



The Place of The Law in Providing Global Environment Peace

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Abstract

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This study aims to examine the place of law in ensuring global environment peace. Nowadays, the environment in which we live is deteriorating and the destruction caused by wars damages both societies and the environment. The human being is not in harmony with himself and his environment. Peaceless environments affect all world societies. Peace against war is a common idea where everyone is united. From social peace to international peace, from there to world peace and environmental peace. In recent years, more and more global environment peace has been mentioned. Since the environment has been seen as a common commodity, it is consumed and badly used and polluted. Although the path of peace passes through justice this thought is more and more stained by wars and injustices. It is not enough to miss peace; it is a human and moral responsibility to make efforts to create peace and justice. Environmental protection requires sanctions. In this context, the development of global environment peace is supported by law.

Keywords: Peace, global environment peace, law and environmental law

1. Introduction

Peace is known as an important problem throughout the world from a national and global point of view, today. A state of non-peacefulness is like a basic determinant of life. Not a day goes by when news channels do not report explosions, riots, clashes or massacres in any country. When people are watching this news, wants to ask themselves, 'Why are they doing this?' Living in a just world surrounded by peace has always been the greatest longing of humanity. But this ideal has not yet become interoperability around the world. Although everyone is pro-peace, no one did not afford to stop wars. A world order based on mutual tension and competition prevents the achievement of a long and lasting peace.

Peace should not be considered as armed conflicts, tensions, and not being in war. Such a consideration would only be of political content. It should not be forgotten that peace can be achieved with positive social, cultural and environmental conditions that will sustain life. Social peace is like a key that opens every door; it is also obvious that nothing can be done without it in all aspects of life. As if war exists in humans' genes. If people are not fighting anything, they are fighting the environment. The degradation of the environment is caused by wars and anti-nature terror. With the rapid deterioration of the environment, the threat of global life suddenly made it a world problem. Just as living things need water, light and air; humans also need peace in every period. Because peacelessness threatens not only the environment but also all vital processes on earth; so the need to maintain peace on a local, regional and global scale comes to the fore.

True peace is the peace that humans establish with nature and the environment. The peace between humans and nature also depends significantly on humans again. If there is going to be a war, it must be for peace. If humans defeat themselves in the war for peace, they will be able to find the environment, in which humans can live this peace and tranquillity. The magnitude of the problems obliges cooperation; international organizations and the world public opinion work to prevent the cultural and environmental values that are the common existence of humanity from being damaged by hostilities and armed conflicts between societies. International awareness has not yet been able to oppose the unawareness of the great powers. Yet the war against war continues. To ensure the permanence of peace in all areas, it is noted that in recent years, the understanding of international responsibility for environmental values has expanded to organizations that operate largely based on law.

2. Environment, Peace and Law

Environment; it is the physical, biological, social, economic, and cultural environment in which humans and other living things exist and in which they maintain their relationships and interact with each other throughout their lives. The environment consists of living and non-living beings. Living elements of the environment are humans, animals, plants, and microorganisms. The inanimate elements are; they are natural elements such as air, water, soil, or artificial elements such as buildings or roads. Environmental types can be grouped with different qualities such as the natural, physical, historical, psychological, social, economic, social, urban, rural environments. The environment, which covers the whole world, comes across as an ecological or global environment (Kaypak, 2014:22).

The environment is a living environment as the place in which it is located living and non-living things. The environment surrounds us. All of the natural and artificial external conditions that affect the life of the individual and society together make up the environment. The environment cannot be explained purely on a human basis. Because all living things, including human beings, and even all non-living things live in an environment. In this sense, the environment is an environment in which all living beings live their lives, are affected in different ways and affect the environment (Keleş & Hamamcı, 1993:22). In the environment where living things carry out their life functions, the chemical and physical functions between living and non-living elements are in a dynamic balance. This balance constantly renews itself with matter and energy cycles.

We are the ones who benefit the most from the environment and pollute the environment the most. Humans endanger the natural life of all living things, including themselves with the environmental problems they create with their own hand. Humans disrupt the natural environment relations with its social activities and force the carrying capacity of nature. The functioning of natural environmental systems, which form integrity and consist of various relationships, is becoming a problem for humanity. Factors that disrupt nature are constantly increasing. The negativity related to human future and health continues, such as the rapid depletion of non-renewable energy sources, the destruction of renewable energy sources, and the pollution of the physical environment.

In Cambridge Learner's Dictionary (2018:466), peace is defined as freedom from war and violence, especially when humans live and work together happily without disagreement. In Turkish, peace is an environment formed by the work of reconciliation, harmony, mutual understanding and tolerance (www.sozluk.gov.tr, 2021). Peace is defined as a situation after a treaty states that the war is over, a process in human history after such a treaty, a state of truce

(TDK, 2017). The word peace is a concept belonging to Political Science as its origin. As some perceive peace as being away from war conditions and conflicts; In addition to staying away from armed conflicts, some perceive it as providing adequate income, employment, education, health, nutrition, culture and environmental conditions (Keleş, 2003). A wrong judgment has been formed regarding the meaning of peace in society. The concept of peace is defined not by itself, but generally linked to war. According to this understanding, peace is a situation after the war. However, linking the concept of peace only to war and conflict will be incomplete in terms of understanding the true meaning of peace.

