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The Principles of Environmental Protection*

Abstract: *In the context of Global Goals (without poverty, zero hunger, health and well-being, quality education, gender equality, clean water and sanitation, clean and affordable energy, decent work and economic growth, industry, innovation and infrastructure, reducing inequalities, sustainable cities and communities, responsible consumption and production, climate action, aquatic life, earth life, peace, justice and efficient institutions, partnerships for achieving the objectives) it is important to join the fight to achieve these goals, advocating for the Right to a Healthy Environment. In my article I will try to analyze the way in which various institutional arrangements regarding the current climate crisis can have a positive impact on the environment and society.*

Keywords: *Rights, Health, Environment/ Environmental Protection, Humanity's Interest, Climate Change, Global Challenges, Local Actions.*

I will approach the Principles of Environmental Protection in the context of Right to Environment and the 2030 Agenda of objective fulfillment. Starting from the Fundamental Concepts of the International Environmental Law – Mankind's General Interest, a judicial system is based on socio-humane values aimed by humanity's interest, but such interest is hard to define:

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– The general interest of humanity – a legal system is based on socio-human values towards which the interests of mankind are directed, but this interest is difficult to define;

– The Common Heritage of Humanity – which gained legal status at the UN Conference on the Law of the Sea and documents adopted in the late 1970s;

– The rights of future generations – stemming from the solidarity of generations to preserve and preserve the quality of the environment – a concept featured in the Stockholm Declaration of 1972, which stated the right to an “environment whose quality allows man to live in dignity and wellbeing”;

– The doctrine on the subject is based on the “Theory of the fundamental principles of environmental law”, principles influenced by tradition and innovation and which determine the content of the norms of environmental law.

Thus, I understand that the principles themselves are the essence of environmental policy. On an international scale, the first significant documents were the Stockholm Declaration (1972), the World Charter for Nature (1982) and the Rio Declaration (1992), which de facto

spelled out the principles expressed in the first documents. Subsequently, a series of international treaties was added to them, which, taking over the principles set out by various international conferences, gave them a binding legal status. At the level of Community policy, environmental protection was institutionalized in 1973, with the announcement of the first EC Program of Action, considered “the skeleton of Community policy in the field of environmental protection”. The aforementioned program outlined the first rules raised to the rank of postulate, later, legally bound, thanks to successive changes in the treaties: the Single European Act (1986), the Maastricht Treaty (1992), the Treaty of Amsterdam (1997).

In the light of both the Community and the international context, incidental environmental law at national level has used both paths. Therefore, in art. 3 of the former law on environmental protection no. 137/1995, were established the principles and elements of strategy that regulate the basis of ensuring sustainable development. The same solution was adopted by the new framework regulation – GEO no. 195/2005. The targets of the Global Environment Pact state both the commitments made by states for the environment and the correlative rights and obligations of citizens to our planet. Besides citizens, businesses are stepping forward as the main polluters of the environment. The Global Pact on Environment, taken with the Sustainable Development Goals, which were adopted at the UN General Assembly in New York in September 2015, represent “*the pillars of global environmental governance*”¹.

In this context, as aforementioned the following acts – the Stockholm Declaration of 1972, the World Charter of Nature of 1982 and the Rio Declaration of 1992 which acknowledge both human rights to an unpolluted and healthy environment, as well as the obligation of states to protect it² – have left their mark on the implementation of fundamental principles on the environment, resulting in an exceeding of the number of international treaties in the field of environment, more than 500. In the current global policy context, analyzing the available environmental governance instruments derived from already established agreements and environmental principles, the content of the pact was broken down determining that among the issues debated was the normative framework of the pact, the challenges and the opportunities it offers, as well as the means by which both states and corporations will be held accountable. Also was discussed the implementation of established international case-law on the environment. In the same framework, indications were forwarded for the creation of the mechanisms proposed in the pact and their functioning. At the same time, proposals were made regarding the activity of various bodies brings a contribution to achieve the objectives of the 2030 Agenda in the environmental field and identifying opportunities for committing companies, governments, state institutions and civil society to a strong collaboration.

For this pact to become a reality sustained fight to combat legal uncertainty in the field of climate and the environment is needed, as well as cooperation for the realization of a global environmental law, the creation of the conditions for responsible economic and social development and lastly a strong international commitment to progress. A Global Environment Pact will bridge many of the gaps in international environmental governance. Unlike sector-specific treaty agreements adopted over time, this pact would provide a text of general applicability, leading to the coordination of rules and institutions in international environmental law. In addition, it would legally bind the principles set out in the agreements so far, establishing legal rights and responsibilities that could be invoked in national and international courts. All this would transform the Global Environment Pact from an ideal into a reality of great international visibility”.

