

**2 September 1991**

**BASEL DECLARATION ON A PROGRAMME OF ACTION ON THE  
PROTECTION OF THE GLOBAL ENVIRONMENT**

The *Institute of International Law*, at its 65th Session, held at Basel (Switzerland) on 2 September 1991,

*Considering* the substantial threats to the global environment, and the importance of its protection for the population of the world and for the future of mankind;

*Whereas* nowadays the right to a healthy environment forms part of the fundamental human rights;

*Recognizing* that measures for the protection of the global environment must also take account of the needs of developing countries;

*Noting* that the United Nations Conference on the Environment and Development will take place in Rio de Janeiro in 1992;

*Whereas* the effective protection of the environment raises a large number of problems, frequently of an interdisciplinary character, in particular legal, concerning especially the duties, including responsibility and liability of States, international organizations, and of natural and juridical persons;

*Whereas* the international legal problems arising from the protection of the global environment are not limited to transboundary environmental harm, including that to the global commons, but can also embrace the effects of environmental harm occurring within a single country;

*Whereas* the protection of the environment also raises problems as regards both the prevention and the reparation of damage;

*Whereas* it follows from the nature of the problem that States are under the duty to co-operate with each other and in particular within the framework of competent international organizations;

*Recalling* that the Institute adopted a Resolution on the Pollution of Rivers and Lakes and International Law at its Athens Session in 1979 and a Resolution on Transboundary Air Pollution at its Cairo Session in 1987;

*Adopts* the following guidelines:

1. The protection and preservation of the global environment are of paramount importance for humanity and its future, and call for urgent action on the international level.
2. Such action is not limited to relations between States, but also calls for measures to be taken within each country in order to protect and preserve the environment, to prevent and repair damage caused to it and to co-ordinate such measures on the international level.
3. Damage to the environment gives rise to both the responsibility of States and the responsibility of natural or juridical persons, national or international.
4. States are under the obligation to give full effect to norms and procedures which regulate activities harmful to the environment or which set up inspection, prevention or enforcement systems.  
Where such norms or procedures do not exist or are shown to be insufficient, they should be introduced, strengthened or completed.
5. Appropriate action is required to assist States in adopting necessary preventive measures by way of technical advice, monitoring and other forms of control, as well as of national and international inspection services adapted to the circumstances, including appropriate technological co-operation and the provision of new and additional funding.

6. Conscious of the urgent need for the further development and strengthening of international law in this field, the Institute of International Law offers its full contribution towards efforts directed at the protection of the global environment.

7. To that end, the Institute will:

(a) contribute to the further elaboration of appropriate norms and recommendations, legal, administrative and operational, derived from general principles and from practice, and their effective implementation ;

(b) propose such procedures and other measures as are likely to increase the effectiveness of the actions of States and international, intergovernmental and non-governmental organizations, as well as other entities aimed at preventing, limiting and controlling activities likely to cause damage to the environment, and at facilitating reparation of any ensuing damage.

8. The Institute establishes a Commission to consider the foregoing and to submit appropriate recommendations at its 66<sup>th</sup> Session in Milan in 1993.

(2 September 1991)

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