War is defined as armed fighting between two or more countries or groups, or a particular (Cambridge Learner's Dictionary, 2018:725). War; is defined as an armed conflict that individuals, social classes or states engage in for economic or political purposes (TDK, 2017). Make war is an act of fierce and it may be deadly combat. It is an active struggle to eliminate an enemy or something harmful. When we say war, it usually comes to mind the actions of the state armies for their country. The word war does not exactly meet the content of fighting, it is more. Animals engage in this struggle because of hunger, while humans fight for pleasure, to capture or establish superiority. Every war has a winner and a loser. Resolving a dispute and ending a war is a partial peace. In war, this partial peace is also called a ceasefire. Peace is to be in unity, integrity and serenity, without hostility, away from fights, wars, weapons. Peace is an environment of reconciliation. This reconciliation is mostly made between the unequal and it occurs either with the conditions set by the strong or with the strong dictating to the weak (Kongar, 2000). But just because there will be a reconciliation does not mean that all conditions will be accepted. The first condition of honourable peace is to be considered a respectable party. It is impossible to consider a system that does not include national freedom, not having a say in its own life and its own future as peace. It should be based on the principles of peace, freedom and equality.

So peace; is not to wage war or remain silent and indifferent? Peace is not a one-dimensional concept, hollow or full of uncertainty. Peace should be perceived as a political, social and ethical concept. The environment of peace in an environment of happiness created by mutual harmony, understanding and tolerance. The environment where there is no peace means, on the contrary, an environment in which there is chaos, tension and unrest (Şentürk, 2008:331). Peace has been the highest social value of human life from the past to the present. For this reason, establishing and maintaining peace in international and interstate relations has been included as an important rule in legal documents. Peace brings humans closer together, removes separations and ends evil. It teaches humans to stay away from guns to maintain a happy and healthy life. Peace is to be against oppression, occupation and racism. Peace is to be aware that differences are wealth by excluding all discrimination. In thinkers such as

Gandhi and Tolstoy, peace has been raised to a philosophy of life (Keleş, 2003). Mustafa Kemal Atatürk is one of the statesmen who emphasized peace as his philosophy of life with his words “peace at home, peace in the world”. Adopting the goal of Atatürk's as a principle, our country fulfils its duty in the best way to protect world peace.

If there were no wars, there would be no such thing as peace. In order to know the value of peace, it was necessary to first experience war and understands what it was. The inadequacy of "peace and brotherhood", which has been attempted to be built on humanism independent of any kind of spiritual and natural values in recent centuries, seems to be confirmed by the current state of the world. This is also the 18th. it can also be considered as an indication that some of its fundamental assumptions, which influenced the century, have not materialized. According to the philosophers who put forward the Enlightenment and positivist project, the progress of the world would continue linearly thanks to science and technology, and humanity would go towards better, peace and brotherhood every day. Poverty, hunger, famine, and wars would give way to peace and brotherhood. But it did not happen, progress in science and technology did not bring peace with it; the opposite has come to the age of technology of wars. Despite all the scientific and technological advances made by humanity in the 20th century, the fact that peace is still being discussed can be regarded as a tragic situation. Today, humanity's need for peace is more than ever. Although peace has always been the main longing of humanity at all times, it could not be formed literally. Without regard to the struggle for democracy, the so-called struggle for peace, which was given priority, did not contribute to peace. When peace comes condition with economic dependence, its end is undoubtedly very fast. So the desired peace has always been far away.

Society is not a place where everyone can do whatever they want. There is an order in the life of society. Order is the establishment of relationships that make it possible to coexist in a particular society on the basis of compatibility in accordance with the requirements of that society. Wherever there are humans, dissonance or disorder can arise because different interests and needs will overlap. The group of compulsory rules that regulate social relations is called law. Order is established by law. When we say the law in daily use, it is sometimes meant to express the legal order itself in a broad sense, sometimes the legal rules applied in a narrower sense, and sometimes the rules that should be (Ertan, 2004:371). The law order is one of the leading factors in solving all social problems.

The aim of the rules of law is to form an authority that will ensure order and establish rules in society. The rules of law consist of duties, rights and responsibilities. Those who break these rules are subject to various sanctions. Sanction is what happens when the rules of law are not followed. With the

formation of law rules, relations between individuals and the state are established within the framework of certain rules. There are materials or physical sanction of the rules of law consisting of norms. It's called punishment. If the rules of law are not followed, sanctions such as money, imprisonment, dismissal are faced.

The law order is a set of rules that are important to society. The rules of law have emerged to meet some changing social needs in the social environment. This required a process of formation and maturation in order for some rules or principles to have a law structure. When it comes to the law, the static side of it, fixed by rules, comes to mind at first, but the law has to renew itself in accordance with changing conditions and be dynamic. Otherwise, it cannot catch the flow of life.

3. The Relationship Between The Global Environment and The Peace

The environment had been come out of its physical and narrow content; it has also taken on regional, national and global contents. In the global sense, the environment is one of the places that longing peace. Because for all living things, the environment is the space in which it exists. The unhealthy environment means that the existence also becomes unhealthy. For this, it is necessary to be at peace with the environment. Being at peace with the environment contributes to the preservation of public order, to the development of historical and cultural values. The humans who are at peace with the environment approaches human, animal, plant and other non-living things around them, friendly. Such an environment of peace serves to make the system of democracy, rights and environmental standards sustainable. Those who are not at peace with their environment are unresponsive humans who do not protect their environment even if they live in different geographies.

