

**HELLENIC REPUBLIC**  
**GREEK NATIONAL COMMISSION FOR HUMAN RIGHTS**

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<p><b>Declaration on the Protection of Forests and the Environment</b></p>
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The National Commission for Human Rights,

*Having dealt with* environmental issues also in the past,

*Bearing in mind* that the protection of the environment, sustainable development and the balance of the ecosystem, all crucial for the survival of the Greek society and the planet as a whole, are in danger because of global warming; that environmental protection needs to constitute a primary criterion of all political and economical decisions of the State and the conduct of citizens and corporations; that the radical change of everyone's attitude vis-à-vis the nature and the environment is compelling, as pollution is not generated by corporations and the production of merchandises alone but also by irresponsible citizens, the use of harmful energy resources and non-recyclable products,

*Considering* that the mega-fires of 2007 have had multidimensional destructive consequences, both in direct and indirect ways, and that we all need to draw the lessons to be drawn by them,

*Being concerned* with the intensified global warming which is one of the factors that cause fires of smaller or larger scale,

*Considering* that legating healthy and biodiverse forests to future generations is our obligation,

*Taking the view* that the question of the forests needs to be addressed in priority,

notes that:

## **A) Regarding the Responsibility of the State and the Formation of its Environmental Policy**

### *1. Consistent implementation of the triptych 'prevention-suppression-management'.*

The 1993 Report of the Parliamentary Commission on the Study of Fires and Measures for a Long-term and Effective Response to same, needs to be brought into play, with the required updating, in particular the recommendations regarding the upgrading of the Forestry Service and the establishment of a Uniform Scientific Body of Fire-Protection as well as the unification of the triptych 'prevention-suppression-management', which needs to constitute the basis for any environmental policy to be developed.

In the said triptych, priority should be given to prevention, as, when effective, it renders suppression obsolete. The NCHR attributes particular importance to the recommendations of the Report for the prevention of fires prioritizing institutional measures for safeguarding public property, eradicating social pressure and punishing arsonists and land-grabbers, and the establishment of forests protection teams (voluntary or mandatory) by the Local Administration. Prevention at the local community level, whereas suppression should remain within the mandate of central services.

Therefore, a new planning of forests protection at the national level is required so that implementation of the triptych 'prevention-suppression-management' is ensured. The fragmentation of the triptych and the assignment of piecemeal competences to different bodies should be avoided, as coordination at all three levels is a sine qua non for the effective protection of forests.

## *2. Effective environmental governance for sustainable development*

The substantiated WWF Report on environmental governance and forests protection is extremely useful. It needs to be thoroughly perused; particular attention should be given to its conclusions and recommendations regarding the dispersing and confusion of competences amongst the various Ministries and Public Services and the need for the establishment of inter-ministerial structures for the coordination of actions and decisions on environmental protection; moreover, attention should be given to the recommendations on the re-organization of forests management services, including a comprehensive reform of the Forestry Service, the establishment of an effective protection body of the countryside, the creation of a specialized body on forests fires and the effective use of groups of volunteers.

The recommendation for the establishment of an autonomous Ministry of Environment needs to be considered carefully. The current fusion of the Ministry of Environment and the Ministry of Public Works seems, indeed, negative for the environment and needs to be remedied. Besides, the assignment of environmental competences and responsibilities to various Ministries causes confusion and ineffectiveness. Interministerial coordination as well as a uniform environmental policy binding to all Ministries and Local Administration entities involved, are urgently required. Furthermore, national environmental policy must comply with EU environmental policy. Prompt planning and effective environmental governance aiming at a sustainable development and sound urban planning policy of Greece may contribute to the rescue of the environment. Should an autonomous Ministry of the Environment add itself to the list of existing administrative and bureaucratic mechanisms, would render the entire enterprise entirely useless. The reform of central services dealing with environmental issues should not abrogate the competence and responsibility of the Local Administration bodies.

## *3. The jurisprudence of the Conseil d'Etat must be complied with*

Compliance with the Conseil d'Etat's jurisprudence is crucial for the protection of the environment. The CdE holds that a forest register, as provided for by the Constitution, must be urgently compiled. This constitutes a precondition for any effective forestry policy.

In this context, the mapping of all burned areas on an annual basis is also required as well as their constant monitoring in order to prevent illegal settlements or any other unlawful use and to facilitate the planning of their restitution.

Finally, no derogation from the constitutional provision prohibiting the alteration of the use of forests and forests' expanses, including parks and urban green areas according to the Conseil d'Etat, is justified. Zero tolerance and zero lenience to trespassers, arsonists and destroyers of forests and greenery. The laws for the protection of the environment must be observed and the culprits be punished.

## **B) The Subjective Perception of the Environment and the Right to its Protection**

### *1. The environment as common good and the protection thereof as everyone's right*

A new perception of the right to the environment is required in order for it to be disconnected from its atomocentric meaning, which empowers individuals with its exclusive use, possession and exploitation in the sense of private property. No human owns the environment. It is the natural place of man's existence and as such, it is a common good beyond frontiers and sovereigns. It belongs to us all.

While the State is obliged to protect the environment as common good, every individual is entitled to request its protection by the State and the public and private authorities, as well as to pursue it even by recourse to courts. In this sense, the right to the environment is not easily integrated into one of the three known human rights categories. This

specificity is at the root of its characterization as a “third generation” right.

2. *Protection of the environment as a right to information and participation of its users in the decision making process concerning it*

The protections, collective management or use of the environment is embedded in its perception as a right. As a right of each and everyone, it may be exercised against the State and the public services, by demanding due measures of protective and suppressive character. As a right of collective use and management, it substantiates claims for participation in all procedures that concern its protection. The users of the environment are entitled to being fully informed for any matter regarding it and participate in decisions re. its protection and management. It is a participatory right.

3. *Environmental organizations should be granted rights similar to those granted to consumers’ organizations*

The recognition of the right to environmental protection as a participatory right entails the institutional recognition of the importance and role of environmental organizations. Their actions constitute a type of organisation and protection from environmental abuses, which need to be encouraged and deserve to be acknowledged by the State and the residents of a particular area.

Thus, the NCHR recommends that the EU grants to environmental organizations special collective locus standi and rights of participation to decision making processes, like in the case of consumers organizations.

4. *The right to the environment entails individual and collective responsibilities*

The right to environmental protection entails grave responsibilities at the individual, collective, and State level. The responsibility for the protection of the environment lies with each and every one of us and with

local communities, which ought to act on their own initiative and in cooperation with the Local Administration entities.

Such responsibility encompasses reasonable use, our daily life and habits, preservation and sustainability, for our generation and the coming ones. The recent environmental disasters brought humanity before a tragic truth: ecological devastation can only be addressed via the development of an environmental conscience and cooperation at the local, national and global level.

Athens, 10 July 2008