

Brief presentation of the international and European actions in the area of water protection

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Abstract

Currently, the diversification and multiplication of the sources of water pollution and their increased degree of toxicity require the finding of the most complex legal means and methods for combating them. In this context, the fight against waste, pollution and unequal distribution of the water for daily consumption must be continuous, supported and assumes the cooperation both regionally and internationally. Starting from these reasons, the present study aims to present a few of the actions performed at a European and international level in the area of pollution prevention.

Keywords: *pollution, legal water protection, European regulations, international regulations*

1. Introduction

70.8% of the Earth's surface is covered in water, of which 97% are the oceans, seas and ice. Practically, we only have 1% water which can be used and consumed. All known forms of life depend on water, being a vital part in many of the metabolic processes within the organism; almost 72% of the human body is water. The ecosystems, our society and economy [1] depend on sweet water in enough quantities in order to progress.

In our century, the world water consumption is very large, which, obviously, rises the problem of preventing the risks of scarcity of surface waters, and the second problem is qualitative aiming the need to prevent water pollution.

The phenomenon of pollution is not specific to a certain state or continent, but is a generalized phenomenon. The socio-economic development, the demographic growth, technical and technological upgrading have stimulated the enhancement and diversification of different types of water pollution [2]. Either is generated by sewage, by chemical substances used in agriculture, industry, by controlled or accidental dumping of wastes, water pollution is a real problem, by the efforts unfolded for its prevention or for the removal of its negative effects when it occurred, must be supported, continuous requiring both a regional and an international cooperation.

2. The contribution of the conventional international law in the area of water protection

The conventional international law has developed a global approach for the ecologic management of water through complementary means: first by stating a right to water and then by stating the principles of the international law on environment in water management. Regarding the right to water, Art 24 of the Convention on the Rights of the Child [3] states that “State Parties shall take appropriate measures to combat diseases and malnutrition, including within the framework of primary health care, through inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution”.

In the same meaning, the Convention on the elimination of all forms of discrimination against women (1979) [4] states in Art 14 Let h) that “State Parties shall take all appropriate measures to ensure to such women the right to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications”. Also, In July 2010, the General Assembly of the UN has adopted a resolution [5] recognizing the right to drinking-water and services of sanitation deriving from the right to an appropriate living standard and being strongly connected with the right to health, life and dignity. On 22 March 2010, anticipating the resolution of the General Assembly of the UN, the Council of the European Union announced that all EU Member States recognize the right to water and sanitation, reminding that “the Member States assume their obligations in the area of human rights regarding free access to drinking-water” and considering that “the obligations in the area of human rights regarding the access to a safe drinking-water and to sanitation are strongly connected to the individual human rights – such as the right to housing, food and health care services” [6]. Starting from these aspects, the right to water may be considered from now on, as a fundamental right of every person to enjoy enough drinking-water to satisfy the basic needs of his body, but also the ones of hygiene [7].

Regarding the principles of waters management, the contemporary texts have adapted the principles of the international law on environment. Thus, the Convention on the protection and use of transboundary watercourses and international lakes done at

Helsinki on 17 March 1992 [8] states the following general principles of a rational management of water resources: the precautionary principle by virtue of which action to avoid the potential transboundary impact of the release of hazardous substances shall not be postponed on the ground that scientific research has not fully proved a causal link between those substances, on the one hand, and the potential transboundary impact, on the other hand; the polluter-pays principle by virtue of which costs of pollution prevention, control and reduction measures shall be borne by the polluter and the principle according to which water resources shall be managed so that the needs of the present generation are met without compromising the ability of future generations to meet their own needs.

Nevertheless, we are still far away from offering water the statute as common good of humanity, as it is expected and presented by the doctrine [9], but at least in the plan of the legal thinking, the concept and strategy accompanying the international treaties have progressed without any doubt.

Generally, the international regulations regarding water protection are classified, depending on their area of application, into three categories: international regulations, regional and bilateral regulations [10].

Together with the Helsinki Convention, another document in this area with an international feature, is the United Nations Convention on the Law of the Sea [11] concluded at Montego Bay (Jamaica) on 10 December 1982, stating the issues regarding the law of the sea, the equitable and efficient use of the seas and oceans by preserving the biological resources, the protection and preservation of the marine, as well as the use of the International Tribunal for the Law of the Sea, established, in this purpose, in Hamburg, at the International Court of Justice, of the special arbitration or international conciliation for solving different litigations regarding its application and interpretation. This Convention is considered to be "the most important work for codifying the customary law and progressive development of the law of the sea" [12].

From the category of the regional regulations which are of interest and have been ratified by our country, we mention:

- The Convention regarding the Regime of Navigation on the Danube and its additional protocols [13], adopted on 18 August 1948, during the Belgrade Convention,

which has as objective the insurance for all states of free movement of commercial ships and merchandises, as equals regarding the port charges and taxes on navigation, the maintenance in good conditions of the waterways and the insurance and improvement of navigation on the Danube;

- The Danube River Protection Convention [14] signed on 29 June 1994 in Sofia promoting the international cooperation in the area of the fundamental issues regarding water management, of maintenance and improvement of the actual condition of the environment and of the quality of the Danube river;
- The Convention on the Protection of the Black Sea Against Pollution [15] signed on 21 April 1992 in Bucharest aiming the achievement of a progress in the protection of the Black Sea ecosystem, the prevention, reduction and control of pollution of the marine environment and the preservation of its living resources in accordance with the general accepted international rules and standards.