Peace or peaceful existence does not just mean the absence of war; just as the opposite of war is not peace. Even in environments where there is no war, images can be encountered that show that peace has not been achieved, caused by ignorance, apathy and unresponsiveness. For example, rude behaviours are shown to the environment. The fact that the poor are the majority among the humans who fill the cities in underdeveloped countries shows that there is no environmental peace. Hunger and poverty are responsible for environmental problems. Can it be said that the hungry, unemployed populous who cannot take advantage of education opportunities, who are homeless, who cannot look to their future with confidence, live in peace? (Keleş, 2003). According to World Health Organization data, many people today live in unhealthy conditions. World development reports of the United Nations also confirm this fact. In the 2000s, problems such as hunger, shelter, and a healthy drinking water supply are still the most fundamental problems (Karaca, 2007).

Two currents of thought are effective in peace movements: peacefulness and internationalism. The peaceful means being against war and all forms of violence and it is in opposition to the concepts of aggression and hostility. A person who peaceful will stay away from the fighting, but also be fair and behave in accordance with the law. They believe that problems in the world can be solved by peaceful means. The word peacefulness was first used by Emile Arnaud in the 1890s; those who participated in anti-war initiatives began to call themselves peaceful after this date (Elibal, 2007). A person must first be at peace with herself/himself, then with her/his family, relatives, with her/his neighbours and with her/his nation. Peace with a person herself/himself extends to peace in the family; peace in the family, peace between citizens; peace between citizens, peace in the country; peace in the country, peace in the international; peace in the world. Peacefulness necessitates respect for the personal and national dignity, sovereignty and human rights of individuals and states. Internationalism, on the other hand, sees countries as a whole and advocates cooperation in the international arena. According to internationalists, peace can only be achieved through the voluntary cooperation of countries and nations (Elibal, 2007). The fact that both winners and losers as a result of each war suffer great material and spiritual losses reveal the senseless nature of fighting. Preventing a hot war between humans or states is a fundamental element of the peace struggle.

When developing countries cannot create economic resources to subsistence their populations, they can first consume those around them to quench their hunger, consumed may not be renewable or the possibilities may be inadequate. Developing countries that want to achieve economic growth and development goals in the short term want to give priority to the economy, not the environment. These places that they destroy become largely devoid of social, economic and cultural conditions in which people can develop their own material and spiritual assets over time. This is called poverty pollution. It can be difficult for countries that are in shortage of resources to protect their environmental values. In developed countries, pollution caused by technologies associated with increased production and consumption is called abundance pollution.

The acceptance of environmental peace in all countries also depends on the support of rich developed countries to developing countries. While 8 developed countries of the world control 80% of the world income, less developed countries are faced with an environment that is far from basic humanitarian needs. Everybody knows that superpower States support war industries in order to maintain the viability of weapons economies. Worldwide nuclear armament continues to threaten humanity. Instead of mobilizing existing forces that create alternative energy sources, humanity is creating alternative weapons. A system based on the war industry generates a large income from the sale of weapons, and wars are taking place in different parts of the world as a reflection of them. The armament race and military spending are constantly increasing. Even in

countries that have been cited as a premise of civilization in the world, the budget allocated to defence is more than the education budget. Today, in many underdeveloped or developing countries, including our country, public services such as education, health and the environment have the lowest rates in national budgets.

The devastating effects of wars, armed conflicts and terrorism and the damages they cause to the inhabitants of settlements are known. The wars have caused irreparable damage to the many cultural, historical, architectural and natural values that are the heritage of humanity. The wars have caused irreparable damage to the many cultural, historical, architectural and natural values that are the heritage of humanity. When a war occurs in a country or region, all countries that share that geography bears the consequences together. When a war occurs in a country or region, all countries that share that geography bears the consequences together. Because the destruction created in the ecological system is carried to the entire region by natural processes. Deprivation of peace is a sunken cost for humanity, full of pain, sorrow and troubles. The results of the wars have always been heavy. The wars bequeath to us millions of dead and injured, disabled people and cities that have become rubble, and pain and tears. After the conflict, they were forced to rebuild their cities and infrastructure. But it has never been possible to completely repair the pain, poverty, deprivation caused by wars. If the amount of money would be spent on removing the ruins of war or on war technologies were spent on the development of humanity; the living standards of people in our world would be much higher. It is impossible to measure the value of spiritual losses in wars. The deaths of people, to be threatened of humanity, the destruction of natural and cultural assets are the basic negativities caused by wars. It is also not necessary to go to the distant past to remember these negatives. History is full of countless examples of environmental destruction. Iraq invasion by the United States of America, Hiroshima and Nagasaki, like Vietnam and the Gulf War, Kosovo, Afghanistan, Bosnia, Latin America and Africa still are remembered as regions where wars and massacres reigned (Keleş, 2003:71).

Some examples of the environmental bad pictures created by the wars are as follows: The black smoke rising for 7 months from the refinery and oil wells bombed during the Gulf War, the seabirds that cannot move due to being covered with oil and the chemical brutality in Halabja are still before our eyes. As a result of attacks on refineries and oil wells during the war, oil and toxic waste mixed with water sources damaged the soil. What happened to the environment in Kosovo was no different. In the living areas of living beings, irreparable wounds were opened in terms of physical destruction, people died, and survivors were exiled from their homelands. This war caused irreparable damage to natural resources and the environment throughout the region. Contamination of groundwater resources and river ecosystems, destruction of biological diversity

and habitats reached their peak. Many petrochemical plants, nitrogen plants and refineries were destroyed by dropped bombs, thousands of tons of oil and nitrogen compounds were mixed into the Tuna River (Danube). In the measurements made in the Tuna Delta (Danube), chemicals such as copper, lead, cadmium, chromium, and heavy metals that could destroy species that would affect many living things in ecological systems were many times higher than the permissible upper limits. Chemical fumes from fires caused by the bombing of chemical plants spread to the surrounding area 15 km in diameter, and in the following days, acid rains fell from the sky to Romania and Bulgaria, although they were not involved in the war. In this process, the pH of rainwater was measured as 5.4 in Romania and 4.2 in Bulgaria (Karaca, 2007).

