

Hanna Machińska*

Council of Europe in the Debate about Environmental Protection and Climate Change. Facing a Democratic Challenge in the 21st Century

Abstract: *The 21st century has been characterised by intense transition and vast challenges. Environmental degradation and climate change are areas that exert enormous impact on the economic, political, cultural and social functioning of regions, nations and society as a whole. The consequences of all these changes are leading to broad divisions throughout the world and large asymmetries in the division of economic inequalities, giving rise to increasing conflicts and serious crises, which in some regions of the world take the form of a mega-crisis. International organisations, non-governmental organisations, outstanding authorities and think-tanks all present various scenarios for the development of the world situation, stressing at the same time the need to eradicate the negative tendencies evoked by environmental pollution and climate change. In this context the role of the Council of Europe and its agencies is enormous. The Council of Europe, an organisation that establishes standards in the area of human rights, democracy and the rule of law, is responsible for supporting nations in their democratic transformations. The Council, with its myriad of legal achievements and instruments, including the European Convention on Human Rights, and great institutional potential in the form of the Parliamentary Assembly, the Committee of Ministers, the Commissioner for Human Rights and the Congress of Local and Regional Authorities can be an important partner in the global dialogue aimed at stopping climate change and unfavourable occurrences in the environment. The participation of the Council of Europe in the debate on the preparation of the Global Climate Treaty in 2015 offers it the chance to accomplish its mandate, and at the same time provides it with the opportunity to make use of all its legal achievements and institutional potential.*

1. The background

Human rights is a topic which is increasingly often brought up in the debate over the consequences of climate change. The reason is that climate

* **Hanna Machińska**, Ph.D. – Associate Professor at the Faculty of Law and Administration, University of Warsaw and Director of the Council of Europe Bureau in Warsaw.

change is not just an economic or environmental problem, but also a cultural, social and political issue. Human rights are present in all the above aspects, and the uneven distribution of burdens and losses can have very grave consequences. Claus Leggewie and Harald Welzer go so far as to say that there may be the possibility of a meta-crisis and numerous other crises resulting from the uneven sharing of the social and economic effects of global warming.¹ Is there a direct correlation between climate change and human rights? Can a Pan-European organisation, such as the Council of Europe, treat the problem as one of extreme relevance for Europe, but at the same time place it in a broader context? Can the mandate of the Organisation, which is linked to human rights, democracy and the rule of law, serve as the proper basis for the full engagement of the Council of Europe in the issues of environmental protection and the debate on the scope of counter-acting climate change?

2. Climate change and the execution of the statutory tasks of the Council of Europe

The debate over the role of the Council of Europe (CoE) vis-à-vis contemporary challenges has been ongoing ever since the great opening of the organisation to the countries of Central and Eastern Europe. The encounter between the stable democracies of the Western states and the functioning system of standards in terms of protection of human rights and the rule of law and those countries which were just embarking on their path to democracy definitely constituted an important challenge to the CoE. This challenge was tied to the need for new political and legal instruments within the organisation which would make it possible for the new states to undertake a gradual transformation of their legal and political systems. It was also a time of changes within the organisation itself, of creating new standards and monitoring mechanisms which would make it possible to effectively influence the application and enforcement of human rights, the rule of law and democracy in the member states. This process of adaptation to the CoE standards continues until this day, in part because these standards have not been established once and for all, but dynamically change together with and in response to the changes in the contemporary world. The debate about the new role of the Council of Europe has been ongoing for many years. One of the platforms for the discussions are the

¹ C. Leggewie, H. Welzer, *Koniec Świata jaki znaliśmy. Klimat, przyszłość i szanse demokracji* (original title: *Das Ende der Welt, wie wir sie kannten. Klima, Zukunft und die Chancen der Demokratie*, translation P. Buras), Wydawnictwo Krytyki Politycznej, Warszawa 2012, pp. 20–35.

