

Research and analysis of current environmental development issues in the context of international law

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Abstract. Environmental problems have become an international problem, because of the international contradictions and conflicts arising from it, countries on the solution of this problem are to carry out unremitting exploration, the environmental law value concept with the development of environmental problems, will also affect the development of international environmental law, this paper puts the basic value concept of environmental law from the two levels of discussion, and accordingly inquire about the international environmental problem solution method.

1. Introduction

International environmental law is a series of international regulations aimed at protecting, improving and utilizing the human living environment, which is a new field in contemporary international law [1]. In only 40 years it has developed into a relatively independent body of law, with a disproportionate number of international treaties relating to environmental protection registered with several of today's major international organizations, compared to other areas of international law, and can unapologetically be regarded as one of the most active areas of international law today [2]. The United Nations 1972 Stockholm Declaration on the Human Environment and the 1992 Rio Declaration on Environment and Development are recognized as two of the most significant milestones in the history of international environmental law. The basic concepts and principles proclaimed in these two declarations, despite the differences between North and South based on political and economic interests under the cold war mentality of the last century, were recognized by the international community and most countries at the same time, and had an undeniably far-reaching political and moral impact on the international community, and the basic concepts and principles of the declarations relating to the survival of mankind and the protection and use of the environment have become widely accepted values of universal significance, which have developed into the legal rules of the legislation on environmental protection of the international, regional and national levels, and have contributed to the development of environmental protection on a global scale. Taking these two important milestones as boundary points, the stage of development of international environmental law in international law can be roughly divided into three phases: First, before the Stockholm Declaration of 1972, international environmental law did not form a branch of international law, and could be said to be in the nascent stage of

conception. II. In the 20 years between the Stockholm Declaration of 1972 and the Rio Declaration of 1992, international environmental law entered into a phase of comprehensive development, and the framework of international environmental law took shape. Third, from the 1992 Rio Declaration to the present, the framework of international environmental law has basically taken shape [3].

2. Dilemma of the reality of the functioning of international law

International law is a system of rules to guide the civilization of power, and the mass killing and destruction caused by war is undoubtedly the biggest obstacle in the process of civilization of power. The important purpose of law is to change the pattern of war in the state of nature in order to achieve a long and stable peace, and international law, as a system of rules at the level of the international community, is naturally no exception [4]. It is widely recognized that modern international law has its origins in the Peace of Westphalia, a series of peace treaties signed to end a European war that lasted 30 years. Prior to 1648, waging war was the inexcusable solution when one country found fault with another. But after the Peace of Westphalia, no State was allowed to be destroyed. After the Second World War, the prohibition of the use of force became even more of a fundamental principle of modern international law, and few States denied the need for peace. However, even with respect to this most uncontroversial of principles, international law has in practice made it difficult to prevent or constrain the occurrence of unjust wars [5]. By observing the practice of international law in the governance of the international community, it is not difficult to find that the occasional occurrence of unjust military strikes in localized areas, the double standards of some Western countries in international exchanges and the application of rules, and the difficulty in realizing the

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fairness of adjudication in international litigation and arbitration in the settlement of disputes are the more prominent and frequent events in the contemporary international community, and also the representative events that can adequately reflect the dilemma of the functioning of international law in the field of justice. As a result, this paper will take the three aspects of military strikes, national double standards and the practice of international justice mechanisms as entry points to point out the dilemmas and challenges faced by existing international law in realizing the function of justice [6].

2.1. Multidisciplinary perspective analysis of the term "ecosystem"

Legal concepts are divided into certain legal concepts and uncertain legal concepts, uncertain legal concepts of the connotation and extension of uncertainty, often leading to semantic ambiguity. As an important part of the legal system, the ambiguity of legal concepts will directly affect the stability of the entire legal system [7]. In China, "ecological environment", as a fundamental legal concept, has been in a state of ambiguity in terms of its connotation and extension. "Ecological environment" is a concept with Chinese characteristics in the Chinese Constitution, which is not an ideal legal concept due to its multiple meanings, but still has a positive significance and justification for its existence. Examining the concept of the term "ecology" from different disciplinary perspectives, we find that it has a broad and multifaceted meaning [8].