After the US invasion of Iraq, the rubble and waste consisting of destroyed military vehicles and buildings had to be disposed of somewhere. War wastes have started to be brought into Turkey as "scrap". Uranium used in bullets to better pierce armour, scrap of fighter jets and tanks are transported to Turkey with the thinking of "earning without expense". Finding unexploded bullets among the scraps transported to Turkey poses a great risk for the workers who earn their living in this way. Finding unexploded bullets among the scraps transported to Turkey poses a great risk for the workers who earn their living in this way. The terrible dimension of wars manifests itself in the fact that there are more post-war deaths than there are deaths during the war. More than the thousands of people who died in Hiroshima were experienced after the war, with dead and crippled births due to the effects of the war. It is a similar example that deaths due to the embargo imposed on Iraq after the Gulf War were more than deaths during the war. With the ongoing wars, hundreds of people lose their lives, become disabled and children appear as the biggest victims of wars every passing day. 3 million children have died due to wars in the last decade, 10 million children have suffered psychological trauma, and 16 million children have been crippled due to war (Karaca, 2007).

Sustaining a life dominated by peace is only possible with a healthy environment. The world is experiencing rapid contamination, and this contamination is not one-dimensional contamination. While innocent people lose their lives in unceasing wars in some parts of the world, some people get sick or lose their lives due to environmental pollution in regions where peace prevails. For example, in giant metropolises in Asia, air pollution kills more than 1.5 million people every year. This number is increasing because the air we breathe is getting more and more polluted with each passing day (Aral, 2003:3). Environmental pollution may lead to the depletion of future economic resources. Industrialization and urbanization, which are carried out by neglecting the environment, threaten our future. Due to the economic concerns of some large capital groups and administrations, the humans of the world live in a vicious circle. As a result, environmental problems today have reached a dangerous dimension that brings

humans to the point of reckoning with themselves. Ozone layer puncture and climate changes, global warming and greenhouse effect, melting glaciers, drought and desertification, the decline of drinking water resources and equatorial forests, food issues, earthquakes, floods, hurricanes etc. disasters, regional wars, terrorist activities constitute the most important environmental problems of our world in recent years.

4. Law and Ensuring Global Environmental Peace

Today, the environment is evaluated together with the concepts of security, peace, tranquillity, justice and rights. Domestic security is not considered separate from rapid population growth, internal migration flowing into major settlement centres, and the decline in agricultural production. As far as external security is concerned, we all know that natural assets such as water and oil take the most important place at the heart of unrest and political debate between countries. Many issues, from the passage of heavy ships through the Straits, the ecological risks associated with transporting oil, the use of common streams, the common sky, the supply of natural gas for warming from foreign countries, clearly show the links between environmental, foreign policy and peace issues. There are many common problems that can easily lead to new conflicts on a global scale. Environmental destruction, borders, ethnic and national competition, resource shortages are all related to each other. In other words, the environmental problem is not just a region's problem; it is directly related to the worldwide struggle for peace.

The acquisition of law feature of the environment has been the result of a number of developments in the social sphere. The most important of these developments is that environmental problems gained great importance when they reached dangerous dimensions after the second half of the 20th century and became one of the leading and multidimensional problems for all societies. 20. Although environmental problems that negatively affect the human living environment and health were encountered until the century, not serious environmental problems had arisen that threaten living life as a whole and even the ecological balance that forms the whole of these relations. After the environmental problems made themselves felt intensely, it became clear that the problem affected all humanity and the future of the world. In parallel with the development of environmental awareness, albeit slowly, the idea that environmental resources such as water, soil and air should be protected, which are seen as the source of economy and development, has started to dominate social life. It was necessary that environmental measures be taken and that these measures are legally secured.

Establishing the connection of the subject with the law is a natural process. To regulate relations between the environment and humans, setting certain rules of conduct, one of the most effective tools that can be used to solve environmental problems is the law order. In order to solve the environmental problem, if it is necessary to establish some rules of conduct in the relations between man and the environment, they will of course be in the form of rules of law. If the state is going to use some powers to solve environmental problems as well as to solve other problems, it has to do so in accordance with the rules of law (Aybay, 1997:311). Therefore, the basic condition for solving the problems is to establish rules of law related to the environment. The environment is contaminated when used by humans, and the contaminated environment must also be cleaned. As a result, rules have begun to be produced to the extent that they will form an independent branch of law as a means of implementing policies created to solve this problem.

In the sum of all these, environmental law has emerged as a new branch of law that protects, develops and regulates the law situations of the elements that make up the natural and artificial environment of man. Environmental law is a branch of law that protects the elements that make up the natural and artificial environment of man, develops and regulates their legal status (Hamamcı, 1983:245). Environmental law can be expressed as a whole of efforts to protect environmental values by creating legal guarantees. For the future of man, who is part of nature, there can be no understanding that does not protect nature. Therefore, the basic philosophy of environmental law is cleanliness, keeping of cleanliness. It tries to protect the environment despite people. This protection is based on the elements of preventing pollution from occurring, cleaning the resulting pollution and improving the environment (Ertan, 2004:373).

