

## Major Components of Environmental Protection Process

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*Abstract:* - Every law is realized due to practice processes. But there is a long way having various components between law and practice. Theoretical structure and practice process are two main components of protection of the environment. Environment which means everything around human includes both natural and cultural features. It should be protected as a whole and the natural resources should not be exhausted. Environmental law is only the beginning of environmental protection process. It determines a theoretical frame including a number of rules regarding environmental protection. The second component is environment sensitive planning, which is a bridge between environmental law and practice, on country, region and local scale. The third component of environmental protection process and the first component of practice process is governance. The concept of "governance" which means the process of decision-making and the process by which decisions are implemented or not implemented is as old as human civilization. Local governance is of great importance in environmental protection process. Environmentally sensitive local administrations and environmentally sensitive community that has environmental consciousness are essential components of good governance. In this paper, importance of the components shortly explained above and relations or interaction among each other in environmental protection process have been considered and expressed.

*Key-Words:* - Environmental consciousness, Environmental law, Environmental protection process, Environmental sensitive governance, Environmental sensitive planning

### 1 Introduction

The man has made use of elements which form his environment. The man, like many living species, can't live without air, water and soil. Furthermore, he has utilized other living species, which live due to these essential elements like him, for his benefits. When mentioned relation between man and nature, man and environment, it has been understood that the man has relationship with both biotic and abiotic elements in his environment.

Environmental problems have originated from both relation between man and nature and man has turned his environment into a form suitable for his necessities since the beginning [1]. Beginning after the man dominated the nature, rising to the explosion point during the industrial development process, environmental problems, which were the death of mass, were the most significant agenda of the last century. Unbelievable ambitions and imperialist behaviors of superior forces and applications not considering human rights and unfinished wars show that the most important

problem of the world will be environmental problems in this century which we live in.

Environmental problems have been described with industrialization, irregular urbanization, rapid increase of population, unconsciously utilization of natural resource. In order to be able to cope with environmental problems, all participant states were commissioned to provide their societies with living right in healthy and balanced environment by international committee, which believed that the basic way of providing of sustainability of life is environmentally sensitive individual, society and administrations, gathered in 1972. Following the conference, many states revised of their constitutions and so, environmental law took part in the terminology of common law.

In Turkey, the concept of environment was not directly but indirectly mentioned in the content of many laws in the 1930s. Environmental right, that is, living right took part in the body of health law. 10 years after United Nations Conference, it was realized by means of environmental law that environment was mentioned in the content of a law

with the aim of environmental protection as a whole.

## 2 Environmental Protection Process

Environmental protection process which includes several components depends on all components which aim environmental protection. Major components of environmental protection process are environmental law, environmentally sensitive planning, environmentally sensitive governance and environment consciousness [Fig.1]. Environmental protection process cannot be experienced and environment cannot be protected without one of these components.

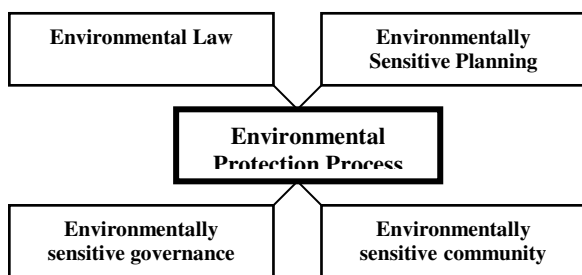


Figure.1 The major components of environmental protection process.

### 2.1 Environmental Law

Environmental law is only the beginning of environmental protection process. It determines a theoretical frame including a number of rules regarding environmental protection. Environmental law is a body of law, which is a system of complex and interlocking statutes, common law, treaties, conventions, regulations and policies which seek to protect the natural environment which may be affected, impacted or endangered by human activities. Some environmental laws regulate the quantity and nature of impacts of human activities. Other environmental laws are preventive in nature and see to assess the possible impacts before the human activities can occur.

Environmental law as a distinct system arose in the 1960s in the major industrial economies. While many countries worldwide have since accumulated impressive sets of environmental laws, their implementation has often been woeful. In recent years, environmental law has become seen as a critical means of promoting sustainable development or sustainability.

### 2.1.1 International environmental law

International environmental law is the body of international law that concerns the protection of the global environment.

