

The Global Perspective of the Environmental Principles

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Abstract: The ecological crisis that started powerfully due to the continuous, sometimes uncontrolled use of the natural resources, the numerous and more and more disastrous consequences of the environment pollution and degradation, imposed the acceptance of some common action measures concerning the protection and preservation of the environment. From the incipient stage of interstate cooperation, the field has evolved to a superior form of cooperation – globalization. More than ever, the solving of environmental problems requires universal, global solutions. In the highlights, there is the future of the human species. Even if man has greatly contributed – directly or indirectly – to the creation of the actual environmental situation, he is the one to find viable solutions for the prevention or even for the cessation of nature degradation. By common efforts, having the vocation of globalization, the owners of the right to a healthy environment – that is the present and next generations – have the responsibility to protect and preserve the gifts nature offers us gratuitously: resources.

A more balanced human action, or a more restrictive one as far as nature exploitation is concerned will lead to the desiderate of having a cleaner, more ecological, healthier and durable environment. within this context, the new world order will have to line up to present day tendencies, that is it will be either ecological or it will not be at all!

The universalization of the environmental problems, as a result of the ecological crisis and of the growth of accidents number with impact on nature, has made the environmental protection become a globally high priority objective.

As humankind confronts itself with a high proportion challenge – globalization – as a process of creating globality, that is of the global ensemble state, we can also speak about the globalization of some subsystems belonging to the whole, such as those belonging to the economy, technology, culture and to the environment.

The transfrontier and "chain" character of pollution, as well as other phenomena with impact on the environment, have led to the appearance and recognition of some global ecological problems, metaphorically called "Terra's wounds"¹, such as: acid rains, climate changes, global warming, the damaging of ozone layers, of biodiversity, the irrational desertification, water pollution, soil degradation, etc.

¹ Duțu, Mircea. 1999. *Ecology: life's natural philosophy*. București: Editura Economică, p. 15.

At the level of the three judicial systems: national, community, international measures have been imposed to solve the environmental crisis, starting from the premise that all peoples have contributed to the appearance and affirmation of some global ecological problems.

Leaving aside the delimitation realized between states through borders, the environmental problems (such as the air, water, soil pollution, waste) defy any rule of geo-political division, shortcircuiting the entire world. *What force could stop the spreading of pollution from one state to another? None!* The only efficient ways are the common environment strategies and policies, based on international, interstate cooperation, on reciprocity and information exchange, that should at least forestall, if not even stop the spreading of the harmful effects of pollution of any kind.

The highlighting of the world states' efforts of having a global environment policy has as primordial argument the integrated approach of the general, basic environment principles, on which the universal strategy of the analyzed field is based. We talk about the consecration and guarantee of some general principles, guiding ideas of the field concerning nature's protection, preservation and development that exist both at an international, community level and at a national one, such as²:

- The principle of the environmental degradation prevention;
- The principle of prudence;
- The principle of preservation;
- The environmental protection principle;
- The environmental improvement principle;
- The "polluter pays" principle.

Although each state has created its own national environmental policy, no matter how comprehensive it may be, it cannot solve problems that exceed the power of solving of a single country. It has become more and more obvious that the numerous ecological problems cannot be treated efficiently at a local, regional, not even at a community level. Some of these problems reveal, through their nature, a global character.

The international judicial system, starting with the two conferences, taken as model and starting point of the global environmental policy – The Stockholm Conference (1972) and the Rio de Janeiro Conference (1992) – has gradually made progress in the fight for the prevention and control of any forms of aggression on the environment.

It is considered that the results of the Stockholm Conference consisted in approaching the environment protection issue and the "pro-environment" action methods at a global level in all meanings of the terms. Globality – meaning a planetary conception of the environment, but also concerning the world's institutional structures. Globality – as all themes have been approached and have constituted the object of more or less thorough reflections.

The second crucial moment for the environmental issue at an international level is the Rio de Janeiro conference (1992) that establishes, among others, as an objective, "the setting up of a new and equitable world alliance, through the creation of new cooperation levels among states, the key sectors of society, and persons".

These two well-known reference points of the field have had as a result a series of regulations that outlined the fundamental principles of the international policy:

- Sovereignty of states and the environmental protection;
- The principle of international cooperation in solving the environmental preservation problems;
- The neighbourliness in preserving and protecting the environment.