Environmental law aims to limit human activities for the purpose of protecting the environment. In fact, the fact that the legal dimension of the environment is proof that the issue has reached the solution stage. But environmental law is not just an indirect means of solving the environmental problem. When necessary, the direct solution is through a comprehensive “environmental policy”. The rules of law function only according to the principles or objectives determined by such a policy. “Environment” is used in the broadest sense and with its dynamic side in explanations related to environmental law. Environmental law must have the ability and flexibility to adapt to time, space and social conditions in order to develop solutions suitable for time and space. One of the most important indicators of the open direction of law to development and change is environmental law. It is a branch of law that was born and developed in the century; its formation is quite new (Ürkmez, 2005). Determining the place of this branch of law, which is very young and whose exact place in the law is not clear, in the classical distinction of the law system is an important problem. According to the interests and values intended to protect and the characteristics of the

organization that will carry out the practice, there is no doubt that environmental law is dominantly “public law”. However, it also benefits from areas such as the law of obligations and civil law in the field of private law. Therefore, environmental law can be considered public-private. Environmental law has the qualities of being dynamic, being interdisciplinary, being a public-private branch of law, being far-reaching and limiting (Ertan, 2004:374). It is possible to consider the sources of environmental law under two headings as national and international sources. National resources include constitutional regulations, legal regulations and other regulations. International sources, on the other hand, are considered agreements, contracts and international customary.

Global peace means that all the nations of the world live in peace. Achieving global peace requires organized effort. To prevent war, it is necessary to organize the peace. After the Second World War, the fact that pro-peace international public opinion is loudly its voice more and more every day is promising for the future of world peace. First of all, the United Nations Institution contributes to peace by acting impartially in the peaceful settlement of international disputes. Another aim of peace work should be to reach out to the public. For this, it is necessary to develop a "new language" of peace. United Nations derives its power to make peace from agreements and decisions and the law. Peace finds its expression in the universal identity of law. Every step away from peace also refers to a departure from the law. It is necessary to be decisive, not only by advocating peace during the war but also by peaceful perception during peace. For this, it is necessary to turn the desire for peace into the demand of the masses and ensure the participation of society; to develop effective options against the current violent fabric of society. Peace cannot be mentioned in any environment where material and spiritual violence is applied to a person. Since the state of war based on armed struggle is the greatest violence, at the first stage it must be ensured that it will end; then it is necessary to establish for social order free of violence and prepare the conditions for peace.

Peace also means giving importance to the protection of the environment in which we live in harmony with nature, and stop the initiatives that threaten human and environmental health. Global peace includes respecting cultural, ethnic, racial, sexual, religious and spiritual diversity as well as the preservation of biological diversity and other lifestyles. It is a fact that local governments and local associations have a special position to assist national governments in improving the living conditions of slums; eliminating ignorance and all forms of discrimination; and developing a culture of tolerance for cultural and religious differences. Living in peaceful conditions is a prerequisite for preserving our historical and cultural values. Peace can also be served by acting in a spirit of cooperation and solidarity in the protection of historical and cultural values (Keleş, 2003). As individuals also are personally responsible for achieving social cohesion and ecological balance. In order to strengthen peace, economic justice

and the health of the planet, all people on earth are responsible. Sustainable peace ensures peaceful solutions to problems that concern individuals, societies and nations at both regional and global levels.

Poverty, hunger, famine, unemployment, homelessness, social insecurity, denial of fundamental rights and freedoms, etc. all abstinence are elements that disrupt the peace. In fact, we live in an era where we have the methods to solve the problems arising from poverty, war and social conflicts. It is a great step for world peace that information technologies replace the war industry. Science and technology must be at the service of humanity to spread democracy, equality and justice among all countries of the world. Administrations are in a key position in eliminating deficiencies, establishing infrastructure, and achieving the necessary services for the health of everyone. In terms of justice and equality of opportunity, all people should have the right and opportunity to benefit equally from the resources offered by society and the environment. There is no environmental justice without social justice, and there is no social justice without environmental justice. Social justice is the equitable distribution of social and natural resources, both locally and globally, in order to provide all citizens with all opportunities for personal and social development and to meet basic human needs unconditionally.

The two organizations operating in the international arena that initiated comprehensive environmental protection efforts in the world are the United Nations and the European Union. The most important development on the environment at the international level is that the issue is addressed by the United Nations (UN) (Budak, 2004:387). Undoubtedly, the United Nations is the most important organization in organizing the environment at the international level. It has been working on environmental protection, improvement and environmental pollution since 1971. It wanted to direct all members of the international community to act jointly on the environment and it ensured the convening of conferences on an international scale (Hamamcı, 1997:401). These conferences have shown the whole world that environmental problems can only be solved with international cooperation. With the Environment and Human Conference organized by the United Nations in Stockholm on June 5-16, 1972, environmental problems were first discussed in the international arena and the right to the environment was expressed. The decisions taken at the conference are important in terms of serving to create global awareness of Environmental Protection and the expression of the “environmental right” as a human right. The most important development in the development of environmental law at both national and international levels has been the Stockholm Conference. If a starting point is to be taken in terms of legalization of the environment, the most appropriate date is undoubtedly the convening of the Stockholm Conference. Prior to this conference, international environmental law was not an independent

branch of international law. The process required for the formation of international environmental law has begun (Özdek, 1993:73).

