN level, but also to work on policies ensuring the enforcement of this right.

Finally, we would very much like to see European institutions acting for the recognition of this right in the European Convention on Human Rights, which is the only regional human rights instrument that does not recognize this right among fundamental rights. As suggested by the UN Special Rapporteur on human rights and the environment, David R. Boyd, and recommended twice by the Parliamentary Assembly of the Council of Europe in 1999 and again in 2009, one possible path would be to work on an additional protocol to the European Convention on Human Rights. The current Portuguese Presidency should also be the occasion to call for the adoption of such a protocol in order to support their efforts.

We remain at your disposal should you need any further information.

We thank you in advance for your consideration.

Yours sincerely,

MARIE TOUSSAINT, *GREENS/EFA*

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