Also, our country has concluded bilateral agreements with different states, of which we mention: the Convention between Romania and Bulgaria on the cooperation in the area of environmental protection, signed on 9 December 1991 in Sofia; the Agreement between the Romanian and the Ukrainian Governments on the cooperation in the area of transboundary water management, signed on 30 September 1997 in Galați; the Agreement between the Romanian Government and the Government of Republic of Moldova signed on 1 August 2003 with regard to the cooperation in the area of protection of the fish resources and the regulating of fishing in the Prut River and Stânca-Costești Artificial Lake, based on the sustainable development purposes and principles.

3. Actions performed by the European Union in the area of water protection

The action performed by the European Union in the area of water protection are reflected in different directives [16] which have as main objectives the insurance of the drinking-water supply, the proper management of water resources, the battle against drought and floods, the battle against water pollution.

Thus, the rational protection and management of water resources, as well as the insurance of their quality is an important part of the environmental policy of the European Union. Inserted in 2000, the Water Framework Directive (WFD) [17] was the

first act which approached this objective in an integrated manner, establishing a framework for the protection of the integrated river basins, subterranean waters, transition waters and coast waters. The current Directive also aims the prevention and reduction of pollution, the promotion of a sustainable water use, the environmental protection, the improvement of the marine ecosystems and the attenuation of the effects of floods and of drought periods, its final purpose being the insurance of an ecological and chemical “good condition” of all communitarian waters until 2015.

With all the efforts laid, almost half of the European hydric systems shall not fulfil this objective, considering the reality that water is under a permanent threat from a wide variety of pressures exposing the sweet aquatic ecosystems and the forms associated to them to the deficits caused by men, pollution and excess of water, a situation known under the name of “vulnerability”. In the same time, the use of lands, the intake of waters and climatic changes are changes generated by men modifying the natural “flow” of water systems. As resulted from the Report No 11/2012 of the European Environment Agency, in Europe there is a frequent lack of balance between surface and subterranean waters. The use of water also exceeds the available resources, generating the so-called “hydric stress” in many areas of Europe [18].

For the optimization of the application of the actual regulation in this area, as well as for the integration of the objectives of the policy on water within other policies, in 2012, the Commission has published the “Blueprint to Safeguard Europe’s Water Resources”.

The Blueprint was created to strengthen the policies regarding the quantity of water and the efficiency of the use of water resources for a sustainable management within the 2020-2050 EU Strategy. Beyond these actions, other five directives state measures aiming a better condition of European waters: Council Directive 91/271/EEC concerning urban waste-water treatment [19], Directive 2006/7/EC concerning the management of bathing water quality [20], Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources [21], Council Directive 98/83/EC on the quality of water intended for human consumption [22] and Council Directive 2007/60/EC on the assessment and management of flood risks

[23] which has the purpose to promote the plans for management of flood risks and to consolidate the WFD objectives.

An important role in the application and assessment of existing and future policies of the EU concerning water is played by the European Environment Agency (EEA). As already shown, in 2012 the EEA has presented a series of evaluations of the European waters' condition [24], emphasizing aspects regarding the use of water resources, the ecological and chemical conditions, hydro-morphology, vulnerability and biodiversity.

In its activity, the Agency is supported by the European Topic Centre on Inland, Coastal and Marine waters [25]. For the collection and storage of information regarding water is responsible the Water Information System for Europe (WISE) [26] which functions as a partnership between the European Commission and the EEA, being considered the most complex multi-institutional access point in the area of information on water.

Not at least, we mention that the improvement of the application of the policy existing on waters and taking new measures for the efficiency of water management and preventing its pollution are problems mentioned by the 7th Action Program for Environment which entered into force in January 2014 and has three key objectives: protecting, preserving and increase of the Union's natural capital, the transformation of the Union's economy into a green economy, efficient from the perspective of resources and competitive from the perspective of the low level of carbon and protecting the citizens of the EU from the pressures related to environment pollution and the risks over their health and welfare.

4. Conclusions

The generalized impact of pollution, the need to unfold certain joint action for the protection, preservation and improvement of the quality of waters on which two or more states share sovereignty and the need to protect this environmental component are two of the most important aspects which have determined the international, regional and sub-regional cooperation in the area of water protection. Since 1987 when the Single European Act has entered into force, which has inserted for the first time in the area of the communitarian preoccupations the environmental issues and until nowadays, the

European Union, through its institutions, has had and still has among the main objectives of its environmental policy the adoption of measures for the protection of water resources [27]. Also, the international efforts in this area are supported, aspect confirmed by the large number of international treaties regarding water protection.

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