

SOME ISSUES CONNECTED WITH THE INTERNATIONAL ENVIRONMENTAL LAW

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Abstract: *This article discusses the challenges for the processes of transforming the economic governance models in line with the standards and norms of a low-carbon and energy-efficient economy established by the International Environmental Law. In this sense, the problems concerning the different levels of technological development are mentioned and it is proposed to introduce a more flexible and realistically applied individual approach, corresponding to the real state of a certain region. Attention is drawn to the measures and programs for energy efficiency on the territory of the EU and the Republic of Bulgaria.*

Keywords: *International Environmental Law, low-carbon and energy-efficient economy, energy efficiency.*

НЯКОИ ПРОБЛЕМИ, СВЪРЗАНИ С МЕЖДУНАРОДНОТО ЕКОЛОГИЧНО ПРАВО

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Резюме: *Настоящата статия разглежда предизвикателствата във връзка с процесите на трансформация на икономическите модели на управление в съответствие с установените от международното екологично право стандарти и норми на нисковъглеродна и енергийно-ефективна икономика. Освен това се посочват проблемите във връзка с различните технологични равнища и се предлага въвеждане на по-гъвкав и реално приложим индивидуален подход, съответстващ на реалното състояние на определен регион. По-конкретно се обръща внимание на мерките и програмите за енергийна ефективност в ЕС и в Република България.*

Ключови думи: *Международно екологично право, нисковъглеродна и енергийно-ефективна икономика, енергийна ефективност.*

The challenges facing the International Environmental Law are of utmost importance within the process of transformation towards a low-carbon

and energy efficient economy. There is a different terminology in the theory of a green or low-carbon economy, such as low-carbon economy (LCE) and low-fossil-fuel economy (LFFE) or decarbonised economy. This is an indicator both for the development of the doctrine and for the presence of specific elements constituting the low carbon economy. Among the attempts to define a low-carbon economy, the following understanding stands out, namely “... concept of the **low carbon economy**, the focus is specifically on greenhouse gas (GHG) emissions. The notion of the resource-efficient low carbon economy has also been used. The concept emphasises the central role of resource-efficiency and energy efficiency for the economy. The low carbon economy has generally been understood as “an economy that produces minimal GHG emissions” (Regions for Sustainable Change 2013)”¹.

International Environmental Law is one of the specific sectors of Public International Law in which collaboration and interaction should be of great significance if we strive for the full protection of the environment. In fact, this is the realm that could at least be argued with political or principled differences, because the climatic and adverse effects do not stop at the borders of one or another state but affect all subjects of the system of international law without exception. A focal point is given to the reduction of the gases emitted into the atmosphere leading to the greenhouse effect. Reducing greenhouse gas emissions is a challenge to the international environmental law, but it has to establish flexible international law and technical assistance to the more advanced and developed states to support technological implementation in the states that are the biggest polluters and are lagging behind in this area. The actions of the United States’ President Donald Trump, in connection with his country's withdrawal from the Paris Agreement (United Nations Framework Convention on Climate Change), which is one of the most ambitious and important international treaties in the struggle with climate warming, cannot be accepted. Without solid arguments, Trump ceases US participation in 2017 and therefore hinders full cooperation. He went further, calling the Paris deal a “bad deal”². The United Nations framework conventions are not acceptable in such a crucial sphere as the fight against global warming and climate change to be refracted through the prism of corporate interests because, first, it is not a good example of the largest economy and next, the opportunity to bring to the forefront the most

¹ Low-Carbon Economy Policy and Project Review, Background Paper I, EFFECT – Dialogue Platform and Resource Efficiency in the Baltic Sea Region, Stockholm, September 2013, p. 4.

² Тръмп: САЩ излизат от Парижкото споразумение за климата (Trump: USA out of the Paris Agreement on climate), available at: <https://www.vesti.bg/sviat/amerika/trymp-sasht-izlizat-ot-sporazumenieto-za-klimata-6069858>.

important, even vital, determinant interests of the world, which will not be exaggerated to say, its survival depends on.

Switching to a high-tech economy with low emission levels is a medium-term process that demands a number of preparatory actions and measures. It is vital to work in the following sectors generating the highest levels of pollution:

- Transport;
- Construction and
- Industry.

There are some ambitious targets by 2050 which are: the EU should reduce its harmful emissions with 80 percent compared to 1990 levels. The rapidly growing distribution of renewable electricity is an effective measure. Another good practice in the field of transport is to increase the use of cars. This includes freight with hybrid or electrical capacities, combining the reduction of harmful gases and the lower and efficient consumption of petroleum products that are from the category of non-renewable energy sources³.

It should be outlined that environmental problems and the search for new economic models in transformation are evolving successfully and with sustainable dynamics within the European Union, which has adopted a huge amount of programming documents, the most considerable of which are:

- 2020 climate and energy package⁴
- 2030 climate and energy framework⁵
- 2050 low-carbon economy⁶.

What is notable is the fact that a measure with a great application in the Republic of Bulgaria, which as a full member of the EU has been able to develop a National Program for energy efficiency of multifamily residential buildings with a large scope. It is provided with EU funds and with national co-financing, deserves attention. Among the expected results of the program are:

- Reducing heating costs for households;
- Improving housing infrastructure and changing the appearance of cities;
- Cleaner environment – saved greenhouse gas emissions (CO₂, etc.);
- Extending the life of the building, which will also have a higher price⁷.

³ Ibid.

⁴ For further information, see: https://ec.europa.eu/clima/policies/strategies/2020_en.

⁵ See: https://ec.europa.eu/clima/policies/strategies/2030_en.

⁶ https://ec.europa.eu/clima/policies/strategies/2050_en.

⁷ See <http://www.mrrb.government.bg/bg/energijna-efektivnost/nacionalna-programa-za-ee-na-mnogofamilni-jilistni-sgradi/>.

For the time being, about 2 billion BGN or just over 1 billion euros have been financed under this program. Apart from improving the level of environmental protection, the program also has a positive social impact on society.

Finally, the development of international legal cooperation in the area of environmental protection should be strongly endorsed at different forums at international, regional and national levels. Today, more than ever, the international community should have effective legal instruments, which, however, in order to succeed in changing the negative trends and effects, require time and well-grounded scientific arguments. International organizations must be clear about the unconditional implementation of the United Nations Framework Convention on Climate Change. This is so because no corporate interests or interests connected with economic growth based on environmental pollution should be tolerated because if we miss the next few decades, then it will not only be late, but it will probably take much more money and effort to normalize the levels of normal and environmental performance. Apparently, working measures, mechanisms, and programs should be realized with active support. This includes financial support in the developing countries as well, which, if not supported, regardless of how successful and progressive the measures are, there will be a partial effect.

References

1. Тръмп: САЩ излизат от Парижкото споразумение за климата (Trump: USA out of the Paris Agreement on climate), available at: <https://www.vesti.bg/sviat/amerika/trymp-sasht-izlizat-ot-sporazumenieto-za-klimata-6069858>.
2. Low-Carbon Economy Policy and Project Review, Background Paper I, EFFECT – Dialogue Platform and Resource Efficiency in the Baltic Sea Region, Stockholm, September 2013.
3. https://ec.europa.eu/clima/policies/strategies/2020_en.
4. https://ec.europa.eu/clima/policies/strategies/2030_en.
5. https://ec.europa.eu/clima/policies/strategies/2050_en.
6. <http://www.mrrb.government.bg/bg/energijna-efektivnost/nacionalna-programa-za-ee-na-mnogofamilni-jilistni-sgradi/>.