CoE summits, which take place with the heads of states and governments. So far, there have been three such summits, where the priorities of the CoE have been established.² Because of the particular relevance of the Third Summit, it is worthwhile to look back to nine years ago and revisit its message.³ The Warsaw Declaration, which was the crowning achievement of the Third Summit, recognised the particular role of the Council of Europe as a Pan-European organisation whose activities are focused on strengthening democracy, human rights and the rule of law. Thus the member states acknowledged the need to strengthen mechanisms of human rights, and in particular the impact of the European Convention of Human Rights and the necessity for member states to execute the decisions of the European Court of Human Rights, as well as to pursue the immediate ratification of Protocol 14 to the European Convention of Human Rights, which would ensure the reform of the human rights system. Furthermore, the need to strengthen the effectiveness of the instruments for supporting democracy and the participation of societies in the decision-making processes was noted, and the role of the Council of Europe as an organisation responsible for the construction of human rights standards was confirmed. The role of the CoE was also determined to include guarding the safety of citizens with respect to the fight against terrorism, corruption, and organised crime. The Council of Europe was also obliged to ensure a synergy of actions with the Organisation of Security and Co-operation in Europe. It was further stated that both the CoE and the United Nations (UN) shall strengthen mutual cooperation in order to achieve the Millennium Development Goals in Europe.⁴ The action plan attached to the Declaration made note of the main areas of CoE activities which need further strengthening, such as

² The First Summit in Vienna in 1993, the Second Summit in Strasbourg in 1997, and the Third Summit in Warsaw in 2005; see: F. Benoit-Romehr, H. Klebes, *Council of Europe law. Towards a pan-European legal area*, Council of Europe Publishing, Strasbourg 2005, pp. 33–34; and *Polska i Rada Europy 1990–2005 (Poland and Council of Europe 1995–2005)*, ed. H. Machińska, Biuro Informacji Rady Europy, Warszawa 2005, pp. 118–125.

³ L. Wildhaber, L. Garlicki, *Torując drogę dalekosiężnej wizji europejskiej ochrony praw człowieka w XXI wieku. III Szczyt Rady Europy i Europejska Konwencja Praw Człowieka i Podstawowych Wolności*, (*Paving the way for a long-term vision on the European protection of human rights in the 21st century. The Third Summit of the Council of Europe and the European Convention on Human Rights*) in: *Polska i Rada Europy 1990–2005 (Poland and Council of Europe 1995–2005)*, op.cit., pp. 118–125.

⁴ The United Nations Millenium Development Goals – eight goals established in 2000 (eradication of extreme poverty and hunger, achiving universal primary education, promotion of gender equality and empowering women, reducing child mortality rates, improving maternal health, combating HIV/AIDS and other diseases, ensuring environmental sustainability, and developing a global partnership for development. See also: the Final Declaration of the Third Summit, available at: www.coe.int

support for sustainable development and ensuring improvement of the quality of life of citizens. CoE actions, however, were to be conducted on the basis of the instruments available thus far. No new legal instruments for the development of policy in the domain of environmental protection, spatial planning, or management of natural disasters was envisioned. One aspect that could relate to the activities of the CoE in terms of climate change consequences is the issue of migration management. The subject has been brought up by the Parliamentary Assembly of the Council of Europe (PACE).⁵ Resolution 1682 (2009) PACE stresses the fact that human migration is becoming the gravest consequence of global warming. However, neither the Declaration nor the Action Plan of the Third Summit directly provide for CoE actions in the domain of counteracting climate change, with the exception of the areas involved in the achievement of the Millennium Goals. In light of the direction of CoE actions as outlined in 2005, the question arises whether the Organisation will find itself under the pressure of challenges which will provoke a reorientation of its focus towards a global engagement strongly linked with the protection of human rights, democracy and the rule of law, and come to involve environmental protection and climate change as well? This linkage has been the subject of the Report on the State of Human Rights and Democracy in Europe, prepared by PACE parliamentarian Christos Pourgourides. The author stresses that democracy is a fundamental human right. One of its dimensions is the possibility to live in economically and environmentally healthy surroundings. On the other hand, one of the main threats to democracy, according to the Report, is environmental pollution and climate warming.⁶ This position is further confirmed by many PACE documents. In the Declaration adopted in 2011 by PACE, the PACE Bureau underlined the significance of problems connected with climate change in the context of social justice, equity, and human rights.⁷ It has been noted that it is necessary to maintain a fair balance between the poorest states, which are significantly touched by the changes in the climate, and the countries experiencing a very dynamic development.

⁵ Parliamentary Assembly of the Council of Europe (PACE), Resolution 1682 (2009), Challenges posed by climate changes. Unless indicated otherwise, all adopted PACE documents are available in the Parliamentary Assembly database which is accessible at: website-pace.net/web/apce/documents

⁶ C. Pourgourides, *State of Human Rights and Democracy*, Council of Europe Publishing, Strasbourg 2007; see also: PACE Recommendation 1791 (2007), State of human rights and democracy in Europe.