2.1.1 Semantic analysis of "ecosystem"

According to the dictionary, ecology generally refers to the interrelationships between organisms and the environment and between organisms and organisms, while the environment refers to the totality of external conditions and elements that constitute the requirements for the survival and development of human beings, and there is a distinction between the natural environment and the social environment. From a semantic point of view, the term "ecological environment" is centered on the survival and development of human beings and changes around the changes in human activities, with variability and uncertainty, which is a variable concept. Human understanding of the ecological environment is also a dynamic spiral process, constantly updating the knowledge of the ecological environment in the changing society [9].

2.1.2 "Ecology" from the perspective of other disciplines

The connotation and extension of "ecological environment" is in a state of ambiguity, and the understanding of "ecological environment" from different disciplinary perspectives will result in different understandings and perceptions [10].

First, "ecology" is viewed through the disciplinary lens of biology. Biology, as one of the basic disciplines, has as its main task the study of the phenomena of life and the

laws of its activity. The study of the phenomena of life and the revelation of the laws of life are naturally inseparable from the understanding of the living environment of organisms. In biology, the so-called ecological environment refers to the space on which the survival of organisms depends and other factors that affect the survival space. It is the most simple and basic concept of ecological environment [11].

The second is the understanding of "ecology" from the disciplinary perspective of environmental science, which emerged in the 1950s when environmental issues became a global problem. The background of the emergence of environmental science as an emerging discipline is closely related to the achievements of mankind in preventing and controlling environmental problems.

Finally, "ecology" is understood from the disciplinary perspective of ethics. In the 1960s and 1970s, an ecological crisis erupted globally, sounding the alarm for ecological and environmental protection worldwide. People realized that ecological problems were not a technical problem, and environmental ethics developed as a result. By the late 1980s, the four major theories of anthropocentrism, animal liberationism, biocentrism and ecocentrism had shaped the structure of environmental ethics.

2.1.3 "Ecology" in the perspective of the discipline of law

"As a fundamental legal concept, "ecological environment" is also the core concept of the ecological environment provisions of the Chinese Constitution. The concept of "ecology" is also characterized by inconsistencies and relative variability in the Constitution and in specific laws.

At the constitutional level, according to article 26 of our Constitution, the living environment and the ecological environment are collectively referred to as the ecological environment in the constitutional sense. Accordingly, the object of ecological environmental protection includes not only the natural environment but also the man-made environment. From the perspective of the bias structure, the living environment can be understood as the "life-based environment", which is closely related to human life and involves mainly the prevention and control of pollution; the ecological environment can be understood as the "ecologically-based environment", which is the objective existence of nature that is not closely related to the production and life of human beings, and involves the conservation of nature in addition to the prevention and control of pollution. Therefore, the living environment is tightly centered on humans, while the ecological environment is centered on nature.

In the context of specific laws, "ecological environment" has both a narrower sense of "ecology" and a broader sense of "general environment". In the case of natural resources laws, the term "ecological environment" is often used in the narrower sense of "ecology". Taking article 9 of the Water Law as an example, the improvement of the "ecological environment" achieved by the State by means of ecological protection of vegetation. In pollution prevention and control laws, the "ecological environment"

is mostly understood as the "general environment" in a broad sense. Taking Article 32 of the Water Pollution Prevention and Control Law as an example, "ecological environment" as the basis for the formulation of the "toxic and hazardous water pollution list" and "public health" can be understood as the "general environment" in a broad sense. In 2014, the Environmental Protection Law was amended to replace "living environment and ecological environment" with "environment" in order to emphasize the importance of the "big environment". Article 2 adopts a "generalization + enumeration" approach to clearly define the concept of environment, listing the relevant components, which indicates that at least in the Environmental Protection Law, "environment" serves as a basic legal concept. This indicates that, at least in the Law on Environmental Protection, "environment", as a fundamental legal concept, has certainty.

3.The need for an "ecological environment" from a constitutional perspective

3.1.The practical need to safeguard human rights

Since the Industrial Revolution, science and technology have made great strides, providing a powerful engine for the economic development of all countries, profoundly changing people's lifestyles and promoting the progress of human civilization. At the same time, however, economic development has taken place at the expense of the ecological environment, leading to an imbalance in the ecological environment, frequent natural disasters and the eruption of ecological crises around the globe, which have seriously affected the fundamental rights of citizens to survival and health and violated human rights. Some scholars have pointed out that, in a modern State governed by the rule of law, ecological environmental protection has increasingly become a political commitment of the State to its citizens or a national strategic development task.