The UN organization UNESCO (Organization for Education, Science and Culture), which carries out work on the environment, has established a new human rights group where common values can be developed through solidarity. Apart from fundamental rights, economic and social rights, the newly created rights announced to the world as third generation rights. The right to the environment has taken its place among the new generation human rights called third-generation rights or solidarity rights together with the right to development, peace and benefit from the common heritage of humanity, which emerged as a constitutional right and affects the legal order (Hamamcı, 1983:246). The right to the environment gives the individual the right to ask the state to realize an environment in which he can live in freedom, equality and prosperity. Based on the concept of environmental right, environmental regulations have started to take place in law texts (Özdek, 1993:71). It has been focused on whether this right can be controlled by a body outside the state. In case of violation of the right to the environment, if a solution to the problem cannot be found within the country, it is important for the protection of the right to the environment to go to the supranational authorities. Securing the right to the environment by an international or supranational body will mean restricting the state's area of action in this area (Kaboğlu, 1996:134).

With the process that started with the Stockholm Conference, many international agreements have been implemented in the field of environment. In 1973, the United Nations Environment Program under the umbrella of the short name UNEP, the Mediterranean Action Plan in various regions, The Action Plan for the Protection of Coastal Marine Areas of the East Asian region, etc. these are some of the works being carried out. (Keleş & Hamamcı, 1993:163). The most important development that contributes to the development of international environmental law is the international conventions created to protect places that are sensitive or threatened due to transboundary pollution. The report entitled *Our Common Future*, also known as the Brundtland Report, presented to the UN General Assembly by the UN Environment and Development Commission in 1987; it is the first study that brings the concept of 'sustainable development' to the global agenda. The concept of Sustainable Development, which is shaped as an alternative to the dominant "continuous development" approach, which evaluates the economy and the environment as two competing phenomena, has been expressed for the first time. The report focused attention on the negative effects of environmental degradation on economic development (Yıkılmaz, 2003:114).

The United Nations Conference on Environment and Development, held in Rio de Janeiro in 1992, revealed the necessity of revising the measures taken so far,

due to the emergence of a series of global environmental problems such as acid rain, ozone layer puncture, Chernobyl and radiation hazard, and deforestation. The most important step taken on global warming was the UN Framework Convention on Climate Change, which was signed by the United Nations at the Rio de Janeiro conference in 1992. The Rio Conference notes that the two-way emphasis on the economy-environment relationship is made in favour of the economy. The Rio Declaration mentions secondary rights such as the right to be informed, the right to participate and the right to apply. These include participation in the formation, supervision and monitoring of the decisions of the administration and, if necessary, the exercise of the right to apply against irregularities. These can happen thanks to social solidarity. The Rio Conference, Agenda 21 (Ajenda 21) and two international conventions such as the Convention on Climate Change and the Convention on Biological Diversity have been opened for signature and the principles for forest protection have been determined. Agenda 21 is like a homework assignment that describes what governments, official, civil organizations should do in the 21st century. It is a legally non-binding agreement (Şahin, 2004:415). It imposes common obligations on the parties in order to reduce human-induced greenhouse gas emissions, taking into account national and regional differences within the framework of “common but differentiated responsibility” (Ulueren, 2001:39). Under the UN Framework Convention on Climate Change, a protocol was agreed in Kyoto, Japan, in 1997 in which the obligations to be implemented were determined. The Kyoto Protocol stipulates that industrial countries will reduce carbon dioxide, which is the most important gas that causes the greenhouse effect, to 5.2% below the 1990 level by 2012 (Yıkılmaz, 2003:303). So far, 119 countries have signed the protocol, but for it to take effect, it must be adopted by countries responsible for two-thirds of the emissions that lead to the greenhouse effect. The US, which has shown the same resistance as Russia and is responsible for 25% of the greenhouse effect, has not signed the protocol yet (Aral, 2003:3). As a binding regulation that shapes the process of adaptation to global environmental policies, this protocol is a general framework in which such policy adaptation will be implemented. However, the power of such protocols is sufficient to some extent for protection. If we want to protect the climate of our world in the long term and prevent wars based on oil, renewable energy resources technologies such as wind and solar should be focused on.

The environment does not only in the national area but also has an impact on the global structure. Environmental protection measures were initially attempted to be formed by the adoption of a number of principles at international conferences. Later, in the national texts, they envisaged some administrative sanctions regarding the protection of the environment at the first stage, but over time, it was understood that these administrative sanctions were not sufficient, and they were ensured to include provisions on the environment and criminal sanctions. In the constitution of many countries, regulations that impose duties and

responsibilities on the state-individuals for the protection and development of the environment have begun to be seen (Özdek, 1993:66). In the constitutions for the protection of the environment, prevention of environmental pollution improvement, and improvement of environment sections related to the environment were created, regulations such as laws and regulations were made. Environmental law, in addition to legalization activities at the national level, also creates activities through treaties at the international level. International agreements on the prevention of environmental problems that have gained a global dimension, protection of natural resources and determination of the principles of use, judicial decisions on the environment and the case law resulting from these judicial decisions are important developments in environmental law. The basis of the Environmental Law branch consists of the sum of these rules.