⁷ Declaration of the Committee on the Environment, Agriculture and Local and Regional Affairs of the PACE, As the world's warmest year ends, time for climate change to be seen as a human rights issue, 2011, available at: http://www.assembly.coe.int/Communication/270111_declarationclimate_E.pdf

PACE has recognised climate change as one of the most demanding contemporary challenges. It requires global action, and in particular the adoption of a new approach and a determination on the part of Europe to make an important contribution to the achievement of the Millennium Development Goals (MDG).⁸ Europe will not reach the MDG until 2015 due to an increase in CO₂ emissions, together with all the consequences of this process, including deforestation and reduction of biodiversity.⁹ The position of PACE with regard to climate change has been expressed in numerous documents whereby PACE calls on the member states of the Council of Europe to undertake action with regard to the reduction of emissions, as well as to pay particular attention to the most vulnerable communities and territories which are especially touched by climate change.¹⁰ PACE further emphasises that climate change requires a more comprehensive view of sustainable development, which in turn demands better coordination of economic, environmental, and social policies. The key to attaining this objective is a well-functioning democracy, rule of law, and good governance, as well as the ensured observance of human rights. The call to adopt the global agreement on climate change in 2015 is included in a report by John Prescott, a British MP in PACE, as well as in a draft resolution on the issue. The report proposes to broaden the inclusion of parliaments in the debate, as well as to adopt national legal regulations on climate change by 2020 at the latest. It further stipulates the need for including society in the debate on climate change, and the inclusion of reduction goals in the climate change agreement of 2015 (to reduce greenhouse gas emissions by at least 20 per cent by 2030, and by at least 50 per cent by 2050, relative to 1990 levels). The report has also indicated the absence of legal regulations pertaining to climate refugees and displaced persons, and calls on the Council of Europe to step up its efforts in combating climate change in the context of human rights and to participate in climate change negotiations. In the many postulates for strengthening the role of the Council of Europe, a recurring theme is the need to outline a long-term global perspective for actions which would significantly account for civilisational challenges, such as problems of environmental degradation and climate change. In the institutional sense, the Council of Europe has the sufficient capacity to participate in the global debate on climate change and other environmental issues. Taking into account their achievements, the

⁸ PACE Resolution 1975 (2014), *Stepping up action against global inequalities: Europe's contribution to the Millennium Development Goals (MDG) process*, doc. ref. 13368, 16.12.2013, rapporteur Sir Alan Meale.

⁹ *Ibidem*.

¹⁰ PACE Draft Resolution adopted on November 2013, *Climate change: a framework for a global agreement in 2015*, rapporteur John Prescott.

Parliamentary Assembly, the Congress of Local and Regional Authorities, the Commissioner for Human Rights and the International NGOs together constitute a profound force which allows for full participation in the debates and decision-making processes on the environment and climate change. Furthermore, the legal output of the CoE also gives it the mandate to fully participate in the climate change debate. This includes: the Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention), Recommendation 135 (2008) of the Standing Committee of the Convention on the impacts of climate change on biodiversity, Recommendation 143(2009) on further guidance for parties on biodiversity and climate change, the numerous Resolutions and Recommendations of PACE, Recommendations of the Committee of Ministers, other conventions of the Council of Europe apart from the Bern Convention, including the convention on the criminal liability for damages to the environment and civil legal liability, as well as the European Convention of Human Rights (ECHR or Convention), which is of the utmost fundamental nature.

3. Is the body of rulings of the European Court of Human Rights pro-environmental?

In order to assess the activities of the Council of Europe in terms of the Organisation's impact on the creation of pro-environmental law and policy by the states, it is necessary to analyse the body of rulings of the European Court of Human Rights (ECtHR). This analysis must also include the situation in which the Court finds itself when member states violate the provisions of the ECHR on a massive scale. This, in turn, results in a restrictive approach to the admissibility of applications, as well as in a very restrictive approach of the Committee of Ministers of the Council of Europe (which adopted the Convention), which is visible in the refusal to expand the provisions of the Convention and include a new Protocol on the right to a healthy environment. The project of supplementing the European Convention in this respect has, by the way, a long history. It was presented for the first time in 1973 by the German Federal Republic.¹¹ At that time it was not met with popular