² Duțu, Mircea. 2003. *Environmental law: treaty*. București: Editura Economică, vol. I., p. 205.

Together with these principles having specific significations in the environment field, there are recognized some characteristic international law obligations and norms, such as³:

- The obligation of states to preserve and protect the environment and its natural resources;
- The obligation of states to assess the consequences on the environment;
- The public information and participation;
- The principle of states' responsibility for ecological prejudices;
- The principle of international cooperation adaptation to the nature of pollution or to the characteristics of the geographical areas under protection.

Conjugated, all these principles converge towards the idea of respect among states, of mutual support and consultancy in order to solve environmental problems that affect many countries. The internal action within a state is often inefficient in solving some global impact problems, so that the collaboration between states through common, conjugated measures is the solution to the crisis of the present day environment.

Within the international globalization, the community globalization has been highlighted, which is part of the whole, and at the same time, through its characteristic elements, it is considered a type of globalization, specific to the European Union.

Thus, for the states members of the European Union, so for Romania as well, the environmental policy is as active as the international one, with the mention that there are specific problems that must be solved within this area, through the corroboration of the six basic (general) principles of the three judicial systems with a series of principles specific to community law, such as:

- The principle of correction with priority to the source of the environment pollution;
- The principle of the ecological considerations integration in all the community policies;
- The principles formulated in the jurisprudence of the European Union's Court of Justice (1. The environment protection shows an essential and priority interest; 2. The states' liberty of setting their own norms; 3. The judicial fundament of environmental community directions).

Water, air, soil pollution are three basic problems in the community common policy. The new action program for the environment called: **"The environment. Our future. Our choice"** begins with a question that we all should reflect upon:

"In what kind of environment do we want to live? What kind of environment do we want our children and grandchildren to inherit?"

The answer to such a question is difficult to resume in a few words. We can see that there have been made progresses in the last thirty years, especially concerning the improvement of air and water quality, but there are still many aspects to realize.

It is evident that at the community level, too, only the common action and cooperation, beyond any economic or other nature interests, can have as a result the improvement of the environmental situation.

The constant concern of the European Union towards the solving of ecological problems is materialized, among others, in five ways of approaching the environmental policy, such as:

- Putting laws into practice;
- Setting the environment in the foreground;
- Helping people in taking decisions for the environment's benefit;
- A better use of land.

By reading the content of these policies one can outline the image of a community of mature states that are aware of the environmental situation, of its suffering and that look a way out of this deadlock.

³ According to Dușu, Mircea. 2003. *Environmental law: treaty*. București: Editura Economică, vol. I. pp. 250-262.

“Setting the environment in the foreground” instead of other interests is a modern and salutary principle that shows a favorable evolution of the problems appeared in this field.

Romania has a well-defined domestic environment legislation, by taking over the community and international regulations, by putting them into practice, wherever an environmental problem demands it.

The ruling programme includes, in chapter 18, “The policy concerning the environmental protection”, the following points of action⁴:

- The integration of the environment policy in the elaboration and implementation of sectorial and regional policies;
- The assessment of the environmental factors’ actual situation and the substantiation of a long term development strategy in the environment field, of the renewable and non renewable resources;
- The strengthening of the institutional capacity in the environment field;
- The improvement of the environment factors quality in urbane and rural areas;
- The extension of the national network of protected areas and natural reservations, the rehabilitation of coast infrastructure of the Romanian seacoast, the ecological redimensioning of the Danube Delta;
- The consolidation of the international and transfrontier partnership with the similar institutions in order to monitor the implementation stage of international agreements;
- The elaboration of citizen protection strategies against natural calamities, ecological accidents and the exposure in ecological risk areas;
- The consolidation of the partnership with non governmental organizations in the process of elaboration and implementation of public policies in the field.

The analysis of the environmental policy measures and policies that are at its basis at the level of the three judicial systems: national, community and international, emphasizes the globalization of the field, the necessity of their no-frontier approach, for the benefit of humankind.

From the lowest level – that of the individual – to the maximum accepted one – the human species – each of us has a role to play. The goal of the natural inheritance transmission, with all its renewable and non-renewable resources, to the next generations, must become a reality.

The recognition and guarantee of the fundamental principles within the three judicial systems underlines the global dimension of environmental problems that have only one solution: the worldwide cooperation.

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⁴ Government Environmental Strategy, in Chapter 18: “The policy concerning the environmental protection”.