Looking at general developments in the world, the environment is one of the most flexible issues. Even international treaties could not show much inhibition when evaluated from the point of view of environmental protection. Regulations subject to international conventions are multidimensional due to the flexible attribute of the environment. In a sense, wherever pollution has occurred on Earth, the International Convention on it has been created or attempted to be created. But since it is possible for states to become parties to the convention of their own volition, the effectiveness of the convention decreases at the beginning. The issue of the implementation and supervision of the contract could not fully be resolved. The characteristic of international conventions on the environment is that they bring wide mobility possibilities to states. States can withdraw from the treaty after a certain period of time if they wish. This constitutes the weak point of the contracts being made. Some contracts offer no other way than to resolve problematic issues by discussing them, while some contracts provide for the establishment of arbitration committees or commissions that are sanctioned for the solution of the problem (Çevre Mevzuatı, 1995:20).

Because of the problems in the international arena, the environment has become more important in terms of interstate relations every day. Reasons such as the fact that environmental problems do not know borders, that lost environmental values are the common heritage of all humanity, require that environmental problems be addressed at a global level. As a requirement of this, global problems are subject to international agreements between states. These regulations are the most important documents of international environmental law (Özdek, 1993:66). Regulation of environmental law in accordance with international law means bringing solutions to environmental problems different from national regulations. In solving environmental problems between countries, three basic principles called treaties, international customary, and general principles of law are used. These basic principles bring international organizations and states to the forefront. The State plays an important role in the creation, implementation and supervision of legal rules and has much broader authority in terms of purpose

and implementation than international organizations, as it is the only body that sets rules within the borders of the country (Pazarcı, 1983:203-204). For this reason, the state is the most important factor in terms of international environmental law (Pazarcı, 1983:2). International law is binding inter-states. However, it is clear that this binding feature does not always apply. Today, the most important problem is how the state will sanction it when it does not comply with the rules, and who will apply the sanction. Court decisions of an international nature also contribute to the development of international law. One of the first examples of environmental issues being the subject of international courts is the practice between Sweden, Norway, Denmark and Finland, which has been valid since 1974. As part of these developments, some countries have allowed citizens of countries affected by pollution to resort to legal means necessary to remedy damage within the country's judicial system (Pazarcı, 1983:204). International Court decisions have recognized that the country causing the pollution is responsible for damages caused by pollution occurring outside the country's borders. In this way, the country that has suffered damage due to pollution has obtained the right to compensate and repair the damages that have occurred from other countries. On the other hand, with increasing awareness of problems in the international arena, the understanding of the sovereignty of the state has begun to be interpreted more limitedly. The understanding of absolute sovereignty of States has become increasingly limited, and the existence of a power that can play the role of arbiter between states has been accepted (Pazarcı, 1989:387). The understanding of international responsibility for the environment has changed over time. At first, the condition of intent was sought for the responsibility of nations to each other. Overtime, it has become a condition whether there is a defect. Then, the understanding of holding countries responsible for any behaviour contrary to international law has become dominant (Pazarcı, 1989:385).

A typical example of a supranational organization is the European Union (EU). The Union has more power than any other international organization. Decisions taken by the EU on the environment are binding for all members. For this reason, the EU places certain limits on the sovereignty of states. The aim of the EU is to apply some common rules to all member states as a team (Pazarcı, 1991:62). In order to establish these common rules, the member state delegates its implementation and enforcement power in accordance with the community legislation. EU member states must both adopt the legislation of the Union and not pass laws contrary to the legislation of the Union. States participating in the EU are in-principle commitment to the legal transactions made before by the organs of the Union from the moment of accession. In order for transactions to take effect, the approval of the relevant state is not required (Pazarcı, 1991:62). The European Union has given more and more importance to the environment after the 1970s. The environmental issue was discussed at the heads of government meeting on 19-20 October 1972. As a result of these developments,

Environmental Action programs were prepared and these programs became the basis for the environmental policies of the Union. Another important development is that the Community Legislation, which previously included indirect provisions on the environment, has become a direct regulator of the environmental issue with the signing of the European Single Act in 1986. The protection of environmental values with the environmental heading added to the EEC founding treaty has become one of the common goals of the community (Özdek, 1993:77). On the other hand, with the Maastricht Treaty, which entered into force in 1987 and made amendments to the Treaty of Rome, an environmental clause was among the main objectives of the Union for the first time (Yaşamış, 1995:176). Candidate countries also have to apply the standards adopted by the Union in the field of environment and health and add them to their national legislation.

Towards the end of the 1970s, the law dimensions of the environmental problem began to become clear throughout the world. In Turkey, where the same process is followed, it is known that interest in the environment began in these years. Regulations regarding the compensation of damages caused by environmental pollution in Turkish law can be examined in three stages. In the first stage, legal regulations have been made that are not directly related to the environment but are used to serve the purpose of environmental protection. From the point of view of private law, a responsibility that is not based on a defect is essential (Ertan, 2004:380). In the second stage, it is seen that special laws have been adopted in terms of dangerous activities. Compensation for damage has emerged as a very important problem. The third stage is the stage where direct environmental regulations are made for the prevention of environmental damage and compensation of damages (Ertürk, 1996:174). In the period beginning after 1982, it is observed that legal regulations were made directly for environmental protection and improvement. Environmental Law, Zoning Law, Cultural and Natural Assets Protection Law, National Parks law, which came into force during this period, are some of them (Ertürk, 1996:188). The 1982 Constitution made direct regulation on the environment. The regulation regarding the “environmental right”, which is directly related to the environment in chapter 3, is as follows: “Everyone has the right to live in a healthy and balanced environment. Improvement the environment, protecting environmental health and preventing environmental pollution is the duty of the state and citizens.” The inclusion of this article in the Constitution is a product of the development of environmental awareness. The provision has imposed a legal duty and responsibility on the state and citizens in terms of protecting the environment (Ertürk, 1996:188). The adoption of environmental protection regulations and the inclusion of the environment in the field of national law through agreements and contracts have influenced the development of Environmental Law in Turkey. The basic law governing environmental policies in Turkey is undoubtedly 56 of the Constitution it is Environmental Law No. 2872 issued on the basis of its article.