¹¹ Draft additional protocol to the Convention on Human Rights and Fundamental Freedoms of 4 November 1950, presented by the Minister of the Federal Republic of Germany at the Ministerial Conference on the Environment in Vienna on 28 March 1973 and recommended to the deliberation of the competent organs of the Council of Europe in: *Human Rights and the Environment*, eds. M. Dejeant-Pons, M. Pallemarts, Council of Europe Publishing, Strasbourg 2002; see also: H. Machinska, *European Convention on human rights as an instrument of protection of rights of an individual in connection with environmental pollution*, "Europejski Przegląd

approval, and it was only 20 years later that a discussion about it was commenced in PACE. In this context it is worth noting three PACE recommendations which are of importance in terms of the directions in which the discussion about the possible expansion of the ECHR have gone. They also very expressly indicate that PACE is the main promoter of recognition of the right to a healthy environment as a human right within the ECHR. The ECHR is the leading legal instrument of the Council of Europe, which could provide an effective protection of the environment and of the individual against threats to the environment. In the almost 65-year-old history of the Convention, the Court has issued over 90 judgments which were directly linked to environmental protection. Considering the thousands of applications to the Court, and the thousands of judgments issued, is the small number of judgments in this area an indicator that the Convention is, or is not, the appropriate legal basis for cases regarding the environment? And does the Court recognise threats to the environment as a violation of human rights? In order to answer this question, it is necessary to observe and assess the role which the Convention plays in the protection of the environment, as well as the strength of this regulation. When the Convention was adopted in 1950, a catalogue of human rights was formulated to provide a common level of human rights in the member states of the CoE. Environmental protection was not and could not have been connected with human rights, as in many of the countries at that time there were simply no legal regulations on environmental protection. Even the very term ‘environment’ was not present in all of the many languages. Nevertheless, the Convention is a living instrument and the Court, in interpreting it, seeks possibilities to address the civilisational challenges which arise. And both the environment and the threats to which it is subject constitute such challenges. The Court, therefore, protects the individual with respect to the risks caused caused by the hazardous emission of pollutants. Even though environmental protection is not directly mentioned in the Convention, it is an area of the Court’s special interest. The rights of an individual can be seriously threatened due to different environmental factors. The Court emphasises that there is no provision in the Convention, nor is there a basis therein, for recognising a right to a healthy environment, however, there are many provisions which protect the individual in case of the arduousness of numerous threats. These include provisions of Articles 2,3,8,10, Art. 11, Art. 1 Protocol 1 and Articles 6 and 13 of the Convention. This protection, however, is *par ricochet* and hence it does not protect the

Śadowy” No. 1/2014; R. Hauser, *Societal conflict before administrative bodies and courts in the context of Art 8 of the European Convention for Human Rights*, “Europejski Przegląd Sądowy” No. 1/2014.

individual in a direct manner against the arduousness of emissions or other hazardous activities. The question arises whether such type of protection is sufficient today in light of the very extensively developed EU and international law, as well as the advanced debate on climate change and its consequences for humans. The answer seems to be a definite 'no' as it situates the Council of Europe in a distant position in the global debate. The Council of Europe and the ECHR, by recognising the right to a healthy environment as a human right, are rather promoters for introducing changes in the law of member states and the effective implementation of standards of environmental protection. Although the already existing standards forged by the Court's decisions have a significant influence on member states, their law and practice, a greater openness in this respect would definitely be of breakthrough significance, not only for the 47 CoE member states but also in a larger global sense.

The provisions mentioned above serve as the basis for the decisions of the Court. Art. 2 guarantees the right to life, Art. 3 forbids torture, Art. 8 deals with respect for private and family life and home, Art. 1 Protocol 1 provides for the right to own property, Art. 10 guarantees freedom of expression, and Art. 11 guarantees the right to assembly. Procedural provisions include Art. 6, which guarantees the right to a fair trial and access to courts, as well as Art. 13, which stipulates the right to an effective remedy. As regards the above provisions, the Court has set basic standards, indicating to the member states the essence of their protection and their scope, and what constitutes violations. Most often, the violations are of Art. 6 and Art. 8 of the Convention, while Art. 2 has been referred to relatively rarely. It is worthwhile to recall the fundamental standards established by the Court. In the case of violation of Art. 2, the Court has established a standard for states' actions when the right to life is jeopardised, stating that the state has a positive obligation to protect persons whose life is endangered as a result of a dangerous activity, including a situation in which applicants lived on landfills and one when insufficient protection of the individual on the part of the state led to the death of many people as a result of a methane explosion.¹² However, this provision was also invoked, for example, by applicants in the case of *LCB vs. United Kingdom*, where the Court held that no causal effect was established between the radiation resulting from the nuclear tests, its effect on the father of the applicant, and her illness, hence ruling that the application could not be accepted pursuant to Art. 2. The consequences of a different decision, namely