The 1972 United Nations Conference on the Human Environment issued the declaration, known as the Stockholm Declaration, containing 26 principles and 109 recommendations. The creation of an environmental agency was also approved, now known as UNEP. The 1992 Rio Conference, known as the Earth Summit, led to the adoption several important legally binding environmental treaties, namely the 1992 United Nations Framework Convention on Climate Change and the 1992 Convention on Biological Diversity.

Another influential law document was Agenda 21, a guide to implementation of the treaties agreed to at the Summit and a guide as to the principle of sustainable development. Agenda 21 also established the United Nations Commission on Sustainable Development and the Global Environment Facility. Finally, the non-legal, non-binding Forest principles were formed at the Earth Summit.

Policy concepts, public participation, environmental justice, and the polluter pays principle have informed many environmental law reforms in this respect.

### 2.1.2 The body of environmental law in Turkey

The first institution to consider environmental protection was commissioned 9 years after environmental law had been brought into force.

Considering protection of the environment as the whole, it has been realized that environmental law is necessary but not enough to protect environment. In fact, in addition to environmental law, it is also necessary that in environmental protection process community should have individuals and local administrations which have environmental consciousness. When taking into account essential components of environmental protection process, it will be realized that none of the components is enough to protect environment and to solve environmental problems. Only when all the components support each other, environmental protection can be provided as a steady action.

In application process of laws which are thought that they should be realized by practical process, there have usually been interruptions due to conventional behaviors of communities and their perception of democracy. Therefore, it may not be considered public benefit and environmental values to be protect because of the level of environmental

consciousness of the society and sometimes curiosity relevant to political benefit of governments [2].

The body of Environmental Law practiced in Turkey, which is direction of environmental instructions of EU, has experienced diversity, change and disharmony process. Although Environmental Law was revised with the aim of the protection of environment, which is common for all living creatures, the new version of environmental law in Turkey seems that will be insufficient to prevent the destruction of environmental values and of ecological balance.

While the law says that authorized institutions making land use and resource usage decisions should take into account the principle of sustainability, the authorized institutions have been ready for burying Hasankeyf inheritances under the water, which demonstrates cultural richness thousands of years, which is necessary to be protected and transmitted to the next generations. For another example; There are certain decisions on establishing hydroelectric plants on Firtina Valley in East Black Sea Region, which has a special ecosystem with flora and fauna, which is one of the significant points in the world. These planning decisions should not be shown as if they were suitable for the principles of sustainable environment. In addition to these, government has made a decision to establish a nuclear plant in Sinop which has a wonderful nature, in spite of the fact that all of non government organizations and professional unions have objected to the nuclear plant.

Interference of the judgement has come about in the long after contamination process. The judgement process has been completed after natural resources lost some values from both quantity and quality point of view.

## 2.2 Environmentally Sensitive Planning

Planning is a decision making process regarding future. In this process, in which spatial scenario - related to social life- is framed, firstly series of spatial analyses should be practiced. In all planning process, natural resources and ecological characteristics should be taken into consideration [3].

In a broader term, planning is the formation of spatial arrangements so as to improve the social welfare and to supply the needs. Land use decisions which have been made during the process of physical planning determine the relations of human/life/nature and their interrelations with each

other. With regard to this relation and interaction, while man is provided with the new and better life conditions, the formation and sustainability of a healthy environment should be a "must" in order not to ruin the life conditions of the future generations [4].

Nowadays, in the world, planning strategies gain a new perspective which considers natural resources and potentials, and focuses on the sustainable development. Furthermore, it is observed that both regional and local planning have focused on the ecological bases. All over the world the principle that provides the harmony of the socio-economical development with the geographical aspects of the planning area and preserves the ecological balance has been accepted. Since the use of natural resources without total consumption is one of the major concerns of the sustainable development, the major goal of planning should be preserving the ecological balance. The most damaging activities that have been done for the urban development, the pollution in the cities, all these brought the necessity of taking the primary precautions related to the preservation of nature in urban planning strategies. In Turkey a planning process which takes environment into consideration should be developed since the environmental problems are getting worse [4].

Since land use decisions related to residential areas influence the economical activities on certain subjects, these activities also influence the physical environment, the topography on which these activities take place, soil, natural biotopes such as flora and fauna; and, these activities constantly affect the ecological structure; therefore, environmental problems occur [5].