Therefore, in the current global political context, derived from existing treaties and environmental principles, the instruments of governance were analysed to establish the core points of the Agreement³: *“among the topics, the legal frame of the pact was also outlined; the legal challenges and opportunities derived, as well as the means to imput responsibilities to countries and corporations. Debates also took place regarding the implementation of existing jurisprudence on an international level. Indications were also given thereupon on the mechanism creation in the Agreement and their function. Furthermore, proposals were made in regards to the enterprise of various organisations which contribute to the accomplishment of the 2030 Agenda and identifying opportunities to bring into collaboration governments, companies, state institutions and the civil society. In order for this pact to become a reality, it is necessary to have a sustained fight against the legal insecurity on climate and the environment, to cooperate in order to achieve a global environmental law, to create the conditions of responsible economic and social development and, of course, of a firm international commitment to make progress. A Global Pact for the Environment will eliminate many of the gaps in international environmental governance. Unlike the specific sectoral agreements of the treaties adopted over time, this pact would provide a text with general applicability, leading to the coordination of norms and institutions in international environmental law. In addition, he would codify the principles stated in the agreements so far, establishing legal rights and responsibilities that can be invoked in national and international courts. All this would transform the Global Compact for the Environment from an ideal into a reality of great international visibility.”*

Consequently, I will set out the Sustainable Development Goals (SDGs), numbering 17 – Global Goals – established during the 2030 Agenda for Sustainable Development as a way of acting for the next 15 years, focusing to eradicate extreme poverty, combat inequality and injustice and protect the planet by 2030:

1. *“No Poverty – Eradicating poverty in all its forms and in any context.*
2. *‘Zero’ hunger – Eradicating hunger, ensuring food security, improving nutrition and promoting sustainable agriculture.*
3. *Health and well-being – Ensuring a healthy life and promoting the well-being of all at any age.*
4. *Quality of education – Ensuring quality education and promoting lifelong learning opportunities for all.*
5. *Gender equality – Achieving gender equality and empowering all women and girls.*
6. *Clean water and sanitation – Ensuring the availability and sustainable management of water and sanitation for all.*
7. *Clean and affordable energy – Ensuring everyone’s access to affordable energy in a safe, sustainable and modern way.*
8. *Decent work and economic growth – Promoting sustained, open and sustainable economic growth, full and productive employment and decent work for all.*
9. *Industry, innovation and infrastructure – Building resilient infrastructure, promoting sustainable industrialization and encouraging innovation.*
10. *Reduced inequalities – Reducing inequalities within and across countries.*
11. *Sustainable cities and communities – Develop cities and human settlements so that they are open to all, safe, resilient and sustainable.*

12. *Responsible consumption and production – Ensuring sustainable consumption and production patterns.*

13. *Climate action – Take urgent action to combat climate change and its impact.*

14. *Aquatic life – Conservation and sustainable use of oceans, seas and marine resources for sustainable development.*

15. *Terrestrial life – Protecting, restoring and promoting the sustainable use of terrestrial ecosystems, sustainable forest management, combating desertification, halting and repairing soil degradation and halting biodiversity loss.*

16. *Peace, justice and efficient institutions – Promoting peaceful and inclusive societies for sustainable development, access to justice for all and the creation of efficient, responsible and inclusive institutions at all levels.*

17. *Partnerships for achieving the objectives – Strengthening the means of implementation and revitalizing the global partnership for sustainable development”.*

As for the given objectives, it is important be active by joining the fight to achieve these goals, advocating for the right to a healthy environment. The right to a healthy environment is considered a fundamental right to life, representing the right of every person belonging to a state, enforced in constitutional or ordinary law, as the case may be – but, here is obvious that it is in the ways of things for every citizen to expect to live one’s life in a healthy, clean, unpolluted environment. The right to a healthy environment has a corespondent duty for all inhabitants of a country to prevent pollution, to be careful, so as to remove the consequences of pollution. Several documents with an impact on the environment, such as the UN Charter, the Universal Declaration of Human Rights or other Community / international acts, equally proclaim the fundamental rights and freedoms of every human being, without any discrimination.