Environmental Law is one of the Basic Laws of Turkey related to the environment. According to Article 3/a of the new Environmental Law No. 2872, which was amended by law No. 5491 of 2006, the protection of the environment was adopted as a common task of all citizens: "everyone, especially the administration, professional chambers, unions and non-governmental organizations, is responsible for the protection of the environment and the prevention of pollution and is obliged to comply with the measures to be taken in this regard and the established principles." By law, the Environmental Council was established, polluting activities were prohibited and it was envisaged to create protected areas through environmental protection, to establish special environmental protection zones and to prepare an Environmental Impact Assessment Report for institutions and enterprises that may cause environmental problems.

One of the most important principles adopted by Environmental Law No. 2872 is the principle of "polluter pays". According to article 3/g of the Environmental Law, "expenses for the prevention, limitation, elimination and improvement of the environment of pollution and degradation are covered by the polluter or the one who causes the degradation." In the Environmental Law, the idea of "environmental protection" regarding the responsibility of the pollutant is seen as a principle. 28 of the Environmental Law on the responsibility of the polluter, according to the article; "those who pollute the environment and harm the environment are responsible for the damage caused by the pollution and degradation they cause, without requiring defects." In this way, the law foresees the undeflected responsibility of the polluters and adopts the principle of objective, that is, "undeflected responsibility". In environmental law, objective rules of law apply not subjective responsibility. It is so difficult to combat pollution with subjective responsibility. It is necessary to fight pollution and eliminate that pollution as soon as possible. Catching the polluter and unending the court prolong the pollution. Environmental pollution is a very technical issue, and it takes a very long time to prove the existence of pollution and damage from pollution. In addition, in some cases, determining the person responsible for the pollution and the degree of responsibility can be a problem. In addition, environmental pollution usually affects more than one person, not one person. There are problems in the determination of polluters and pollutants and the degree to which they are affected. If the damage that pollutants cause to society is too great, the "polluter pays" rule may become unworkable (Keleş & Hamamcı, 1993:138). For this reason, it is aimed to cover the damage rather than to make the harmer responsible by bringing the damage to the forefront in the compensation law (Ertürk, 1996:175-177). These cases are handled by the administrative courts and the State Council, which are responsible for the administrative judiciary in Turkey.

5. Conclusion

In societies trying to complete their democratic development, the struggle for peace cannot be considered separate from the struggle for democracy. Peace and democracy are two interconnected socio-political concepts. There is no democracy without peace; there is no peace without democracy. While fighting for peace, it is also necessary to fight to win democracy with all its elements. Otherwise, it is impossible to achieve peace. It is impossible to distinguish between the values of peace and the environment. Environmental protection depends on maintaining peace internationally. In a place where there is no peace, the protection of the environment is also out of the question. Peacelessness threatens not only the environment but all life in the world. Therefore, it is important to achieve a universal peace that concerns humanity as a whole and applies to all times. A universal understanding of peace regulates the requirements for a person to live in harmony with their social, political, economic, and ecological environment. But it is necessary to make the peace as sustainable as it is to keep it. Because environmental sustainability also forms the fundamental of peace. Peace needs a world that is sustainable and where the needs of every species and every living being can be met. Continuous and universal peace is a goal that humanity will achieve at the end of a long-term struggle. The rules of law regarding the environment have a human-centered approach. It is based on the principles of protecting existing natural resources, improving the environment ones and taking precautions against pollution, taking into account the existence of humans.

The fact that our living environments remain healthy and balanced depends on ending our war with the environment and making peace with it. This understanding has made itself felt both in domestic law and internationally. But despite all good efforts, the desired result has not yet been achieved, and on the contrary, global environmental problems have become even more severe. At the international level, states have a flexible area of action, recognition of the opportunity to leave treaties, and the establishment of the principle of volunteerism in solving environmental problems have been important factors in severe the problem. The general acceptance of environmental law depends largely on the attitude of national states. Because both national legislation and international conventions and recognition of supranational sovereignty are left to the will of states. As a result, although many environmental legal regulations have been made, environmental problems have increased exponentially. Thus, the world has come to the brink of an ecological crisis. There is a close relationship between world peace and the development of environmental awareness. In order for environmental peace to be effective at the international level, first of all, environmental values must be recognized as the common presence of all societies in the international arena. This acceptance will increase environmental awareness in the social space.

If environmental awareness increases in the social space, environmental regulations and global environmental peace will be more easily accepted. A healthier and livable environment will only be possible with increased social participation in this regard and the right of everyone to live in a healthy and balanced environment. International cooperation must be increased to eliminate the terror of nature and the environment. Everyone has a duty to protect the environment in this regard. What needs to be done is to look for ways to base the history of today and the future on feelings of peacefulness. In order for our narrow and selfish approaches to peace to be transformed to a holistic and universal level, the evolution of the human mind is needed. Peace, which will ensure social integration at settlement centers, is possible with humanization. Peace, which will ensure social integration at settlement centers, is possible with humanization. In this way, based on each individual, real power will be achieved, and the individual will approach events in line with the unity of humanity from a global evolutionist point of view. Maybe then the legal protection of the environment will be replaced by the integrated protection of the environment.

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