3.2. Conformity with the fundamental principles of the Constitution

The fundamental principles of the Constitution are the basic spirit and values that permeate the entire Constitution, which is governed by the principle of the restraint of power and the principle of the rule of law as a means of governance, under the leadership of the Party, and with the goal of realizing the sovereignty of the people and safeguarding human rights. A comfortable environment is the basis and guarantee of human survival, and only when the ecological environment is safeguarded can human beings have the dignity of survival and development, and they can assert their claims and exercise their rights; otherwise, all is just empty talk, and it is all just water and mirrors. Therefore, ecological environmental protection is in line with the basic principles of the Constitution and is an important means to ensure the realization of the basic principles of the Constitution. Strengthening ecological

environmental protection is the only way to better implement the basic principles of the Constitution and to make the basic principles of the Constitution truly realized.

3.3. Basis of legitimacy of State authority to intervene in the environment

Incorporating the ecological environment into the operation of the Constitution can provide a basis of legitimacy for the intervention of the State's public power in the environment. The productivity of mankind erupted after the first industrial revolution, science and technology advanced by leaps and bounds, industry was highly developed, and agriculture and industry made great development during this period, accumulating a great deal of wealth for mankind, and production and life underwent a radical change. However, we can clearly see that while the economy has developed, the industrial revolution has caused increasingly serious pollution to the ecological environment, and the living environment of mankind has been seriously threatened.

3.4.The need to construct an institutional framework for environmental protection in a country

Incorporating the ecological environment into the operation of the constitution is necessary to construct a country's environmental protection system. Constitutional provisions on environmental protection are constitutional norms that regulate man and nature and are the cornerstone of the environmental protection system. Under the situation of ecological crisis, all countries in the world have paid unprecedented attention to environmental protection, but due to the different national conditions of each country, its formation and establishment also show different characteristics.

3.5. Enablers of the process of building the rule of law in ecosystems

Incorporating the ecological environment into the operation of the Constitution is a powerful initiative to promote the process of building the rule of law on the ecological environment. The inclusion of ecological civilization in the Constitution reflects, on the one hand, the great importance attached by the Party and the State to the issue of ecological environment, and, on the other hand, is a powerful practice for China to implement the new development concept and achieve high-quality economic development in the context of the new era. Making the environment more suitable for human work and labour. This involves all aspects of people's clothing, food, housing, transport and play, all of which must meet the requirements of science, hygiene, health and green. This level belongs to the micro, not only rely on the conscious action of citizens, but also rely on government policies and regulations as a guarantee, relying on community organisations and education to guide, to engineering, military and business sectors to work together in order to solve the problem. Every person on earth is the power to

protect the earth, but also have the power to enjoy all the earth, the sea, mountains, forests, these are natural, but also every person should go to the care of the.

As citizens, our protection of the living environment indirectly or directly protects the natural environment; our destruction of the living environment will indirectly or directly destroy the natural environment.

As a government, we should not only focus on macro-protection, but also start from the micro, mobilise the masses, educate the masses, and make environmental protection a conscious action of the citizens.

Environmental problems are one of the most serious challenges facing China in the 21st century, and protecting the environment is a basic national interest to ensure long-term stable economic growth and achieve sustainable development. How well environmental problems are solved has a bearing on China's national security, international image, the fundamental interests of the general public, and the realisation of a moderately prosperous society in all aspects. It is the Government's basic responsibility and obligation to provide a sound resource and environmental base for socio-economic development, so that all people can have access to a clean atmosphere, hygienic drinking water and safe food.

4. Conclusion

The rapid development of human society has created environmental problems and begun to recognize the importance of environmental protection and sustainable development, and in the process of pursuing the value of environmental law, it has shifted from the one-sided pursuit of efficiency to the pursuit of a balance between efficiency and fairness, which has had a foundational impact on environmental law and international environmental law, and sustainable development and ecological protection have become the basic principles of global environmental protection, and the international environmental legislation has conflicted with traditional international law in the pursuit of the ultimate value of the legislation, the protection of interests and rights and the responsibility of the State for the environment and other aspects, and the development of the principle of national sovereignty in the traditional international law, which is innovative throughout the international law field. The global nature of environmental problems is another indication of the advent of globalization, an era in which we must consider our own interests and development as well as those of others; an era in which humankind is increasingly becoming a community of interests and, at the same time, a community of risks. As a result, we can say that international environmental law will take the lead in moving towards integration and harmonization on a world scale.

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