At the international level, the issue of the fundamental right to freedom and equality has been raised, which sould ensure the quality conditions of all and also enable a dignified and prosperous life. Moreover at international level, ruling and spelling out the right to a clean environment pertains to the fact that “all peoples have the right to a generally satisfactory environment conducive to their development”. The concept of unpolluted environment has a fundamental significance and assumes an environment that favors the physical and intellectual development of each person. The concept also has a human connotation, aiming at protecting both the physical and moral integrity of man. By attributing the term “balanced” to the environment, it becomes a global ecological environment, which emphasizes its natural size. But the right to a “balanced”, healthy environment must be viewed from both an individual and a collective perspective. The individual dimension implies the obligation of every human being to prevent pollution, to cease all polluting activities, to regenerate the polluted environment and to repair the damage inflicted by pollution. The collective dimension claims the obligation of each state to prevent pollution and protect the environment, so as to guarantee the right to an unpolluted environment.

At the basis of the general concept of human rights are the right to life, the right to peace, the right to a healthy environment and the right to development. As for the environment, I can say that I agree with the opinion of several authors, unanimously appreciating that, when you want to benefit from the right to a healthy environment, it must be seen as a “collective right, a right of solidarity”. In this sense, the right to a healthy, unpolluted, balanced environment is characterized by specific features, giving it a special position in the human rights system.

Thus, the right to a healthy environment is recognized both in the constitution of each country, as a fundamental right, and regulated by ordinary laws. The legal regulation of environmental protection obligations, at state level and at the level of economic operators, does not eliminate the role of moral and legal obligations of each of us to protect the environment personally – as a correlative obligation related to the right to a clean environment.

As aforementioned, the first UN Conference on the Environment raised “the issue of the fundamental right to freedom, equality and satisfactory living conditions in an environment whose quality allows man to live in dignity and prosperity.” Likewise, the principle stated in Stockholm also contains the idea that man has “the sacred duty to protect and improve the environment for present and future generations.” Gradually, the recommendation of the Stockholm Conference to establish the right to a healthy environment as a fundamental right, from a moral requirement, a political requirement, has changed into a legal requirement. The 1995 Maastricht Treaty stipulates that the EU “recognizes fundamental human rights, as guaranteed by the Rome European Convention (1950) and as a result of the common constitutional traditions of the Member States and the general principles of Community law”; it follows that, indirectly, the right to a healthy environment is recognized as a fundamental right. The moment when it was brought out that the right to a clean environment should be recognized and guaranteed, the recommendations of international bodies also took into account the fact that, in the life of a people and of every citizen, this concept has fundamental meanings: “an environment which fosters physical and intellectual development of man “.

In conclusion, the right to an unpolluted, balanced environment, in a word – healthy – represents a “fundamental right”, which in turn sums up the following rights:

- the right to live in an unpolluted, undegraded environment;
- the right to a high level of health, unaffected by environmental degradation;
- the right to have access to adequate water and food resources; the right to a healthy work environment;
- the right to living conditions, land use in a healthy environment;
- the right of not being expropriated as a result of carrying out activities in the environment, except in justified cases and the right of those expropriated, in accordance with the law, to obtain appropriate repairs; the right to assistance in the event of natural and man-made disasters;
- the right to benefit from the sustainable use of nature and its resources;
- the right to the conservation of the representative elements of nature.

Furthermore, compared to the global targets set in the 2030 Agenda – including those on the environment, in the context of the Covenant on Human Rights in a Healthy Environment, the crisis is triggered by reaching the impossibility of avoiding climate change almost catastrophic. It is necessary to find solutions to transform energy sources at European level, so that tax fraud is reduced and climate change is prevented or kept under control – a fact supported by the New Green Deal, which militates as European energy policies to combat climate change. Therefore, environmental protection is also a global, social responsibility – in the event that the environment is destroyed, it will also be the basis of our European economy, which generates welfare. Referring to the environmental component, both recent climate change and the worsening ecological crisis caused by the loss of biodiversity, threaten the world’s societies.

Even if the ecological crisis fades in the face of the economic crisis, given the potential collapse of ecosystems, the situation is getting worse and worse, so that life itself is in danger.

Thus, the role of people in climate change and non-compliance with the principles of precaution and prevention, translated into inaction, is major. In the absence of a radical change in both energy consumption and production, the repercussions of climate change set in motion irreversible processes. But there are good news, for the reality in the field of economy, social, health, there are solutions with notable benefits on the environment is gratifying. In this regard, it advocates legislation regulating all EU climate and energy change, based on mandatory sanctions, so that climate goals are met.