¹² *Oneriyildiz v. Turkey*, Grand Chamber judgment of 30 November 2004, see: *Manual on human rights and the environment*, 2nd edition, Council of Europe Publishing, Strasbourg 2012, pp. 36–40.

one that recognising a violation of Art. 2 by the state, imposes on the state the duty to undertake judicial action, perform an investigation, and duly punish the offenders by means of disciplinary, penal, or administrative action, or to acknowledge the basis for a civil case. State authorities must also accept responsibility for the lack of preventive action or the proper adoption of criminal or administrative legal provisions.¹³

The duty to undertake positive action by the state can also arise in case of violations of Art. 8 of the Convention. The state is not only responsible for its actions, but it is also accountable for the activities of the private sector. The Court has displayed much prudence in its application of Art. 8, finding that the Article does not speak directly about the human right to a healthy environment,¹⁴ hence only when the environmental factors have a grave and direct impact on private and family life, i.e. when the minimum impact threshold is met, it is possible to invoke Art. 8.¹⁵ In light of Art. 8, the Court applies the principle of fair balance, which is based on balancing the interests of individuals with the economic interest of the state as a whole (Art. 8 par 2). Therefore, there is no rule that when the interests of the individual are violated, the Convention automatically provides a basis for the protection of the individual. Numerous conflicts arise with respect to the protection of property rights. While the convention guarantees the respect for individual property rights, it is however possible to introduce limitations on their exercise.¹⁶ Member states have the duty to undertake positive obligations in case of all types of hazardous projects. In this analysis the Court tries to balance the interests of the individual and the interest of the environment. Many of the applications are related to the transmission of information and maintenance. The state is obliged to release information, although limitations on this duty can be justified. A position taken by the Court in an Art. 10 case is worth noting: *‘The freedom to receive information cannot mean that the public authorities have the general imposed obligation of gathering and propagating information about environmental protection on their own initiative’*.¹⁷ This

¹³ *Oneryildiz v. Turkey*, op.cit.; *Budayeva and Others v. Russia*, judgment of 22 March 2008, see: *Manual on human rights and the environment*, op.cit., p. 39.

¹⁴ M. Pallemarts, *Introduction: Human rights and environmental protection. The human right to a healthy environment as a substantive rights*, in: *Human rights and the environment*, op.cit., p. 15. See also: *Kyrtatos v. Greece*, judgment of 22 May 2003, par. 52. Unless indicated otherwise, all judgements are available in the Court’s case-law database (HUDOC) which is accessible via the Court’s website <http://www.echr.coe.int> or <http://hudoc.echr.coe.int/sites/eng/Pages/search.aspx>

¹⁵ See: *Fadeyeva v. Russia*, judgment of 9 June 2005, par.69.

¹⁶ See: *Roche v. UK*, judgment of 19 October 2005, and *Hamer v. Belgium*, judgment of 27 November 2007.

¹⁷ *Guerra and Others v. Italy*, judgment of 19 February 1998.

position causes doubt, particularly in light of EU law. The Court has imposed on the state the obligation to ensure the right to information, particularly in the case of very dangerous activities, in the context of activities qualified pursuant to Articles 2 and 8 of the Convention. The Court has also supported the idea of the participation of society in the decision-making processes, in particular where there may be a conflict of interest between the environment, individual rights, and economic interests. The individual must have access to information and all the analyses, however the economic interest of the state often prevails in accordance with Art 8. par 2, as the Court decided in the case of *Hatton and others vs. United Kingdom*,¹⁸ which was related to the excessive noise levels issuing from the Heathrow Airport.

