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SDG: 13
Climate Action

The cover image is a composite landscape. On the left, a grey, cracked, and desolate path leads towards a hazy background with industrial smokestacks. On the right, a vibrant green path leads through a field of yellow wildflowers towards a clear blue sky with a white wind turbine. A large, leafy tree arches over the path, symbolizing a transition from a polluted state to a sustainable one.

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Blue Planet Law

The Ecology of our Economic and Technological
World

OPEN ACCESS

 Springer

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This work was supported by PAIDC - Plataforma de Apoio à Investigação em Direito na Católica



ISSN 2523-3084 ISSN 2523-3092 (electronic)
Sustainable Development Goals Series
ISBN 978-3-031-24887-0 ISBN 978-3-031-24888-7 (eBook)
<https://doi.org/10.1007/978-3-031-24888-7>

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The registered company address is: Gewerbestrasse 11, 6330 Cham, Switzerland

Preface

The ‘*realisation*’ that the technological and consumer society has a negative impact on the global environment and the ‘*discovery*’ that human actions on the ‘*blue planet*’ needed to be reshaped were a product of the *Stockholm Conference* (1972), held under the auspices of the United Nations. Indeed, the *Declaration of the United Nations Conference on the Human Environment*, approved at the end of the conference, on 16 June 1972, states: *Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations.*

It is not surprising that, in the last 50 years, scientific and technical knowledge has expanded rapidly in a wide variety of fields, at the same time forcing the emergence of new fields. Moreover, these last 50 years have shown that not only does ‘*our common future*’ (the Brundtland Report, 1987) depend on reshaping human activity, but also we need to act fast: the fight against poverty and over-consumption goes hand in hand with efforts to halt climate change, biodiversity loss and ocean degradation. The global ecological crisis and, more recently, pandemic risks have also demonstrated that the responsibility lies with all of us and a profound change in behaviour is required. The law, the economy and public policy must keep pace with scientific and technical progress.

The way ahead is for contractualism to be rediscovered at the global political level, with the involvement of States, international and business organisations and non-governmental bodies, aiming to achieve UN Sustainable Development Goals 13, 14 and 15. An important role will be played by the *Global Pact for the Environment*, which synthesises in a unified system the environmental rights, duties and principles developed on the basis of the Stockholm and Rio Declarations, and which is being negotiated at UN level in order to gain conventional binding force. United by the future *Global Pact*, States, international organisations and other entities will more decisively commit to implementing all the environmental rights, duties and principles within their own legal and economic systems, under the control of the courts or non-judicial bodies, with constantly updated scientific and technological knowledge.

The purpose of this book is to commemorate this half century of life of the Stockholm Conference and reflect on the way forward, in search of a *Global Law of the Earth Ecosystem*. Hence the title, *Blue Planet Law. The Ecology of our Economic and Technological World*.

The works aim to move towards global, holistic thinking, in the knowledge that ‘*everything depends on everything*’. Transdisciplinarity and scientific dialogue are not, therefore, seen as challenges, but rather as ways of establishing thinking that seeks future-oriented integrated solutions, given that the questions are many and varied, and all in need of answers. What can law do to avert climate change, protect the ocean and prevent biodiversity loss? How can we develop economies and new technologies sustainably to safeguard the environment, while also making rational use of existing natural resources? What legal framework should govern biotechnology?

Blue Planet Law is divided into four parts.

Part I, on the Foundations of Global Ecological Sustainability, contains five chapters that set the context. Adopting a general approach, these address the issue of the ecological sustainability of post-industrial societies of the Anthropocene dominated by economic, scientific and technological progress, in terms of both International Law, essentially based on the sovereignty of States, and European Union Law. This part verses on the urgent need for a new ethical or philosophical vision of environmental responsibility that is decisively assumed as a common good of all humanity also taking future generations into account.

Part II deals with specific issues of environmental sustainability linked to protection of the climate, the ocean and biodiversity. Pollution and climate change are considered from scientific, economic and ethical perspectives, and also from a legal viewpoint, in terms of the applicable principles, effective means or judge-made law. This part also addresses issues relating to degradation of the oceans and the loss of marine diversity, which raise specific problems regarding the protection of areas beyond national jurisdiction, preservation of coral reefs and implementation of marine protected areas.

Part III focuses on specific policies aimed at ecological sustainability. Replacing fossil fuels with renewable energy, elimination of plastic waste and the development of an economy of the sea and sustainable fisheries are all decisive issues in the environmental policies of the Anthropocene. These cannot be resolved by sanctions alone, but require environmental laws and policies that influence behaviours and markets, such as green taxes, energy certificates and ecolabels.

Part IV is concerned with law, genetic resources and biotechnology. Biotechnology transforms or makes use of living beings and genetic resources for human purposes and will become crucially important in the twenty-first century. This part is focused on the opportunities opened by marine genetic resources and marine bioprospecting, as well as on the use of biotechnology for the purposes of energy efficiency, human health and food safety, dealing also with the limits of genetic engineering from the perspective of health and environmental protection.

The possible futures for our planet are many, but the future that becomes the present will involve philosophical, scientific, technological, economic and legal reflection. This book is a contribution to that reflection.

Lisbon, Portugal
5 June 2022

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