In order to avoid dangerous climate change, the 2015 UN Summit in Paris (COP 21) on climate change offers a binding global agreement. This translates to an increase in targets, a reduction in greenhouse gas emissions by 2020 from 30% to 20% compared to 1990, as well as a reduction of at least 55% in emissions in 2030, with the tendency to become, by 2050, a “carbon-neutral society”. But the measures with the most effective results for reducing pollution and eliminating pollution practices remain mandatory restrictions, established by legal norms. In order to be effective, the EU-wide Emissions Trading System needs to be completely reformed. A national tariff is required to refer to the “carbon limit”. Both businesses and public institutions, but especially the financial sector, must give up climate-damaging activities. Subsidies for fossil fuels need to be stopped. Investments in energy networks, which link renewable energy across the continent, increase energy security and reduce costs.

The only way to benefit, by 2050, from an economy based on renewable sources, is to adopt clear energy policies, based on energy saving, energy efficiency and energy regeneration. Therefore, in the next 15 years, energy consumption must be reduced by 40%, and, with the exception of biofuels, renewable energy should be stimulated, so that by 2030 it will ensure a share of 45% percentage of energy consumption. This is a key factor in keeping global warming below 2 degrees Celsius, while at the same time helping to stimulate economic activity – by creating jobs and reducing Europe’s dependence on fuel imports – such a process. expensive.

Nuclear energy is not only expensive, it is also risky, meaning that the danger of the proliferation of nuclear weapons increases. In this context, the commitment to phase out nuclear energy in the European area is renewed; at the same time as care must be taken not to increase carbon emissions – by closing the plants with the highest risk, by interrupting subsidies, and otherwise, economic operators in the market to take responsibility for both damage and risks related to nuclear accidents. In terms of sustainable development, this is the key and should be at the root of any major economic decision. Sustainable development must be a priority at international level, so that biodiversity and environmental protection will be a priority. Thus, it is necessary to establish the World Environment Organization, which should be made up of existing agencies within the UN, to which the role should be extended. Taking the lead in climate change is one of the concerns about environmental policies, which aim to make Europe a leader again against climate change and environmental degradation.

Due to climate change, such as desertification, soil erosion, heavy rains and rising sea levels, many people are leaving their country to become “climate refugees”. There is a proposal to introduce the concept of “climate refugees” in international law. The EU needs to be involved in climate migration both in international institutions and at home. Funding for developing countries is vital to combating climate change, and funding must come in addition to existing aid. It is also important to include the environment in development projects to effectively mitigate climate change and strategies to adapt to it. Above and beyond monetary perspective, the natural environment has value, sustainable development requires the wise and efficient

management of natural resources, so that future generations will benefit from a clean planet. Therefore, we must fight to reduce resource consumption and reduce the environmental footprint, ensuring that goods can be reused, repaired and recycled.

In this respect, the ultimate goal has to do with the establishment of a “closed loop” type company, which would turn the waste generated by one sector and which, of course, is not hazardous, into an element of value for another sector. Priority must be given to green transport, considering that road transport and aviation generate greenhouse gases, polluting the air. Currently, the volume of fossil fuels used in transport negatively affects the environment and public health, making the EU dependent on energy imports, implicitly affected by rising prices. There is a need for safer modes that are less harmful to the environment, for example, public transport and rail transport, cycling, sustainable waterways. Emphasis must be placed on fair competition between all modes of transport.

The European rail network will make long-distance connections between existing connections at regional level, so that there is easy access between urban and regional areas. Cross-border railways will take precedence over roads and aviation, with regard to the movement of goods. Switching to electric cars reduces fuel consumption, improving air quality – the production of electric bicycles, electric trams, electric trains, all based on renewable sources, also contributes to this aspect.

We must fight for the environment and public health, by implementing safety rules in the field of biocides, pesticides or chemicals. Thus, the fight for measures to reduce air pollution – one of the causes of premature death; fight for the control of medicines, e-waste and high-risk waste; for the control of pesticides discharged into the water; against nanotechnology used in the production of medicines, food, cosmetics, and against exposure to substances that may adversely affect the hormonal system.