Many conflicts relating to the domain of environmental protection have emerged as a result of violation of the right to a fair trial and the absence of an effective appeals remedy, i.e. Articles 6 and 13 of the Convention. The limitations introduced by the Court refer to the assertion of a sufficiently direct connection between a problem from the domain of environmental protection and a given civil law. When the connections are uncertain or the consequences are light, they do not serve as a sufficient basis for claiming a violation.¹⁹

The challenges connected with the consequences of climate change, which have been observed in Europe for some time now, can definitely be resolved pursuant to the European Convention of Human Rights. The resolution of disputes could be much more effective, however, in case of the adoption of the additional Protocol, which would ensure direct protection of the individual in case of a violation of human rights by hazardous environmental factors. The problem of recognising the right to a healthy environment as a human right and seeing climate change in the context of human rights presents a particularly significant challenge in light of the ongoing elaboration of the new Treaty on Climate Change. Members of the Conference of INGOs have called upon states to take into consideration human rights in the provisions of the new treaty and recognise the right to a healthy environment as a fundamental human right.²⁰ Such a treaty declaration would be of utmost significance for the European protection of human rights system. However any positive actions in response to the appeal still remain a remote perspective. Therefore, it should be expected that in the European system the Court of Human Rights will interpret the European Conventions in a way that

¹⁸ *Hatton and Others v. UK*, Grand Chamber judgment of 8 June 2003.

¹⁹ *Balmer-Schafroth and Others v. Switzerland*, Grand Chamber judgment of 26 August 1997.

²⁰ *Convention on Climate Change. Climate change and human rights*, Declaration from the International NGOs, members of the Conference of International NGOs of the Council of Europe to the Warsaw Climate Change Conference, 11–12.11.2013.

would be pro-environmental, and guarantee a broad protection of individual rights in relation to the hazardous impact of environmental factors.

4. Council of Europe as a partner in the debate on counteracting climate change

It is a common assessment that the 21st century is a time of great breakthrough and, at the same time, of great challenges. We are confronted with huge transformations which significantly impact Europe and the world.

According to many analyses of global trends, the main problems include migration, climate change, exhaustion of natural resources, the influence of information technologies on social life, and new expectations as regards civil rights.²¹ It is therefore quite natural that the question arises of the Council of Europe's role in the longer time horizon. Can this organisation, considering its legal output and institutional potential, meet these challenges? This question is addressed in the Advisory Report by the Think-Tank Task Force.²² Having reference to only a few of the reflections that the Report contains, it seems justified to ask about the new areas in which the Council of Europe should become more engaged, and find the right balance between the policies it has followed thus far and these new areas. Counteracting climate change, seen in the context of a new approach to human rights, should be seen as just such a new challenge. It requires the member states to set a new path for the Council of Europe. However, the dominance of national interests, lack of political will to implement new legal instruments, as well as the fear of adding further dynamism to the Convention, all represent major obstacles to the process. There is even a common conviction that priority of action should be given to the Protocols reforming the Convention, i.e. Protocols 15 and 16, as well as to the accession of the European Union to the European Convention of Human Rights, boosting the effectiveness of the Court. Therefore, the most realistic option for clearly delineating the relationship between climate change, human rights and environmental protection is for the Court to follow an interpretation of the Convention which would indicate a new approach to human rights.

²¹ N. Stern, *Stern Review on the Economics of Climate Change*, Cambridge 2007; *Global Trends 2030. Citizens in an interconnected and polycentric world (ESPAS report)*, EU Institute for Security Studies, Paris 2012.

²² *Smart power – Ways of Enhancing the Council of Europe's Impact*, Advisory Report by the Think-Tank Task Force, Strasbourg, January 2014, see: www.coe.int/t/policy-planning/think_tanks/default_en.asp

The challenges before the Council of Europe are of an extremely complex nature and are a derivative of the different levels of implementing human rights, building democracy, and observing the rule of law in the member states. They are also a derivative of the civilisational pressures and socio-economic and political crises in Europe, as well as the growing social expectations that changes will be introduced at the different tiers of state management. The problems pertaining to climate change contain an important inter-generational aspect concerning participation in the processes of decision-making, conflict resolution, climate, migration management, etc. These are areas which go beyond the regulatory abilities of the nation-state or even the possibilities to resolve these problems at the level of an international regional organisation. For that reason it seems particularly important for the CoE to take on the role of a partner in the solution of global problems and as a participant in the climate negotiations which are to lead to a new agreement in 2015.