Since it is the case throughout the world, in Turkey while framing the land use decisions that aim at economical welfare the preservation of the natural resources and ecological balance must be regarded as the major principle. Hence, in both settled and unsettled areas, ecological planning must be taken into consideration in order to preserve and develop the urban and rural environment [6]. Built environment improving together with the economical growth has created a great deal of damage on the natural resources. Thus, the land uses should be determined by rational and environmentally sensitive planning process [7].

In environmentally planning process, it is of great important both environmental and strategic environmental impact assessments. Environmental impact assessment is one of the significant means

of environmental management because it has enabled determination of environmental problems and prevention them to come out [8]. So, it has enabled decrease of economic costs, besides environmental and social costs. In order to observe natural resources and to consider natural potential during decision making process related to land uses in a settlement, strategic environmental impact assessment is necessary to be realized at the beginning planning process, whereas environmental impact assessment has been realized after planning, but before any sectoral action [9].

**2.3 Environmental Sensitive Governance**

Recently the terms "governance" and "good governance" have been increasingly used in development literature. The concept of "governance" is as old as human civilization. Simply put "governance" means: the process of decision-making and the process by which decisions are implemented. Governance can be used in several contexts such as corporate governance, international governance, national governance and local governance. In this paper local governance has been emphasized because it is local democracy on the basis of national governance. Furthermore, environmental protection process can be enabled by means of local governance policies.

Good, effective and environmental sensitive public governance helps to strengthen democracy and human rights, promote economic prosperity and social cohesion, reduce poverty, enhance environmental protection and the sustainable use of natural resources, and deepen confidence in government and public administration. Major elements of democracy and of good and environmental sensitive governance are participation, consensus, accountability, effectiveness and efficiency which valid at the local level [Fig.2].

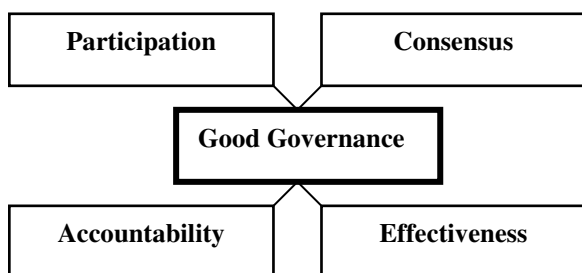


Figure. 2 Components of good and environmental sensitive governance

**2.3.1 Participation**

Participation by the whole community with both men and women is a key cornerstone of good governance. Participation could be either direct or through legitimate intermediate institutions or representatives. It is important to point out that representative democracy does not necessarily mean that the concerns of the most vulnerable in society would be taken into consideration in decision making. Participation needs to be informed and organized. This means freedom of association and expression on the one hand and an organized civil society on the other hand.

**2.3.2 Consensus oriented**

There are several actors and as many view points in a given society. Good governance requires mediation of the different interests in society to reach a broad consensus in society on what is in the best interest of the whole community and how this can be achieved. It also requires a broad and long-term perspective on what is needed for sustainable human development and how to achieve the goals of such development. This can only result from an understanding of the historical, cultural and social contexts of a given society or community.

**2.3.3 Accountability**

Accountability is a key requirement of good governance. Not only governmental institutions but also the private sector and civil society organizations must be accountable to the public and to their institutional stakeholders. Who is accountable to whom varies depending on whether decisions or actions taken are internal or external to an organization or institution. In general an organization or an institution is accountable to those who will be affected by its decisions or actions. Accountability cannot be enforced without transparency and the rule of law.

**2.3.4 Effectiveness and efficiency**

Good governance means that processes and institutions produce results that meet the needs of society while making the best use of resources at their disposal. The concept of efficiency in the context of good governance also covers the sustainable use of natural resources and the protection of the environment.

**2.3.5 Environmentally sensitive local administrations**

That the planners make environment sensitive plans is only the first step of environmentally sensitive practice process. It is necessary that local

administrations should have environmentally sensitive approach in order to provide sustainability management of the natural and economic resources. In practice, that planners make environmentally sensitive plans is only the beginning of environmentally sensitive practice. In order to be able to provide sustainability of environmentally sensitivity, this aim should be adopted by all the community, especially by local administrations. Hence, it is of great importance to create a new and environmentally sensitive structure of local governances to manage to sustainable management of natural and economic resources.