Particularly important is the fight against the practice of shale gas extraction, as well as other unconventional fossil fuels. Shale gas exploitation, as well as hydraulic fracturing should be prohibited, given the fact it leads to contamination of water supplies and the environment with chemicals used in fracturing fluids. Shale gas extraction generates methane leaks that affect climate change. While exaggerating economic benefits, after the first year, the production rate decreases rapidly, generating unstable savings. The supply of cars with fuel generated from food crops, coupled with existing financial speculation on foodstuffs, has unduly forced rising food prices, threatening food security, which has a negative impact on the climate. In this sense, it is necessary to stop using food crops for fuel production. Better food means a better life.

Industrialized agriculture based on monocultures, where pesticides and antibiotics are used excessively, is profitable, but it is positioned against human health, bringing suffering to animals. Let's fight for a sustainable, healthy and tasty diet, militating against standardized, tasteless foods. Local production, organic farming and fair trade by developing countries should be encouraged. By combating deceptive practices, the quality of products from the countries of origin has been improved; by labeling nano-ingredients, transparency in food labeling has been improved. Compared to the fact that at European level, 90 million tons of food are dumped annually, we must fight for the implementation of measures to reduce food waste. In this sense, the aim is to revolutionize the food sector, by raising public awareness and by participatory democracy in the adoption of food policies at European level.

With regard to greening agriculture, in order to promote a sustainable, smart, fair and ethical agricultural climate, the European Parliament must take responsibility for the EU's Com-

mon Agricultural Policy. In this context, we want biological diversity, strong ecosystems, adaptable to climate change and helping to mitigate these changes. We want a system that allows the fair distribution of public funds; we also want support for organic farming, support for small farmers, support for conventional farmers, aimed at greening production; support for local production, local sales bringing consumers closer to farmers – because the latter deserve to receive a decent price for products. Buying companies should also be prohibited from lowering farm prices.

The aim is to increase soil fertility, reduce the use of pesticides and synthetic fertilizers, eliminate subsidies for harmful exports and move away from intensively intensive industrial agriculture. Let's fight for unrestricted access to plant reproduction material, against plant and animal patenting, against seed privatization and plant material privatization; against control of the seed industry which makes farmers dependent on chemical fertilizers and pesticides. Excessive use of pesticides and loss of biodiversity have led to a decrease in the number of bees / insects, whose role is to naturally pollinate plants and crops.

In order to have healthy fruits and vegetables, it is necessary to “give bees a chance”, against the use of Genetically Modified Organisms (GMOs) in food and agriculture; support GMO-free foods; they are against GMO crops in Europe and against the import of GMOs for feed. The labeling of GMOs must be mandatory, as consumers have the right to know the content and origin of food; for health protection and food security. At the same time, let's fight for more fish in the oceans, striving to push for the sustainability of a Common Fisheries Policy. The capacity of the fishing fleet to manage fish stocks will be regulated. Consumers will know where the fish came from and how it was caught. The reform will also involve over-control of fish farming, as it is extremely polluting; applying equal treatment to small-scale fishing; for the protection of animals; it is necessary to remove “factory agriculture” – this recording terrible results regarding the treatment of animals and the use of antibiotics; against animal testing. Animal transport time should also be reduced and the export of live animals should be banned. At the same time, it is necessary to combat trafficking in wild animals at international level, protect marine mammals and defend the existing ban on seal products. Let's fight animal husbandry for fur.

Therefore, environmental responsibility is major and, according to European environmental policies, is based on the principles of precaution, prevention, correction of pollution at source and “the accountability of the polluter”; as a side effect, in a sustainable way, environmental policies are showing signs of improving agricultural policies, which play a significant role in reforming EU policies in general and, implicitly, in the field of fisheries. However, with regard to the environment, which are particularly important for fighting against climate change, solving resource depletion and eroding biodiversity, these are the principles mentioned above.

In rural areas, we must fight for a living environment, where sustainable agriculture is practiced, both economically and socially – for example, in order to support coastal communities, to ensure abundant fish stocks.

Notes

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¹ <https://www.punctulcritic.ro/irina-moroianu-zlatescu-spre-un-pact-mondial-privind-dreptul-la-mediu.html>.

² Irina Moroianu Zlătescu, *Human Rights – an evolving system*, IRDO Publishing House, Bucharest, 2008, p. 207 and following.

³ <https://www.punctulcritic.ro/irina-moroianu-zlatescu-spre-un-pact-mondial-privind-dreptul-la-mediu.html>.

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