Environmental problems are local problems as much as global because of their origin. Hence, it is necessary to think globally, but to act locally for solution environmental problems. Local policies are of great significance for environmental protection. Local administration is one of the major institutions of democracy. Local administrations should have some major points of view in order to provide environmental protection:

- Adoption ecological and economic planning policies
- Infrastructure planning
- Effective management and governance
- Participation of local society

In the context of these rules, it is essential that the principles of protection and usage of natural and cultural resources should be used as a guiding tool. There is a necessity planning process to gain strategic dimension relevant to these principles [10].

In the content of environmentally sensitive model of local governance, institutions authorized and responsible for environment should be together. Further, water management, waste water management, waste management, and protection of the water quality and air quality, transportation services should be included by the environment management office.

Environmentally sensitive local administration, which has willpower to prevent contamination at the beginning, determines the manner of actions to solve environmental problems before they become a global problem and acts together with people who live in that region.

Environmental services which are of public quality are under responsibility of government. The living right in a suitable way for health conditions is an integrated right with the other rights. Governments cannot avoid responsibility to protect environment and to enable this right to society [11].

## 2.4 Environmentally Sensitive Community

Implementation of every environmental policy, program, project and plan comes down to environmental education especially at the local level. Environmental education is the same common denominator for them all. While education is essential, it is useless if environmental consciousness is not developed as well. Solutions to environmental problems cannot be discussed unless people possess some understanding of ecology.

In order to move toward conservation, emphasizing the role of individuals in a community must be the first target. Education, the development of environmental consciousness, and social responsibility must become a priority.

Environmental consciousness is something that lies at the heart of humanity--it must develop almost as a matter of instinct. A simple effort should be made on an individual level to identify connections between individuals and the environment in which they live. Basic curiosity and desire to understand the land and relations of organisms to each other should be established. Humans have certain tendency to destruct their environment. This tendency will be only changed with the development of education and emphasis on environmental consciousness as part of social responsibility. Education and environmental consciousness may dissuade individuals to abuse their lands and their environment. Also public awareness plays a key role for application of the preventive principle. Hence, it should be provided to create an overall understanding of the impacts and effects of behaviors and lifestyles - on both the local and global environments, and on the short-term and long-term.

The components mentioned in governance section are also valid to enable social consciousness. Therefore, being a contributing member of any community, each individual has a responsibility to develop their environmental consciousness. In the context of environmental conservation, this can be as basic as "think globally, act locally." An important aspect of social responsibility is to be aware of all impact.

## 3 Conclusion

From the above discussion it should be clear that environmental protection process depends on several factors from environmental law to environmental consciousness of community.

Environmental law is only the beginning environmental protection process. Both in many countries and in Turkey, conceptual frame of environmental protection has been determined by environmental law. Although strict rules were determined regarding environmental protection, in some country and in Turkey, there has been lack of awareness relevant to natural resource utilization. It is political benefits and low level of environmental consciousness. Any law cannot be sufficient to realize whatever it aims, but several components are necessary for the aim in a long way from law to reality in practice. Hence, the whole components between environmental law and the reality of environment protected should act for environmental protection.

It is essential that ecological approach should take part into planning process and plans should be made according to ecological planning principles. There must be strategic environment assessment at the beginning ecological planning process. It should be considered human impacts on the natural environment in both planning process and in practice process after planning. It is also necessary to observe natural resources and human impacts on them continuously.

Environmentally sensitive governance is an ideal which is difficult to achieve in its totality. Very few countries and societies have come close to achieving environmentally sensitive governance in its totality. However, to ensure sustainable human development, actions must be taken to work towards this ideal with the aim of making it a reality. It is good governance to realize environmentally sensitive plans, to provide individuals, groups and societies with opportunities to be actively involved in exercising their skills of environmental citizenship and be actively involved at all levels in working towards sustainable development. Finally it is local administration and good governance to enable environmental protection.

It is tendencies and consciousness of community in interface between theoretical structure and practice. Environmental protection process can be realized thanks to environmental consciousness of community, besides environmental law and environmentally sensitive plans. It is essential that both local administrations and users, which utilize urban space at any level, should concern natural resources.

In Turkey, in order to enable environmental protection, it should be brought a renewed emphasis on improving environment. It is necessary to help individuals, groups and societies

acquire feelings of concern for issues of sustainability as well as a set of values upon which they can make judgements about appropriate ways of acting individually and with others to promote sustainable development. It is also an urgent necessity to help individuals, groups and societies acquire the action competence or skills of environmental citizenship - in order to be able to identify and anticipate environmental problems and work with others to resolve, minimize and prevent them.

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